



Appeal Decision

Site visit made on 12 September 2023

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2023

Appeal Ref: APP/N4720/W/23/3325360

Hooves On The Hill, Brandon Crescent, Scarcroft, Leeds LS17 9JH

- 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 Mr Roger Gaunt against the decision of Leeds City Council.
- The application Ref 23/00529/FU, dated 26 January 2023, was refused by notice dated 20 April 2023.
- The development proposed is described as, '*Replacement dwelling (alternative scheme to stable conversion LPA ref 20/04273/FU and new dwelling LPA ref 22/04558/FU)*'.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description in the above banner heading has been taken from the original application form. The decision notice includes for demolition of stables, and I have determined the appeal accordingly.
3. Planning consent has previously been granted for conversion of stables to form one dwellinghouse under reference 20/04273/FU. A further application was granted for demolition of stables and erection of one dwelling under reference 22/04558/FU which is located further east than the existing stables. Both of these schemes remain extant and are a material consideration in the determination of this appeal. The proposed development would be in lieu of the extant approvals and I deal with this matter further below.

Main Issues

4. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt including its effect on the openness of the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; 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.

Reasons

Whether inappropriate development and effect on openness

5. The appeal site relates to land located within the Green Belt to the west of Scarcroft. The site is used for equestrian purposes comprising a stable block,

concrete courtyard and area of hardstanding. Given the existing development on the land, it appears undisputed that the land qualifies as previously developed land.

6. A number of trees and hedges are located along the southern boundary of the site separating the site from Brandon Crescent. Access is taken from between the existing trees and hedges to the southeast. The site has a rural appearance and is otherwise surrounded by a number of open fields and other equestrian related development understood to be within the appellant's ownership such as a menage located to the northeast.
7. 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.
8. 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, change of use of land for purposes which do not compromise Green Belt objectives.
9. Paragraph 149 of the Framework explains that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt with certain exceptions. The most relevant exception at the first part of paragraph 149 (g) allows for limited infilling or the partial or complete redevelopment of previously developed land which would: not have a greater impact on the openness of the Green Belt than the existing development. The exceptions at paragraph 149 (c) and (d) do not apply as the proposal is neither for extension/alterations to an existing building nor the replacement of a building by one in the same use as there is no dwelling currently on the site.
10. The proposed development seeks to demolish the stables onsite and construct one dwelling further east which would have a lower floor level which would be 'below ground' and used for additional living space together with a below ground parking area. Under the provisions of paragraph 149 (g) of the Framework, the redevelopment of the land would need to 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. I have been provided with a number of figures regarding the overall volume of the existing and proposed building and it appears undisputed that the existing stable building is approximately 510 cubic metres. The appellant sets out that the proposed dwelling would be 473 cubic metres although this is disputed by the Council which they claim would be approximately 585 cubic metres (includes volumes under proposed canopies).

13. Even if I were to accept the appellant's figures which would mean that the proposed dwelling would have a smaller volume relative to the existing stables onsite, the existing development retains a rural appearance reflective of its context. The proposed development would introduce a residential dwelling in a different location to that of the existing stables building in an area which is currently devoid of any built development and thus encroaching into the countryside. Although the lower ground floor level would be below ground, the proposed development would still introduce domestic amenity areas and associated paraphernalia at ground floor level which would create an urbanising effect. This would have an impact on the site's rural appearance and openness of the Green Belt in visual terms than the existing development.
14. For the above reasons, the proposed development would have a greater impact on the openness of the Green Belt than the existing development. I therefore conclude that for the purposes of the Framework, the proposed development would be inappropriate development in the Green Belt which would by definition be harmful to the Green Belt. Consequently, the proposed development would be contrary to Policy H2 of the CS and Policy N33 of the UDP.
15. The Council has cited Policy H1 of the Bardsey cum Rigton Neighbourhood Plan which amongst other matters, explains that new housing development should be located within the existing built-up area of Bardsey and the development of back land and gardens which would harm the open aspect of the parish will not be supported. I do not consider this particular policy to be relevant in this case given the case circumstances and extant planning permissions that exist which is discussed further below.
16. Paragraph 147 of the Framework explains that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 goes on to explain that 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.

Other considerations

17. As referred to above, planning consent has previously been granted for conversion of stables to form one dwellinghouse under reference 20/04273/FU. A further application was granted for demolition of stables and erection of one dwelling under reference 22/04558/FU which is located further east than the existing stables. Both of these schemes remain extant and are a material consideration in the determination of this appeal. The proposed development would be in lieu of the extant approvals.
18. Notwithstanding the disputed figures of the proposed dwelling as set out above, it appears undisputed that the proposed dwelling would have an increased volume relative to the previously approved schemes. That said, much of the additional volume would be at lower ground level and I note claims that the element above ground at ground floor level would not be any greater in comparison to that previously approved and the height would also be reduced.
19. The creation of an additional lower ground floor level together with areas of hardstanding, ramp down, steps and car parking area would however require extensive excavation which would change the ground level in this location and

would open up views into the site. This would add to the overall bulk of the development and would have a greater impact on the openness of the Green Belt in both spatial and visual terms than the previously approved consents resulting in a fundamental and permanent change to the Green Belt. The existing landscaping that exists coupled with that shown on the proposed plans to the north and west of the site which has already been planted would not alter my findings as limited views would not be sufficient to justify the harm caused to the Green Belt.

20. I note claims made regarding the overall size of the domestic curtilage area to that of the approved schemes and that the current scheme would effectively hide cars and other domestic paraphernalia from view. This could in certain circumstances represent an improvement both visually and spatially. However, the existing site retains a rural appearance despite its expanse area of hardstanding and sits quietly within its setting. The previous conversion scheme under reference 20/04273/FU is very different from the proposed dwelling before me in that it relates to the conversion of the existing building and appears to propose very limited changes to that of the existing site particularly in relation to hardstanding areas and car parking. This scheme by its nature would have therefore appeared more inconspicuous in this rural context. Moreover, the wider curtilage and areas of hardstanding are not so detrimental in appearance so as to be a significant benefit to have it reduced.
21. The approved new dwelling under reference 22/04558/FU was lower in height than that previously granted by the conversion scheme with a reduced domestic curtilage and overall reduced volume. As part of that scheme, car parking would also sit at ground floor level, and I acknowledge previous concerns in relation to this and other domestic paraphernalia in terms of its overall visual impact. The areas of hardstanding and car parking are however relatively modest and similar areas of other domestic paraphernalia such as patio areas are not significantly different to that of the current scheme.
22. Additionally, the final detailed hard and soft landscaping were conditioned under the extant permissions which would allow the Council some level of control over the domestic curtilage and parking areas and thus protecting the rural character of the Green Belt. The scheme before me requires a much larger area of hardstanding to be formed to create the ramp down, steps and lower ground floor parking area which would add to the overall bulk of the development and be much more harmful to the openness of the Green Belt. Considering the nature of the previous consents and differences that exist between these and the appeal before me, I do not find these previous planning permissions to be more harmful to the Green Belt than the proposed development. I therefore give limited weight to these previous consents.
23. I note the appellants' claims that the proposed development is of an enhanced design with a lower flat sedum roof and allows for improved landscaping which in turn would improve the visual amenity of the area particularly in comparison to the existing stable building. It would also retain the L shape of the extant schemes. However, some of these measures could be implemented via the previous extant permission under reference 22/04558/FU and I find that the current scheme in comparison to the above-mentioned extant permission is not so truly innovative and of exceptional quality, as to represent a significant benefit in terms of the character and appearance of the surrounding area. Such matters therefore carry limited weight.

24. Biodiversity improvements could be implemented via the previously approved schemes and thus also carries limited weight.
25. My attention has been drawn to a previous planning appeal under reference APP/N4720/W/23/3321820 relating to amongst others, the demolition of existing stable building and replacement with a single new detached dwelling. There are various material differences between that appeal and the one before me including amongst others, the confinement of the dwelling to an area which is already occupied by built development, the removal of tennis courts which are said to be visually prominent, extent and spread of built form as well as its overall location and site context which is said to already have a domestic use and an overtly domestic appearance. On this basis, that appeal is not considered comparable. In any event, I am considering the scheme that is before me, and I have identified the harm that would arise.
26. I acknowledge that the proposed development would provide additional living space and a modern family home with adequate parking / turning areas. I am also aware of previous discussions that have taken place between parties as well as noting the comments in relation to possible replacement dwellings and extensions. I have however assessed the appeal based on the scheme before me and its own merits opposed to any other theoretical position of which I have limited information. Such matters would not therefore alter my findings in relation to the above main issues.
27. The site is not subject to any heritage, landscape or ecology designations and sits within flood zone 1. It would also not give rise to any highway safety or capacity issues and there are no known contamination or stability issues associated with the site. There would also be no issues of loss of privacy. These are however neutral matters which neither weigh for or against the proposal.

Planning Balance and Conclusion

28. 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.
29. Therefore, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
30. In failing to comply with the policies as identified above, the proposal cannot be said to comply with the development plan taken as a whole. There are insufficient material considerations to justify a decision other than in accordance with the development plan. For the reasons given above the appeal is dismissed.

N Teasdale

INSPECTOR