



Appeal Decision

Site visit made on 23 May 2023

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th July 2023

Appeal Ref: APP/N4720/W/23/3317720

Caravan Vancara, Nr Gildersome Lane, Whitehall Road, Leeds LS12 6JL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Simon Welham against the decision of Leeds City Council.
 - The application Ref 23/00003/FU, dated 3 January 2023, was refused by notice dated 28 February 2023.
 - The development proposed is Redevelopment of a static home to provide a three bedroomed house.
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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; and
 - Whether any harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the proposal. Whilst the Council has referred to the effect of the development on the street scene, it has done so with reference to Green Belt policies, rather than the design policies that have been listed in the officer's report, but not relied upon in the reasons for refusal. Accordingly, this matter will be considered within the main issues listed above.

Reasons

Whether inappropriate development and effect on openness

3. The appeal site is located within the Green Belt to the northeast of Drighlington.
4. Policy N33 of the Leeds Unitary Development Plan (Review 2006) (UDP) explains that except in very special circumstances approval will only be given in the Leeds Green Belt for certain development including amongst others, limited infilling and redevelopment of identified major existing developed sites.

5. Policy H2 of the Leeds City Council Core Strategy (as amended by the Core Strategy Selective Review 2019) (CS) relates to new housing development on non-allocated sites explaining that new housing development will be acceptable in principle on non-allocated land, providing that amongst other matters, Green Belt Policy is satisfied for sites in the Green Belt. Although the appellant argues that this Policy is not strictly applicable given the replacement of buildings onsite, it would fundamentally result in a new house on a non-allocated site and in any event would need to satisfy Green Belt Policy.
6. Paragraph 149 of the Framework explains that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are, amongst others, limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority. This exception is at paragraph 149 (g) of the Framework and has been identified by the parties as the relevant criteria in this case. I have no substantive basis to consider otherwise.
7. The Council's officers report explains that Policy N33 of the UDP is similar to paragraph 149 of the Framework albeit that the Framework is more up to date and is relied on here. I have no reason to disagree with this.
8. The site is occupied by a mobile home, a number of outbuildings, hardstanding and a garden area. The proposed development includes the removal of the existing structures, the mobile home and the construction of a two-storey detached dwelling. The development proposed includes a two-storey dwelling that would be located further forward in the site than the existing mobile home and outbuildings on land which currently forms the residential garden area. The scheme also includes a small shed.
9. Annex 2 of the Framework provides a definition of previously developed land which amongst other matters, includes land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. The definition does exclude land in built-up areas such as residential gardens. However, given that the surrounding area is more agricultural in character and is of a rural appearance, I do not, on balance, consider the appeal site to be in a built-up area. Consequently, the site constitutes previously developed land for the purposes of paragraph 149 (g) of the Framework.
10. For the development to benefit from the provisions of paragraph 149 (g), it must also comply with one of the two criteria listed. There is no suggestion that the development would contribute to meeting an identified affordable housing need in the area. Accordingly, for paragraph 149 (g) to apply in this case, the development must not have a greater impact on the openness of the Green Belt than the existing development.
11. Paragraph 137 of the Framework explains 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. Openness of the Green Belt has a spatial aspect as well as a visual aspect. This means that the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result. Equally, this does not mean that the openness of the Green Belt has no visual dimension and thus both aspects need to be considered.
12. The existing floor area of the caravan and other structures on the site measure some 109 square metres and the proposed building would measure some 108 square metres. Although the floor areas are comparable, what is currently on site is single storey and I note that there is some dispute regarding the lawfulness of the outbuildings. The proposed development would add an additional storey where irrespective of the footprint, the overall volume even if I did take into account the outbuildings would still be substantially larger in comparison to the existing property and outbuildings and this is not disputed.
 13. In spatial terms, this would inevitably have a greater impact on the openness of the Green Belt than the existing situation even taking into account the backdrop of other two storey dwellings nearby, the overall design and the use of similar matching materials. The existing accommodation and buildings are also set well back into the site and are well screened on all sides by fencing, gates, trees and hedgerows. This, together with the single storey element means that views from the main road, and footpath are limited. The introduction of a two-storey property located further forward in the site and thus closer to the main road would result in a loss of openness in visual terms where its mass, height and volume would be clearly visible from public vantage points despite there being no change to the boundary treatments that exists. This would lead to a fundamental and permanent change to the Green Belt. A condition requiring additional planting and the removal of permitted development rights would not change my findings on this as the overall positioning and size would still lead to a loss of openness of the Green Belt.
 14. The Council has raised concern regarding the amount of hard surface/formalised driveway and parking space that would be required for the revised residential development. There is already a large amount of hardstanding evident at the site including a driveway, although I do not know the history of this. I also note the details shown on the submitted plans for the retention of surfacing as well as the appellant's comments that there would be no addition to the expanse of hardstanding. On this basis and given the level of screening that exists, the areas of hardstanding are of a lesser concern, although this would not overcome the other harm identified.
 15. Accordingly, the proposed development would not fully accord with the exceptions set out in paragraph 149 of the Framework. Consequently, the proposed development would be inappropriate development in the Green Belt. Furthermore, in view of my findings above, I also conclude that the development would have a detrimental effect on the openness of the Green Belt. For these reasons, the development would conflict with the purposes of the Green Belt, as set out in paragraph 138 of the Framework. It would also not comply with Policy N33 of the UDP and Policy H2 of the CS.

Other considerations

16. My attention has been drawn to a previous application on adjoining land known as the former Three Acres Stables where the Council allowed the demolition of stables and erection of two detached houses with associated landscaping under

reference 20/02600/FU. This site was also located in the Green Belt and the appellant considers the same argument to apply in terms of the replacement element and two-storey height. Whilst I have not been provided with the full details that would have been before the decision maker in that case, I note from the officer's report that the permitted scheme would result in a significant reduction in the volume of permanent buildings on site. Furthermore, the officer suggests that the height difference between the existing and proposed would be offset by the consolidation of the buildings on the site. It would, therefore, appear that the development in that case is not directly comparable to the scheme before me.

17. The appellant also refers to a recently approved scheme for the redevelopment of an existing house and garden for construction of three detached houses in the Green Belt under reference 22/03064/FU. Again, I do not have the full details of that scheme and the documents approved before me. Nevertheless, I note from the officer's report that there are material differences between that case and the appeal before me. This includes that the proposed houses would, for the most part, be contained within developed areas of the site and that the scheme would result in a reduction in overall volume of built development on site.
18. I note that the replacement of a caravan with a properly designed dwelling would improve the living conditions for the existing occupants. However, the existing buildings onsite are not so detrimental in their appearance, such that there would be a significant benefit to have them removed. Such matters would therefore carry limited weight. I also note the additional planting to enhance biodiversity. However, this is a neutral factor in my overall decision.
19. The appellant briefly refers to there being an identified need for a new housing although I have no compelling evidence of this. The proposed development relates to a single residential dwelling and would make only a very small contribution to housing delivery which would carry limited weight.
20. The absence of harm in respect of parking, turning, residential amenity, flood risk, contamination etc all remain a neutral factor weighing neither for nor against the development.
21. The appellant claims that the Council consider that two storey development would be more in keeping with the character of built development in the area. Whilst this may be the case, it does not affect my conclusions with regard to the harm that would be caused by the development to openness.

Planning Balance and conclusion

22. Paragraph 147 of the Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
23. Paragraph 148 of the Framework explains that substantial weight should be given to the Green Belt and '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. Whilst I acknowledge the other considerations put forward by the appellant as set out above, the Framework makes it clear that when considering any planning application, local planning authorities should ensure

that substantial weight is given to any harm to the Green Belt which I have applied.

24. Therefore, those other considerations referred to above would not hold sufficient weight to outweigh the harm that I have found would be caused to the Green Belt by reason of inappropriateness. Furthermore, I have not received substantive evidence of any other considerations which would do so. The very special circumstances needed to justify the development do not therefore arise.

25. Accordingly, I conclude that the appeal is dismissed.

N Teasdale

INSPECTOR