



Appeal Decision

Site visit made on 26 February 2024

by L Clark BA(Hons) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 April 2024

Appeal Ref: APP/N4720/W/23/3330663

The Barn, Bay Horse Lane, Shadwell, Leeds LS17 8SL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr D Smith against the decision of Leeds City Council.
 - The application Ref is 23/03153/FU
 - The development proposed is change of use and conversion of stables to dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments.
3. The application form refers to the site address being The Barn, however, the officer report refers to the appeal site being both 'Vikings Barn' and 'The Barn/Vikings Barn'; submitted plans however refer to the appeal site as the stable block associated with 'Vikings Barn'. As all addresses refer to the same site, I am satisfied that 'The Barn' is an accurate address.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt, having regard to the Framework and any relevant development plan policies;
 - the effect of the proposal on the character and appearance of the appeal site and surroundings, with particular regard to trees; and,
 - if the proposal is inappropriate development, whether the 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 required to justify the proposal.

Reasons

5. The appeal site is located within the Green Belt and a designated Special Landscape Area. The stable block is a detached building situated within the garden of The Barn and utilises the same access via Bay Horse Lane. The Barn and the stables are fenced off from the open land beyond by timber post and rail fencing.

Whether inappropriate development

6. Policy ENV1 of the Shadwell Neighbourhood Plan 2020-2033 (SNP), Policy H2 of the Leeds Local Plan Core Strategy (as amended by the Core Strategy Selective Review 2019) Leeds Local Plan (Local Plan), saved Policy N33 of the Leeds Unitary Development Plan (Review 2006) Volume 1: Written Statement (UDP Vol:1), and saved Policy GB4 of the Leeds Unitary Development Plan (Review 2006) Volume 2: Appendices (UDP Vol:2) collectively seek to prevent inappropriate development in the Green Belt. The Framework establishes that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 152 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
7. Paragraph 155 of the Framework sets out the categories of development which may be regarded as not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it. This includes criterion d) the re-use of buildings provided that the buildings are of permanent and substantial construction, which is of most relevance in this case.
8. Both parties agree that the building is of permanent and substantial construction, and I have no reason to disagree with this finding. The proposals include minimal alterations to the form and appearance of the existing building. However, the council are of the view that the proposed development would not preserve the openness of the Green Belt and would conflict with the purposes of including land within it.
9. Openness is an essential characteristic of the Green Belt, defined by an absence of buildings or other forms of development. Openness has a visual and spatial dimension and the effect, therefore, not only relates to a proposal's size or visibility from the surrounding countryside but also its purpose and intensity of its use.
10. There is dispute between the parties whether the area surrounding the stables is within the curtilage of The Barn. At the time of my site visit, no fences were separating The Barn from the stables, however a metal field gate was in situ adjacent to the conifer tree. This gate, from the aerial imagery provided, appeared to link into a boundary which separated the lawn, The Barn, and the main access from the stable block. From observations on site, it was clear that the lawn area which contained seating, play equipment and a washing line was used for domestic purposes associated with The Barn, and that the land surrounding the stables which contained a small boat, 2 horse trailers, tractor and trailer was used separately to the domesticity of The Barn.
11. The proposed development would change the use and convert the detached stable block into a one-bedroomed dwelling with off-street parking and retain the shared vehicular access with The Barn. It would also include a 5-metre buffer of planting running adjacent to the post and rail fence which separates the stables from the open fields beyond. Whilst no amenity space has been shown on the submitted plans, it is reasonable to expect the future occupier(s) to utilise the space around the dwelling as a garden and include domestic paraphernalia. Structures are frequently placed within gardens and whilst some may not constitute built development or require planning permission, it does not mean they do not affect the spatial openness.

12. Even if the horses are tended to twice daily, and on occasion attended by vets, there would be an increase in the comings and goings associated with the activities of a dwelling, rather than the small stable block which currently characterises this quiet corner of the appeal site. The proposal would nevertheless increase the urbanised nature of the appeal site.
13. The appellant intends to install a 5-metre planting buffer. This would screen part of the proposed domesticity in and around the stables however it would also take time to establish. Notwithstanding this, once established, such a dense screen would close off longer views into and out of the site from the open fields beyond failing to preserve the openness of the Green Belt.
14. Lighting to the stables consists of two floodlights attached to each end of the roof and two smaller lights attached to the underside of the canopy. The lighting would be visible during the hours of darkness when the horses are being tended to. Outside of these times, the area around the stables would most probably be within darkness. Regardless of the size of the proposed dwelling, it is likely that the future intended occupier(s) would require lighting at all times during the hours of darkness. Permanent lighting of this area would fail to preserve the openness of the Green Belt and conflict with its purpose.
15. The proposed development, though relatively slight and localised in its extent, would fail to preserve the openness of the Green Belt, and fail to assist in safeguarding the countryside from encroachment.
16. For the above reasons, the appeal proposal would be inappropriate development in the Green Belt which is, by definition, harmful. It would fail to preserve the openness of the Green Belt and therefore would conflict with Paragraph 155 of the Framework. It would also conflict with Policy ENV1 of the SNP, Policy H2 of the Local Plan, saved Policy N33 of the UDP Vol:1 and saved Policy GB4 of UDP Vol:2 which collectively seek to protect the Green Belt.

Character and appearance

17. The appeal site lies within a Special Landscape Area, secluded from view from Bay Horse Lane by the existing dense hedge. This hedge would be replaced by a Hawthorn mixed hedge to provide the proposed development with improved visibility splays. Whilst the replacement of an evergreen, non-native hedge with a native species would take time to establish, it would provide a more natural boundary to both the appeal site and The Barn. There is no dispute between parties that the replacement of this feature is more suitable, and I have no reason to take a different view.
18. Policy ENV2 of the Shadwell Neighbourhood Plan (SNP) relates to trees, hedges, and gardens and seeks, amongst other things, to ensure that healthy trees and hedges within, and adjacent to, a development site are retained unless there is strong justification for their removal. It also states that retained trees and hedges should be protected during development and retained and maintained thereafter.
19. The appellant has suggested within their statement, that the conifer within the site will be retained and the council have confirmed that this is acceptable. Whilst I agree that its retention would make a positive contribution to the character and setting, I do not have sufficient evidence to demonstrate that the proposed creation of a formal access route to the stables would not harm the retained trees. The loss of the evergreen boundary hedge to Bay Horse Lane

would immediately impact the character and appearance of the area, therefore I do not consider it would be appropriate to leave the matter of an Arboricultural Impact Assessment to be controlled by the imposition condition.

20. I cannot be certain that the proposed development would not materially harm either the conifer or the trees on the periphery of the site. I therefore conclude that the potential loss of the trees would be harmful to the character and appearance of the area. The proposal would therefore conflict with Policy ENV2 of the SNP, which seeks, amongst other matters, to ensure proposals do not significantly reduce the landscape contribution to the appearance of the area. There would also be conflict with Policy P10 and P12 of the Local Plan, which collectively seek to protect the character of Leeds' landscapes, including their historical and cultural significance. There would also be conflict with Policy LD1 of the UDP Vol:2 and Policy LAND2 of the Natural Resources and Waste Development Plan Document which seek collectively, to protect existing vegetation to enable existing trees to be retained in a healthy condition, and complement existing beneficial landscape, ecological or architectural features and help integrate them as part of the development. There would also be conflict with the guidance contained within the council's Guideline Distance to Trees document which seeks to ensure that existing trees are sustainably retained in a healthy condition by avoiding damage to roots and branches. It would also fail to comply with the Framework, insofar as existing trees are retained wherever possible.

Other considerations

21. It has been put to me that the proposals will not result in additional public expense as a result of the utility connections and that there would be no harm to the local economy arising from the conversion or loss of a building providing commercial or agricultural use. The proposal would result in the creation of an additional dwelling, but as this would represent a minor contribution to the housing stock, I give these matters limited weight in favour of the appeal.
22. An absence of harm on the living conditions of future intended occupiers with regards to internal space, and upon the existing nearby residents with regards to outlook, in addition to highway safety, are neutral matters that neither weigh in favour nor against the development.
23. Furthermore, despite the appellant stating that the existing container on site would be removed as part of the proposed development, the proposed plans show the outline of the container.

Planning Balance

24. Paragraph 153 of the Framework requires that any harm, by reason of inappropriateness, be given substantial weight and that inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
25. The proposed development would not preserve the openness of the Green Belt and conflicts with the purpose of including land within it. As such this constitutes inappropriate development in the Green Belt which would be harmful to the character and appearance of the area. The other considerations put forward do not clearly outweigh the harm I have identified, by reason of inappropriateness,

harm to openness, and harm to the character and appearance of the area. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

26. The proposed development would therefore conflict with the development plan and Framework that seeks to protect the Green Belt. There are no other considerations that outweigh this conflict. I therefore conclude that the appeal should be dismissed.

L Clark

INSPECTOR