



Appeal Decision

Site visit made on 14 April 2025

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th May 2025

Appeal Ref: APP/N4720/W/24/3356820

Cheesecake Hall, 39 Wakefield Road, Oulton, Leeds LS26 8EL

- 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 and Mrs D and S Furness against the decision of Leeds City Council.
 - The application Ref is 24/02789/OT.
 - The development proposed was originally described as detached dwelling in the same location and approximate footprint of the original derelict Cheesecake Hall.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was submitted in outline with all matters reserved except for access, appearance and scale. In contrast with the application form, the Council's officer report and decision notice refers to the layout as being applied for as well. The Council indicates in its officer report that the change in description was undertaken unilaterally. Accordingly, I have had regard to the proposed plans but have regarded the elements of the scheme relating to both the layout and landscaping as indicative in accordance with the submitted application form.

Main Issues

3. The main issues are:
 - Whether or not 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;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on highway and pedestrian safety with particular reference to the visibility at the access to Wakefield Road and users of the Public Right of Way (PRoW);
 - The effect of the proposal on the character and appearance of the area;
 - Whether sufficient evidence has been provided to assess the effects of the proposed development on landscape assets and flood risk; and
 - If it 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.

Reasons

Inappropriate development

4. The appeal site was formerly the location of a property known as Cheesecake Hall and lies within the Green Belt. I'm told that the site has been used for recreational purposes. However, no firm details of this have been provided.
5. Paragraph 154 of the Framework states that the construction of new buildings within the Green Belt is inappropriate development. However, it lists certain forms of development which are not regarded as inappropriate. This includes, amongst other things, the redevelopment of previously developed land (PDL) subject to criteria (154 (g)).
6. Policy N33 of the Council's Unitary Development Plan Review (UDPR) also sets out exceptions for development in the Green Belt. However, in so far as it relates to this appeal, they are not consistent with those in paragraph 154 of the Framework. As such, I attach more weight to the more recent wording of the Framework.
7. There is no dispute that the appeal site historically accommodated a dwelling. The definition of PDL within the Framework excludes land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape. Today, the land includes limited sections of walling, remnants of low-lying building material and hardstanding but is characterised by trees and vegetation which dominate the site. Given the limited degree of remains, in contrast with the amount of established natural vegetation, I find that nature has now reclaimed the land such that the remains of the historical permanent structure have blended into the landscape.
8. I have also been referred to the concept of grey belt land, which was introduced in the 2024 Framework. Paragraph 155 of the Framework says that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the criteria listed in paragraph 155 are complied with. One of the criteria refers to grey belt land. Whilst another stipulates that there must be a demonstrable unmet need for the type of development proposed, which in the case of housing would mean a lack of a five year supply of deliverable housing sites. In this instance, the Council indicate that it has in excess of a five year supply and I have no reasons to dispute this figure. Accordingly, irrespective of whether the land constitutes grey belt land, the proposal would not accord with paragraph 155 of the Framework.
9. There is no dispute between the main parties that the proposed development does not fall within any of the other exceptions identified in the Framework or Policy N33 of the UDPR as being not inappropriate. Accordingly, I find that the proposed development comprises inappropriate development in the Green Belt. It is therefore at odds with the provisions of the Framework, and Policy N33 of the UDPR, when taken together and insofar as they relate to this matter.

Openness

10. A fundamental aim of Green Belt policy, as set out in paragraph 142 of the Framework, is to keep land permanently open. This openness is an essential characteristic of the Green Belt and has a spatial and visual aspect.

11. The appeal site is a small parcel of land that is characterised by trees and vegetation set between open fields to the north, south, and east. A PRow passes along the northern boundary through the land edged red. The construction of a dwelling on the site would result in a house where there is presently none, albeit there are some remnants of building materials from a historical property at the site. From both a visual and spatial aspect, the physical presence of the dwelling and accompanying domestic paraphernalia would inevitably lead to a significant loss of openness in the site even if it has been used recreationally by the owner.
12. Green Belt purposes that appear to be served by the designation of the appeal site include checking unrestricted sprawl and safeguarding the countryside from encroachment. On the basis that the site is characterised as open countryside, rather than as part of any settlement, and considering my findings on the visual and spatial aspect, the proposal would impact on the related Green Belt purposes.
13. I therefore conclude that the proposal would lead to a significant loss of Green Belt openness and would impact on the purposes of including the land within the Green Belt. Therefore, it would be contrary to the relevant Green Belt guidance within the Framework.

Highway and pedestrian safety

14. The appeal site is located along a busy road. The appellant accepts that the residential use of the site has been abandoned. As such, even if I accept that it has been used for recreational purposes, the introduction of a residential dwelling will result in a significant increase in vehicle movements from the existing situation.
15. Views from the existing junction are constrained by the bend in the road and vegetation along the boundaries to the road verge. The Council raise concerns that the visibility splay shown on the plan has not been drawn correctly as it should be measured along the nearside kerb line of the main arm. The appellant has not disputed this but considers a solution can be achieved and it can be conditioned were I minded to allow the scheme. However, approval has been sought for access as part of the outline submission and I have no firm details as to whether, if drawn correctly, the visibility splay would cross land outside of the appellant's control.
16. The level of detail in the plans before me also do not demonstrate how the existing PRow would be treated at the access point and whether there would be conflicts between users. In this regard, I can not be satisfied that the scheme would function well and would not result in potential collisions with users of the PRow.
17. The presence of the bus stop, or the regular temporary reduced speed limits when operating, does not outweigh the need to consider highway and pedestrian safety effects from the proposed use of the site access on its own merits. This includes when the temporary reduced speed limits are not in place.
18. I therefore find that the proposed development would have a harmful effect on highway and pedestrian safety with particular reference to the visibility at the access to Wakefield Road and users of the PRow. As such, I find conflict with the requirements of Policies P10 and T2 of the Council's Core Strategy, when taken together and in so far as they relate to this main issue. These say, amongst other things, that new development should be located in accessible locations that are adequately served by existing or programmed highways, by public transport and

with safe and secure access for pedestrians, cyclists and people with impaired mobility.

Character and appearance

19. From the evidence before me, the Hall that historically existed at the site dated to the 16th century with later alterations. It was a timber framed building, with a narrow linear plan form and was built with a combination of shaley sandstone, pebble-dash render and stone slates to the roof.
20. Although I have no evidence that it is contained within a local list or has been identified by the Council as a Non-Designated Heritage Asset (NDHA), the appellant indicates that the site warrants consideration as one. Given the age and historic references, and evidence within the Yorkshire Archaeological Journal to the former Hall, I am satisfied that the site could constitute a NDHA for the purposes of paragraph 216 of the Framework.
21. From the evidence before me, as the Hall was demolished in the 1970's its significance as a NDHA, in so far as it relates to this appeal, is associated with its historic interest and associations with the medieval agrarian community and the potential for archaeological remains associated with the historical occupation of the site.
22. As set out, the site has now been significantly taken over by nature and despite the presence of some building material, walling and hardstanding providing some evidential value of the historic occupation of the site, it now has a distinctly rural, peaceful quality, which contributes positively to the character and appearance of the surrounding open countryside.
23. It is put to me that the proposal would enhance the historic environment by re-introducing a development that seeks to replicate a 16th century hall. However, I do not consider the scheme before me to succeed in these aims. The design, with the combination of its depth and gable widths, multiple gables, fenestration, height and double bay garage, would result in a dwelling with an overtly modern appearance. Even if the materials were altered, it would have little reference to the hall that existed previously confusing the legibility of the historic interest of the site.
24. It would not better reveal the significance of the NDHA than the existing situation. Instead, the reintroduction of a dwelling and the associated activity would significantly erode the peaceful natural qualities of the site and harm the character and appearance of this part of the countryside.
25. I therefore find that the proposal would harm the character and appearance of the surrounding area. As such, I find conflict with the requirements of Policy P10 of the Council's Core Strategy and paragraphs 135 and 139 of the Framework. These say, amongst other things, that new development for buildings and spaces, and alterations to existing, should be based on a thorough contextual analysis and provide good design that is appropriate to its location, scale and function.
26. The Framework's approach, set down in paragraph 216, to the harm to the NDHA's significance is that it is considered with a balanced judgement made and I will come back to this in the overall planning balance.

Sufficient evidence

27. The application was submitted and validated without a detailed Arboricultural Impact Assessment or detailed drainage scheme. However, there is no substantive evidence that a technical drainage solution can not be achieved despite its rural location. There are numerous trees and vegetation within the appeal site which may be impacted by the siting of the proposed dwelling. However, the proposal is in outline, with the layout and landscaping reserved. As such, I am satisfied that the detailed considerations of these matters could be considered at the reserved matters stage taking into account the layout and landscaping proposed.
28. I therefore find that sufficient evidence has been provided to assess the effects of the proposed development on landscape assets and flood risk at this outline stage. Accordingly, I do not find conflict with the requirements of Policies P10, P12, and EN5 of the Core Strategy, Policies GP5 and LD1 of the UDPR or Policies Water 7 and Land 2 of the Natural Resources and Waste Local Plan. These say, amongst other things, that development proposals should resolve detailed planning considerations (including access, drainage, contamination, stability, landscaping and design).

Other considerations

29. The Framework states that '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.
30. The proposal would deliver an additional dwelling in a location not far from services and facilities despite its rural location. It would therefore have some economic and social benefits, including through the construction works and future spend from occupiers. The appellant intends to incorporate renewable energy strategies into the design. However, the absence of full details limits the weight I afford this matter. Overall, the benefits from a single dwelling would be modest.
31. The absence of harm in relation to other matters weighs neither for nor against the proposal. Concerns regarding the processing of the application are not matters for my consideration and do not alter the merits or effects of the proposal.

Planning balance

32. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt. Substantial weight should be given to the harm to the Green Belt by reason of inappropriateness. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
33. As set out, there would also be harm to the character and appearance of the surrounding area and highway and pedestrian safety. Taken together, I give these matters significant weight given the potentially serious consequences of an accident and the extent of change from the existing characteristics and appearance of the site.
34. I give modest weight to the benefits of the proposed single dwelling, and I find that 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

development do not exist. Moreover, for the same reasons the harm to the NDHA, would in my balanced judgement be unacceptable, notwithstanding the benefits of the proposal.

Conclusion

35. The proposed development conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with that plan.
36. For the reasons given above the appeal should be dismissed.

Mr R Walker

INSPECTOR