



Appeal Decision

Site visit made on 14 May 2024

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 May 2024

Appeal Ref: APP/N4720/W/24/3338092

Bridle Path Stables, Bridle Path Road, Shadwell, Leeds LS17 9ND

- 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 Mrs Judith Raynor against the decision of Leeds City Council.
 - The application Ref is 23/03895/FU.
 - The development proposed is demolition of an existing stables and construction of new dwelling with associated landscaping and access works.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of an existing stables and construction of new dwelling with associated landscaping and access works at Bridle Path Stables, Bridle Path Road, Shadwell, Leeds, LS17 9ND in accordance with the terms of the application, Ref 23/03895/FU, subject to the conditions in the schedule to this Decision.

Applications for costs

2. Applications for costs were made by the appellant against the Council, and by the Council against the appellant. These applications are the subject of a separate Decision letter.

Preliminary Matters

3. A previous appeal at the site for a similar description of development was dismissed in 2022¹. However, the dwelling in that case was proposed to be located on undeveloped land further to the north of the existing buildings. In contrast, the scheme now before me would be in the same location as the existing buildings. Consequently, the previous appeal decision has limited bearing on my assessment of this proposal.

Main Issues

4. As the appeal site is located within the Green Belt, the main issues are:
 - whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and
 - the effect on the character and appearance of the area.

¹ Appeal ref: APP/N4720/W/22/3304315

Reasons

The site

5. The appeal site is situated off Bridle Path Road, a narrow private road and public right of way which lies beyond the edge of the built-up area of Shadwell. A commercial operation and several houses are also served from the road.
6. The site is currently occupied by a stable and barn building which are set back appreciably from the road at the end of a partly hard surfaced access track (twin tracks). An area in front of the buildings is enclosed by post and rail fencing and supports some vehicle parking and storage, including a metal storage container and other paraphernalia associated with the use of the site and surrounding fields for the keeping of horses. At the time of my site visit, the buildings were in active use for keeping horses and there was no sign of an agricultural use at the site, including in the barn building which was clearly being used as a horse shelter.

Whether inappropriate development in the Green Belt

7. Paragraph 154 of the Framework outlines that the construction of new buildings should be regarded as inappropriate in the Green Belt, unless it falls within a list of exceptions. One of the exceptions (154 g) concerns the partial or complete redevelopment of previously developed land (PDL), as long as this would not have a greater impact on the openness of the Green Belt than the existing development.
8. There is some dispute over whether all of the appeal site can be regarded as PDL. The Framework defines PDL as that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. This excludes land that is or was last occupied by agricultural buildings.
9. While the storage container is not a permanent structure, it sits within what can reasonably be regarded as the curtilage of the stables (a permanent structure) and on a raised concrete apron (permanent hardstanding). Its presence does not therefore prevent the site from being regarded as PDL within the meaning of the Framework. Furthermore, based on my observations of the use of the barn building, and in the absence of any firm evidence to the contrary, I see no reason why the barn should be excluded from the previously developed extent of the site. In any event, the barn is identified for removal and the land on which it sits would not form part of the residential curtilage of the dwelling. As such, the status of the barn is not a determinative matter in this appeal.
10. Saved Policy N33 of the Leeds City Council Unitary Development Plan (Review 2006) (the UDP) refers to redevelopment of identified major existing developed sites, which the appeal site patently is not. However, this policy is inconsistent with the wording of Framework paragraph 154 g), and therefore, for the purposes of determining whether the proposal would be inappropriate development, I have proceeded on the basis of the approach set out in the Framework. This requires an assessment of the impact on the openness of the Green Belt, taking into account both its spatial and visual impact. In any particular case, this involves matters of planning judgement.

11. The new dwelling would be confined to an area which is already occupied by built development, and would be the same height but with a smaller footprint and volume compared to the existing stables. Moreover, the adjacent barn building would be demolished and the land returned to field. As a result, there would be a marked reduction in the extent and spread of built development at the site, leading to a positive effect on Green Belt openness in the spatial sense.
12. There would inevitably be a degree of domestic paraphernalia, lighting, and activity associated with the new dwelling. However, similar effects are already present from the existing use of the site and I do not consider that a single dwelling would lead to any significant intensification in these regards. Views of the site from the road/bridleway are also very limited due to the distance from the road and the screening from surrounding trees and hedges, while any views from the south would be over a long distance where the dwelling would be a very small feature and seen in the context of the other neighbouring dwellings and commercial development. The effect on openness in this regard would therefore be minimal, and in any event, would be comfortably offset by the reduction in built form at the site.
13. Overall, I find that the proposal would not have a greater impact on the openness of the Green Belt than the existing development. It would therefore meet the exception in paragraph 154 g) of the Framework. Whilst there is some conflict with saved UDP Policy N33, I attach more weight to compliance with the Framework. Accordingly, the proposal is not inappropriate development in the Green Belt. As such, it is unnecessary to consider whether there would be very special circumstances. In addition, as the proposal satisfies relevant Green Belt policy, no conflict arises with Policy H2 of the Leeds City Council Core Strategy (amended 2019) (the CS) in this regard.
14. The Council also refers to conflict with the purposes of Green Belt, but these are not factors for consideration under paragraph 154 g) of the Framework and do not require separate assessment where this exception has been met.

Character and appearance

15. The appeal site is within a Special Landscape Area (SLA) designation. The current buildings are not unexpected in such a rural setting and I consider that the site makes a neutral contribution to the landscape qualities of the area.
16. In the previous appeal the Inspector found that there would be harm to the character and appearance of the area. However, the proposed development would now be confined to the extent of the existing stables and the enclosed land around them. As such, there would be no encroachment into the surrounding countryside and towards the road. In this location, and given the limited available views from the road/bridleway and wider surrounding area, I am satisfied that the development would not be a conspicuous feature in the landscape, even accounting for some inevitable effects of domestication. The visual effects would be further minimised by the design of the dwelling which would closely reflect the size, form, and materials of the existing stables. I note that the Council did not raise any objection in design terms.
17. The precise details of hard and soft landscaping, and the building materials, are matters which can be suitably controlled by appropriately worded planning conditions. This, together with the reduction in the extent and spread of built

form at the site would ensure that an appropriate transition to the surrounding open land can be achieved.

18. Overall, I am satisfied that the proposal would integrate well with its surroundings, and would not be a harmful urbanising form of development.
19. I therefore conclude that the development would not unacceptably harm the character or appearance of the area, including the SLA. As such, the proposal complies with Policies P10 and P12 of the CS, which amongst other things, require high quality design that is appropriate to its location, and protects the character and quality of Leeds' townscapes and landscapes. It also complies with Saved UDP Policies N37 and N37A, which state that development must not seriously harm the designated Special Landscape Areas; and that development in the countryside should have regard to the character of the landscape in which it is set. Finally, there is compliance with the design and environment protection aims of the Framework.

Other Matters

20. I have noted the concerns of interested parties, including in relation to traffic and water supply. These matters did not feature in the Council's refusal reasons and I note that there were no objections from statutory and other technical consultees on these grounds. Consequently, and having regard to the small scale of the development and the existing use of the site, I have no reason to find the scheme unacceptable in these regards.
21. Reference has also been made to the Shadwell Conservation Area (the SCA). However, the SCA lies some distance from the appeal site, beyond intervening fields and modern housing development. The Council did not identify any harm to the setting of the SCA and I have no reason to disagree.

Conditions

22. I have considered the conditions put forward by the Council against the provisions of the Framework and the Planning Practice Guidance. Where necessary, I have made some amendments in the interests of clarity and precision, and I have imposed only those conditions which meet the relevant tests.
23. The statutory time limit and approved plans conditions are imposed as standard and to provide certainty. A requirement for a Construction Method Statement is necessary to manage the effects of construction on neighbouring residents and the highway. This has been worded as a pre-commencement condition as a later trigger would limit the effectiveness or the scope of measures which could be used, and the appellant has given their agreement to its imposition.
24. Various conditions relating to details of external materials, hard surfacing, landscaping, and refuse storage are necessary to maintain the character and appearance of the area. Conditions relating to visibility splays and parking arrangements are necessary in the interests of highway safety. A drainage condition is necessary in order to ensure the proper treatment of foul and surface water from the development. Conditions relating to contamination are necessary to protect human health. Finally, conditions relating to the removal of existing buildings which have been specifically identified for removal on the plans, along with certain restrictions on permitted development rights, are

necessary and justified in the particular circumstances of this case to protect against harm to the openness of the Green Belt.

25. However, the provision of electric vehicle charging points is now mandatory under the Building Regulations, so a condition duplicating this requirement is unnecessary.

Conclusion

26. I have found that the proposal would comply with national Green Belt policy and the policies in the development plan concerning character and appearance. Therefore, for the reasons given, and subject to conditions, I conclude that the appeal should be allowed.

A Caines

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: BPS-PL-001; 002; 003; 005.
- 3) No preparatory work, demolition, or other development works shall take place until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide details of arrangements for:
 - i) the parking of vehicles of site operatives;
 - ii) loading, unloading, and storage of plant and materials;
 - iii) the erection and maintenance of security hoarding where appropriate;
 - iv) measures to prevent mud, grit and dirt being carried onto the highway during construction; and
 - v) demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 4) No above ground construction works shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) boundary details and means of enclosure;
 - ii) hard surfacing materials, including for parking and vehicular access areas;
 - iii) planting species, sizes, layout, and numbers;
 - iv) measures to enhance biodiversity;
 - v) the means to ensure successful establishment of all new planting;
 - vi) a programme for implementation.

- 5) If any trees or plants within the approved scheme of landscaping die, are removed or become seriously damaged or defective, they shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
- 6) No above ground construction works shall take place until samples of all external wall and roof materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved sample details.
- 7) No above ground construction works shall take place until details of the proposed means of foul and surface water drainage, including arrangements for their future maintenance, have been submitted to and approved in writing by the local planning authority. The development shall not be occupied prior to completion of the approved drainage works.
- 8) The dwelling hereby permitted shall not be occupied until appropriate visibility splays have been provided at the site entrance in accordance with details which shall first have been submitted to and approved in writing by the local planning authority. Thereafter, the approved visibility splays shall remain clear of all obstacles to visibility over 0.6 metres in height above the level of the adjoining highway.
- 9) The dwelling hereby permitted shall not be occupied until details for the storage and collection of refuse have been submitted to and approved in writing by the local planning authority; and the approved measures shall be provided and adhered to for the life of the development.
- 10) The dwelling hereby permitted shall not be occupied until the areas shown on the approved plans for access, parking and manoeuvring of vehicles have been constructed and laid out in accordance with the approved plans. Thereafter, such areas shall be kept free of obstruction and available at all times for those purposes.
- 11) Any soil or soil forming materials to be brought to the site for use in garden areas, soft landscaping and filling shall be tested for contamination and suitability, prior to importation to the site. Prior to the first occupation of the dwelling hereby permitted, the evidence and verification information (for example, laboratory certificates) relating to contamination testing of any soil and soil forming materials brought to the site shall be submitted to and approved in writing by the local planning authority.
- 12) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Orders revoking or re-enacting that Order with or without modification), no

development permitted by Classes A, B, D, E and F of Schedule 2 (Part 1), and Class A of Schedule 2 (Part 2), of that Order shall be undertaken to the dwelling hereby permitted or within its curtilage without the grant of planning permission.

- 14) All existing buildings identified for removal on the approved plans shall be removed from the land in their entirety prior to the occupation of the dwelling hereby permitted.

****End of conditions****