
Appeal Decision

Site visit made on 28 August 2024

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2024

Appeal Ref: APP/W4705/W/24/3346953

Land adjacent to Golf Driving Range. Keighley Road, Silsden Easting (x) 403837 Northing (y) 445193

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs D J and J Isherwood against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 23/03770/FUL, dated 12 October 2023, was refused by notice dated 3 April 2024.
 - The development proposed is construction of farm shop and first floor café with associated car parking.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Policy GB1 of the Replacement Unitary Development Plan (2005) deals with the green belt and seeks to protect it. This development specific Policy lacks full alignment with the Framework¹. I have afforded significant weight to the requirements of the more up to date Framework with regard to the green belt approach. This appears to be the approach the Council have taken within their decision and I have no reason to disagree.

Main Issues

3. The main issues are;
 - i) whether the proposal would be inappropriate development in the green belt having regard to the NPPF and any relevant development plan policies,
 - ii) the effect of the proposal on the openness of the green belt,
 - iii) the effect of the proposal on the character and appearance of the area,
 - iv) the suitability of a farm shop and café within this location having regard to development plan policy and other considerations,
 - v) the effect of the proposal on highway safety and;
 - vi) if the development were considered inappropriate development whether any harm would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

¹ National Planning Policy Framework 2023.

Reasons

Whether inappropriate development

4. The Framework at paragraph 154 establishes that the construction of new buildings within the green belt should be regarded as inappropriate unless they are a type of building identified under a list of exceptions. The proposal does not form an exception identified under this paragraph nor does it constitute development considered not inappropriate in the green belt identified under paragraph 155 of the Framework. The proposal would therefore be inappropriate development in the green belt.

Openness of the green belt

5. A 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. The assessment of openness requires a consideration of both spatial and visual aspects.
6. The site would be set a short distance beyond the developed area of Silsden and I note the presence of an overhead electric line. The building would be of substantial width, depth and height and would appear of significant bulk and volume. This impact would be accentuated when considering the open context of the site and the very modest built development close by in the form of the slender score-tower at the adjacent cricket ground and the low slung building associated with the golf driving range.
7. The proposed building would be prominent within views from the adjacent road which is set slightly above the level of the site. Depending on the direction of travel and position on the road of the user, the building would restrict views along the Aire Valley and would restrict views towards the rising landforms on its sides.
8. Consequently, there would be a harmful loss of openness of the green belt. The proposal would undermine one of the purposes of the green belt at this location to check the unrestricted sprawl of large built-up areas. The Framework is clear that substantial weight should be given to any harm to the green belt.

Character and appearance

9. The site is currently largely undeveloped, partly providing a gravelled parking area for the Golf Driving Range. The appeal site sits within the Floodplain pastures landscape character area of Airedale². Amongst its important features the SPD identifies amongst key views and vistas those along the floodplain pastures around Silsden, between the canal and the river Aire. The document notes further that the landscape is very sensitive to change.
10. The largely undeveloped nature of the site which allows extensive views through the site along the Aire Valley contributes positively to the character and appearance of the area. Those views would be constricted due to the height, bulk and substantial massing of the building from some points along the adjacent road.

² Local Development Framework for Bradford – Landscape Character Supplementary Planning Document – Volume 1: Airedale – October 2008.

11. The proposal would subsequently have an adverse impact on the character and appearance of the area. It would therefore conflict with policies ENV4 and DS2 of the Local Plan for the Bradford District Core Strategy Development Plan Document (2017) (CS). Amongst other things these policies require that development proposals make a positive contribution towards the conservation, management and enhancement of Airedale and that designs should work with the landscape to reduce the environmental impact of development.

Location of farm shop and café

12. The proposal would involve the provision of a farm shop and café within a purpose constructed building well away from the centre of Silsden. The proposed use can be considered a main town centre use with regard to guidance within Annex 2 of the Framework.
13. Policy EC5 of the CS states amongst other things that the Local Centre of Silsden should be the focus for appropriately sized local supermarkets and a variety of small shops of a local nature to meet peoples day to day needs and minimise their need to travel. The Policy requires the application of a sequential test. However, this matter has been addressed only very briefly and the limited statement does not assure me that there are no more sequentially preferable sites available.
14. Policy EC5 so far as relevant to the proposal before me, seeks to where possible focus development of this type on local centres, recognising the role of local centres at the heart of communities with accessible public transport connections.
15. It is likely that the proposal, which would see an apparently popular business move from the centre of Silsden, would serve to erode the retail function of the Local Centre of Silsden and would not be in line with the desire to minimise the need to travel. The proposal would subsequently conflict with Policy EC5 of the CS. There would also be conflict with the Framework, which takes the same approach as the CS to the application of sequential tests for main town centre uses.

Highway safety

16. The proposal would utilise the existing access to the site and would result in additional vehicle movements over and above those already associated with the existing driving range. Much of the evidence references 4.5mx120m visibility splays, however the evidence appears to indicate that the Council consider that visibility splays of 2.4mx120m would be acceptable.
17. Although only reflective of a moment in time, the road was busy during my site visit on an early afternoon with significant levels of swiftly moving traffic in both directions. The views of Keighley Road for drivers are restricted by the existing metal gates and gate posts as well as signage placed on those gates. The existing stone walls which bound the site provide a further restraint to visibility.
18. It is not clear within the evidence whether gates or signage will be implemented around the access in association with this proposal, although it is possible that matters relating to those could be conditioned were I minded to allow the appeal.

19. The plan indicates the lowering of the boundary walls within the visibility splay to 900mm to assist with visibility of vehicles on Keighley Road for drivers, again it is likely that this is a matter that could be conditioned. Growth of trees especially to the south of the access would need to be kept under control but it is likely that this would be possible having regard to a 2.4mx120m splay. There do not appear to be any plans to provide a ghost right turn on Keighley Road into the site as suggested by the Council, although I would need more evidence to conclude that this was absolutely necessary in conjunction with the provision of the farm shop and café.
20. In conclusion on this issue, I have therefore not been able to identify any significant adverse impact on highway safety associated with the proposal. I have not identified any direct conflict with Policy DS4 of the CS which is primarily focussed on encouraging the use of walking, cycling and public transport.

Other considerations

21. There would be economic, social and environmental benefits. The proposed development would provide Isherwood's with a purpose built modern retail environment for their local produce which would include solar panels to account for the power needs of the building and EV charging points. This is in the context of an existing premises, which I was able to observe on my site visit, which is likely to provide some constraint to a modern business.
22. The building would likely provide a greater level of accessibility for some users than the existing premises. It would be likely to be easier to access by car given the extent of parking that would be available and concerns over future parking availability within Silsden and would be likely to create additional local employment over and above that at the existing premises. There would likely be local construction spend and ongoing local spend associated with the premises. The proposal would be provided in the context of the closure of Keelham farm shop in Skipton. I afford these benefits moderate weight.

Other Matters

23. There is nothing within the evidence to indicate that mandatory biodiversity net gain is required alongside this proposal. Policy EN2 of the CS amongst other things requires that proposals contribute positively towards the overall enhancement of the districts biodiversity resource. However, it is likely that this could be achieved were I minded to allow the appeal through planting and the addition of faunal boxes in association with the development as outlined at part 6 of the PEA³. I have not therefore identified conflict with that policy.
24. I have been provided with details relating to residential land allocations on the southern side of Silsden. However, due to being a different form of development raising different issues, I have afforded these matters limited weight in my consideration of this appeal.

Planning Balance and Conclusion

25. The proposal would be inappropriate development within the green belt and would be harmful to green belt openness and would conflict with one of the purposes of including land within the green belt. There would be harm to the

³ Preliminary Ecological Appraisal, JCA Limited January 2024.

character and appearance of the area. The site would not be suitable for a farm shop and café in relation to its location having regard to development plan policy and other considerations.

26. The proposal should not be approved except in very special circumstances. The weight of the other considerations do not clearly outweigh the totality of the harm. Consequently, the very special circumstances necessary to justify the development do not exist. For the reasons set out above, and having regard to all other matters, the appeal should be dismissed.

T Burnham

INSPECTOR