



Appeal Decision

Site visit made on 28 March 2023

by A Caines BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 April 2023

Appeal Ref: APP/N4720/W/23/3316294

Appletree Cottage, Gildersome Lane, Gildersome, Morley, Leeds LS27 7BJ

- 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 Leanne Megson against the decision of Leeds City Council.
 - The application Ref 22/06682/FU, dated 30 September 2022, was refused by notice dated 7 February 2023.
 - The development proposed is change of use of a storage building to a two-bedroomed dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of a storage building to a two-bedroomed dwelling at Appletree Cottage, Gildersome Lane, Morley, Leeds LS27 7BJ in accordance with the terms of the application Ref 22/06682/FU, dated 30 September 2022, subject to the conditions in the schedule to this Decision.

Main Issue

2. The main issue is whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies.

Reasons

3. The appeal relates to a newly constructed domestic storage building within the garden of Appletree Cottage. It is part of a cluster of properties along Gildersome Lane, a short distance from the main built up part of Gildersome, and lies within the Green Belt. At the time of my site visit, this part of the garden was largely hard-surfaced. There is existing boundary treatment, including walling between the appeal building and Gildersome Lane, and fencing along the boundary with the paddock at the rear. At the bottom of the garden is a large triple garage and vehicular access into the site.
4. Paragraph 150 d) of the Framework specifies that the re-use of buildings of permanent and substantial construction is not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it. This is reflected in saved Policy N33 of the Leeds City Council Unitary Development Plan (Review 2006) (UDP).
5. There is no dispute that the appeal building is of permanent and substantial construction, and I concur. Rather, the Council's sole concern relates to the effect on the openness of the Green Belt as a result of the associated garden and any domestic paraphernalia.

6. However, the site already has a domestic use and benefits from existing boundary enclosures, garaging, and vehicular access. There would be no encroachment beyond the existing site confines. Replacement of hardstanding with soft landscaping would represent a significant enhancement of the site, and in my view, would lead to a small improvement to Green Belt openness in the visual sense. Whilst there would inevitably be a degree of domestic paraphernalia associated with the new dwelling, this would not likely be significantly over and above what could already take place within the site given its current garden use and the small scale of the proposal.
7. The alterations to the building itself would be minimal and do not include any extensions. I note that the Council did not raise any objections in this regard.
8. In conclusion, I find that the proposal would preserve the openness of the Green Belt and would not conflict with any of its purposes, including: to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; and to assist in safeguarding the countryside from encroachment. The proposal would therefore meet the exception in paragraph 150 d) of the Framework and so also complies with saved Policy N33 of the UDP. As such, it would not be inappropriate development. It is therefore not necessary to consider whether there are very special circumstances to justify the development.

Other matters

9. I have noted the Council's concerns over the developer's original intentions for this building, and that the previous planning permission for its construction contained a condition preventing the building from being converted to living accommodation. However, these matters have limited bearing on my assessment of the planning merits of the appeal scheme so do not lead me to a different conclusion.

Conditions

10. I have considered the conditions suggested by the Council in light of the Framework and the Planning Practice Guidance. Where necessary, I have amended the wording and I have only imposed those conditions which meet the relevant tests.
11. The standard commencement and approved plans conditions are imposed for certainty. A condition requiring further investigation of land contamination is necessary in the interests of public health and safety. Conditions concerning hard and soft landscaping works are necessary to ensure a satisfactory appearance of the development. Conditions to secure the implementation of the access, parking areas, and a footpath at the front of the site are necessary in the interests of highway safety. Due to the proximity of the building to a busy road, a condition requiring noise mitigation measures is necessary to protect the occupants' living conditions.
12. However, a number of suggested conditions are not imposed, including a condition concerning external materials as these are specified on the plans. In addition, a dedicated cycle parking facility is not necessary as there is ample space within the site as well as an existing garage where bicycles could be stored, while provision of electric vehicle charging points is now mandatory under the Building Regulations so does not need repeating.

Conclusion

13. I have found that the proposal would comply with the development plan and the Framework. Therefore, for the reasons given, and subject to conditions, I conclude that the appeal should be allowed.

A Caines

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: AP(0)001; AP(0)003; AP(0)005; AP(0)007.
- 3) The submitted Phase I Desk Study report indicates that a Phase II Site Investigation is necessary. Therefore, the development shall not be occupied until a Phase II Site Investigation Report has been submitted to and approved in writing by the local planning authority.

Where any remediation measures are shown to be necessary in the Phase II Report and/or where soil or soil forming material is being imported to site, no further development shall take place until a Remediation Statement demonstrating how the site will be made suitable for the intended use has been submitted to and approved in writing by the local planning authority. The Remediation Statement shall include a programme for all works and for the provision of Verification Reports. Remediation works shall be carried out in accordance with the approved Remediation Strategy. On completion of those works, the Verification Report(s) shall be submitted to the local planning authority in accordance with the approved programme; and the development shall not be occupied until such time as all verification information has been approved in writing by the local planning authority.

- 4) Notwithstanding the details shown on the approved plans, the development shall not be occupied until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) hard surfacing material specifications;
 - ii) planting species, sizes, layout, and numbers; and
 - iii) a programme for implementation.

The landscaping works shall be carried out in accordance with the approved details and with the programme for implementation

- 5) If, within a period of 5 years from the date of planting pursuant to Condition 4, any trees or plants die, are removed or become seriously damaged or defective, they shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

- 6) The dwelling hereby permitted shall not be occupied until the areas shown on the approved plans for access, parking, and manoeuvring of vehicles have been constructed and laid out in accordance with the approved plans and, thereafter, such areas shall be kept free of obstruction and available at all times for those purposes.
- 7) The dwelling hereby permitted shall not be occupied until a footway has been constructed across the Gildersome lane site frontage in accordance with details which shall first have been submitted to and approved in writing by the local planning authority.
- 8) The dwelling hereby permitted shall not be occupied until measures to protect the occupants from road noise have been installed in accordance with details which shall first have been submitted to and approved in writing by the local planning authority.

****End of conditions****