



Appeal Decision

Site visit made on 27 June 2023

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th July 2023

Appeal Ref: APP/W4705/W/23/3317824

Land at Grid Ref 409999 432639 Thornton Road, Thornton, Bradford, West Yorkshire BD13 3LE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by J Elles against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 22/03189/OUT, dated 20 July 2022, was refused by notice dated 10 October 2022.
 - The development proposed is Outline planning permission is sought to build a 4 bedroom detached house with garage and garden. The site currently has scrub, trees and 3 concrete garages. The plot is next to Thornton Road, and is overlooked by two houses (351 and 353) built approx 25 years ago on land similar in character and size. Access to the plot / garages is currently via South Cliff, but as South Cliff is privately owned land, the access to this new build is a reserved matter to be decided later.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have used the address given on the decision notice in the banner header above, as it provides the most accurate description of the site location.

Main Issue

3. The main issue is whether or not one dwelling could be accommodated on the appeal site, having regard to the information provided and the impact that would arise on trees, on the Thornton Conservation Area (CA) and on highway safety.

Reasons

4. The Planning Practice Guidance¹ advises that an application for outline planning permission allows for a decision on the general principles of how a site can be developed. The application subject to this appeal was submitted in outline form with all matters reserved for later consideration and therefore, whilst plans have been submitted suggesting how a dwelling could be accommodated on the site, these have been provided for indicative purposes only. There are constraints in the form of the presence on the site of a mature tree that is subject to a tree preservation order and because of the location of the site within the CA. There are also other mature trees close to, but not on, the appeal site. An acceptable access would need to be provided, and this it is stated would be taken either directly from Thornton Road or from South Cliffe.

¹ Paragraph: 005 Reference ID: 14-005-20140306

5. An outline planning application offers a route to obtain permission to construct buildings, with a reduced amount of information being provided compared to an application for full planning permission. Ordinarily, it is possible to determine whether the quantum of development proposed would be acceptable without knowing final details of access, appearance, layout, scale or landscaping, which are matters that can be reserved for consideration at a later date. However, in some cases, and especially when there are constraints that may affect how a site is developed, if only limited information is provided it is not possible to establish with any certainty as to whether the amount of development could be accommodated without causing harm in one or more respects. This is one such instance.
6. In particular, the protected tree would be likely to constrain where the footprint of a dwelling could be sited, and potentially how big the footprint could be. It is possible that the retention of the tree on the appeal site, which is more centrally located in relation to the boundary with South Cliffe than shown on the indicative plan, and the safeguarding of its long-term health would not be compatible with the construction of a dwelling at all. The uncertainty about the footprint and positioning of a new dwelling also throws doubt on whether it could satisfactorily integrate into the CA, especially if the constraint posed by the onsite tree restricted it to a small or unusually shaped footprint. In these circumstances it is not possible to undertake the statutory duty, set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA, or the balances set out in paragraphs 201 and 202 of the National Planning Policy Framework (the Framework).
7. There is also considerable uncertainty as to how the site would be accessed, and the impact that this would have. Access directly to Thornton Road would require the removal of a considerable amount of the existing stone boundary wall, which would have an impact on the character and appearance of the CA. This loss would need to be balanced against the benefits of constructing a new dwelling and together with any other disbenefits that might arise. Visibility from South Cliffe onto Thornton Road is currently poor, and it is not certain as to whether this could be adequately upgraded to facilitate an access to the proposed dwelling from that road. The matter relating to the access therefore also adds considerable doubt as to whether a dwelling could be satisfactorily accommodated on the appeal site. The fact that the three garages would be removed from the site along with the traffic associated with them would not, in my view, justify the permitting of a new dwelling with substandard access arrangements.
8. In conclusion, for the above reasons and on the basis of the information that is available, I am not satisfied that the appeal site could accommodate one dwelling without causing unacceptable harm to the protected tree, to the character and appearance of the CA and to highway safety. The submission therefore fails to demonstrate that the proposal would comply with Policy EN3 of the Core Strategy 2017, where it seeks to protect the historic environment. Furthermore, it does not demonstrate that the proposal would meet with the aims set out in the Framework with respect to trees, designated heritage assets and highway safety. It is also not possible to establish that the statutory duty set out in Section 72(1) would be met or to undertake the balances set out in Section 16 of the Framework. In these circumstances, it would not be

appropriate to grant an outline planning permission that would allow for one dwelling to be constructed.

9. I acknowledge the appellant's explanation as to why they have followed the outline planning application route and that they consider that the pertinent issues could be resolved at reserved matters stage. But, as I have set out above, I disagree that in this instance the granting of outline planning permission with all matters reserved is a course of action that can reasonably be taken.

Other Matters

10. The Council has a significant shortfall in its 5 year housing land supply, with a supply of 2.06 years. Although only for one dwelling, the proposal would nonetheless make a contribution to housing delivery in the context of such a large undersupply. Furthermore, Thornton is a settlement designated as a Local Growth Centre in the LP, the proposal would provide a larger detached property which is said to be a priority in the LP and the quantum of development would meet the required housing density level. However, these considerations would not outweigh the harm in the respects I have identified that might be caused, including if the tilted balance set out in Paragraph 11 of the Framework were to be engaged.
11. The appellant advises that they are not in a position to be able to maintain the land and the boundary wall, that the appeal site suffers from fly tipping and that it is difficult to secure. It is their view that the site does not have a positive impact in its current state, although it was evident from my visit that its ground level and sloping topography mean it is relatively well screened from view and that this substantially reduces the visual impact that it has. Whilst the proposal could address these issues to a lesser or greater extent and there would be benefits resulting, they would not overcome the harm that I have found might be caused.

Conclusion

12. For the reasons given above, I conclude that the appeal should be dismissed.

Graham Wraight

INSPECTOR