



Appeal Decision

Site visit made on 20 March 2025

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 May 2025

Appeal Ref: APP/N4720/W/24/3355860

Field 6984, Bramham Road, Clifford, Wetherby, Leeds LS23 6JQ

- 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 Ms Sonia King against the decision of Leeds City Council.
 - The application Ref is 23/06620/FU.
 - The development proposed is demolition of existing garage/workshop and provision of a modular timber lodge to form a new dwelling, together with new vehicle site access, associated gravel driveway and paved terrace area.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 12 December 2024, and since the Council made its decision, a revised version of the National Planning Policy Framework (the Framework) was published. In making my decision, I have had regard to the revised Framework and any comments in respect to it submitted by the appeal parties.

Main Issues

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

Reasons

Whether the proposed development would be inappropriate development

4. Policy N33 of the Leeds Unitary Development Plan (the UDP) relates to the Green Belt. It sets out those types of development which would be acceptable within the Green Belt without very special circumstances having to be made out and, thereby, would not constitute inappropriate development within the Green Belt. However, these development types are more limited than is set out within the Framework and, consequently, UDP Policy N33 exhibits some inconsistency with the content of the Framework. Accordingly, in making my determination of whether

the proposed development would be inappropriate development within the Green Belt, I give greater weight to the content of the Framework.

5. One of the particular development types which the Framework sets out would not constitute inappropriate development is identified at paragraph 154 g). In summary, it comprises of limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, provided that it would not cause substantial harm to the openness of the Green Belt.
6. Therefore, in order to constitute the paragraph 154 g) development type, amongst other matters, the land involved must be previously developed land (PDL). PDL is defined within the Framework's glossary. The definition encapsulates land that is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land, provided it has been lawfully developed. Large areas of fixed surface infrastructure, such as large areas of hardstanding, provided lawfully developed, are also PDL. The definition is also clear that land that is or was last occupied by agricultural or forestry buildings does not constitute PDL.
7. Much of the appeal site is grassland with trees, hedges and shrubs within it and to its edges. The appeal site contains a building identified on the plans as a workshop with two polytunnels beside it, one of which is in a dilapidated condition. By the gated site access, there is a small area of hardstanding.
8. An array of evidence is before me in respect of how the appeal site has been used over time. Historically, the site formed part of a farm known as Cabbage Hall Farm. Further evidence submitted in relation to the use of the appeal site refers to the likes of the growing and sale of plants, fruit and vegetables and the keeping and grazing of livestock. Such uses are also agricultural. The appellant submits that a forestry operation continues at the site.
9. Uses of the site other than agricultural and forestry ones are referenced by the appellant and are cited within the personal statements and public representations. Uses explicitly referenced include vehicle repairs, furniture restoration and landscaping and gardening.
10. The site planning history I have before me indicates that there is no planning permission for these non-agricultural or forestry related uses. Altogether, the submissions made in relation to the periods of time the buildings on site may have been used for these non-agricultural or forestry related uses is not clear. I also have no substantive evidence which sets out to me the scale of the activities that are asserted to have taken place. I have no reason to be very confident that these activities have not taken place on a more intermittent, casual or insignificant basis or that they have been undertaken on a more subsidiary basis to an agricultural or forestry use also being undertaken. Indeed, I have no firm basis on which to conclude that the forestry operation which the appellant asserts still subsists is, or has been, only a more secondary activity to other commercial operations.
11. Given all that is before me, I am not confident that a lawful use of the buildings on the site other than for agricultural or forestry purposes applies or has been accrued. In turn, I cannot conclude that the appeal site constitutes PDL and, consequently, the proposal does not constitute the aforementioned paragraph 154 g) development type.

12. Another type of development which the Framework sets out does not constitute inappropriate development within the Green Belt is set out at paragraph 154 h) v: material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds). Since the proposal involves the erection of a new building, and one for the purposes of residential occupation, the proposed development would not relate to, and does not fall to be considered against, this category of development. I can also discount the remaining development type exceptions listed within paragraph 154 of the Framework without detailed analysis as the development is, by reason of its character and development totality, different to those exceptions.
13. The Council consider that the proposal would utilise grey belt land, as defined by the Framework, and I have no reason to disagree. However, paragraph 155 of the Framework sets out that the development of homes within the Green Belt which would utilise grey belt land should only not be regarded as inappropriate when certain criteria are all met. Amongst them, is a requirement that there is a demonstrable unmet need for the housing proposed which is evidenced by a lack of a five year supply of deliverable housing sites or where the Housing Delivery Test was below 75% of the housing requirement over the previous three years.
14. In this case, the results of the Housing Delivery Test show that the benchmark of 75% delivery of the housing requirement over the previous three years has been surpassed. The five year housing land supply evidence I have received shows that the Council has in excess of five years' worth of supply, and I have no reason to dispute it. With no demonstrable unmet need for the housing proposed, set against paragraph 155 of the Framework, the proposed development is inappropriate in the Green Belt.
15. Therefore, the proposed development meets none of the development types which would not constitute inappropriate development listed within the Framework or within Policy N33 of the UDP and, in turn, it constitutes inappropriate development in the Green Belt.

Effects upon openness

16. Upon completion of the proposed development the existing workshop building would be replaced with a dwelling which would be considerably wider and of some greater depth. Like the workshop, the proposed dwelling would be single storey and would have a quite low-slung appearance. Despite this, the proposal would result in the workshop being replaced with a new building which would, overall, be of greater scale and mass. Consequently, and even though the new building would be sited close to the existing polytunnels, and reasonably nearby to Orchard House, the increase in the quantum of development on the site because of the dwelling's size and scale would result in a reduction in the Green Belt's openness.
17. The submitted plans show a new bin store and gravel parking area with bike park. These are typical domestic features which would necessarily support the use of the dwelling. Although the plans do not define a garden to serve the proposed dwelling as such, I fully expect some of the appeal site would be used as one and, consequently, it is quite likely that some other forms of domestic paraphernalia would also accompany the dwelling at times. Examples which would be likely to appear would be garden furniture, washing lines and external lighting. The presence of such domestic paraphernalia and development to support the dwelling

would, modestly, contribute further to the effects of the proposal upon the Green Belt's openness.

18. Owing to the screening afforded by the mature landscape features to the edges of the site, I accept that the proposed development would not be particularly prominent. The inclusion of a sedum roof, and timber to the dwelling's elevations, means that the proposal would adopt some visually more recessive materials. The final materials used to form the driveway could be agreed under condition with less intrusive options to upgrade the existing grass track explored. I accept that these factors would serve to limit the effects of the proposal upon openness of the Green Belt and, without them, an alternative housing proposal may well have greater effects.
19. I have very limited information before me in respect of the scale of any activities associated with any commercial use of the site. Consequently, I cannot conclude that the proposal would result in any meaningful reductions in comings and goings or visual site activity.
20. Overall, despite my findings on visual prominence and my acceptance that some mitigating factors apply, for the reasons I have given, the proposal would nevertheless lead to some loss of openness of the Green Belt, albeit it would be modest. Had I been minded to allow the appeal, the option of removing permitted development rights would have been open to me which would allow the Council to exert control over further development at the site. However, such future control would not influence the effects upon openness that would already have been wrought by the development, thus harmful effects upon the Green Belt would still arise.

Other considerations

21. The proposed development would make a contribution to housing supply. It would increase the choice of housing in the area and, as a small development, it is likely that it could be delivered quickly too. However, in providing only a single dwelling, the contribution to supply would be a limited one, and it would also come at a time when the most up-to-date evidence before me indicates that the Council has in excess of five years' worth of housing supply.
22. Some economic benefits would be derived from the construction of the development and through its occupation but, given the proposal's scale, these would not be significant. The proposal would result in some biodiversity enhancements as well, but these would be modest. The existing workshop building is quite unattractive, and it would be replaced with a brand-new building. However, I have already set out that the site is well-screened and, consequently, any enhancement brought about by a more aesthetically pleasing building being sited on the land would be slight.
23. The accessibility credentials of the development would be reasonable. The proposal would adopt some energy efficient and environmentally sustainable design features and measures, and it would provide for the future occupants appropriate living conditions as well as bringing about no harm upon the living conditions of nearby residents. It is also submitted to me that the sedum roof would have some noise absorption qualities. However, good design is a key aspect of sustainable development, and it is fundamental to the planning process. The delivery of electric vehicle charging points in respect of the proposed

development is also now an incumbent part of the building regulations. As such, that the proposal would be well-designed in certain regards is a requirement and an expectation rather than a benefit of any significant weight in this case.

24. Therefore, although there are benefits of the proposal, in the circumstances, they are ones which I find to be modest and to which I attribute, at the very most, only a moderate amount of weight.
25. The proposal would not result in any undue pressure being placed upon local infrastructure or services. However, an absence of harm in respect of this matter is a neutral factor in my decision.
26. The preferred location for future development within the Clifford Neighbourhood Plan (referenced CCP-01) is near the appeal site, as are some sites put forward as part of a call for sites exercise. However, the proposal does not form a part of any of these sites, and the appeal site's proximity to them has no meaningful influence upon some of the most pertinent matters in this appeal: whether the proposal constitutes inappropriate development and what its effects would be upon the openness of the Green Belt. Furthermore, the mere promotion of land through a call for sites exercise does not mean that the sites would, in the future, be found to be appropriate for allocation. For these reasons, these matters are of very limited weight in my decision.

Green Belt balance

27. The proposal amounts to inappropriate development in the Green Belt which the Framework sets out is, by definition, harmful to it. The Framework also sets out that substantial weight should be given to any harm to the Green Belt. Therefore, the harm by reason of inappropriateness alone receives substantial weight. The development would also reduce the Green Belt's openness, and whilst the reduction in openness would be modest, it nevertheless gives rise to additional harm to the Green Belt.
28. The Framework and UDP Policy N33 make it clear that inappropriate development should only be approved where very special circumstances exist. It is important to note that these very special circumstances will not exist unless the totality of the harm to the Green Belt (and any other harm should there be any) is clearly outweighed by the other considerations. This means that it is insufficient for the other considerations to merely outweigh the harm - they must do so decisively.
29. As a whole, the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the proposed development do not exist.
30. As inappropriate development, and in the absence of very special circumstances, the proposal conflicts with UDP Policy N33 as well as Policy H2 of the Leeds City Council Core Strategy. The latter policy, amongst other matters, requires new housing development on unallocated sites to accord with Green Belt policy. National planning policy attaches great importance to the Green Belt. Consequently, and even though I have identified the development plan's Green Belt policy approach to exhibit some inconsistency with the Framework, there is still conflict and, overall, I find that the proposal conflicts with the development plan as a whole.

Conclusion

31. The proposal conflicts with the development plan as a whole, and the material considerations do not indicate that the appeal should be decided other than in accordance with it. I therefore conclude that the appeal should be dismissed.

H Jones

INSPECTOR