

Appeal Decision

Site visit made on 29 August 2024

by D Nicholson RIBA IHBC

an Inspector appointed by the Secretary of State

Decision date: 4 September 2024

Appeal Ref: APP/N4720/W/24/3344659

Warren House Farm, Claypit Lane, Ledsham, Leeds LS25 5LP

- 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 and Mrs Clark against the decision of Leeds City Council.
 - The application Ref is 24/01292/FU.
 - The development proposed is: Part-demolition, conversion and extension of existing agricultural buildings to form one dwelling with amenity space.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr and Mrs Clark against Leeds City Council. This application is the subject of a separate Decision.

Preliminary Matters

3. There was no dispute that an existing planning permission (20/08078/FU) remains extant until 2025 and can be implemented. Further applications for revised schemes have been refused.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the NPPF and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposals on the Ledsham Conservation Area and on the farm complex as a non-designated heritage asset;
 - the effect of the proposals on existing trees;
 - 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 required to justify the proposal.

Reasons

Green Belt

5. Most of the site, and all of the buildings, are within the Green Belt. The extant permission would allow conversion of all the existing structures including the rebuilding of an open sided barn. Because of the element of rebuilding, the delegation report found that the scheme would amount to inappropriate development in the Green Belt. Nevertheless, the officer gave substantial weight to the sustainable use of an undesignated heritage asset within a village conservation area and found that this amounted to the very special circumstances necessary to clearly outweigh the harm by reason of inappropriateness in the Green Belt. The current proposals would involve more extensions to the buildings, leading to greater harm to the openness of the Green Belt.
6. The later proposals also show residential amenity space. I take this to amount to the application for change of use of land to residential. The extant permission did not explicitly grant change of use and so the conversion of any outside areas for residential purposes might be unlawful. However, the delegation report stated: *There are some concerns relating to the provision of outdoor amenity space as it is not clear where private gardens are to be provided, however the site plans suggest that the internal courtyard as well as space to the east of the site can form private outdoor space. A condition will be imposed requiring full details of site landscaping, including boundary treatments, so as to ensure that these spaces are appropriately designed to deliver the required amenity benefits prior to the first occupation.*
7. It is therefore evident to me that some change of use was intended, and I accept that it would be unreasonable to try and prevent any external residential use. Indeed, even the recent prior approval to convert the additional farm outbuildings to the south to three dwellings includes some element of external residential use. However, while this alone might explain a further submission to include some change of use, it does not justify the greater volume of built extensions now proposed. I shall consider other harm before concluding on the Green Belt.

Heritage

8. The buildings on the site surround a courtyard and include various cattle sheds and barns in local materials, typical of the early 19th Century, with original features such as feeding bays and ventilation holes, alongside more recent additions. These characteristics provide its significance as a non-designated heritage asset. The scheme would change the buildings to residential use, and this would harm part of their significance. The physical alterations would add to this harm.
9. The Ledsham Conservation Area covers the small historic centre of the village, dominated by the Saxon church and listed stone buildings around a medieval street pattern. The site fits nicely into this context with similar materials. To the extent that any changes to the farm buildings would be apparent in the wider conservation area, they would harm its special interest.

10. On the other hand, without a use, the buildings are likely to deteriorate further until they are completely lost. This provides a good reason for their re-use but only if alterations are kept to the minimum necessary to achieve successful conversion. This consideration is apparent in the report for the extant permission. As I am unaware of any reason why the this permission cannot be implemented, and as the latest proposals would cause greater harm, the former justification should not be extended to the additional alterations. On this issue I find that the scheme would harm the significance of both the non-designated buildings and the Conservation Area, contrary to Core Strategy (2019) policies P10 (good design) and P11 (conservation of the historic environment), saved Unitary Development Plan Review (2006) (UDP) policies GP5 (landscaping and design), N19 (conservation areas) and section 16 of the National Planning Policy Framework (NPPF).

Trees

11. There are two mature trees within the site, a beech and a common lime. The proposals would involve new structures and/or hard standing close to them and their roots. Even with mitigation, I find it likely that these trees would not fare as well as if they were left alone and this adds to the other harms I have found. The scheme would be contrary to Core Strategy (2019) policies P10 (good design) and P12, and saved UDP policies GP5 and LD1 (landscape design).

Other Matters

12. A structural engineer's report indicates difficulties surrounding the approved structural interventions which might require underpinning. The latest scheme might avoid this. However, bearing in mind that the buildings comprise a non-designated heritage asset which has already been altered, I give more weight to the effect of changes to the external appearance on the Conservation Area than I do to risks to small areas of the historic fabric. Moreover, the report does not suggest that the extant permission cannot be implemented and so I give it limited weight.
13. A pre-application response noted that, compared with the previously refused schemes, some elements would be less harmful. However, this was a comparison with a previous refusal not with the extant permission and so does not alter my findings.
14. I saw that Ledsham is blessed with several fine listed buildings. However, even in the case of the Grade I listed part-Saxon church, where there would be glimpses of inter-visibility, the distance and relatively limited extent of alteration mean that its setting would not be harmed.

Overall findings

15. The Council has found that all of the applications would be inappropriate development. In doing so, it has taken a narrow view of paragraphs 154c and 155d of the NPPF (regarding additions and re-use) and assessed each element of the buildings separately rather than considering the former farmstead as a whole. On this basis, it found that some of the alterations would fall outside the exceptions, being either a disproportionate extension or to a building that is not of permanent and substantial construction. To my

mind, this is a matter of fact and degree, but I find that the exceptions would be breached. Given that the benefits of re-use could be achieved with less harm to the openness of the Green Belt, I consider that the officer's finding of very special circumstances, such as to outweigh the harm by way of inappropriate development in the Green Belt, should not be applied to the appeal scheme.

16. Moreover, even if I accepted that the scheme did not amount to inappropriate development, I find that the combined harm to the heritage assets and the trees would weigh against allowing the appeal. Given that these harms would be largely avoided in the extant permission, I find that the benefits of re-use would not outweigh the harms.
17. For the above reasons, I find that the proposals would harm the openness of the Green Belt and amount to inappropriate development by definition. They would also harm the significance of a non-designated heritage asset, the special interest of the Conservation Area, and adjacent trees. Consequently, very special circumstances have not been demonstrated. The scheme would be contrary to Unitary Development Plan Review (2006) policies GB3 and GB4 which essentially reflect NPPF paragraphs 154 and 155.

Conclusion

18. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

D Nicholson

INSPECTOR