



Appeal Decision

Hearing held on 8 April 2025

Site visit made on 8 April 2025

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 16th June 2025

Appeal Ref: APP/N4720/W/24/3357930

New Birks Farm, 43 Ings Lane, Guiseley LS20 8BY

- 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 A Lawson & Sons against the decision of Leeds City Council.
 - The application Ref is 24/01403/FU.
 - The development proposed is the repair and conversion of farmhouse, attached barn and outbuildings into two dwellings, demolition of existing Dutch barn, alterations to detached outbuilding and construction of three new dwellings and associated covered car parking.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Leeds City Council against A Lawson & Sons. This application is the subject of a separate decision.

Preliminary Matters

3. The application was for 5 dwellings. The conversion of buildings is referred to in the evidence as option one. The 3 new-build houses are described as option two. While the appeal is for 5 houses, I shall, for clarity, retain the appellant's nomenclature.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt; and the effect of the proposal on the openness and purposes of the Green Belt;
 - the effect of the proposal on the non-designated heritage asset (NDHA);
 - the effect of the proposal on the character and appearance of the area, and whether it would preserve or enhance the character or appearance of the Guiseley Conservation Area; and
 - whether other considerations clearly outweigh any harm to the Green Belt and any other harm so as to amount to the very special circumstances.

Reasons

Whether inappropriate development in the Green Belt

5. The site is within the Green Belt. The Framework identifies that 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.
6. Policy N33 of the Leeds Unitary Development Plan, 2006, (UDP) states that, except in very special circumstances, approval will only be given in the Leeds Green Belt for a number of options. These include the re-use of buildings where all the detailed criteria of UDP Policy GB4 are satisfied. Whilst there is some consistency between UDP Policy N33 and the Framework, Policy GB4, which sets out the criteria to be met for the change of use of a building in the Green Belt is not consistent and cannot be relied upon.
7. The Framework states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. However, it does set out several exceptions. This includes other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it, which at paragraph 154 h) iv is for 'the re-use of buildings provided that the buildings are of permanent and substantial construction'.
8. It was confirmed at the hearing that the original farmhouse and attached barn, which are now in a dilapidated condition, would not be extended. Therefore, option one would satisfy the criterion in paragraph 154 h) iv of the Framework and the re-use of these buildings would not be inappropriate development.
9. Option two includes the construction of three new dwellings. These would be in a U-shaped arrangement. Unit 5 and a covered parking area would be single storey and located to the west of the farmhouse. Next to this, units 3 and 4 would be two-storey in height. The parties agreed at the hearing that the new dwellings would be inappropriate development in the Green Belt, as they would not accord with any of the exceptions set out in paragraph 154.
10. The proposed development would create a new access for the five dwellings. Whilst the main parties did not dispute that this could be an engineering operation, an exception under paragraph 154 h) ii of the Framework, the Council considered that as it would not preserve the openness of the Green Belt, it would not satisfy this exception.
11. The farmstead is bounded on three sides by agricultural fields. This, as well as views of the surrounding countryside, provide a rural character to the site. It is also part of a green buffer, which provides a clear division between the site and its surroundings from the housing and development on the eastern side of Ings Lane. Whilst the railway line and The Ings public house intrude into the agricultural land to the north, these features are not viewed together with the site, as the railway bridge creates a degree of visual separation.
12. An historic photograph shows the site was previously covered with modern buildings. Most of these have now gone, apart from the Dutch barn which is still in use. This results in the northern side of the site having a more open character, with the remains of stone boundary walls and a hedgerow along Ings Lane.

13. Without any existing plans, there is only limited evidence as to the original form and size of these buildings, although the appellants' calculations suggest a decrease in the volume of buildings on the site. However, it was confirmed at the hearing that there would be an increase in the overall footprint of buildings. Nonetheless, the Dutch barn, which is roofed and has partially clad sides, would be removed. This has a largely open character and form within the site. Whilst its removal and replacement with Unit 3 would limit development to the north, the massing and solidity of the new dwellings and their permanence, would not preserve the openness of the Green Belt and would conflict with the purposes of including land within it, including safeguarding the countryside from encroachment.
14. Although the design and layout has sought to limit and rationalise the proposed development within the site, the new buildings, as well as the creation of the access and hardstanding, would have a greater spatial impact on openness. In addition, the site boundary and domestic curtilages would extend into the adjacent field. Whilst there are other domestic gardens along Ings Lane, the front gardens of suburban housing would not be comparable to new gardens being created in an existing agricultural field. The proposal would therefore extend development further into the Green Belt, which would have a moderate spatial impact on the openness of the Green Belt in this location.
15. The proposal would re-use the historic buildings and domestic gardens to the south, whilst much of the garden of unit 5 would be hidden by the existing, substantial stone boundary wall. The new buildings would be arranged in a courtyard layout, with the construction of domestic features, such as bin stores, sensitively located. Whilst it would reintroduce a permanent residential use on the site, there would be an increase in the massing of development which would be visually harmful to openness.
16. Some of the buildings continue to have an agricultural use, and the site is accessed daily by farm vehicles. However, as well as farm traffic, which would continue, the proposal would result in domestic vehicle movements from five dwellings, plus delivery vehicles. These regular vehicle movements would permanently alter the current rural character of the site and result in a more intensive form of development. Therefore, the creation of five permanent residential units on the land would, in visual terms, harm the openness of the Green Belt in this location.
17. Therefore, even if I were to consider that the creation of the access would fall within paragraph 154 h) ii of the Framework, for the reasons above, it would not preserve openness. It would also conflict with the purposes of the Green Belt. Namely, preserving the setting and special character of Guiseley which is an historic town¹, safeguarding the countryside from encroachment and checking the unrestricted sprawl of large built-up areas. Moreover, the new dwellings would not accord with any of the exceptions in paragraph 154 of the Framework.
18. I therefore conclude that the proposed development is inappropriate development in the Green Belt which does not preserve openness. It would not accord with UDP Policy N33 as set out above, as well as conflicting with the Framework.

¹ Guiseley Conservation Area Appraisal and Management Plan, 2012

The effect on the NDHA

19. The farmhouse and cottage with attached threshing barn to the north likely date to the late 18th century, at the time of enclosure. The buildings are covered in ivy, with the roofs collapsing. The buildings are a NDHA. Paragraph 216 of the Framework states that the effect of an application on the significance of a NDHA should be taken into account when determining an application.
20. The significance of the NDHA includes it being a survivor of the small farmsteads that existed around the original settlement when it was an agricultural area, prior to the expansion of the town in the 19th century because of the textile industry. Despite the development on the eastern side of Ings Lane, it remains within an agricultural setting to the north, south and west. The existing hedgerows, stone walls and trees in the vicinity of the site, as well as views from the site to the surrounding landscape, lend the site and its surroundings a strongly rural character.
21. The Conservation Area Appraisal² refers to the farmstead at New Birks as making a positive contribution to the town, as well as being a historic building at risk, whose reuse is promoted. The farmhouse and barn, which are constructed of robust materials, retain architectural interest and provide evidence of the layout and function of vernacular farmsteads of the period. The survival of the gardens to the front and boundary walls, adds to the significance of the NDHA.
22. The proposal would re-use the existing farmstead buildings which have been vacant for many years. One dwelling would be formed from the farmhouse and cottage, with the second dwelling formed in the barn. Whilst there are no existing elevation plans which allow comparison with what is proposed, the dwellings would retain their traditional form. The use of natural materials, including timber windows and doors, metal rain goods and the reconstruction of stone slate roofs, would enhance and provide a suitable use for the buildings. It would ensure that they are no longer at risk.
23. The proposed range of new buildings to the west would be in a courtyard layout to reflect a farmstead arrangement. Metal roofs and timber cladding would provide a contemporary design. The site layout of the buildings reflects similar arrangements common in farms in this area. However, the new dwellings would increase very substantially the amount of development on the site, expanding significantly the footprint and mass of buildings. Therefore, I conclude that the new development, including the proposed new access, would result in a limited degree of harm to the setting and significance of the NDHA.
24. It would conflict with Policies P10 and P11 of the Leeds City Council Core Strategy, 2014, (CS) and Policy N19 of the UDP. These policies collectively seek to protect and enhance historic assets, spaces and views. It would also conflict with paragraph 216 of the Framework.

Character and appearance and Conservation area

25. The site is within the Guiseley Conservation Area (CA). The significance of the CA includes it retaining a variety of buildings with considerable architectural detail, including 17th and 18th century farmhouses, converted agricultural buildings,

²1

weavers' cottages, and 19th and 20th century commercial buildings. Therefore, the town preserves the character of a medieval village through to a prosperous commercial town in the 19th century when it specialised in the production of woollen cloth, as well as being a centre for boot and shoe production.

26. The site is located within Character Area 4 of the CA³. This covers the mill town. Here the growth of Guiseley resulted in farmsteads being absorbed into or retained on the edge of the urban expansion. The conservation area boundary is drawn tightly around New Birks Farm.
27. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Paragraph 212 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, in this case the CA, great weight should be given to the asset's conservation.
28. There is no dispute as to the heritage value of the site and its contribution to the CA as a surviving element of the agricultural development of the area. The proposal would provide a future use for the buildings, including reinstating an original residential use. Whilst the layout of the new development has been clustered next to the traditional buildings, the proposal would have a large footprint, as well as the additional massing and new buildings. Furthermore, the creation of a large formal access with a tarmac surface, turning and parking areas, and the removal of the existing traditional hedgerow along Ings Lane would be visually harmful to the CA.
29. I acknowledge that the CAA supports the conversion of the existing buildings, however, the proposed development goes beyond that. Indeed, it extends into the field, resulting in development outside the CA which would harm the rural character of the site and diminish the significance of the CA by urbanising its rural setting, which the Framework indicates in paragraph 213 should require clear and convincing justification.
30. For the above reasons, the proposal would, therefore, fail to preserve or enhance the character or appearance of the CA. It would conflict with section 72(1) of the Act and with chapter 16 of the Framework.
31. The new development on the site would lead to less than substantial harm to the CA. Whilst this harm would be localised, as the site is only a small component of the overall CA, as it is separate from other buildings, it makes a positive and substantial contribution to the historical significance of the CA as well as its appearance.
32. Where less than substantial harm to a heritage asset is identified, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use. The preservation of the NDHA would provide a windfall housing site with a mix of property sizes. I heard that there was a need for smaller dwellings, particularly for those in the area who wished to downsize. However, the Council stated that they have a 6.6-year housing land

³ 1

supply, and that although it would create five new dwellings, a mix of property sizes is a normal expectation from such development.

33. I heard that local people were keen that the site should be preserved and brought back into use, to improve landscape views and the visual quality of the area. There was a consensus amongst the parties at the hearing regarding the benefits of conversion to prevent further vandalism, which has included graffiti and fires being lit on the site, despite the actions of the appellants to stop such activities.
34. The restoration of the site and conversion of the historic buildings would provide benefits, including meeting one of the objectives of the Framework to boost the supply of housing. There would also be modest, short-term economic benefits associated with the conversion, and the construction of the new dwellings. However, notwithstanding the benefits that have been put forward, there is no evidence that similar benefits could not be achieved by the conversion of the NDHA only. Therefore, the sum of the public benefits is insufficient to outweigh the great weight that even less than substantial harm to a designated heritage asset carries.
35. Therefore, I conclude that the proposal would harm the character and appearance of the area and would not preserve or enhance the character or appearance of the CA. It would conflict with CS Policies P10 and P11, and Policy N19 of the UDP, which collectively seek to protect and enhance historic assets, spaces and views. It would also conflict with paragraphs 212 and 215 of the Framework.

Other considerations

Further Green Belt issues

36. The appellants refer to an appeal decision⁴ concerning a listed building and the construction of nine new dwellings. I note that it would result in a 30.2% reduction in the footprint of buildings on that site, as opposed to an increase in the appeal site. Reference was also made to a High Court Judgment⁵. However, the circumstances in each case are different, and I have determined the appeal based on its own merits, and the evidence before me. Furthermore, the evidence includes an appeal decision⁶ for 1,400 dwellings, where substantial weight was given to the socio-economic benefits of the development in the Green Belt. The scale of development is vastly different to this appeal, and so is of limited weight.
37. Releasing land from the Green Belt for housing, including this site and surrounding land, has previously been proposed. However, it was confirmed at the hearing that as the land had not been required, it has been retained within the Green Belt in the existing adopted development plan.
38. Intake Farm, a former farmstead in the Green Belt, was briefly discussed, and was pointed out in the distance during the site visit. I was told that this had been sympathetically converted to residential use. However, I was provided with no substantive evidence as to whether this was directly comparable to the case before me.

⁴ APP/G5180/W/18/3206947

⁵ Samuel Smith Old Brewery (Tadcaster) v Selby DC [2015] EWCA Civ 1107

⁶ APP/A1910/W/22/3309923 Secretary of State decision.

Ecology and Biodiversity Net Gain (BNG)

39. Surveys identified low ecological habitats on the site, although a common pipistrelle bat roost was found, and barn owls were likely nesting within the original buildings. The proposal has provided evidence of Biodiversity Net Gain (BNG) on the site, in excess of the 10% that is now required from development of this kind, despite the main parties disputing the amount of weight that should be given to the BNG credits. Post development habitat creation, for a minimum of 30 years would result in +0.36 biodiversity habitat units and +0.44 hedgerow units. This equates to +16.24% net gain in habitat units and +117.50% net gain in hedgerow units. However, whilst the amount of hedgerow would increase overall, an existing, well-established, hedgerow would be removed.
40. A High Court judgment⁷ has been cited by the appellants which they contend supports the fact that as they are exceeding 10% BNG, this should be given substantial weight. My reading of this judgment is that the scale of any benefit, and the weight to be attached to it, are separate considerations. Moreover, the weight that should be applied is for the decision maker.
41. The proposed development would result in habitat improvements, including a landscape planting buffer with trees and native hedgerows. Whilst a condition could be used to secure the 30-year management of the site, it would be necessary to ensure that the land set aside for this is not subsumed into the gardens of the new dwellings. As the proposed BNG is in part to compensate for the loss of hedgerow and habitats, and whilst this would provide an uplift from what currently exists, overall, this would result in a modest benefit which is of moderate weight in support of the appeal.

Footpath

42. On the southern side of the site is a public right of way. This runs from Ings Lane through the appellant's land and is part of the Guiseley Gap Walk. Whilst the Council's footpath officer has, in comments to a previous application at this site, supported improvements to the footpath, it is outside the red line boundary. Furthermore, limited details have been provided as to how these works would be implemented, particularly with regards to enable inclusive access. Therefore, this provides limited weight in support of the appeal.

Viability

43. The appellants contend that without option two for 3 new dwellings, and the additional benefits that would arise, there would be insufficient incentive for the landowner to release the land. In support of this, they submitted a valuation report.
44. The Planning Practice Guidance (PPG) sets out that the government's recommended approach to assessing viability is through a viability assessment. This evaluates whether a site is financially viable by looking at whether the value generated by a development is more than the cost of developing it.
45. At the hearing, there was broad agreement between the parties on the construction costs, a build period of 12 months and professional fees of 8%. Whilst the Marketing Sales costs appeared to differ between the parties, once legal fees

⁷ Vistry Homes Ltd and Fairfax Acquisitions Ltd v SSLUHC [2024] EWHC 2088 (Admin)

were included, the figures were broadly similar, as were the acquisition costs including the Stamp Duty Land Tax.

46. Whilst the Council's Gross Development Value (GDV) for both options were higher than the appellants, there was not a significant difference and both main parties cited a 20% profit margin. Although the appellants had not put any associated CIL costs within their statement, they accepted at the hearing that they were liable for CIL based on the floorspace of the three new builds. These costs would, therefore, reduce the appellant's residual land value (RLV) for option two, which the appellants asserted at the hearing had already been reduced since the report was produced because of additional costs, including those relating to the poor state of the farmhouse and barn.
47. I heard from the Council that, based on the Land Registry House Index for Leeds in 2024-2025, that whilst building costs had increased, these were below the rise in prices of properties sold. The parties disagreed as to whether other barn conversions cited by the Council as evidence of the demand for such properties, were comparable to the appeal site. Despite this, based on what I saw, the site would likely be a desirable location for housing.
48. The PPG advises that in order to define the land value for a viability assessment an Existing Use Value (EUV) should be established. This is the basis on which a Benchmark Land Value (BLV) is worked out, and includes a premium for the landowner, which should reflect the minimum return that a reasonable landowner would be willing to sell their land.
49. However, whilst the Council produced a viability assessment with an EUV and a BLV, the appellant provided a valuation report with neither of these values, nor did they comment on the Council's viability report within their statement. The Council calculated a BLV of £240,000. This was neither refuted nor agreed by the appellants, who had not been instructed to provide this. However, based on the evidence before me, this sum seems reasonable.
50. Whilst most of the assumptions in the costs were comparable, the principal difference between the parties was the RLV, although they did agree at the hearing that these variations were the result of small differences in the calculations throughout. With a BLV of £240,000, the RLV figures produced by the Council for both option one and two, would provide a profit which should be enough to incentivise the landowner to release the buildings. Although the appellants stated that the market was not buoyant, they have not provided a BLV. Therefore, it is not possible to establish, from the appellant's evidence, an accurate or reliable value for the financial return from developing the site.
51. Based on the advice in the PPG that a viability assessment is required to assess whether a site is financially viable, and the evidence before me, which does not include a BLV from the appellants, there is no reason to suggest that option two is the only financially viable option. Indeed, the evidence of the Council, which has followed the recognised and established methodology for viability assessment, indicates convincingly that option one provides a sufficient incentive for the landowner to release the land. I conclude that there is insufficient justification in terms of the viability of the development to clearly outweigh the harm to the Green Belt, so as to amount to very special circumstances to justify the proposal.

GPDO

52. The appellants referred to a fallback position whereby permitted development rights under Part 6, and potentially other parts of the GPDO⁸ could be utilised. However, whilst the appellant cites the Council accepting fallback in another case⁹, I could find no evidence of this within the submitted officer report. Furthermore, I have no certainty whether permitted development rights could be implemented at this site, and I understand that prior approval has not been applied for. Therefore, I have no substantive evidence before me that this provides a genuine fallback position. Consequently, this provides limited weight in support of the proposal.

Other matters

53. The site is within the Impact Risk Zone of the South Pennine Moors Special Protection Area (SPA) and Special Area of Conservation (SAC) and the North Pennine Moors SPA and SAC. Under the Conservation and Habitats and Species Regulations 2017 (the Regulations), and as advised by Natural England, a Competent Authority must consider the nutrient impacts of projects and plans which affect habitat sites. However, as I am dismissing the appeal on other grounds it is not necessary for me to consider this matter further.
54. Policy EN1 of the CS was discussed at the hearing. It was agreed amongst the parties that whilst the appellant is trying to achieve similar aims with regards to climate change, this policy is not relevant, as it only relates to developments of 10 dwellings or more.
55. Whilst it was discussed at the hearing, it was common ground that the proposal should not be considered as enabling development.
56. The appellants have referred to a planning application for the conversion of curtilage listed barns to residential use¹⁰, including the creation of garden areas. However, no new housing was proposed, and as only limited substantive evidence has been provided, it is not clear whether this case is comparable to the appeal site. Therefore, it provides only limited weight in favour of this proposal.

Green Belt and Planning Balance

57. The Government attaches great importance to Green Belts. Substantial weight should be given to any harm to the Green Belt, and I have found that the proposal is inappropriate and has a greater impact on openness than the existing development. The Framework makes it clear that the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the development must be clearly outweighed by other considerations for planning permission to be granted.
58. The appellants contend that the development of the site would only be financially viable if option two, for three new houses, as well as the conversion of the existing buildings, is carried out. However, based on the evidence, option one for the conversion of the NDHA only, would provide a sufficient incentive for the landowner to release the land.

⁸ The Town and Country Planning (General Permitted Development) (England) Order 2015

⁹ Ref 22/02741/FU

¹⁰ Ref 21/07318/FU

59. It is clear from evidence at the hearing, as well as what I saw, that the redevelopment of the site would benefit local people and provide a new use for the NDHA. However, in this case, I find that although there are matters in favour of the development, the weight of these other considerations does not clearly outweigh the significant harm arising to the Green Belt, in combination with the adverse effects on the character and appearance of the area by encroaching into the surrounding countryside, the harm to the NDHA, and the less than substantial harm to the CA.
60. Consequently, the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist. Accordingly, the proposed development is contrary to UDP Policy N33 and the Framework.

Conclusion

61. For the above reasons I conclude that the proposed development conflicts with the development plan when considered as a whole. Whilst there are material considerations in favour of the development, these do not outweigh the identified harm and that warrant a decision other than in accordance with the development plan.
62. Therefore, for the reasons given above, I conclude that the appeal is dismissed.

M J Francis

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Anthony Lawson	Appellant
Mr Matthew Lawson	Appellant
Mr Joseph Fisher	Agent, Johnson Mowat
Mr Richard Mowat	Agent, Johnson Mowat
Mr Mike Bottomley	Heritage Consultant, M B Heritage
Mr James Bielby	Registered Valuer, Bielby Associates

FOR THE LOCAL PLANNING AUTHORITY:

Mr Steven Wilkinson	Principal Planning Officer
Mr Simon Croft	Registered Valuer, District Valuer Service

OTHERS:

Mrs Jennifer Kirkby	Local resident and member of Aireborough Neighbourhood Development Forum
---------------------	---

DOCUMENTS

1. Copy of Policy GB4
2. Email of 3 October 2023 from Finn Connor- Watson, Leeds City Council to Richard Mowat
3. Leeds City Council Costs Award against the appellant
4. Guiseley Gap Circular Walk leaflet, Aireborough Neighbourhood Forum