



Appeal Decision

Site visit made on 7 October 2024

by Ms Mulloy BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th November 2024

Appeal Ref: APP/N4720/W/24/3346387

Field, Westerton Road, Tingley, WAKEFIELD, WF3 1AE

- 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 Binks Executive Homes against the decision of Leeds City Council.
 - The application Ref is 23/03467/OT.
 - The development proposed is outline planning application for the erection of up to 9 no. dwellings with all matters reserved (save for the principal access off Westerton Road), parking, landscaping, private gardens and public open space at land off Westerton Road, West Ardsley, Leeds WF3 1AE.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline with details of the access, however, the matters of scale, layout, appearance and landscaping are reserved for future consideration. I have dealt with the appeal on this basis treating the layout plan as indicative only.

Main Issue

3. The main issue in this case is whether the site is an appropriate location for housing with regard to the development plan – and if not, whether there are other considerations which would justify a grant of outline planning permission.

Reasons

Appropriateness of the Location

4. The appeal site is an area of open land of around 0.9 ha situated to the south of Westerton Road and to the north of an agricultural field. It is relatively flat with hedges and mature trees on the site boundaries to the north, south and west. The boundary to the north is formed by existing residential properties and their associated gardens along Westerton Road. Two dwellings and their gardens lie to the east. Beyond the mature field boundary to the west is a new small scale residential estate. The southern boundary is formed by the dry course of Baghill Beck and associated mature riparian vegetation and beyond that an agricultural field.
5. The site forms part of a wider area known as Haigh Wood in West Ardsley which is designated under saved Policy N11 of the Leeds Unitary Development Plan (Review 2006) (UDP) as open land where only open uses will be

permitted. In addition to green corridors and greenspaces, the UDP identifies large tracts of open land in the urban areas which represent a major visual amenity. Policy N11 safeguards these areas from development with building only allowed if it can be shown that it is necessary for the operation of farming or recreational uses, and if it would not adversely affect the open character of the area.

6. The area statement in the UDP identifies the central open valley of Haigh Wood as physically separated from open countryside by the built-up areas of West Ardsley. Whilst recognising the amount of land already committed or proposed for development elsewhere, it considers that the area of attractive, open farmland and grazing land surrounding the wooded valley of Baghill Beck (a designated Local Nature Area) as a major visual amenity which forms a break in the built-up area and as such should be protected from development.
7. The proposal is not necessary for the operation of farming or recreational uses. The built development and associated mass and volume of the proposed development would inevitably affect the openness of the area. It would, therefore, be in clear conflict with Policy N11 of the UDP.
8. Some of the open land designated as Haigh Wood has been allocated for housing within the Site Allocations Plan (SAP) (January 2019) including Policies HG2-168 (Haigh Wood North) and HG2-169 (Haigh Wood South) comprising around 370 dwellings. These sites were allocated following assessment in the Housing Background Paper prepared to support the SAP. They were allocated due to their location along the periphery of the Policy N11 designation and as their development would still maintain open views across the valley.
9. Although the appeal site was not put forward through the SAP process or specifically assessed in detail for housing; it was considered as part of the wider rejected site 3373B as part of the SAP process. Site B forms the central valley and it was considered important to ensure that the openness of the central valley is protected and retained as an attractive local resource. Whilst Policy N11 was partially superseded by SAP allocations HG2-168 and HG2-169 the saved Policy is still extant for the remainder of the designation including the appeal site.
10. Outline planning permission and reserved matters have been granted on the majority, but not all the SAP allocations resulting in permission for around 289 dwellings. A volume house builder is currently on site implementing this permission which comprises 4 individual development parcels. One of these parcels lies immediately west of the appeal site and the proposal would gain vehicular access through this neighbouring development.
11. The appeal site lies directly adjacent to the dry course of the Baghill Beck which appears to have been culverted to the south-east and west of the site. Although not deeply incised like the western edge, the site slopes gradually to the south towards Baghill Beck on the southern boundary. The mature riparian vegetation lines the channel/ditch on the field boundary marking the presence of the Beck and providing a strong landscape and visual connection with the mature planting along the wet course of the Beck to the west. Furthermore, there is a significant gap in this vegetation on the south-eastern boundary enabling views through to the agricultural field beyond. Consequently, I consider that the site forms an integral part of the wider designation.

12. The Landscape and Visual Appraisal (LVA) (2023) submitted in support of the application considers that the appeal site has little merit in visual and landscape terms, and that it is now part of the urban edge. Whilst the field is not used for recreation purposes, this is not a requirement of Policy N11. Policy N11 seeks to protect land which has visual amenity, and which forms a break in the built-up area. The appeal site is an open field which has mature hedgerows and trees to the boundaries. Views are limited from viewpoints C1, C2 and D (as identified in the LVA and updated in the Landscape and Visual Statement) to the west due to intervening development and vegetation. However, the site is clearly visible from the rear of properties on Westerton Road and properties to the east. Views are also available in gaps between properties and vegetation on Westerton Road (viewpoints A and B). The site is particularly visible to occupiers of the new development to the west at the proposed access point. Filtered views of the site are visible from properties on The Nook, which are set at an elevated level. Whilst viewpoint F is taken from within the new development site under construction off Sandringham Drive; the site would be visible from properties on the edge of that development. The site would also potentially be visible from properties on the edge of the remainder of allocation HG22-169 once built. Consequently, whilst there is a degree of containment the appeal site is, nevertheless, visible from some viewpoints within the surrounding area. Furthermore, the site is open and provides a visual break from development and is, therefore, consistent with the purposes of Policy N11.
13. A significant tract of land which forms the central, open valley of Haigh Wood remains at the western end of the designation; however, a much narrower section of the designation remains at the eastern end. Development of the appeal site would result in the loss of open land which Policy N11 seeks to protect. Furthermore, it would result in a very narrow strip of land remaining which would undermine the integrity of the designation in this location. The development would, therefore, be contrary to Policy N11.
14. Whilst the appeal proposal would retain a 'green gap' of around 0.25 ha to the south of the site for recreation and biodiversity improvements linking to Haigh Wood it would not compensate for the loss of openness on the remainder of the site.
15. Comparisons are drawn with site allocations and development also on the northern flank of the valley and the periphery of the N11 designation. However, these sites were allocated through the SAP process following a systematic assessment and no longer form part of the designation. The appeal site remains part of the Policy N11 designation and is protected through the development plan, which seeks to retain this area as open land. Reference is made to the Morley Local Plan (1985); however, this did not include the appeal site and in any event has been superseded.
16. In conclusion, the proposal would not be an appropriate location for housing with regards to the development plan. It would, therefore, be contrary to Policy N11 of the UDP.

Other Matters

17. Neighbouring occupiers have raised representations in relation to the potential for the development to impact on living conditions, result in noise and

disturbance, and have a harmful effect on highway safety; however, none of these matters have been determinative in my decision.

18. The appellant has raised concerns regarding the Council's handling of the application; however, I have determined the appeal on the planning merits of the case.

Planning Balance

19. Saved Policy N11 was adopted as part of the UDP in 2006. Paragraph 225 of the National Planning Policy Framework (the Framework) states that existing policies should not be considered out of date simply because they were adopted or made prior to the publication of this Framework. The closer the policies in the Plan to the policies in the Framework, the greater the weight that may be given. Policy N11 gives importance to preserving the open visual amenity of land within urban areas and is consistent with paragraph 8 of the Framework in terms of achieving sustainable development and in particular paragraph 8b, which seeks to support strong, vibrant, healthy communities and by fostering well-designed, beautiful, and safe places with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being. Consistency also exists with paragraph 97 of the Framework which seeks to plan positively for the provision and use of shared spaces, community facilities (including open space) to enhance the sustainability of communities and residential environments and paragraph 102 which seeks to ensure access to a network of high-quality open spaces for the health and well-being of communities. Consequently, the purpose and objectives of Policy N11 have a great deal of synergy with the Framework. Furthermore, the Policy does allow some flexibility, albeit limited, in terms of allowing uses which would preserve the openness of the designation.
20. The appellant considers that Policy N11 is out-of-date by virtue of the allocations and development management decisions which have resulted in development taking place or planned along the flanks of the Haigh Wood designation; however, a significant proportion of the designation remains. Furthermore, whilst Policy N11 has not been reviewed in itself, the Council has systematically reviewed the potential of the designation to accommodate housing more recently through the SAP process resulting in sites being allocated for housing to ensure a sufficient supply of land. Taking into account the above, I give the Policy significant weight in my decision.
21. The proposal would provide 9 additional market houses and so make a contribution, albeit modest, to overall supply. Whilst any additional housing would have social benefits, it would not be needed to fulfil the Council's requirement to maintain a five-year supply of housing land as there is 7.7 years' supply, a matter not refuted by the appellant. I, therefore, attach moderate weight to the supply of additional housing in my decision.
22. The proposal would have economic benefits during the construction phase and, in the long term, new households would introduce expenditure into the local economy. However, due to the scale of the development, the benefits would be modest and generic, arising with any housing development. I, therefore, attach moderate weight to these benefits in my decision.

23. The proposal would also provide for around 0.25 ha of land for recreation and biodiversity improvements which represent a moderate benefit of the scheme.
24. I have found that the proposed development would conflict with Policy N11 of the UDP. In addition, the Council has a supply of specific deliverable sites to meet its housing needs. Furthermore, I have found that Policy N11 has synergy with the Framework and is not out-of-date. The conflict with Policy N11, therefore, carries significant weight in this appeal.
25. I accept that the proposed development would increase the supply of market housing – which the Framework seeks to boost significantly – and help support the local economy. The considerations in favour of the development collectively carry moderate weight, but not sufficient in my view to overcome the statutory presumption in favour of the development plan.

Conclusion

26. For the reasons stated, and with regard to all other matters raised, I conclude that the appeal should be dismissed.

Ms Mulloy

INSPECTOR