



Appeal Decision

Site visit made on 28 January 2025

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th March 2025

Appeal Ref: APP/W4705/W/24/3350770

1189 Thornton Road, Thornton, Bradford BD13 4HQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant full planning permission.
 - The appeal is made by Mr Selwyn Kershaw against the decision of City of Bradford Metropolitan District Council.
 - The application Ref is 24/00238/FUL.
 - The development proposed is bungalow for person with limited mobility.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. An update to the National Planning Policy Framework (the Framework) has been published dated 12 December 2024. Both parties have been asked to provide comments on this in relation to the appeal proposals.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt, including any effect on openness, having regard to the Framework and any relevant development plan policies; and
 - Whether any harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether inappropriate development and effect on openness

4. The appeal site relates to land set within the Green Belt adjacent to Brighouse and Denholme Road in Keelham, Bradford.
5. Policy GB1 of the Replacement Unitary Development Plan for the Bradford District, 2005 (RUDP) relates to development in the Green Belt and explains that except in very special circumstances, planning permission will not be given within the Green Belt as defined on the proposals maps for development for purposes other than 1) agriculture and forestry, essential facilities for outdoor sport and outdoor recreation, cemeteries; or 2) for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it.

6. Policy GB2 of the RUDP explains that within the Green Belt, new buildings which may be acceptable in principle should be sited so that they relate closely to existing buildings, or, where their functional requirements demand otherwise, in an unobtrusive position within the landscape. Where appropriate, additional tree planting and landscaping should be included to further reduce the impact of the buildings.
7. Policy GB3 of the RUDP relates to infill development in the Green Belt explaining that there are often gaps within existing settlements or within groups of existing buildings where a strictly limited amount of new building could occur without resulting in any encroachment of development into open countryside and without conflicting with other objectives of the Green Belt. It sets out that certain policy will apply to ensure infill development is strictly controlled.
8. Paragraph 154 of the Framework relating to proposals affecting the Green Belt explains that development in the Green Belt is inappropriate unless one of the exceptions applies. This includes amongst others; e) limited infilling in villages; f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
9. The proposed development relates to the erection of a bungalow. In terms of infilling, it is understood that the dwelling would be situated outside of the Keelham infill settlement boundaries as set out in Policy GB3 of the RUDP. The proposed dwelling would be physically separated from the existing built form on a visually open area of the Green Belt and would otherwise appear physically isolated which is discussed in further detail below. I cannot therefore agree that the proposed development could be reasonably considered as infill development.
10. Reference has been made to affordable housing. However, as per paragraph 154 f) of the Framework this is for local community needs under policies set out in the development plan (including policies for rural exception sites). I have very limited detail on this to be confident that the development would meet this exception or relate to a rural exception site. Further, there is no mechanism in place to secure the dwelling as affordable.
11. The site is currently used in association with the host property at No 1189 Thornton Road and is occupied by a number of outbuildings, hardstanding and a garden area. I am aware that a certificate for lawful existing development was granted for the site which established the subject site as an ancillary garden space.
12. Annex 2 of the Framework provides a definition of previously developed land as land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes amongst others,

land in built-up areas such as residential gardens. However, given that the surrounding area is more agricultural in character and is of a rural appearance, I do not, on balance, consider the appeal site to be in a built-up area. Consequently, the site constitutes previously developed land for the purposes of paragraph 154 g) of the Framework.

13. For the development to benefit from the provisions of paragraph 154 g), it must also not cause substantial harm to the openness of the Green Belt which is discussed further below.
14. Paragraph 155 of the Framework also notes that the development of homes in the Green Belt should not be regarded as inappropriate where the development meets all of the criteria as set out under four bullet points. Criteria a. requires development to utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. Grey belt land as defined in the Framework is land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of the purposes (a), (b), or (d) in paragraph 143. Based on the evidence before me and my own observations on site along with my findings as set out in my decision, I am not sufficiently satisfied that the land does not strongly contribute to any of those purposes particularly as it would constitute a visual expansion of Keelham into the Green Belt. Moreover, it would also fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. The proposed development would therefore fail to meet criteria a. of paragraph 155 of the Framework and thus I do not find it necessary to assess the other requirements of paragraph 155 of the Framework further.
15. Paragraph 142 of the Framework explains that the Government attaches great importance to Green Belts. The 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. Openness of the Green Belt has a spatial aspect as well as a visual aspect and both aspects need to be considered.
16. The site lies to the southeast of a terrace of stone-built properties facing onto Thornton Road and is surrounded largely by open fields. Despite the presence of drystone walls and landscaping to its boundaries, the appeal site is still visible from a number of public viewpoints including from Brighthouse and Denholme Road and from Thornton Road as well as from surrounding properties. The existing outbuildings onsite are visible from outside of the site with some more visible than others due to their positioning in the site, level changes and boundary treatments including landscaping. The existing buildings vary in shape, size and construction but ultimately form a number of individually modest elements located at various positions within the site. For the most part they are located closer to the host property, set on the lower part of the site. All of which allows them to appear as less discrete elements in association with the host property and the level of space between them helps to reduce their overall mass and prominence within the wider open area.
17. The proposed development includes the removal of a number of the outbuildings on site and replace them with a single bungalow which is understood to have been repositioned closer to the existing buildings onsite and on the line of the

outbuildings. Whilst covering an area where a number of outbuildings are located, the dwelling would still extend further into the open garden area than the existing buildings and would be taller in height.

18. The introduction of a property located further into the site away from the majority of built form comprising of one solid mass would result in a greater presence and a loss of openness in visual terms. Its overall bulk despite being single storey with a simple appearance would be clearly visible from public vantage points. Certain elevations/elements would be more visible than others depending on the vantage point due to the level changes and boundary treatments including landscaping, but it would still result in a clearly visible dwelling some distance from surrounding clusters of buildings. I appreciate efforts to build into the landscape but the site which slopes upwards from west to east only serves to exacerbate the harm. It would be situated in a visually open area of the Green Belt appearing distant and incongruous with the closest area of built form to the north. I have had regard to existing and proposed landscaping opportunities, but the development would still constitute a visual expansion of Keelham into the Green Belt which would substantially harm the openness of the Green Belt, and integrity of the wider surrounding landscape character. This would lead to a fundamental and permanent change to the Green Belt.
19. The appellant sets out that the total floor area of the existing outbuildings to be removed is 80.10 square metres with the building proposed being 91 square metres. Although this is not a significant difference, the proposed dwelling would take the form of one solid mass located further forward than the majority of other outbuildings being taller in height. In spatial terms, this would inevitably appear as a larger structure than what currently exists and thus would have a greater impact on the openness of the Green Belt.
20. Accordingly, the proposed development would cause substantial harm to the openness of the Green Belt and would not fully accord with the exceptions set out in paragraph 154 of the Framework. Consequently, the proposed development would be inappropriate development in the Green Belt which would by definition be harmful to the Green Belt and should not be approved except in very special circumstances as per paragraph 153 of the Framework. The proposed development would be contrary to Policies GB1, GB2 and GB3 of the RUDP and paragraphs 153 and 154 of the Framework.
21. I am aware of other local and national policies regarding boosting the supply of housing as well as windfall policies and underutilised land and buildings but ultimately, the development would still need to comply with Green Belt policy which this scheme does not.

Other considerations

22. The appellant puts forward personal circumstances requiring the need for the bungalow including limited mobility of the appellant and I have had due regard to the medical evidence provided in this respect. I do not dispute that a bungalow would meet these needs, and I am aware of the limited supply/construction of bungalows in the area and reasoning for this along with the justification of why those that come onto the market are not suitable. I also do not dispute the increase in growth/needs of the older population and recognise local and national

policies regarding the provision for the needs of people with disabilities. Overall, I attribute considerable weight to such matters.

23. That said, I am not sufficiently convinced based on the evidence provided that developing on an open area of Green Belt where there is a strong presumption against inappropriate development is the appellant's only option with no other alternatives. The location is one which is relatively isolated from essential services whereby the appellant would most likely be reliant upon the use of private motor vehicle and/or other means of travel which could prove difficult for a person with very limited mobility. No substantial or convincing evidence has been submitted to justify why such a property cannot be constructed within the settlement boundary/elsewhere. Financial matters in relation to this as well as the topography of Thornton would not be sufficient to persuade me to allow harmful development in the Green Belt. I therefore find that a new dwelling in this location has not been sufficiently justified. I have considered the appellant's social ties to the area but again this would not be sufficient to justify harmful development nor be sufficient to weigh in favour of the appeal.
24. My attention has been drawn to other applications in the area that relate to residential development within the Green Belt. Whilst specific details of these applications are limited, the Council explain that one of these applications followed a historic similar application which was recommended for refusal and overturned at planning panel. It was also sited within the infill settlement area of Keelham. Another application replaced existing buildings of a similar location and scale. I have no compelling evidence to the contrary and thus these other applications are not therefore directly comparable. Claims made regarding their overall relationship, size, proximity to other properties, level difference and boundary treatments would not alter this. Further, I have determined this appeal based on its own merits and have identified the harm that would arise. The presence of other development would not be sufficient to justify harmful development, and I therefore give limited weight to this.
25. The Council cannot currently demonstrate a five-year housing land supply. Because of the provisions of footnote 8 of the Framework, this would mean that paragraph 11d) of the Framework is engaged. This states that permission should be granted unless i. the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. Footnote 7 explains that the policies referred to are those in this Framework (rather than those in development plans) relating to amongst others, land designated as Green Belt. On this basis, paragraph 11d) of the Framework is disengaged in the determination of the current appeal.
26. I appreciate that the development would provide some minor economic benefit through employment during the construction period and some minor economic and social contribution to the local community from a new dwelling whilst also recognising the landscaping/biodiversity enhancements. However, given that the scheme relates only to a single new dwelling, the extent to which these factors would be beneficial is limited and therefore carry limited weight.
27. The appellant highlights that the proposal would be a self-build dwelling. Even so, the proposed development would still need to comply with the relevant Green Belt policies which this scheme does not. A lack of objections would also not justify the

scheme as this does not mean that the development would not be harmful. Such matters attract limited weight.

28. In coming to such conclusions, I have had due regard to the materials proposed in comparison to surrounding properties as well as the presence of existing levels of hardstanding along with the provision of access. Nonetheless, I cannot agree that the proposed building would be a planning gain or enhancement of the Green Belt, nor would it appear more as an outbuilding as it would be more domestic in its appearance and a more urbanising form of development. It would be viewed as a clearly visible dwelling particularly from Brighouse and Denholme Road and from the surrounding properties. The site is located within a 'mixed upland pasture' area of landscape character where emphasis is placed on retaining the visual openness of the site within the rural and largely visually exposed surrounds. The development would therefore be harmful to the integrity of the wider surrounding character having a much higher impact than the established lawful use as domestic garden space.
29. Previous discussions have taken place with the Council and a number of changes have been made to the scheme including its siting, removal of garage, additional landscaping, removal of existing outbuildings, changes to the roof form, submission of section details as well as additional information regarding the personal circumstances of the appellant. This would not however alter my findings in relation to the above main issues.
30. The existing buildings may well be able to change, and other buildings may be able to come forward, but this would not be sufficient to justify the appeal scheme. I also have limited detail on this to be able to consider it further or if reliance can be placed on such as a fallback position.
31. The Council's officer's report raises concern regarding the impact of the development within the setting of the Grade II listed building which is located approximately 23 metres away and historic urban form of dwellings adjacent either side of Thornton Road. Whilst this did not form part of the reasoning for refusal, I have a statutory duty under Section S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Having considered the limited evidence before me in relation to such matters, I do not find the proposed development to be harmful in this regard and such is of lesser concern to me but would not overcome the other harm I have identified.
32. I note that neither party has made reference to the fact that a number of the outbuildings relied upon in the calculations, lie outside of the red line boundary. As I am dismissing this appeal, there is no need for me to comment further on this matter.

Planning Balance and Conclusion

33. Paragraph 153 of the Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It explains that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason

of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

34. Whilst I acknowledge the other considerations put forward by the appellant as set out above, the Framework makes it clear that substantial weight is given to any harm to the Green Belt which I have applied.
35. Therefore, those other considerations referred to above would not hold sufficient weight to outweigh the harm that I have found would be caused to the Green Belt by reason of inappropriateness. Furthermore, I have not received substantive evidence of any other considerations which would do so. The very special circumstances needed to justify the development do not therefore arise.
36. In considering this appeal, I have had due regard to the Public Sector Equality Duty (PSED) set out under Section 149 of the Equality Act 2010, in particular the need to eliminate discrimination against persons with the protected characteristics of age and/or disability, advancing equality of opportunity for those persons and fostering good relations between them and others. Following careful consideration of the appellant's circumstances, I am satisfied that the impact of dismissing the appeal is proportionate and necessary.
37. I conclude that the appeal is dismissed.

N Teasdale

INSPECTOR