



Appeal Decision

Site visit made on 3 April 2023

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 April 2023

Appeal Ref: APP/W4705/D/22/3312483

The Pump House, Hillings Lane, Menston, Bradford, Ilkley LS29 6AU

- 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 Jason Hudson against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 22/02070/HOU, dated 11 May 2022, was refused by notice dated 9 November 2022.
 - The development proposed is single storey extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - 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.
 - The effect of the proposal on the openness of the Green Belt.
 - The effect of the proposal on the South Pennine Moors Special Protection Area/Special Area for Conservation.
 - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

3. The Pump House is located within the Green Belt. Paragraph 149 of the Framework states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. Under section c) of that paragraph an extension to a building will not be inappropriate provided that it does not result in disproportionate additions over and above the size of the original building. Policy SC7 of the Local Plan for the Bradford District: Core Strategy Development Plan Document (2017) (LP) sets out the valuable role of the Green Belt and seeks its protection.
4. The Framework does not specify what might be considered a disproportionate addition over and above the size of the original building. However, the Council's

Householder Supplementary Planning Document (2012) (SPD) sets out that where proposals result in an addition of over 30% of the original cubic volume, they are likely to be considered disproportionate. The Framework defines an original building as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. This is also reflected in the SPD.

5. The Council set out that the proposed extension would result in a volume increase of 34.9% over and above the existing building and would increase the footprint by 58.9%. The appellant, on the other hand, sets out that the extension would result in a volume increase of 27% and would increase the footprint by 28.4%.
6. The extension would be wider than the existing building, but the eaves of the green roof would be lower. At the time of my site visit I noted that building works had started for an extension in the parking area shown on the site plan. I observed that there were differences between the materials and location of walls compared to the drawings of the approved garage¹. Therefore, these building works do not appear to relate to the approved garage. Nonetheless, it was evident that this extension was of a considerable size compared to the original building.
7. Taking into account my site visit observations, the proposal in conjunction with the extension being built would result in a disproportionate addition over and above the size of the original dwelling. Even if these building works had not commenced, the extension in conjunction with the approved garage (which could be lawfully built) would result in a disproportionate addition over and above the size of the original dwelling. Having regard to the scale and width of extension, the percentage increases of the volume and footprint of the extension as well as the approved garage and current building works, the proposed extension would disproportionately increase the scale and massing of the dwelling compared to the original building. For these reasons, the extension would result in disproportionate additions over and above the size of the original building.
8. Consequently, the proposal would not fall under any of the exceptions listed in the Framework and would be inappropriate development in the Green Belt having regard to the Framework along with Policy SC7 of the LP.

Openness

9. Paragraph 137 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
10. The Pump House is located in an exposed location. There is a public footpath adjacent to the appeal site, along the access track. The extension would increase the level of built development and would add to the cumulative bulk of the dwelling.
11. The extension would not be prominent from wider distance views, but it would be clearly visible from public vantage points due to the adjacent public footpath. The extension would have a more urbanising visual effect compared

¹ 20/03990/HOU

to the existing patio use which would represent encroachment into the countryside.

12. Consequently, the development would, visually and spatially, not preserve the openness of the Green Belt. As such, the proposal would conflict with the fundamental aim of Green Belt policy, as stated in the Framework, to keep land permanently open.

SPA/SAC

13. The appeal site is located within 400m of the South Pennine Moors Special Protection Area/Special Area for Conservation (SPA/SAC). I have considered the Council's concern in relation to light spill and the potential to displace foraging and passage SPA birds. I also recognise that the site is within upland pasture and rough grazing which is important foraging habitat that supports moorland bird species for which the SPA/SAC are designated.
14. The appellant has suggested that a planning condition could address this main issue. They highlight that the site forms part of the former rifle range, and that the owners of the former rifle range have made an application to Natural England. They have drawn my attention to an extract from a Preliminary Ecological Appraisal (PEA) and planning applications at the Shooting Lodge and the Old Water Filter Station. In addition, the appellant asserts that their management of the land holding positively enhances the foraging area.
15. The PEA acknowledges that upland birds are present, and the surrounding upland provides valuable foraging habitat. There is extremely limited information before me regarding the other planning applications. In any case, each case is treated on its own merits, and I have made a planning judgement based on the site-specific context on the ground.
16. The Pump House is situated in an isolated, exposed position and the area proposed for the extension is currently used as an outside seating space. The proposed extension includes a glass-fronted design which faces onto grassland.
17. The proposed extension is within the immediate curtilage of the existing dwellinghouse. The development does not propose a new dwelling or change the use of the building. The Pump House also already includes a number of large, glazed openings. Therefore, having regard to the South Pennine Moors SPA/SAC: Planning Framework Supplementary Planning Document (2022), as well as the nature and scale of the works I am satisfied that the proposal would not have a likely significant effect on the integrity of the SPA/SAC either alone or in-combination with other plans or projects.
18. For these reasons and based on the information presented, the proposal would not have an unacceptable effect on the South Pennine Moors Special Protection Area/Special Area for Conservation. Consequently, it would comply with Policy SC8 of the LP which seeks to protect the South Pennine Moors SPA and the South Pennine Moors SAC and their zone of influence.

Other Considerations

19. The appellant highlights that the extension would be subservient, would not impact neighbouring properties, and have provided an extract from an email which suggests that the Council would support the scheme.

20. The absence of harm and compliance with local and national planning policies does not amount to a positive factor in favour of the scheme. The other considerations highlighted by the appellant do not amount to a positive consideration in support of the appeal.

Whether very special circumstances exist

21. The proposal would be inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. The proposal would not preserve the openness of the Green Belt. Paragraph 148 of the Framework is clear that substantial weight should be given to any harm to the Green Belt and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
22. The other considerations are given neutral weight in that they neither weigh in favour or against. When drawing this together, the other considerations advanced in support of the appeal whether taken individually or cumulatively, do not, clearly outweigh the totality of the harm that I have found. Therefore, the very special circumstances necessary to justify the development do not exist. Consequently, the scheme would conflict with Policy SC7 of the LP and chapter 13 of the Framework, which seeks to protect the Green Belt, and the proposed development would amount to inappropriate development in the Green Belt.

Conclusion

23. As set out above, the proposed development would not have an unacceptable effect on the SPA/SAC. However, the proposed development would amount to inappropriate development in the Green Belt, to which I attach significant weight. The other considerations highlighted do not justify or outweigh the harm identified.
24. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal does not succeed.

L Wilson

INSPECTOR