



Appeal Decision

Site visit made on 11 July 2023

by A Caines BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st August 2023

Appeal Ref: APP/N4720/W/23/3321820

Paddock View, 27 Wharfe Bank, Collingham, Wetherby LS22 5JP

- 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 Henry Stone against the decision of Leeds City Council.
 - The application Ref 22/06426/FU, dated 20 September 2022, was refused by notice dated 14 November 2022.
 - The development proposed is demolition of existing stable building and replacement with a single new detached dwelling; replacement of existing tennis court with wildflower meadow.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing stable building and replacement with a single new detached dwelling; replacement of existing tennis court with wildflower meadow at Paddock View, 27 Wharfe Bank, Collingham, Wetherby LS22 5JP, in accordance with the terms of the application Ref 22/06426/FU, dated 20 September 2022, and subject to the conditions in the schedule to this Decision.

Procedural Matters

2. The appellant submitted a revised site plan at the final comments stage. Its submission at such a late stage means that the Council and other interested parties have not had the opportunity to review and comment on it. Therefore, in the interests of fairness and natural justice, I have not taken the revised site plan into account in reaching my decision.

Main Issues

3. As the appeal site is located within the Green Belt, 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; and
 - the effect on the character and appearance of the area.

Reasons

Whether inappropriate development in the Green Belt

4. 27 Wharfe Bank is a large contemporary detached house with an extensive garden, bordered by open fields to the north and west. The built-up part of the village lies to the south, with Wharfe Bank and the surrounding streets forming part of a larger modern housing estate at the edge of the village.

5. At the western end of the garden is a single-storey, breeze block stable building and a hard surfaced tennis court surrounded by 3 metre high fencing. The rest of the garden is mostly maintained lawn bounded by mature hedges to the west and south, and post and rail fencing to the north and east. A gravel driveway continues around the north of the house, stopping just short of the stable block.
6. The proposal seeks to replace the stable block with a part-subterranean dwelling in the same location. The design is contemporary and would reflect the flat roof form of the existing stable building, utilising natural stone with timber panels for the walls and a 'green roof'. Vehicular access would be via a small extension of the existing driveway. It is also proposed to remove the tennis court and establish a wildflower meadow in that part of the garden which would be allocated to the new dwelling.
7. Paragraph 149 of the Framework outlines that the construction of new buildings should be regarded as inappropriate in the Green Belt, unless it falls within a list of exceptions. One of the exceptions (149 g) concerns the partial or complete redevelopment of previously developed land, as long as this would not have a greater impact on the openness of the Green Belt than the existing development. The Council and the appellant agree that the area occupied by the stable block can be regarded as previously developed land, and I concur with that view.
8. Saved Policy N33 of the Leeds City Council Unitary Development Plan (Review 2006) (the UDP) refers to redevelopment of identified major existing developed sites, which the appeal site patently is not. However, this policy is inconsistent with the wording of Framework paragraph 149 g), and therefore, for the purposes of determining whether the proposal would be inappropriate development, I have proceeded on the basis of the approach set out in the Framework. This requires an assessment of the impact on the openness of the Green Belt, taking into account both its spatial and visual impact. In any particular case, this involves matters of planning judgement.
9. The new dwelling would be confined to an area which is already occupied by built development, but unlike the stable block it is replacing, would have two floors of accommodation. The information before me indicates that the total cubic volume of the dwelling would be more than double the volume of the stable block. However, much of that additional volume would be below ground level where it would not be readily visible, apart from the north elevation.
10. As identified in the appellant's Landscape and Visual Appraisal, there are only a limited number of publicly accessible viewpoints from the north. These are all long-range views from the opposite side of the valley. As such, the dwelling would only be seen distantly and against a rising backdrop of other dwellings where it would be a relatively small feature. I consider that the full two-storey mass of the building would be difficult to discern in these distant views, especially once new landscaping in front of the building becomes established. The visual impact of the dwelling would be further diminished by its use of high-quality natural materials and a 'green roof', giving the building a more complementary appearance compared to the existing breeze block stables. Though it is likely that there would be increased effects of lighting at night, this would be at a small scale and in the context of other residential development at the edge of the village, so would not be particularly conspicuous. I am also

mindful that a degree of external lighting could be expected at the stables and tennis court.

11. Moreover, the appellant's undisputed figures show a marginal decrease in both building footprint and above-ground volume compared to the existing stables. Even more significant is the proposed removal of the tennis court, which could be secured by an appropriately worded planning condition. Although the tennis court has limited three-dimensional presence, it protrudes notably beyond the line of built development to the south and is visually prominent, even in longer range views from the north. Its replacement with soft landscaping would represent a marked reduction in the extent and spread of built form at the site, leading to an improvement to Green Belt openness in the visual sense. In combination, these factors would, in my view, offset the spatial effect upon openness arising from the increased volume of built form within the site.
12. There would inevitably be a degree of domestic paraphernalia and activity associated with the new dwelling, and I have had regard to the various appeal decisions provided by the Council relating to this matter. However, the case before me is materially different because the site already has a domestic use and an overtly domestic appearance. There would be no encroachment beyond the existing garden confines, and I do not consider that the addition of just one dwelling would represent a significant intensification of activity at this site.
13. Therefore, and on balance, I find that the proposal would not have a greater impact on the openness of the Green Belt than the existing development. It would therefore be one of the exceptions identified in Paragraph 149 g) of the Framework. Whilst there is conflict with saved UDP Policy N33, I attach more weight to compliance with the Framework. Accordingly, the proposal is not inappropriate development in the Green Belt. It follows that it is unnecessary to consider whether there would be very special circumstances.

Character and appearance

14. In planning policy terms, the appeal site is within the countryside and a Special Landscape Area (SLA) designation. However, visually the site forms a continuation of the housing development along Wharfe Bank and has an overtly domestic rather than a rural appearance. It is therefore more connected with the settlement than the open countryside, and other than for its spaciousness, makes only a limited contribution to the landscape character of the area.
15. While the Council does not raise objection in relation to the SLA, it considers that the siting of the dwelling would be out of keeping with the pattern of development along Wharfe Bank and describes it as a form of 'backland development'.
16. I accept that 'backland' dwellings are not a characteristic feature of Wharfe Bank. Nonetheless, the site is a more spacious plot at the end of the street, and crucially, the proposal is a replacement for an existing building. It has been established that the main views of the site are from the north. In my judgement, the dwelling would be seen as part of a consolidated edge to the settlement along with No 27 and other dwellings on the north side of Langwith Valley Road.
17. Moreover, for the reasons already set out above, I consider that the proposal would not adversely affect the open and spacious character of the site. Nor

would it involve any encroachment into the surrounding countryside, as has been implied by the Council. If anything, the character and appearance of the site would be enhanced by the reduction in the extent and spread of built form and a resultant increase in soft landscaping. I also consider that the dwelling is designed to a high standard and would complement its setting. I note that the Council did not raise any design objections, nor in relation to vehicular access, parking, and the relationship with occupiers of neighbouring properties.

18. Overall, I am satisfied that the proposal would integrate well with its surroundings, and represents good design.
19. I therefore conclude that the development would not cause harm to the character or appearance of the area, including the SLA. As such, the proposal complies with Policies P10 and P12 of the Leeds City Council Core Strategy (amended 2019) (the CS), which amongst other things, require high quality design that is appropriate to its location, and protects the character and quality of Leeds' townscapes and landscapes. As the proposal satisfies Green Belt policy and does not involve the loss of greenfield land of intrinsic value, it also complies with Policy H2 of the CS. It would also comply with Saved UDP Policies N37 and N37A, which state that development must not seriously harm the designated Special Landscape Areas; and that development in the countryside should have regard to the character of the landscape in which it is set. Finally, there is compliance with the design and environment protection aims of the Framework.

Conditions

20. I have considered the conditions suggested by the Council and other interested parties in light of the Framework and the Planning Practice Guidance. In particular, I have had regard to the Government's intention that planning conditions should be kept to a minimum. Where necessary, I have amended the wording in the interests of clarity and precision, and I have imposed only those conditions which meet the relevant tests. All pre-commencement conditions have the written agreement of the appellant.
21. Aside from the standard commencement and approved plans conditions, pre-commencement conditions in relation to a Construction Management Plan and tree protection measures are necessary to manage the effects of construction on neighbouring residents; and to protect existing trees/hedges during construction works.
22. Conditions concerning hard and soft landscaping works are necessary to ensure a satisfactory appearance of the development, while a condition to secure the implementation of the parking and manoeuvring areas is necessary in the interests of highway safety and convenience.
23. A condition to require the removal of the existing tennis court is necessary to protect the openness of the Green Belt. In addition, due to the particular circumstances of this case, there is clear justification to remove certain permitted development rights. Whilst this does not guarantee that proposals for further development would not come forward in the future, it would ensure that the merits of any such development, which could otherwise be constructed without planning permission, can be properly assessed in the interests of protecting the Green Belt, and also the distinctive design of the dwelling.

24. However, a number of suggested conditions are not imposed. This includes conditions concerning external building materials, windows, and doors, as these are adequately described on the plans. In addition, conditions relating to dedicated cycle/motorcycle storage and waste collection facilities are not necessary as there is ample space within the site for these purposes, while provision of electric vehicle charging points is now mandatory under the Building Regulations so does not need repeating. As the development would utilise the existing vehicular access, conditions relating to driveway gradients are unnecessary. Finally, in the absence of any specific justification, conditions relating to contaminated land and soils seems unduly onerous and unnecessary.

Conclusion

25. I have found that the proposal would comply with national Green Belt policy and the policies in the development plan concerning character and appearance. 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: (PL)001 RevA; (PL)003; (PL)020 RevB; (PL)040 RevA; (PL)042 RevA; (PL)010 RevB; (PL)011 RevB; (PL)030 RevA; (PL)031 RevA; (PL)032 RevA; (PL)033 RevA; (PL)034; Landscape Strategy (Rev01).
- 3) No preparatory work, demolition, or other development works shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide details of arrangements for:
 - i) the parking of vehicles of site operatives;
 - ii) loading, unloading, and storage of plant and materials;
 - iii) a scheme for recycling/disposing of waste or soil materials resulting from demolition and construction works;
 - iv) measures to prevent mud, grit and dirt being carried onto the public highway; and
 - v) demolition, delivery, and construction working hours.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 4) No preparatory work, demolition, or other development works shall take place until a scheme for the protection of all trees and hedges (the Tree Protection Plan) which are shown to be retained on the approved plans, and the appropriate working methods (the Arboricultural Method Statement) in accordance with British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced), have been submitted to and approved in writing by the local planning authority. The approved scheme of protection and working methods shall be implemented prior to any works commencing on site, and thereafter adhered to throughout the construction period and until all equipment and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced/protected area, and ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.
- 5) Notwithstanding the details shown on the approved plans, no above ground construction works shall take place 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) earthworks showing proposed finished levels or contours;
 - ii) enclosure and retaining structures;
 - iii) hard surfacing materials;
 - iv) planting species, sizes, layout, and numbers;
 - v) biodiversity enhancement measures;
 - vi) the means to ensure successful establishment of new planting;

- vii) arrangements for the long-term management and maintenance of the green roof and wildflower meadow;
- viii) proposed functional service routes above and below ground (e.g. drainage, power, communications cables, etc.); and
- ix) a programme for implementation.

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

- 6) If any trees or plants within the approved scheme of landscaping 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.
- 7) 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 details, thereafter, such areas shall be kept free of obstruction and available at all times for those purposes.
- 8) The dwelling hereby permitted shall not be occupied until the existing tennis court (and all its associated enclosures) within the application site, as identified on drawing No: (PL)003, has been removed from the land in its entirety.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Orders revoking or re-enacting that Order with or without modification), no development permitted by Classes A and E of Schedule 2 (Part 1), and Class A of Schedule 2 (Part 2), of that Order shall be undertaken to the dwelling hereby permitted or within its curtilage without the grant of planning permission.

****End of Schedule****