



Appeal Decision

Site visit made on 16 July 2025

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 4 September 2025

Appeal Ref: APP/W4705/W/25/3365334

Land Adjacent to 1 Black Edge Lane, Denholme Gate, Bradford BD13 4ET

- 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 Shipley against the decision of City of Bradford Metropolitan District Council.
 - The application Ref is 25/00759/OUT.
 - The development proposed is described as 'Potential New Residential Dwelling'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the development description shown on the application form as no agreement for it to be changed has been provided.
3. The appeal scheme is for outline planning permission with detailed approval sought for access and layout. Matters relating to scale, appearance, and landscaping are reserved for future approval. I have had regard to the submitted block plan but only as far as it provides an illustrative indication of the layout of the proposed dwelling.

Main Issues

4. The main issues in determination of the appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and any relevant development plan policies;
 - The effect of the proposal on the openness and purposes of the Green Belt; and
 - Whether any 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 required to justify the proposal.

Reasons

Whether inappropriate development

5. Black Edge Lane is a narrow access off Halifax Road (A629) which serves a number of properties including a terrace row and a static caravan. The access fronts the appeal site which is a small area of land to the side of the end terrace property at 1 Black Edge Lane (No 1). The terrace and open fields flank it, and to

its rear is a large undeveloped and overgrown area which separates it from neighbouring residential properties. In front of the appeal site is the access and to the opposite side is a caravan site. Opposite the terrace the boundary to the access is the side garden of a property off Halifax Road. The appeal site is within the Green Belt.

6. The appellant indicates the appeal site is within the designated Denholme Gate Infill Settlement Boundary and while the Council note it as being on the edge of the settlement, it does not dispute the designation. The Council advises that the caravan site only has a temporary permission as it was allowed for the construction works to No 1. The appellant does not dispute this.
7. The proposal would be accessed directly off Black Edge Lane and would consist of a new detached dwelling with on-site vehicle parking and a vegetated garden. It is submitted that the proposal would represent infill development.
8. Within the Green Belt the Council has a general presumption against inappropriate development and a requirement that proposals will not harm the distinctive identity of Bradford's countryside. A number of policies in the Replacement Unitary Development Plan for the Bradford District, 2005 (RUDP) and Bradford District Core Strategy Development Plan Document 2017 set out very special circumstances where development in the Green Belt would be supported.
9. This approach is broadly consistent with the general aims of the National Planning Policy Framework dated December 2024 (Framework). This details the great importance the Government attaches to Green Belts with the fundamental aim of Green Belt policy being to prevent urban sprawl by keeping land permanently open.
10. Saved 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 a series of criteria that infill development is required to meet. The parties disagree that the proposal would meet criterion 2) of the policy which details that infill development will only be supported where 'it fills a small gap in a small group of buildings'. The meaning of this requirement is detailed in the policy's supporting text where it is stated that 'an infill site is a small gap in a group of buildings normally sufficient for example for only one dwelling, which is bounded by buildings on at least two sides'.
11. The Council noted that this policy was dated and considered the proposal against the requirements for Green Belt set out in the Framework. The Framework states at Paragraph 154 that construction of new buildings in the Green Belt should be regarded as inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. However, this is subject to a number of exceptions including at Paragraph 154(e), limited infilling in villages. 'Limited' and 'infilling' are not defined in the Framework.
12. The proposal is in outline with scale, appearance, and landscaping reserved for future approval and the layout drawings are indicative only. However, taking the caravan site as being temporary, the proposal would project significantly further into the Green Belt than the existing nearby and closely grouped buildings on Black Edge Lane and off Halifax Road. The group of existing buildings to its rear would be too distant and separate to be considered as a credible building boundary. While

there would be a small overlap of approximately a third of the length of the appeal site's boundary with the garden boundary of the existing property off Halifax Road, this would not be a sufficient proportion to deem it as forming a building boundary. Even though Black Edge Lane provides a strong line through the group of existing buildings and passes to the front of the appeal site, it does not represent a building boundary. Even if saved Policy GB3 of the RUDP's supporting text reference to 'bounded' is taken to mean 'to form mark or form the limit' as suggested by the appellant, this would not change the fact that the appeal site is only bounded by one building side and as such it would not meet criterion 2) of the policy.

13. In relation to Paragraph 154(e) of the Framework, with the proposal being predominantly outside the group of existing buildings with no significant building overlap to its front, and it being distant and separate to the buildings to its rear, it would not fill a gap between buildings and would not be a cohesive addition or continuation to the existing built form. It would appear more as an intrusion and would not represent infilling.
14. The proposal would be located within the designated Denholme Gate Infill Settlement Boundary, and the existing buildings are of varying age and have had some modifications over time. However, these aspects do not alter the fact that the proposal would not represent infill development.
15. While the designated Denholme Gate Infill Settlement Boundary includes the appeal site, this does not mean development is automatically permitted in the area. The proposal must be considered on its own planning merits, and it would not be infill development as defined by saved Policy GB3 of the RUDP or limited infilling in villages set out in Paragraph 154(e) of the Framework.
16. It is contended that the granted four dwelling residential development to the rear of the appeal site, LPA reference 16/09220/OUT, was only partially bounded by buildings to the north and was still found to be infill development. However, compared to the appeal before me, the four dwellings are much more contained between existing building lines and are a more cohesive addition to this area's existing built form. Furthermore, the granted scheme has not significantly changed the development character or building pattern of the area and as noted above, it is distant from the proposal and does not justify it as an infill development. Accordingly, the granted scheme does not change my view that the proposal would not represent infill development.
17. It is raised that the infill definition of saved Policy GB3 of the RUDP is too narrow and unreasonably restrictive to development that would otherwise comply with the policy. In support of this, reference is made to wider definitions of infill considered in appeal decisions APP/B5480/W/18/3200843 and APP/W4223/W/19/3227776. However, just like the appeal decisions cited, I have considered the proposal against both the relevant policies in the Council's development plan and the limited infilling in villages exception detailed in the Framework. In both considerations I have found the proposal would not represent infill development.
18. For the above reasons, the proposal would fail to comply with the provisions of saved Policy GB3 of the RUDP and it would not meet the limited infilling in a village exception set out in Paragraph 154(e) of the Framework. There is no suggestion that the proposal would meet any other exception in the RUDP or Framework. Accordingly, the proposal would be inappropriate development.

Openness and Purposes

19. Openness is identified in the Framework as one of the Green Belt's essential characteristics and it can be perceived both spatially and visually. From a spatial perspective, even though the dwelling's scale, appearance, and landscaping are indicative at this stage, it would inevitably lead to a reduction in the openness of the Green Belt by introducing a dwelling on a site that is currently largely free from built development. The introduction of such a permanent built form would also be visible from some of the surrounding views such as the access, and this would lead to a small visual loss of openness.
20. The Green Belt also serves a number of purposes including preventing urban sprawl and encroachment into the countryside. The proposal would extend beyond the existing group of buildings, which would nominally add to the urban sprawl of the area and cause some further building encroachment into the countryside.
21. Even though the proposal would be modest in size and scale, it would affect both the openness and purposes of the Green Belt and cause moderate harm.

Other Considerations

22. It is common ground that the Council cannot identify a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing, as required by the Framework. The appellant indicates that the level of supply is 2.08 years, based on 2022 data. The Council has also confirmed that the 2023 Housing Delivery Test results indicate that delivery was 62% of the housing requirement for the last three years. Both are significantly below Government expectations.
23. The proposal would result in an additional unit of accommodation which would undoubtedly contribute to the Council's significant shortfall in the supply of housing and the Government's broader objective of significantly boosting the supply of homes. The appellant also notes that the proposal would represent a development density in the order of 26 dwellings per hectare. While I appreciate these facts, as a single dwelling, the proposal would only improve the housing supply by a small amount and as such these aspects attract moderate weight in favour of the scheme.
24. Similarly, while the proposal would provide some economic benefits to the area both during construction and following occupation, and some social benefit through the addition of residents to the area, as a single dwelling these benefits would be limited and accordingly attract limited weight in favour of the scheme.
25. Furthermore, the appellant has confirmed that the proposal would include enhancements for species, and the Council has advised that there is little to suggest the proposal would not be able to achieve the statutory minimum 10% Biodiversity Net Gain (BNG) through on-site landscaping and/or off-site trade off. It was also considered that these could be secured through a planning condition. I see little reason to disagree with these aspects. However, as with the above, due to the appeal site's limited size, these aspects attract limited weight in favour of the proposal.
26. Even though the proposal is in outline with limited detail of some aspects of its design, subject to securing through planning conditions, the Council considers the proposal would be unlikely to have unacceptable impacts on character and

appearance, living conditions of neighbouring occupants, surface water drainage and highway safety. Furthermore, the appellant advises that the appeal site is in Flood Zone 1 with a low probability of flooding, ground contamination risk is low and Secure by Design guidance would be considered in the design. It is also advised that trees would not be affected, level access would be provided and air quality, noise and refuse collection would be consistent with the existing dwellings. While I see little reason to disagree with any of these aspects, they are neutral factors which do not weigh in favour of the proposal.

27. Halifax Road is indicated as offering nearby public transport connections by bus to Halifax. However, the level of service has not been confirmed and due to the appeal site's rural nature, it is likely that access to public transport would be limited. As such this attracts limited weight in favour of the proposal.

Green Belt Balance

28. The proposal would be inappropriate development and would therefore, by definition, be harmful to the Green Belt. I have also found that it would cause moderate harm to the openness and the purposes of the Green Belt. These are matters to which I give substantial weight as required by paragraph 153 of the Framework.
29. Cumulatively, the other considerations put forward in favour of the proposal have moderate weight. They do not clearly outweigh the identified harms to the Green Belt and very special circumstances necessary to justify the development do not exist.
30. Notwithstanding this, due to the identified significant shortfall in both the Council's housing land supply and the Housing Delivery Test, the presumption in favour of sustainable development is engaged as set out under footnote 8 and Paragraph 11d) of the Framework. However, the proposal would not accord with saved Policy GB3 of the RUDP or Paragraph 154 e) of the Framework which seek to restrict and manage development in the Green Belt. These provide strong reasons for refusing the development. Furthermore, as very special circumstances necessary to justify the development in the Green Belt have not been found then it has not been sufficiently shown that the adverse impacts on granting permission would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. Accordingly, Paragraph 11 d) of the Framework does not indicate that permission should be granted in this case.

Other Matters

31. The proposal lies within the Bradford Council Core Strategy Policy SC8 Buffer Zone B as it is within 2.5km from the South Pennine Moors Special Protection Area (SPA) and the South Pennine Moors Special Area of Conservation (SAC). It is indicated that a financial contribution to the strategic mitigation of recreational impacts on the South Pennine Moors or the provision of a Suitable Alternative Natural Greenspace to absorb additional recreation pressure is required for a new dwelling. However, under the Conservation of Habitats and Species Regulations 2017 I have a duty to ensure the proposal would not have a significant effect on the integrity of the SPA and SCA. While the Council and appellant have indicated a financial contribution is required, no substantive evidence has been provided to confirm this would mitigate the effect the policy indicates the dwelling would have. Nor has any evidence been provided to show the financial contribution has been

secured and it would be used for its intended purpose. Notwithstanding this, as I am dismissing for other reasons, it is not necessary for me to consider this matter any further.

Conclusion

32. For the reasons set out above, I conclude the appeal should be dismissed.

J Symmons

INSPECTOR