



Appeal Decision

Site visit made on 2 October 2023

by Caroline Mulloy BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2023

Appeal Ref: APP/N4720/W/23/3326446

Wigton Heath Farm, Manor House Lane, Alwoodley, Leeds LS17 9JD

- 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 Park Lane Homes and Alwoodley Golf Club against the decision of Leeds City Council.
 - The application Ref 23/01925/FU dated 24 March 2023, was refused by notice dated 15 May 2023.
 - The development proposed is change of use, extension and alteration of existing agricultural buildings to form two residential dwellings with associated parking, access and garden areas.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. There is a concurrent appeal¹ for the change of use of the adjacent agricultural building to a single dwelling. However, this is a prior approval under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and raises substantially different issues to this appeal. I have, therefore, set out my reasoning for each appeal in separate decisions.
3. Reason for refusal 5 relates to the removal of trees to provide visibility at the access point. An Arboricultural Impact Assessment (AIA) has been provided at appeal which shows that the visibility at the access can be achieved without removing any trees. The Council, therefore, confirms in its submissions that it withdraws reason for refusal 5.

Main Issues

4. Taking into account the above, the main issues in this case are:
 - Whether or not the proposal is inappropriate development in the Green Belt;
 - The effect of the proposal on the openness and purposes of the Green Belt;
 - The effect of the proposal on the character and appearance of the area and the special landscape area;
 - The effect of the proposal on highway safety with particular reference to visibility at the proposed access point; and

¹ Appeal reference APP/N4720/W/23/3326452

- If the proposal is inappropriate development whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether or not the proposal is inappropriate development in the Green Belt

5. The appeal site comprises of a series of now redundant brick built former agricultural building situated at the end of Wigton Heath. To the west are residential properties and Leeds Grammar School, with Alwoodley Golf Course to the south. The site is situated within the Green Belt and within a designated Special Landscape Area. It is proposed to convert the buildings to form two residential dwellings. The proposal also includes the demolition of parts of the buildings that are not built using brick and proposes new extensions.
6. By virtue of paragraph 149 of the National Planning Policy Framework (the Framework) the construction of new buildings in the Green Belt is inappropriate subject to a number of specified exceptions, including 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 (paragraph 149c); the re-use of buildings provided that the buildings are of permanent and substantial construction (paragraph 150d); and material changes in use of land (paragraph 150e). The latter two are qualified exceptions on the basis that development preserves Green Belt openness and does not conflict with the purposes of including land within it.
7. Taking the first of these, it is common ground between the parties that the proposal would not result in disproportionate additions over and above the size of the original buildings and that the proposal would meet this exception. Nothing which I have seen in submissions or on my site visit would lead me to reach a different conclusion.
8. Turning to paragraph 150d there is no dispute between the parties that the buildings are of a permanent and substantial construction. As both paragraph 150d and 150e are qualified exceptions, in principle the proposal would not be inappropriate development unless the proposal would have a greater impact on Green Belt openness and purposes. My conclusions on the next issue will, therefore, determine whether or not the development is inappropriate.

Openness of the Green Belt and Green Belt Purposes

9. There is no definition of openness in the Framework but, in the Green Belt context, it is generally held to refer to freedom from, or the absence of, development. The essential characteristics of Green Belt are their openness and their permanence and one of the purposes of the Green Belt is to keep land permanently open.
10. The proposal would involve the demolition of parts of the building that are not built using brick. The proposal would utilise the existing brick walls and will have new openings and a new roof. New extensions are proposed to form a garage and store space for unit 1 and unit 2. New garden areas are proposed around the dwellings and there will also be new driveways and access road. New vehicle passing places are proposed along the private track. The existing buildings are surrounded by fields and woodland and the openness of the GB is clearly evident around the appeal site.

11. Parties agree that there would not be significant change in terms of the volume of built development on the site overall, taking account of demolitions and area of new construction. However, the change of use to residential would intensify the use of the site for example through comings and goings of residents, parking on site and the use of the land as garden areas. Domestic structures, bin stores, domestic paraphernalia such as trampolines, garden chairs and play equipment would also be evident. There would also be light spill at night from the dwellings which would not occur with agricultural use. The cumulative impact of these changes would have a spatial and visual impact resulting in harm to Green Belt openness.
12. Whilst there are agricultural buildings on the site at present which may have generated vehicle movements and operations, the nature of these buildings and operations are very different. The impact on Green Belt openness and purposes is dependent not just on the size of the building or structures but include their purpose. Buildings for agriculture and forestry are not inappropriate in the Green Belt and impact on openness is implicitly taken into account in these exceptions.
13. I note that the proposal has evolved to relocate bin stores, parking etc to the south of the site and inward of the development and that the number of openings have been reduced to minimise light spill. However, this would not fully mitigate the visual impact on openness and would not reduce the spatial impact on the openness of the Green Belt.
14. A dwelling in this location with associated domestic paraphernalia would also represent encroachment into the open countryside. It is argued that the containment of residential curtilage would prevent further encroachment into the countryside; however, the formal, urban style landscape treatments would result in further enclosure have their own impact on the openness.
15. One of the five purposes of the Green Belt is to assist in urban regeneration by encouraging the recycling of derelict and other urban land. Whilst the proposal is small in scale, those dwellings could, nevertheless, be provided in urban areas to assist with the regeneration objectives.
16. Policy H2 of the Core Strategy sets out criteria for the development of non-allocated land and notes that housing on non-allocated sites will be acceptable in principle provided that the number of dwellings does not exceed the capacity of transport, educational and health infrastructure. The third criteria of the policy requires that Green Belt policy is satisfied so given my conclusions on this main issue, the proposal would also be in conflict with Policy H2.
17. In conclusion, the appeal proposal would have a harmful effect on the openness of the Green Belt and conflict with two of the Green Belt purposes. The appeal proposal would, therefore, be inappropriate development. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. I give this conclusion substantial weight.
18. The proposal would, therefore, conflict with saved Policy N33 of the Leeds Unitary Development Plan (UDP) 2006. The Council acknowledge that the policy predates the Framework and that there are some inconsistencies with the approach in the Framework. Whilst based on previous national policy and acknowledging some inconsistencies of approach the overall thrust of the Policy is to protect the Green Belt from inappropriate development except in very special circumstances. Nevertheless, the inconsistencies reduce the weight which I can attach to the

conflict with the Policy. This does not, however, alter my conclusion that the proposal would be inappropriate development.

Character and appearance

19. The appeal site sits within a Special Landscape Area (SLA). These are the most attractive areas of countryside around Leeds with high landscape value. Saved Policy N37 of the UDP seeks to protect SLAs from development which would seriously harm the character and appearance of the landscape. The siting, design and materials of any development must be sympathetic to its setting. Saved Policy N37A seeks to ensure that all new development or change in land use within the countryside has regard to the character of the landscape in which it is set and maintain particular features which contribute to this.
20. The appellant has submitted a Landscape Statement (LS) (2023) in support of the proposal. The appeal site is surrounded by fields to the north and west. A large agricultural shed lies to the east, beyond which are open fields and woodland. To the immediate south lies a large belt of mature woodland planting (Wigton Moor Whin) which screens views from the south. In contrast to the north is very open with elevated long distant views across the landscape. The site contains various disused agricultural buildings and the area around the buildings has become overgrown. The site is elevated and as such clear views are available from certain sections of the footpath which sits around 800m to the north of the site as demonstrated in photographic viewpoint 2 of the LS. Overall, the site and surroundings have a rural and open countryside character.
21. The LA contends that due to the state of the existing building the proposal would improve the appearance and quality of the site and surrounding landscape. However, whilst the buildings are in a state of disrepair and the immediately surrounding area overgrown, the buildings are agricultural in nature and would be expected to be seen in an open countryside setting. In contrast, the proposal would introduce new residential dwellings and their associated gardens, driveways and domestic paraphernalia resulting in an urbanisation of this predominantly rural and open countryside setting.
22. The location of bin stores and garages to the south of the site would do little to alleviate this harm. The gardens would be likely to be landscaped and contain domestic paraphernalia such as play equipment, seating etc leading to the urbanisation of the countryside. Any condition attempting to control these features would be unreasonable and indeed unenforceable. A 5m wide buffer strip of native tree and shrub planting is proposed to screen views of the site from the west and north. Another buffer had been proposed to the south of the site where it abuts the existing woodland. However, whilst the proposed landscaping would screen the urbanising aspects of the proposal to a degree, the landscaping would take some time to establish. Furthermore, the landscaping would enclose the site resulting in harm to the openness of the Green Belt. Attention is drawn to an appeal² at Brandon Grange Farm where the Inspector considered that the use of a boundary landscape scheme would transition between development and open land; however, full details of this case are not before me and so I cannot be certain that it is directly comparable to the appeal proposal which limits the weight which I can attach to it in my Decision.
23. In conclusion, the proposal would harm the character and appearance of the area and the Special Landscape Area. It would, therefore, conflict with Core Strategy

² Appeal reference: APP/N4720/W/22/3305552

Policies P10 and P12 and saved policies N37 and N37A of the UDP which collectively seek to achieve high quality development which respects and enhances the character and quality of existing landscapes and ensure that development does not harm the character of the countryside and Special Landscape Area.

Highway Safety

24. The proposal would be accessed from the junction of Wigton Heath which runs up to the appeal property and Manor House Lane. It is an existing access which serves the appeal site and a residential property. An access to the adjacent golf course is also taken from the same junction.
25. The Council's Transport SPD requires visibility splays of 2.4m by 43m reflecting the 30mph speed limit of Manor House Lane. The Proposed Site Access Plan shows the visibility splays; however, in the absence of an Arboricultural Impact Assessment (AIA) the Council was concerned that the visibility splays could not be achieved without a number of trees being removed which would not be acceptable. Consequently, it was concerned that the absence of visibility splays could lead to vehicular and pedestrian conflict, particularly given the close proximity of the Leeds Grammar School.
26. I noted on my site visit that the visibility splay to the north of the access is relatively clear due to the presence of a formal grass verge which was well kept and also due to the set back of a formal hedge. The Council's Highways statement acknowledges that the visibility splay is currently 41m, only slightly below the required 43m.
27. The highway verge to the south of the access is more informal comprising of trees, including self-set trees and hedgerow material. Visibility is, therefore, more limited in this direction. The Council's Highway Statement estimates that the splay to the south is around 26m, 17-18m below the required visibility. Whilst the access is in existing use, the proposal would intensify the number of vehicular movements.
28. The appellant has now submitted an AIA which shows that the visibility at the access can be achieved without removing any trees which the Council accepts. It highlights that a number of trees presently conflict with the required vertical highway clearance and would require periodic clearance work irrespective of the proposed development. It concludes that such work will not compromise the attractiveness of trees and hedgerow material that border the highway. In light of this evidence, I consider that the retention of the trees and also the implementation and maintenance of the visibility splays could have been secured by condition had I decided to allow the appeal.
29. Although not previously raised, the Council's Highways Statement refers to the need for a 3m wide footway within close proximity to schools and notes that Manor House Lane currently provides a secondary access to the Grammar School, without this facility. However, this is a current situation and given that the visibility splays can be achieved, I do not consider that the small amount of increased vehicular activity associated with the development would result in harm to highway safety.
30. Attention is also drawn to the existing dilapidated bell-mouth which risks loose materials being dragged onto the adopted highway. However, a condition requiring the first 10m of the access to be hardstanding could have been secured, had I decided to allow the appeal.

31. Details relating to parking, passing places along the access, EV charging points and tracking details for refuse vehicles and turning areas could also have been secured by condition.
32. In conclusion, subject to conditions, the proposal would not result in harm to highway safety. It would not, therefore, conflict with policies P10 and T2 of the CS, saved policy GP5 of the UDP and guidance included within the Council's Transport SPD which collectively seek to achieve high quality design with safe and secure access in order to maximise highway safety. Neither would conflict arise with paragraphs 110 and 111 of the Framework which seek to achieve safe and accessible access to the site for all users and which state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Other considerations

33. I have concluded that the proposal would be inappropriate development and would, therefore, by definition be harmful to the Green Belt. I have also concluded that the proposal would harm the openness of the Green Belt and conflict with two of its purposes. Paragraph 148 of the Framework states that substantial weight should be given to any harm to the Green Belt.
34. Paragraph 147 of the Framework sets out 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, is clearly outweighed by other considerations.
35. The proposal would provide a small contribution to housing land supply in the area and additional landscaping to contribute to biodiversity and other ecological enhancements such as bat and bird boxes. The proposal would also contribute to the economy during the construction phase and in the longer term as future occupiers would utilise local shops and services. Given that the Council can demonstrate more than a five-year supply of housing land and due to the scale of the development, I can only attribute modest weight to these benefits.
36. The proposal would meet Nationally Described Space Standards; accessibility standards; private garden space; appropriate access and parking provision; and the retention of existing trees. However, these are neutral factors in this case.
37. Attention is drawn to an application at Breary Grange Farm, Bramhope for the demolition of agricultural buildings and change of use of four agricultural buildings to form four dwellings, one replacement dwelling and associated works in the Green Belt. The appellant draws attention to the fact that the Council did not raise concerns regarding any urbanising effect due to the buildings or the associated garden land and residential curtilages. There is very limited evidence before me in this case and so I cannot be certain that it is directly comparable. However, the Council acknowledge that it erred in the consideration of the Bramhope case. It points out that the approach in relation to the current appeal is consistent with a number of other cases which it goes on to cite. In any event, I have determined the appeal based on the evidence before me and on the merits of this particular case.

Conclusions

38. Whilst there may be some benefits of the proposal in terms of the contribution the proposal would make to housing land supply, biodiversity and economic benefits, I consider that the substantial weight to be given to Green Belt harm is not clearly outweighed either individually or cumulatively by other considerations sufficient to demonstrate very special circumstances.
39. I have found that there would be a loss of openness to the Green Belt and that there would be conflict with two of the Green Belt purposes, harm to the character and appearance of the SLA and harm to the Green Belt by reason of inappropriateness. There are no other considerations that clearly outweigh the harm I have identified and that the very special circumstances necessary to justify the development do not exist. The proposal is, therefore, contrary to the development plan and the Framework. There are no material considerations which would indicate a decision other than in accordance with the development plan. For the reasons given above and taking all other considerations into account the appeal should be dismissed.

Caroline Mulloy

INSPECTOR