



Appeal Decision

Site visit made on 17 September 2024

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 October 2024

Appeal Ref: APP/W4705/W/24/3344579

Maythorne Farm, Scholebrook Lane, Tong, Bradford BD4 0RN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr J Kennedy against the decision of City of Bradford Metropolitan District Council.
 - The application Ref is 24/00091/OUT.
 - The development proposed is demolition of existing buildings and erection of one detached two-storey dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline with access, layout, and scale to be determined at this stage. As the matter of appearance has been reserved for future consideration, I have treated the submitted elevation drawings as being solely for illustrative purposes.

Main Issue

3. As the appeal site lies within the Green Belt, the main issues are:
 - Whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - Whether the development would preserve the setting of Maythorne Farmhouse, a Grade II listed building;
 - The effect on the character and appearance of the area; and
 - If the proposal is inappropriate development, whether harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether inappropriate development

4. The Government attaches great importance to Green Belts. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.

5. Paragraph 154 of the Framework establishes that the construction of new buildings should be regarded as inappropriate in the Green Belt, unless it falls within a closed list of exceptions. The appellant suggests that the development falls into the category of limited infilling.
6. Saved Policy GB1 of the Bradford Replacement Unitary Development Plan 2005 (the UDP) seeks to strictly control development in the Green Belt. However, it is not wholly consistent with the Framework exceptions, and therefore, for the purposes of determining whether the proposal would be inappropriate development, it is the approach set out in the Framework which prevails.
7. The exception in paragraph 154 e) of the Framework refers to limited infilling in villages. While the appeal site is flanked by buildings to the north and west, it is open to the east and south. The development would also extend further south than the existing building group. As such, the proposal could not reasonably be regarded as infilling. In any event, the site lies within the open countryside, not a village. Consequently, the exception under paragraph 154 e) of the Framework does not apply.
8. The exception in paragraph 154 g) of the Framework includes 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. It has been established that openness has both a spatial and visual aspect.
9. There is limited information before me on the current use of the two existing buildings within the site. Nevertheless, these structures are modest in size and account for only a small proportion of the appeal site, which is otherwise undeveloped grassland.
10. The proposed two-storey dwelling would be considerably larger in footprint, height, and overall volume than the existing buildings combined, while also extending further southwards. The remainder of the site would become a sizeable garden with a new hardsurfaced driveway and turning head. Domestic structures, bin stores, and other domestic paraphernalia such as garden or play equipment would also be evident, together with increased effects of internal and external lighting at night. All of this would be readily apparent in close range views from Raikes Lane, neighbouring properties, and the public footpath to the south.
11. The cumulative impact of these changes would undoubtedly have a greater impact on the openness of this part of the Green Belt than the existing structures in both spatial and visual terms. Consequently, even if I was to take a view that a small part of the site was PDL, the proposal would not meet the exception under paragraph 154 g) of the Framework.
12. Furthermore, a dwelling in this location with its associated garden and domestic paraphernalia would represent encroachment in the countryside. In addition, whilst the proposal is small in scale, that dwelling could, nevertheless, be provided in urban areas to assist with regeneration objectives. As such, there is conflict with two of the five purposes of Green Belt.
13. I therefore find that the proposal does not comprise of any of the forms of development listed within paragraph 154 of the Framework. Accordingly, it represents inappropriate development in the Green Belt, which is, by definition,

harmful to the Green Belt and should not be approved except in very special circumstances. Further harm would be caused to the Green Belt by reason of the reduction to its openness. There is also conflict with two of the five purposes of Green Belt.

Maythorne Farmhouse

14. The appeal site is within the immediate setting of the Grade II listed Maythorne Farmhouse which lies to the north. In determining this appeal, I must have special regard to the desirability of preserving the setting of this listed building. The Framework recognises that development within the setting of heritage assets can affect their significance. Policy EN3 of the CS expects new development to preserve, protect and enhance the historic value and significance of heritage assets.
15. The National Heritage List for England entry for Maythorne Farmhouse describes it as a farmhouse of 17th century origin enlarged in mid to late 18th century. As a farmhouse, it provides evidence of the area's agricultural heritage and it includes traditional design features and materials. The property's significance therefore lies partly in its architectural and historic interest. Its relationship to the surrounding rural landscape and farmland is also an important component of its significance.
16. The development to the west has already resulted in a change to the setting of this designated heritage asset. Nevertheless, consideration still needs to be given to whether additional change would further detract from or enhance the significance of the asset.
17. There are clear views of Maythorne Farmhouse across the appeal site from both the adjacent road and the public footpath to the south. The existing buildings within the appeal site are modest in stature and have a rural/agricultural aesthetic, such that they do not visually compete with the listed building, while the majority of the site is free of any development. This affords a predominantly open setting in front of Maythorne Farmhouse, retaining its prominence and connection to the rural landscape.
18. The proposed dwelling would be significantly larger than the existing buildings within the site and would come even closer to Maythorne Farmhouse. It would therefore be highly dominant in views of Maythorne Farmhouse from the adjacent road and footpath. The rest of the site would become domesticated, including potential for formal landscaping, movement and parking of cars, and the presence of various domestic paraphernalia such as garden or play equipment. This would have its own impact on the appearance and sense of openness of the land in front of Maythorne Farmhouse.
19. Thus, by virtue of its size, proximity, and the extent of its domestic curtilage, the presence of the development would unduly intrude upon the foreground setting of Maythorne Farmhouse. It would also harmfully reduce the connection between Maythorne Farmhouse and the rural landscape. Therefore, it would have an adverse effect upon the setting of this listed building that would be harmful to its overall significance as a designated heritage asset. This harm could not be overcome by the design of the dwelling and any landscaping.
20. In the terms of the Framework, the level of harm would be classed as less than substantial. This appears to be a position that is accepted by the appellant.

21. I identify the public benefits arising from the provision of a dwelling in my other considerations below. However, I do not find that the public benefits of the proposal outweigh the less than substantial harm to the significance of the designated heritage asset.
22. Thus, the proposal fails to satisfy the statutory requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is also contrary to Part 16 of the Framework and Policy EN3 of the Bradford Core Strategy Development Plan Document 2017 (the CS) with regards to conserving and enhancing the historic environment.

Character and appearance

23. According to the Bradford Landscape Character Supplementary Planning Document 2008 (the SPD), the appeal site falls within the Tong Valley landscape character area. This landscape has moderate strength of character; high historic continuity; is not remote; and apart from Tong Village has very little other development apart from occasional farmsteads. The document further states that urban pressures and the increasing fragmentation of the farmland has resulted in gradual deterioration of the landscape condition. It can therefore be seen to be sensitive to further development.
24. Based on the illustrative drawings, I have no reason to doubt that a suitable design can be achieved for the dwelling. However, for the reasons already set out above, the proposal as a whole would constitute encroachment into the countryside and would change the rural character of the site to one which has a very domestic appearance. The effect would be visible at close quarters from the adjacent road and public footpath. This would further erode the rural character of the area, thereby contributing to the gradual deterioration of the landscape condition, albeit to a small degree.
25. The proposal would subsequently have an adverse impact on the character and appearance of the area. This is contrary to Policies EN4 and DS2 of the CS where they require development proposals to make a positive contribution towards the conservation, management, and enhancement of the Tong Valley and that designs should work with the landscape to reduce the environmental impact of development.

Other Considerations

26. The proposal would bring forward a new dwelling in a context where it appears that the Council has a significant shortfall in its five-year housing land supply (5YHLS). Furthermore, residents of the dwelling would help to maintain the vitality of the rural community. However, such social and economic benefits would not be very significant from one dwellinghouse. There would likely be some economic benefits from the construction activities, but this would be short lived.

Other Matters

27. The redevelopment of the neighbouring farm buildings to the west was deemed acceptable by the Council for its own reasons and is an entirely separate development. Consequently, it has little bearing on my assessment of this proposal, which I have found harmful for its own specific reasons.

28. I note that the development would not impinge on a line drawn at 25 degrees from the front windows of Maythorne Farmhouse. However, this lack of harm is a neutral matter.
29. Any diversion of the public right of way to the south of the site would need to be addressed through separate legislation and procedures, and it appears that an application has already been made.

Planning Balance and Conclusion

30. The proposal would amount to inappropriate development in the Green Belt and would adversely affect the openness of the Green Belt. There would also be conflict with two of the purposes of the Green Belt. I afford the totality of the harm to the Green Belt substantial adverse weight in decision making terms. Harm to the character and appearance of the area also weighs significantly against the proposal. Further, the proposal would be harmful to the setting of a designated heritage asset to which great adverse weight should be given.
31. Whilst I have had regard to the other considerations in favour of the scheme, I conclude that these other considerations taken together, do not clearly outweigh the totality of harm that I have identified. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist.
32. Despite the Council's poor 5YHLS position, the policies in the Framework that protect the Green Belt and designated heritage assets provide a clear reason for refusing the development proposed. As such, the 'tilted balance' of paragraph 11 of the Framework is not engaged.
33. The proposal conflicts with the development plan taken as a whole. There are no material considerations, including the Framework, that outweigh the identified harm and conflict with the development plan. Therefore, the appeal should be dismissed.

A Caines

INSPECTOR