



Appeal Decision

Site visit made on 21 July 2025

by **P Eggleton BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 August 2025

Appeal Ref: APP/N4720/W/25/3365549

Former Oakhill Lodge, Roundhay Park Lane, Shadwell, Leeds LS17 8AR

- 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 and Mrs Williams against the decision Leeds City Council.
 - The application reference is 24/04656/FU.
 - The development proposed is a new dwelling to replace previously demolished Lodge, including the creation of a new access to serve the existing Oakhill Estate, new boundary wall and repositioned gateposts, landscaping and associated works.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr and Mrs Williams against Leeds City Council and is the subject of a separate decision.

Main Issues

3. The main issues are whether the proposal would amount to inappropriate development within the Green Belt; whether there would be any other harm to the Green Belt; the effect on the character and appearance of the area; and whether the harm by reason of inappropriateness and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

4. The above description of development relates to that shown on the application form as there was no agreement to change it. The proposal is for a new dwelling to replace a previously demolished lodge, including a change of use of land to allow the creation of a new access to serve this property and the existing Oakhill Estate houses. It would also involve a new boundary wall and repositioned gateposts, landscaping and other associated works.
5. It is a matter of fact that the previous lodge has been demolished. There is no evidence to suggest that it could be re-instated without planning permission. Whilst the intention to replace it was made clear during the application to demolish, it no longer represents a building for the purposes of planning policy.

6. A small area of hard standing and part of a path that was associated with the former lodge remains adjacent to the current access. The hardstanding is about the size of two parking spaces and would be re-used for that purpose. A larger area, which appears to represent the footprint of the former lodge, was clear of vegetation. It is evident that there is rubble, bricks and other solid material within this area although it generally has a soil covering. The former dwelling curtilage is no longer defined with regard to its southern and eastern boundaries. The proposed curtilage of the dwelling appears to have been drawn to correspond with the former boundary. The new access would be outside the former residential curtilage and would constitute new development in an area that has no previous development and is currently grassed.

Whether inappropriate development

7. The appellants suggest that the new dwelling falls under exceptions (d) and (g) of paragraph 154 of the National Planning Policy Framework and does not negatively impact the openness of the Green Belt compared to the original lodge. It is acknowledged that other elements of the proposal, such as the new access road and boundary wall, do not meet the exceptions. It is also suggested that the proposal as a whole should be considered as grey belt and meets the criteria of paragraph 155. On this basis, it would not constitute inappropriate development. Should the proposal be considered to be inappropriate development, the appellants suggest that very special circumstances exist that justify the proposal.
8. The proposal must be considered as a whole and firstly with regard to the development plan. The proposal does not satisfy the Green Belt requirements of policy N33 of the Leeds Unitary Development Plan (Review 2006). However, this policy is now of some age, and it no longer reflects all of the provisions of the Framework. I therefore afford greater weight to the Framework policies with regard to Green Belt.
9. Notwithstanding the arguments relating to the former dwelling, the proposal undoubtedly results in a considerable amount of development to create the new access. This part of the proposal does not fall within any of the exceptions within paragraph 154 of the Framework as it is not a replacement of an existing building and setting aside arguments regarding the dwelling, the access in particular, cannot be considered to be on previously developed land.
10. Paragraph 155 relates to homes and other development and requires compliance with all of a number of matters set out. These include that the land is grey belt, there is a demonstrable unmet need, it is a sustainable location, and it meets the Golden Rules where applicable. What does not appear to be in dispute is whether there is a demonstrable unmet need for the type of development proposed.
11. With regard to a demonstrable unmet need for housing, this means the lack of a five-year supply of deliverable housing sites, including the relevant buffer where applicable, or where the Housing Delivery Tests was below 75% of the housing requirement over the previous three years. Although the appellants make reference to the potential for difficulties in the future with regard to housing delivery and housing mix in particular, it is not suggested that the council cannot currently satisfy the Framework test set out in footnote 56. Nothing has been provided to dispute the council's reported 6.6 years supply of deliverable housing sites. As all of the

requirements of paragraph 155 have to be met, the housing supply position alone ensures that the proposal cannot benefit from this exception.

12. As there is not a demonstrable unmet need for housing and as the site overall is not entirely previously developed, the proposal does not gain support from either paragraph 154 or 155 of the Framework. It therefore represents inappropriate development in the Green Belt.

Any other harm

13. The existing access would be relocated, and the first part of the existing driveway would be reduced to a footpath width. This would result in a slight reduction in development and a benefit to openness. However, the proposed access works would be of a considerable scale. It would result in a significant area of surfaced development where there is currently none. The wider access arrangements would be beneficial with regard to visibility but with regard to openness, they would be of a much greater scale. The house itself must be considered against the current situation which results in a very significant increase in development given the lack of a building on the site. Overall, the proposal would result in a significant reduction in openness.
14. I do not share the appellants' view that the reduction in openness would not undermine the Green Belt purposes as a whole. The site is clearly distinct from properties within the settlement. The properties served by the access are not perceived from the road and are, in any event, more closely associated with the properties in the settlement. This proposal would result in significant new development, perceived as being beyond the settlement, but extending it into the open countryside. It would therefore be at odds with the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open; and would detract for the essential characteristics of Green Belts which are their openness and their permanence. As the site is effectively in a gap between the nearby settlement and another urban area to the south, it would be at odds with the first three Green Belt purposes namely, to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; and to assist in safeguarding the countryside from encroachment.
15. This site is currently experienced as part of the wider countryside. It is separated from development associated with the nearby settlement and only the access and first part of the driveway currently has any public prominence. The site of the former lodge and the hardstanding are not discernible. Both the proposed house and the proposed new access would represent new built features in this countryside setting. Although the design of both has clearly been carefully considered to limit their impact and reflect the detailing of the now demolished lodge, these new elements would nevertheless represent new development in the countryside, and they would detract from its current open and undeveloped character and appearance.
16. The proposal would fail to conserve or enhance the existing landscape and would be contrary to policy P12 of the Core Strategy (as amended by the Core Strategy Review 2019) (CS). Similarly, although the proposal has merit with regard to the design aspirations of CS policy P10, as it would not respect or enhance the existing landscape, it would conflict with its overall objectives. It would also conflict with CS policy H2 as it would take away the contribution that this currently open site makes to the visual and spatial character of the area.

Other considerations

17. The proposal would result in an improved access to serve not only the proposed dwelling but also the properties beyond. This would result in benefits to road safety. The current access has visibility restrictions but is usable with care. I have not been provided with evidence of accidents associated with its operation but acknowledge that it is far from ideal in its current configuration.
18. A new dwelling would result in a modest contribution to the supply of dwellings which would be positive with regard to social and economic considerations. The weight afforded to this has to be in the light of the current housing land supply position, although I note the appellant's view with regard to the further benefits to housing mix. It is intended that the appellant's mother would downsize and reside in the proposed dwelling enabling her to live near family whilst also living independently. This would add to the social benefits of the proposal.
19. It is suggested that this is a sustainable location for new housing. Framework paragraph 155c requires reference to its paragraphs 110 and 115 with regard to sustainable locations. Whilst seeking to manage growth, I am not satisfied that this is a location where new development would be directed as it does not limit the need to travel or offer a genuine choice of transport modes, even when taking into account variations between urban and rural areas. There is a footpath and lighting along Roundhay Park Lane although the path would not suit all users due to it being very narrow and being poorly suited to the use of pushchairs, wheelchairs or mobility scooters. It is also only on one side of this road resulting in users having to pass in this narrow width or step into the road. It provides access to some services in the nearby settlement and to bus stops located to both the north and south. However, I am not satisfied that this fully satisfies paragraphs 110 and 115 with regard to all users.
20. As paragraph 155 is related to exceptions with regard to inappropriateness, I am satisfied that a broader assessment can be made with regard to the sustainability of this location. Generally, however, although close to the settlement, it lies outside it. Although the road has some restriction on speed, the roadside footpath does not offer a comfortable experience given the width of both the road and the footpath which puts pedestrians and vehicles in very close proximity. Given that this would be a well-proportioned three-bedroom house and given the distances to other services such as schools, residents would be likely to rely, to a significant extent, on private vehicles. I accept however that the site is not inaccessible, and it does give the opportunity to use other means of travel and as such, this is a matter that weighs in its favour.
21. The appellants suggest that the position of the house would represent an efficient use of land that has previously been developed, making it a logical choice for a small dwelling. The definition of previously developed land includes land which has been lawfully developed and is or was occupied by a permanent structure. The site of the house was occupied by a permanent structure, the former lodge. The scale of remaining hardstanding does not suggest it qualifies in other ways. The Framework is clear that decisions should promote an effective use of land in meeting the need for homes and the council should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed land. Although not within the settlement, weight

can be afforded to the benefits of utilising underutilised and previously developed land.

22. The provision of a dwelling at the entrance to the Oakhill Estate would improve surveillance of the access and perhaps help to deter potential future intruders. As other measures could achieve improved security, I afford little weight to this benefit.
23. Although there was initially concern with regard to a mature tree, I am satisfied that with appropriate mitigation, this could be resolved. Furthermore, the proposed landscaping plan and biodiversity metric, together with the size of the site and the limited size of the curtilage, demonstrate that with overall improvements with regard to landscaping and improved habitats, enhanced biodiversity could be achieved. The landscaping could also be enhanced to offset the loss of the hedgerow. Given the nature of the site and the proposal, I am not concerned that there would be any adverse impact with regard to the Urban Green Corridor and the proposal could result in significant biodiversity enhancements. Given the landscape harm from the development, this would only result in positive weight from the potential biodiversity enhancements.
24. Although much has been made of the relative merits of each of the elements of this proposal, I have not considered them separately as the proposal is for a comprehensive scheme.

Conclusions

25. The Framework is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.
26. Taken as a whole, this development clearly represents inappropriate development in the Green Belt. It also results in significant harm to the openness of the Green Belt, and it would detract from the character and appearance of this area of the countryside, in conflict with the development plan.
27. The appellants have put forward a number of considerations that are considered to weigh in favour of the proposal. These include the improved access to serve this and the Oakhill Estate properties which may also offer some improvements to security. The social and economic benefits of a new dwelling, including the specific benefits to the appellants' family. The potential enhancements to biodiversity and the efficient and effective use of previously developed land. I also consider there to be some heritage benefit from the re-instatement of a gatehouse which would have been a feature of the landscape for many years. I have also had regard to the chronology of events that led to the demolition of the building and the delay in seeking a replacement.
28. Whilst there is disagreement as to whether part of this site represents previously developed land, even when including the additional weight that this would bring, I do not find that the harm from inappropriateness, the reduction in openness and the harm to the character and appearance of the area would be clearly outweighed by the above considerations. The considerations do not therefore represent the very special circumstances that are necessary to justify the development. The proposal would conflict with the specific policies of the Framework, relating to the Green Belt,

that indicate that the development should not be approved. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR