



Appeal Decision

Site visit made on 31 May 2023

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2023

Appeal Ref: APP/N4720/D/23/3319438

Lawn Hill, Cliffe Drive, Rawdon, Leeds LS19 6LL

- 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 & Mrs E Hopkins against the decision of Leeds City Council.
 - The application Ref 22/07651/FU, dated 14 November 2022, was refused by notice dated 18 January 2023.
 - The development proposed is extension to provide battery storage and water storage together with PVs to the roof and disabled lift access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposed development would comprise inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and the development plan.
 - The effect of the proposed development on the openness of the Green Belt and its five purposes, as set out in the Framework.
 - If it would comprise inappropriate development in the Green Belt, whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations that would amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

3. The appeal site lies in the Green Belt. 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.
4. The appeal site comprises a detached house and associated outbuildings set in spacious grounds. The proposed development would involve the erection of an extension to an existing 2-storey detached outbuilding. All existing buildings within the site are concentrated towards its northern boundary adjacent to Cliffe Drive. The buildings sit on lower ground than Cliffe Drive, with the land beyond them continuing to slope downwards to the south.

5. Paragraph 149 of the Framework establishes that the construction of new buildings should be regarded as inappropriate in the Green Belt, unless they fall within one of several exception criteria listed. Among these exceptions is 149 c) – the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
6. Neither the Framework nor the development plan provide a specific definition of what will comprise a disproportionate addition. However, Policy HDG3 of the Leeds Local Development Framework Householder Design Guide Supplementary Planning Document – April 2012 (the SPD) provides that all existing and proposed extensions should not exceed a 30% increase over and above the original house volume. Although the weight I attach to the SPD is limited to its role as guidance, in the absence of any other definition it is a material consideration.
7. The existing buildings occupy only a small proportion of the site area at approximately 3%, and the proposed development would increase this marginally to approximately 5%. There appears no dispute between the main parties that the proposal would result in the total extensions to the property increasing its original volume by approximately 94%. Even acknowledging that it is difficult to calculate this figure precisely, it is clear that the proposed development would significantly exceed the 30% figure set out in the SPD. Furthermore, paragraph 149 c) of the Framework is clear that the assessment should be based on the size of the development, rather than its visual effects.
8. Irrespective of the weight given to the SPD, the proposal would be a disproportionate addition to the dwelling that would not meet the exception criteria set out in the Framework. Accordingly, it would represent inappropriate development in the Green Belt under the terms of the Framework and would conflict with Policy P10 of the Core Strategy (as amended by the Core Strategy Selective Review 2019) Leeds Local Plan (the CS) and Policy N33 of the Leeds Unitary Development Plan (Review 2006) Volume 1: Written Statement (the UDP), which together provide general design policy and seek to resist development in the Green Belt except in specific circumstances. It would also conflict with Policy HDG3 of the SPD, which has similar aims. Inappropriate development is, by definition, harmful to the Green Belt.

Openness and the five purposes

9. It is established that openness has both a spatial and a visual aspect. Spatially, the development would affect the openness of the Green Belt by virtue of its footprint, height and overall massing and volume. For the reasons set out above, the spatial openness of the Green Belt would be reduced.
10. Visually, the proposed development would be largely hidden in views from outside of the property boundaries by a combination of mature hedgerows, existing buildings and structures, and the topography of the land. The topography has also led to the building being part-sub-terranean. Accordingly, when viewed from certain angles including to the east and north, much of the structure would be submerged into the existing landform. I also acknowledge that the presence of retaining walls and other existing structures within the appeal property would provide some screening in views uphill from the southern part of the appeal property.

11. However, the proposed development would appear substantial and prominently visible in certain views, particularly from the existing terrace to the south of the main house and from the garden directly to the south of the outbuilding. Moreover, whilst the walls would be submerged, the roof of the building and its associated apparatus including solar panels would remain prominently visible from the land adjacent to the north, which would interrupt views to the south over the property grounds. Whilst I appreciate that the visual effects would be largely restricted to views within the boundary of the appeal site, the proposed development would nevertheless result in some loss of visual openness.
12. The Framework sets out that Green Belt serves five purposes, among which is to assist in safeguarding the countryside from encroachment. The effect of development as encroachment on the countryside may also occur in the form of loss of openness. Through that loss of openness, there can also be an intrusion or encroachment into the countryside. The site clearly forms part of the countryside, and the proposal would result in physical encroachment of development into and onto parts of the site that are currently free from development. Accordingly, the proposed development fails to accord with one of the five purposes of including land in the Green Belt.
13. For the reasons above, the proposed development would fail to preserve the openness of the Green Belt in both spatial and visual terms and would fail to assist in safeguarding the countryside from encroachment, resulting in conflict with one of the five purposes of including land in the Green Belt. It would therefore fail to accord with Policy P10 of the CS, Policy N33 of the UDP, Policy HDG3 of the SPD and the Framework, the aims of which have previously been set out.

Other considerations

14. Paragraph 151 of the Framework sets out that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.
15. I acknowledge that the proposed development would incorporate solar panels with the aim of allowing the appeal property to become self-sufficient by producing its own renewable electricity. Whilst I acknowledge this to be an environmental benefit, the development would only be likely to generate sufficient electricity to cater for the appeal property. Accordingly, any wider environmental benefits would be limited.
16. I also acknowledge the proposal would incorporate water capture measures. Again, whilst the environmental benefits are not disputed, given the level of harm previously identified, the benefits would be of limited value in the overall balance.
17. The appellant contends that alternative options have been considered for the proposed development, including the construction of an outbuilding within the appeal property using permitted development rights. These options have been discounted by the appellant due to their more limited capacity for renewable energy generation and potential effects on outlook from the house and annex.

It is also suggested that such a development would have a greater impact on the openness of the Green Belt.

18. This statement indicates an awareness of such rights and a greater than theoretical possibility that such development might take place, were I to dismiss the appeal. However, I have been provided with no plans of any potential alternative development or evidence as to the realistic prospect of such development taking place. Furthermore, the appellant sets out reasons why such an alternative would not provide a suitable form of development for their needs. Accordingly, whilst I acknowledge that such an approach may be possible, I afford limited weight to this matter.

Other Matters

19. The appeal site lies in the Rawdon Cragg Wood Conservation Area (the CA). Accordingly, the statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) applies, which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the area.
20. I note that the Council do not raise any concerns in this regard. In my view, the proposed development would not be conspicuous, and it would not result in harm to the character or appearance of the area. Therefore, the proposal would preserve the character and appearance of the CA. However, the lack of harm in this regard would be a neutral factor that would not weigh in favour of the proposals.

Green Belt Balance and Conclusion

21. The Framework directs that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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 do not clearly outweigh the substantial weight that I give to the harm to the Green Belt, by reason of inappropriateness, harm to openness and the five purposes defined in the Framework. Consequently, the very special circumstances necessary to justify the development do not exist.
23. For the reasons set out above, the proposal would conflict with the development plan when read as a whole. Material considerations, including the Framework, do not indicate a decision should be made other than in accordance with that plan. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

P Storey

INSPECTOR