



Appeal Decision

Site visit made on 14 February 2023

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 March 2023

Appeal Ref: APP/W4705/D/22/3312992

Springfield, Lane Side, Queensbury, Bradford BD13 1NE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Kendell against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 22/04407/HOU, dated 11 October 2022, was refused by notice dated 5 December 2022.
 - The development proposed is described as "ancillary building to form garage, home office & leisure suite".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) Whether the proposal is inappropriate development in the Green Belt;
 - ii) The effect of the proposal on trees; and
 - iii) Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to very special circumstances necessary to justify the proposals.

Reasons

Whether inappropriate development

3. Policy SC7 of the Local Plan for the Bradford District Core Strategy Development Plan Document 2017 (CS) and the Bradford Householder Supplementary Planning Document (SPD) relate to development in Green Belts. Paragraph 149 of the National Planning Policy Framework (the Framework) states that construction of new buildings in the Green Belt should be regarded as inappropriate, unless the development falls within the exceptions list. This list includes the extension or alteration of a building provided that it does not result in the disproportionate additions over and above the size of the original building.
4. The SPD details that extensions in Green Belts resulting in an addition of over 30% of the original cubic volume will be considered to be disproportionate. The Council state that the current proposal in addition to the previous extension on the property will be over the 30% volume increase. The appellant has not disputed this. The proposal would therefore result in disproportionate additions over and above the size of the original building.

5. The proposal would be inappropriate development in the Green Belt and as such conflicts with Policy SC7 of the CS, the SPD and paragraph 149(c) of the Framework which seeks to maintain the openness of the Green Belt and conserve the countryside.

Trees

6. There are mature trees located within the curtilage of the appeal property and given the location of the site in a semi-rural location, these trees do contribute positively to the character of the surrounding area. The proposal would be in close proximity to a number of these trees with it being described that the proposed building would lie under the tree canopies of trees T10 and T13.
7. The trees are not protected by Tree Preservation Orders and it is detailed that the building would be constructed with a raft foundation. Nevertheless, there is minimal evidence to indicate the extent of the tree roots in the area and whether the proposal would have a detrimental effect on the trees. Due to the close proximity of the trees to the proposed building, I am not satisfied that the proposal could be constructed without having an adverse effect on the trees near to the proposed building.
8. The proposal would have a harmful effect on the nearby trees. The proposal would be contrary to Policies EN4, EN5 and DS2 of the CS which seeks proposals to retain existing landscape features, make positive contribution towards conservation of landscapes and preserve the contribution that trees make to the character of an area.

Other considerations

9. The appellant has provided a plan with a hatched area, indicating that a building larger than the proposal could be built in this area under permitted development rights. No mechanism has been brought to my attention that would prevent both the proposed building and a building under permitted development rights being constructed, if I were to allow the proposal subject of this appeal. This therefore could result in multiple buildings being located within the grounds of the site that would impact on the Green Belt. This matter does not offer any weight in favour of the proposal.

Conclusion

10. The proposal would be inappropriate development in the Green Belt and the Framework establishes that substantial weight should be given to any harm to the Green Belt. From the evidence submitted, I am also not satisfied that the proposal would not harm trees within the site. There are no other considerations that would clearly outweigh the harm that the scheme would cause. Consequently, very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist.
11. For the reasons set out above, I conclude that the appeal should be dismissed.

Chris Baxter

INSPECTOR