



Appeal Decision

Site visit made on 6 December 2023

by L N Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2023

Appeal Ref: APP/W4705/W/23/3329761

Springfield Cottage, 66 Tong Lane, Tong, Bradford, BD4 0RX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Corker against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 23/01274/OUT, dated 12 April 2023, was refused by notice dated 25 July 2023.
 - The development proposed is outline permission for the construction of a detached bungalow on existing residential garden, with all matters reserved.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is in outline for all matters, and I have therefore treated the plans as indicative only.

Main Issues

3. The main issues are:
 - whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework ('the Framework') (2023) and any relevant development plan policies;
 - the effect of the proposed development on the openness of the Green Belt;
 - the effect of the proposed development on biodiversity; and
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

Inappropriate Development in the Green Belt

4. The site comprises part of the garden area of the semi-detached dwelling of No. 66 Tong Lane, separated by a driveway. The land slopes down from Tong Lane, behind a front hedge and fence. The proposal is for a bungalow, and the site lies within the Green Belt.
5. The Framework identifies at paragraph 137 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. Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 149. The appellants suggest an exception under paragraph 149(e), comprising limited infilling in a village.
6. The decision notice cites conflict with Policy GB1 of the Bradford Replacement Unitary Development Plan (RUDP) (2005), and Policy SC7 of the Bradford Core Strategy Development Plan Document (CS) (2017). Although these policies seek to protect Green Belt, SC7 relates to future Green Belt land release, and together they provide less detail than within the Framework. I therefore give more weight to the Framework's Green Belt requirements.
 7. The Framework paragraph 149(e) requires the site to be within a village. The Council accepts that that the site may geographically be established as forming part of Tong Village, and the Inspector for an appeal at the adjacent dwelling at No. 64 Tong Lane came to the same conclusion. I see no reason to take a different view.
 8. Paragraph 149(e) also requires the proposal to comprise limited infilling. A consideration of what amounts to infilling is a matter of both fact and planning judgement, with each site to be assessed on its own merits and in its own context. The appellants suggest an interpretation from supporting text in the RUDP, whereby infill is a small gap in a small group of buildings, normally sufficient for only one dwelling, and bounded by buildings on at least two sides.
 9. Although infilling can be acceptable in areas with a more spacious character, only the eastern side of the site adjoins built form, being No. 66 Tong Lane. The built form westwards is a significant distance away across an open paddock, and does not form part of the immediate setting in the streetscene. The garden of No. 64 Tong Lane lies to the south, with its built massing set further apart at an angle, as well as at a lower topography, such that I do not find it to contribute to framing an obvious infill gap. This also applies to the farm complex beyond it.
 10. The appellants have presented allowed appeal decisions in support, but from the evidence before me I find the adjacent built form described for those examples to be more linear and continuous. As such, I do not find them to be determinative to my decision.
 11. My finding overall is thus that the proposal would not result in limited infilling. It would therefore not meet the relevant exception under paragraph 149(e) of the Framework, and would be inappropriate development in the Green Belt. Even if the proposal would not conflict with the 5 purposes of the Green Belt identified in the Framework paragraph 138 and referenced in the RUDP Policy GB1, it would conflict with Section 13 of the Framework as a whole.

Openness

12. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects, and is also a matter of planning judgement. Spatially, the erection of a dwelling would result in built development and massing where there is presently none. It would be prominent despite its single storey height, and so would result in a loss of openness in spatial terms.

13. Visually, the site contributes to the transitional character between the open countryside and the denser form of the village. Notwithstanding the dwellings to one side, the openness of the Green Belt is evident around the site, with views across it stretching to the distant hills beyond. A new dwelling in this location would be clearly visible and create an urbanising effect, which would cause visual harm to this openness.
14. In drawing together my findings on spatial and visual impact, I therefore find that the proposal would result in significant harm to openness, to which, as set out in the Framework, I give substantial weight. For these reasons, the appeal proposal would be inappropriate development in the Green Belt, which is, by definition, harmful.

Biodiversity

15. There is no evidence before me to suggest that protected species may be present on the site. As a residential garden, the proposed dwelling would only replace a greenhouse, raised cultivated beds, and gravel paths. This suggests to me that this loss would not be so detrimental to biodiversity, such that this matter could not be resolved or mitigated via conditions or as part of the reserved matters stage. Conditions could also require precaution when clearing vegetation to avoid impacts on nesting birds.
16. On the evidence before me, I therefore find insufficient likelihood of a harmful effect on protected species or on the biodiversity value of the site. The proposal would therefore comply with Policy EN2 of the CS, which seeks to protect and enhance the District's biodiversity resource, and it would also comply with section 15 of the Framework in this regard.

Other Considerations

17. Very special circumstances (VSC) 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.
18. There is an indication that the Council cannot demonstrate a five-year housing land supply. If this were the case, the Framework paragraph 11(d) falls to be considered. This states that planning permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework including those relating to land designated as Green Belt, indicate that development should be restricted. As I have already found that the proposal conflicts with the Framework relating to the Green Belt, the presumption in favour of sustainable development does not apply.
19. However, the benefits of the proposal, including its contribution to the housing supply, may still comprise VSC such as to outweigh the harm caused to the Green Belt. In this regard, the Framework seeks to significantly boost the supply of homes. It promotes this through support at paragraph 69(c) for windfall sites, and giving great weight to the benefits of using suitable sites within existing settlements for homes, and at paragraphs 119 and 120 for the effective use of land, and the development of under-utilised land. However, the benefits from a single additional dwelling would be a very small-scale contribution to any shortfall.

20. There would also be very small social and economic benefits from local construction, and from the local expenditure and demand for local services by the additional residents. Overall, I give minor weight cumulatively to the benefits of a new dwelling in this location.
21. The dwelling is intended to be a self-build. I note the appellants' suggested support from the Self-build and Custom Housebuilding Act 2015, and from the Framework. However, there is no inference in the Planning Practice Guidance that the duty for relevant authorities outlined in the Act should be met by directly granting planning permissions for self-build where there is no policy support, as in this case. Authorities should use local planning policies to address provision of enough suitable serviced plots of land to meet the demand for self-build in their area. Moreover, no legal mechanism has been presented to secure that the proposal would be a self-build, such that I cannot be certain of its delivery. I therefore do not find support for the scheme on this basis.
22. Although the proposed dwelling is identified to better meet the housing needs of the appellants going forwards, this would be a private benefit. Furthermore, no significant personal need has been presented as to why proximity to their current dwelling is essential. It is expected that all new dwellings would be energy efficient and accessible, and so this is not a specific benefit.

Green Belt Balance

23. In summary, due to its effects on openness, the proposal would be inappropriate development in the Green Belt in the terms set out by the Framework. The Framework requires that substantial weight should be given to any harm to the Green Belt, and that inappropriate development should not be approved except in very special circumstances. It goes on to explain that very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations. A lack of objections does not equate to a lack of harm.
24. Against the totality of the harm I have identified, I have found no other considerations in this case that would individually or cumulatively clearly outweigh the harm to the Green Belt and any other harm. Therefore, the very special circumstances required to justify a grant of planning permission have not been demonstrated. The proposal would thus conflict with the Green Belt policies in the Framework, and the general Green Belt protection intent of the RUDP and the CS.

Conclusion

25. The proposal would be contrary to the development plan and the Framework taken as a whole. With no other material considerations indicating otherwise, for the reasons given above I conclude that the appeal is dismissed.

L N Hughes

INSPECTOR