



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/24/3345024

Lofthouse Farm, Wike Lane, Wike, LEEDS, LS17 9NG

- 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 R Hutchinson against the decision of Leeds City Council.
 - The application Ref is 23/02421/FU.
 - The development proposed is change of use and alterations from existing outbuilding to form residential dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. There is a concurrent appeal¹ for a prior approval for the change of use of agricultural building to dwellinghouse (Use Class C3) with building operations necessary for conversion. As that appeal is for a prior approval it raises fundamentally different issues to the concurrent appeal. I have, therefore, set out my reasoning in separate decisions.

Main Issues

- Whether or not the proposal is inappropriate development in the Green Belt;
- The effect of the proposal on the openness and purposes of the Green Belt;
- The effect of the proposal on the landscape, character and appearance of the area;
- The effect of the proposal on the setting of Lofthouse Farmhouse, a Grade II listed building;
- The effect of the proposal on the living conditions of future occupiers with specific reference to outlook; and
- If the proposal is inappropriate development whether the 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 development.

¹ Appeal Reference: APP/N4720/W/24/3347355

Reasons

Whether or not the proposal is inappropriate development in the Green Belt

3. The appeal site is situated on Wike Lane within the Leeds Green Belt and within a designated Special Landscape Area. The site comprises a detached building/barn of two storey height, with a single storey offshoot to the eastern gable. The barn is constructed of stone with timber panelling above and a corrugated metal roof. There is a small area of gravel to the south of the site and hardstanding leading from timber gates to the barn. The surfacing within the building is broken hardstanding and/or concrete covering that has an uneven surface in places. The barn is situated south of Lofthouse Farmhouse, a grade II listed building constructed as part of the Harewood Estate. The wider setting of the farmhouse is largely undeveloped.
4. By virtue of paragraph 154 of the National Planning Policy Framework (the Framework) the construction of new buildings in the Green Belt is inappropriate subject to a number of specified exceptions including the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building (paragraph 154c); engineering operations (paragraph 155b); the re-use of buildings provided that the buildings are of permanent and substantial construction (paragraph 155d); and material changes in the use of land (paragraph 155e). The latter three are qualified exceptions on the basis that development preserves Green Belt openness and does not conflict with the purposes of including land within it.
5. It is common ground between the parties that the proposal would not result in disproportionate additions over and above the size of the original buildings and that the proposal would meet this exception. Nothing which I have seen in submission or on my site visit would lead me to reach a different conclusion.
6. Turning to paragraph 155d there is no dispute between the parties that the building is of a permanent and substantial construction. As paragraphs 155b, 155d and 155e are qualified exceptions, in principle the proposal would not be inappropriate development unless the proposal would have a greater impact on Green Belt openness and purposes. My conclusion on the next issue will, therefore, determine whether or not the development is inappropriate.

Openness of the Green Belt and Green Belt Purposes

7. There is no definition of openness in the Framework, but, in the Green Belt context it is generally held to refer to freedom from, or the absence of, development. The essential characteristics of Green Belt are their openness and their permanence and one of the purposes of the Green Belt is to keep land permanently open.
8. The proposal would include the extension, alteration and re-use of an existing building/barn to create a new residential dwelling, and the change of use of land to create new residential gardens, engineering works to change levels and introduce new areas of hardstanding and the creation of a new vehicular access.
9. The existing floor plan and sections show that the floors of the building are uneven and that alterations to the floor levels would be required to facilitate the development. Some ground works would also be required to level the land surrounding the building and to create a paved circulation path around the property. The appellant suggests that these works would be 'de minimis'; however, there are no plans showing proposed ground levels and finished floor levels relative to the existing to support the assertion that the works would be de

minimis. In any event, the works form part of the overall proposal which I have assessed as a whole.

10. The ground works required to remedy uneven floor levels and the natural change in ground levels and the creation of the path is particularly evident on a comparison of the existing and proposed south elevations where there would appear to be an increase in the expanse of the elevation from the new ground level to the eaves of the roof. The proposed change in internal ground levels would largely result in an increase in the internal volume of the building. Whilst there would be an increase in the expanse of the elevations; there would not be an increase in the height of the building overall. Consequently, I do not consider that there would be a harmful effect on the openness of the Green Belt in this regard.
11. It is clear from the north and east elevational detail that some groundworks would be necessary to level the land surrounding the building which the appellant suggests would be to simply create a pathway around the property. However, in the absence of existing and proposed ground levels it is difficult to assess the degree of change to external ground levels or the impact that this would have on the openness of the Green Belt. Attention is drawn to the planning history of the property which includes various schemes including the creation of a stone pathway. However, it is not clear whether those schemes would involve the degree of level changes which this case would involve and so I cannot be certain that they are comparable to the appeal proposal which limits the weight I can attach to them in my Decision.
12. In addition, an access would be created onto Wike Lane. Whilst this is contested by the appellant, the historical photos submitted by both parties show a grass verge in front of the appeal property along Wike Lane. Hence there was no formal access onto Wike Lane until the 2024 images which show the area of hardstanding/gravel extended over the grass verge. In any event the existing access does not benefit from planning permission which limits the weight which I can attach to it in my Decision.
13. The 2010 photographic evidence shows an area of hardstanding leading from behind the fence to the barn. The proposed area of hardstanding would be 10m from the adopted highway. A gravel parking and turning area would replace the existing grass to the west. Whilst composed of gravel it would, nevertheless, result in the creation of a hard surface for parking regardless of whether it would be classed as engineering operations. The creation of the access and parking/turning area together with the associated vehicular activity would result in a loss of openness to the Green Belt. Furthermore, the operations required to create the new access and parking areas would lead to an urbanising form of development and encroachment into the countryside contrary to paragraph 143c of the Framework. The parking and turning area would have a degree of screening limiting visibility from Wike Lane; however, this would not reduce the spatial impact of openness. Consequently, the exception set out at paragraph 155b would not be met.
14. Paragraph 155d allows for the re-use of buildings provided that the buildings are of a permanent and substantial construction provided that openness is preserved. However, the proposed residential use would result in an intensification with the building being lit in the evenings; increased comings and goings; new areas of hardstanding; and domestic paraphernalia in the associated garden area. This would have a harmful effect on openness and lead to encroachment in the countryside, contrary to paragraphs 155d and 143c of the Framework. Whilst artificial lighting could theoretically be installed in connection with the use of the

barn; there is no evidence before me to suggest that this would be the case. In any event, artificial lighting associated with agricultural use is unlikely to be on during the evening and overnight.

15. The proposal would result in a material change to the use of the building and land to residential. The appellant contends that the current use of the land to the north of the barn is residential as it has been used incidentally by the previous owners. However, even if this were the case, the subdivision of the site from a single residential dwelling into two would in itself create a material change in use. The subdivision in the use of the land would result in an intensification of the use of the site with increased comings and goings of residents, parking on the site and an increase in the level of domestic paraphernalia.
16. There may only be a limited amount of additional boundary treatment in the form of the extension of the existing stone wall separating the western boundary of the site from the driveway to the main farmhouse; however, this would, nevertheless, impact on openness. In addition, there would inevitably be an increase in structures, domestic paraphernalia such as trampolines, garden chairs and play equipment, and an intensification of the use of the site from increased comings and goings. Whilst a condition could restrict permitted development rights for boundary wall, fences and structures; this would not prevent other domestic paraphernalia typically found in domestic gardens. There would be light spill at night from the dwelling which would not occur with agricultural use. Consequently, the exception at paragraph 155e would not be met.
17. Overall, the cumulative impact of these changes would have a spatial and visual impact resulting in harm to Green Belt openness. A dwelling in this location with the associated domestic paraphernalia would extend domestication into land which was formerly of an agricultural nature. The proposal would, therefore, also represent encroachment in the countryside. The appellant suggests that paragraph 143c is generally aimed at major development where the enlargement of towns and urban areas should be controlled. However, whilst the proposed development concerns a single dwelling it does not mean that the Green Belt policy to prevent urban sprawl has no application. Nor is there a requirement to identify a particular town or urban area.
18. Consequently, the proposal would have a harmful effect on the openness of the Green Belt and conflict with one of the Green Belt purposes. The proposal would, therefore, be inappropriate development. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. I give this conclusion substantial weight.
19. A number of appeal decisions are referred to by the Council which the appellant considers are different in terms of their site location and surroundings. In addition, the appellant seeks to differentiate those cases where the respective inspectors' conclusions referred to the cumulative impacts of those developments on the Green Belt as opposed to one specific factor (such as lighting) in isolation. I acknowledge that the site and surroundings of those appeal cases may differ; however, the cases nevertheless establish the principle that certain types of development or activity can cause harm to the openness of the Green Belt. I have, nonetheless, determined the appeal on the specific circumstances of this case.
20. For the reasons stated, the proposal would conflict with saved Policy N33 of the Leeds Unitary Development Plan (UDP) 2006. It would also conflict with Policy GB4 of the UDP which relates to the change of use of a building in the Green Belt.

Whilst based on previous national policy and acknowledging some inconsistencies of approach the overall thrust of the policies is to protect the Green Belt from inappropriate development. Whilst these inconsistencies reduce the weight which I can attach to the conflict with the policies; this does not alter my conclusion that the proposal would be inappropriate development.

21. Policy H2 of the Core Strategy sets out criteria for the development of non-allocated land and notes that housing on non-allocated sites will be acceptable in principle provided that, amongst other things, that Green Belt policy is satisfied. Given my conclusions on this main issue, the proposal would also be in conflict with Policy H2.

Landscape, character and appearance

22. The appeal site is situated within a Special Landscape Area (SLA) as designated by Saved Policy N37 of the UDP. The policy states that development will only be acceptable provided it would not seriously harm the character and appearance of the landscape and that the siting, design and materials of any development is sympathetic to its setting. Saved Policy N37A notes that all new development in the countryside should have regard to the character and appearance of the landscape and maintain particular features which contribute to this.
23. The appeal site is situated within character area number 8 known as the Collingham/East Keswick/Bardsey/Scarcroft/Thorner/Shadwell area. This area is comprised of small hamlets and farms with a more open landscape character. The 'positive characteristics' identifies the area as having a strong structure and visual unit, interesting topography, high scenic quality, attractive groups of buildings, natural or semi-natural woods, trees, hedgerows, and water bodies. Lofthouse Farm was constructed within the wider landscape for Harewood House which is recognised by the allocation of the area as an SLA. The predominant character of the area is open countryside of an agricultural nature with intermittent blocks of woodland.
24. The existing building is not of architectural merit; however, it is of a design and construction which would be expected in a rural landscape. The proposed development would result in additional windows and doors, timber cladding to the walls and solar panels to the roof. In addition, the proposed garden, increased hardstanding for parking and associated domestic paraphernalia would result in the domestication of the barn and surrounding land. It would, therefore, conflict with the rural nature of the site and the open, agricultural nature of character area 8 of the SLA.
25. The proposal is situated adjacent to open land and so saved Policy N24 which seeks to assimilate development proposals into the landscape applies. It is proposed to maintain the existing post and wire fence separating the site from the agricultural fields and I noted some intermittent planting on the boundary. However, the domestic nature of the proposed development and associated curtilage would still be visible. The appellant suggests that landscaping could be secured by condition; however, any landscaping would take some time to establish and it would enclose the site resulting in harm to the openness of the Green Belt.
26. The proposed development would, therefore, harm the landscape, character and appearance of the area. It would, therefore, conflict with Policy P12 of the Core Strategy and saved Policies N24, N37 and N37A of the UDP which collectively seek to protect the character of Leeds' townscapes and landscapes; secure the assimilation of development proposals adjacent to open land; and protect the

character and appearance of designated Special Landscape Areas. Furthermore, the proposal would also be contrary to paragraph 180b of the Framework which recognises the intrinsic character and beauty of the countryside.

Effect on the setting of the listed building

27. The appeal site is situated adjacent to Lofthouse Farmhouse, a grade II listed building. The farmhouse dates from around 1755 and is a 2-3 storey building of stone construction with stone slate roofs, mullioned windows. The listing describes the property as being 'designed as an eye-catcher from the C18 main entrance to Gawthorp Hall and Harewood House' and as being built in a style to emulate the house. As the existing barn was constructed post 1948 the building is not curtilage listed. However, parties agree that the barn forms part of the setting of Lofthouse Farmhouse. The existing building is of no architectural merit and presently detracts from the setting of Lofthouse Farmhouse. However, despite a separation distance of 16m and the presence of outbuildings closer to the listed building the barn, nevertheless, contributes to its setting. Furthermore, it has a strong functional and visual relationship with the farmhouse and is clearly ancillary to the main house in both function and design.
28. The proposed development would not obscure views between Lofthouse Farmhouse and Harewood House. However, it would effectively create a new house within the curtilage of Lofthouse Farmhouse. Whilst the design seeks to emulate the form of an agricultural building, the new metal roof and solar panels would appear as alien additions not usually seen on agricultural buildings. The proposed development would sit in front of the main farmhouse, creating a new curtilage with associated gardens, parking area; and new vehicular access. This would result in the proposal competing for primacy with the existing listed dwelling and changing the nature of the relationship between the two properties. The curtilage of the new house would be visible in views in the wider setting, particularly from the field to the east and would contribute to the domestication of the setting.
29. Consequently, the proposal would fail to preserve or enhance the character and appearance of the setting of the listed building to which I am required to have special regard and attention and to which the courts judge I am required to give considerable importance and weight. Whilst the harm would be less than substantial, I do not consider that the benefits of the proposal in terms of providing a new dwelling would outweigh the significant harm which I have identified. The barn is not in itself a designated heritage asset and, therefore, the element of paragraph 208 of the Framework which states that public benefits can include securing its optimum viable use does not apply; this would only apply to securing the optimum use of the designated heritage asset.
30. The proposal would, therefore, be contrary to Policies P10, P11 and P12 of the Core Strategy and saved Policies GP5, BD6 and N14 of the UDP which collectively seek to secure good design that is appropriate to its location; conserve and enhance the historic assets and their settings, including listed buildings; protect the character of landscapes; and ensure that alterations and extensions respect the scale, form, detailing and materials of the original building. Policy N14 seeks to preserve listed buildings and as the proposed development would affect the setting of the listed building, I consider that it does apply. The proposal would also be contrary to paragraphs 205 and 208 of the Framework which require that great weight should be given to the assets conservation and that where less than substantial harm to the significance of a designated heritage asset would result, this harm should be weighed against the public benefits of the proposal.

Living conditions

31. Two of the bedrooms are situated at first floor level and would be served only by rooflights. The first-floor finished floor level would be lower than the eaves of the barn but only by around 1m. As windows in the elevation would be too low, roof lights are proposed instead which would be a typical eyeline height from finished floor levels. Future occupants would, therefore, have some outlook even if this is of the sky.
32. Furthermore, the Council acknowledge that occupiers would have a good outlook from other rooms in the property. Occupiers would, therefore, have recourse to the ground floor rooms and overall would have sufficient outlook from the property.
33. The proposal would not, therefore, conflict with Core Strategy Policy P10, saved Policy GP5 of the UDP, and the Neighbourhood's for Living Supplementary Planning Document which collectively seek, amongst other things, to secure good design which protects the residential and general amenity of the area. Furthermore, no conflict arises with paragraph 135f of the Framework which seeks to ensure a high standard of amenity for existing and future users.

Other considerations

34. Paragraph 152 of the Framework sets out the general presumption against inappropriate development within the Green Belt. It states that such development should not be approved except in very special circumstances.
35. I have concluded that the proposal would be inappropriate development and would, therefore, by definition be harmful to the Green Belt. Paragraph 153 of the Framework states that substantial weight should be given to any harm to the Green Belt.
36. The proposal would provide an additional dwelling which would make a contribution to housing land supply. However, given the scale of development, the contribution would be small. In any event, the Council has confirmed that it has a 5-year supply of housing land, a matter which has not been challenged by the appellant. Taking this into account, I can only attach moderate weight to this benefit.
37. The appellant relies heavily on the concurrent appeal for a prior approval which he considers constitutes a strong fallback position which justifies the approval of this appeal. However, as can be seen from the appeal decision I do not consider that there is sufficient evidence to demonstrate that the barn was last solely used for an agricultural use as part of an established agricultural unit and that it would not, therefore, be development permitted by Class Q. I cannot, therefore, attach weight to this matter in my Decision.

Conclusions

38. Whilst there may be some benefits of the proposal in terms of the contribution the proposal would make to housing supply, I consider that the substantial weight to be given to Green Belt harm is not clearly outweighed either individually or cumulatively by other considerations sufficient to demonstrate very special circumstances.
39. I have found that there would be a loss of openness to the Green Belt and harm to one of the Green Belt purposes; harm to the character and appearance of the landscape and character and appearance of the area; harm to the setting of the

adjacent listed building and harm to the Green Belt by reason of inappropriateness. Whilst, I have concluded that there would not be harm to the living conditions of future occupiers this is a neutral factor in this case. There are no other considerations that clearly outweigh the harm I have identified and that the very special circumstances necessary to justify the development do not exist. For the reasons given above and taking all other considerations into account the appeal should be dismissed.

Ms Mulloy

INSPECTOR