



Appeal Decision

Site visit made on 6 November 2025

by **S Brook BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 December 2025

Appeal Ref: APP/W4705/W/25/3371198

Land to north of Main Street, Addingham, Ilkley LS29 0PL

- 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 P Croft against the decision of City of Bradford Metropolitan District Council.
 - The application reference is 25/00906/FUL.
 - The development proposed is described as 'Use of land as additional garden area to serve new dwelling originally permitted by planning ref. 22/05117/FUL and subsequently varied by Planning Refs 23/03429/VOC and 24/02803/VOC'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The Council's Decision Notice provides two reasons for refusal. The first relates to the effect of the proposed development on the availability of public amenity facilities, given the site's designation as Local Green Space (LGS). The second relates to the effect of the appeal scheme on the character and appearance of Addingham Conservation Area (CA), with particular regard to trees.
3. However, the Council's first reason for refusal references policy ANDP11 of the Addingham Neighbourhood Development Plan 2018 – 2030, January 2020, (NP), which is specific to LGS. This sets out that the development of such spaces will only be permitted where it is consistent with policy for Green Belts. This reflects paragraph 108 of the National Planning Policy Framework (the Framework), which states that decisions for managing development within a LGS should be consistent with national policy for Green Belts, as set out in Chapter 13.
4. Consequently, I consider the main issues in this appeal to be (a) whether the proposal would be inappropriate development in a LGS, (b) the effect of the proposed development upon the character or appearance of the Addingham Conservation Area, with particular regard to trees, and (c) the effect of the proposed development upon the provision of open space.

Reasons

Whether inappropriate development

5. The appellant has questioned the designation of the appeal site as LGS, on the basis that it is within private ownership, it does not afford public access, and because it does not have any local significance or strong community involvement in its care and maintenance. Nevertheless, the evidence supporting the

designation has been tested at examination. The NP has passed a local referendum and has been made by the Council. As such, the NP forms part of the development plan for the area and planning law requires that if regard is to be had to the development plan for the purpose of any determination, the determination must be made in accordance with the plan unless material considerations indicate otherwise. It does not fall to me to re-consider this designation as part of this section 78 appeal.

6. Paragraph 153 of the Framework sets out that inappropriate development in the Green Belt is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 of the Framework goes on to state that development in the Green Belt is inappropriate unless one of the stated exceptions apply. In accordance with paragraph 108 of the Framework, the same policy requirements would extend to LGS.
7. The proposed development would involve a change of use of land. Exception h) of paragraph 154 specifies that a material change in the use of land will not be inappropriate provided openness is preserved and there is no conflict with the purposes of including land within the Green Belt.
8. The appeal site comprises part of a steep grassed bank with mature trees, to the north of Main Street, within the settlement of Addingham. The embankment continues for a short distance to the east, where it gives way to a walled public seating area, with planting. Beyond this, a further grassed area with mature trees lies between the main road and housing along Cockshott Place. To the west of the appeal site is a dwelling and public house, while to the north are further dwellings and gardens. To the south, there is a mix of industrial and residential buildings.
9. In combination with the remaining embankment and open land further east, the appeal site provides an open aspect to this side of Main Street, albeit this is limited in extent by the presence of surrounding built form. Planning permission for garden use of the appeal site would afford householder permitted development rights (PDR) under the Town and Country Planning (General Permitted Development) (England) Order 2015, (GPDO), (as amended). I have not been provided with any detailed assessment or evidence of what could be constructed on the appeal site under PDR, and so I cannot rule out that such permitted development could impact on openness. However, this could be controlled by the imposition of a suitable condition removing PDR and I note the appellant's willingness to accept such a condition.
10. This would not be sufficient to control all forms of domestic paraphernalia associated with residential gardens. Nevertheless, given the rising topography of the site, the presence of mature trees and the surrounding built form, the spatial and visual impact of such paraphernalia would not harm openness, in the particular circumstances of this case.
11. Nor do I consider that there would be conflict with the Green Belt purposes. The appeal site in its present form does not check sprawl, prevent neighbouring towns merging into one another, or safeguard the countryside from encroachment. While the appeal site lies within a conservation area, there is no evidence before me to suggest that Addingham should be considered a town, rather than a village, with regards to purpose d). Further, there is no evidence to suggest that the proposal would undermine wider urban regeneration.

12. Consequently, the proposed change of use would preserve openness and it would not conflict with Green Belt purposes, so it would not be inappropriate development. It would accord with the requirements of Chapter 13 of the Framework, and consequently, NP policy ANDP11.

Conservation Area

13. As the appeal site is located within Addingham CA, I have approached this appeal in the context of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (as amended), which requires special attention be paid to the desirability of preserving or enhancing the character or appearance of the CA.
14. Addingham is a linear settlement with an organic quality. Buildings and open spaces are often interspersed. Many historic properties extend along Main Street, the principal thoroughfare, which share a consistency in scale and the use of local stone materials, while stone walls to frontages are a common feature of the streetscape. Where open spaces exist along Main Street, mature and semi-mature trees are also a common feature, providing an attractive verdant aspect, amongst the built form.
15. I have not been provided with a copy of the Conservation Area Appraisal for Addingham referred to by the appellant. While the appeal site may not have been identified as a key open space or vista within that document, or identified as containing important trees, I note that the document dates from 2007. The appeal site has since been designated as part of an LGS within the NP, and the trees on site are likely to have matured since that time. The Council's Conservation Officer considers the trees on site to be an important element of the landscape in this part of the CA, while the Council's Arboricultural Officer considers that the trees make a positive contribution to the character and appearance of the area. Given their maturity and visibility along Main Street, I agree. The open and informal arrangement of the appeal site, and the mature trees therein, make a positive contribution to this wider open area, one of many in the CA, which contribute to the CA's significance.
16. I have discussed above how PDR could be removed from the appeal site, but that this would not control all forms of domestic paraphernalia. A change of use of the land to residential curtilage would bring with it an expectation from future occupiers as to the type of domestic uses it could facilitate, regardless of the removal of PDR. The change from an informal landscaped embankment to domestic garden would be a notable change in character, while the introduction of domestic paraphernalia would be particularly visible given the sloping topography.
17. I accept that highway related signage and parked cars along Main Street add visual clutter, and that domestic paraphernalia can be seen elsewhere along this road. Nevertheless, the introduction of domestic paraphernalia would negatively impact on the visual quality of the appeal site, which in turn would harm the appearance of the CA, albeit modestly.
18. The appeal site contains a number of mature trees. These trees are part of a group Tree Preservation Order¹ and fall within the CA, and so they are protected from indiscriminate felling.

¹ 16/00009/G

19. Nevertheless, these are mature trees, with a large canopy spread that extends close to the ground. As a result, they physically impact upon a large portion of the appeal site. While the appellant indicates that a change in the use of the land to garden would not necessarily imperil these trees, and that mature trees are a common feature of many residential gardens, I note that a benefit of the proposal is considered to be the provision of a south facing garden, for future occupiers of the dwelling under construction to the north. The size of the existing trees would limit the use of this space significantly, while providing extensive shading. Consequently, despite the protection afforded to these trees, there would be a significant risk that the proposal would result in future pressure to extensively prune or remove these trees. Given the positive contribution that these trees make visually, this would be detrimental to the appearance of the CA.
20. For the above reasons, I cannot agree with the appellant that there would be minimal difference between the land being owned by the neighbouring dwelling as it presently exists, compared to if it were used as a private garden.
21. To conclude on this issue, the proposed development would be harmful to the character and appearance of the site, which in turn would not preserve or enhance the character or appearance of the CA. The harm to the significance of the CA would be less than substantial, for the purposes of the Framework. Given the small scale of the proposal, the extent of the harm would be modest. Paragraph 215 of the Framework requires this harm to be weighed against the public benefits of the proposal. I will return to this matter below.

Open space provision

22. Policy EN1 of the Local Plan for the Bradford District, Core Strategy Development Plan Document, July 2017, (CS), sets out the Council's approach to open space and recreation facilities. It identifies that "Recreation Open Space" includes a range of typologies, including amenity and local green space. It protects such land from development and states that exceptions will only be made where alternative or better provision will be made, the loss does not lead to a deficiency, and the site is not suitable to meet an identified deficiency.
23. Specifically in relation to LGS, CS policy EN1 states that, where LGS is valued for amenity, recreation and wildlife, or contributes towards character, distinctiveness and visual quality, it will be protected from development, other than in very special circumstances which are supported by the local community.
24. The appellant refers to the supporting text of CS policy EN1, suggesting that further work was to be done on the subject of open space, but that this was never further developed, stating that the Council is now working on a new development plan. However, the subsequent designation of the site as LGS as part of the NP, suggests that the approach in CS policy EN1 was developed further, in this respect at least. No new development plan is before me, and I must determine this appeal based on the present circumstances.
25. The Framework definition of "Open Space", includes all open space of public value, including land that acts as a visual amenity. Paragraph 104 of the Framework states that open space should not be built on unless a number of exceptions are met, including that the land is surplus to requirements, or the loss resulting from the proposed development would be replaced by equivalent or better provision, or the development is for alternative sports and recreational

provision, the benefits of which clearly outweigh the loss. CS policy EN1 is therefore generally consistent with the Framework, and the available evidence does not convince me that the weight afforded to it, should be reduced.

26. I note that the proposal did not attract any objection from the Town Council or individual members of the public at the planning application stage. However, comments from the Addingham Civic Society state that they would rather see the designated LGS left undisturbed, and at the appeal stage, concerns have been raised by an interested party.
27. While the appeal site is privately owned and does not provide public access, I do not agree with the appellant that the appeal site has no local significance. The appeal site, along with land extending to the east, and the mature trees therein, provide an attractive open and verdant aspect to this part of Main Street, affording visual relief from the commercial and residential buildings that line the road to the opposite side. As such, it has value in terms of its visual amenity and its contribution towards character and the distinctiveness of the area.
28. A change to residential garden would result in the loss of LGS in terms of quantity. Further, for the reasons discussed above relating to the CA, I have found that a change to residential garden would not maintain the visual amenity afforded by this LGS, so there would be an adverse impact on its quality.
29. Reference is made to the unreserved gifting of the land edged in blue, to the community, which is the parcel of embankment directly to the east. However, this neighbouring land already forms part of the designated LGS and so this would not provide equivalent or better provision in terms of quantity. Nor can I be certain from the limited information available, that a change in ownership would result in any significant uplift in terms of quality, accessibility or management. In any event, no mechanism is before me to secure this arrangement, which limits the weight that can be afforded to it. Consequently, I am not satisfied that the proposal meets the exceptions of CS policy EN1, or provides the very special circumstances to justify the loss of LGS.
30. To conclude on this main issue, the proposal would result in the loss of open space provision, which positively contributes to the area, in terms of the visual amenity it provides. No equivalent or better provision is to be made that would offset this loss. The proposal would therefore conflict with CS policy EN1, the requirements of which have been set out above.

Public Benefits

31. For the reasons set out above, I have concluded that the appellant's offer to gift the land edged in blue to the community is not a public benefit that can be afforded any significant weight. The proposal would afford a larger, south facing garden to future occupiers of the dwelling under constructed to the north. This would improve the quality of accommodation provided by this development. As a public benefit, this attracts very limited weight.

Other Matters

32. 8 Main Street, which lies to the immediate west of the appeal site, is a Grade II listed building. This property is in residential use, with a side garden set above a high retaining wall. Residential and commercial development is an established part

of the wider setting to this building and there is no substantive evidence before me to suggest that the proposed change to residential garden would harm any significance of this listed building derived from its setting.

Heritage Balance

33. Paragraph 212 of the Framework requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The proposal would fail to preserve or enhance the character or appearance of the CA, causing less than substantial harm to its significance as a designated heritage asset. As great weight is afforded to the conservation of heritage assets, and the identified harm would fail to conserve this asset, this carries considerable weight against the appeal scheme.
34. The very limited public benefits of the proposal would not outweigh the identified harm. The proposal would therefore conflict with CS policies EN3 and EN5, and NP policy ANDP2, which collectively and amongst other matters, require that new development conserves and where appropriate enhances the heritage significance and setting of Bradford's heritage assets, especially those elements that contribute to distinctive character including open spaces and trees, ensuring that adverse impacts on LGS are minimised and mature and semi-mature trees are protected and maintained.
35. While reference has been made to NP policy ANDP4, which relates to sustainable design, and NP policy ANDP5 which relates to landscape character, I have not found these policies to be particularly determinative in my consideration of the effect of the proposal on the CA.

Conclusion

36. While I have not found any conflict with NP policy ANDP11, there is conflict with CS policies EN3 and EN5, and NP policy ANDP2, relating to the CA, as well as CS policy EN1, relating to the provision of open space. Consequently, the proposal would conflict with the development plan when taken as a whole, and there are no other material considerations, including the Framework, which indicate that a decision should be made other than in accordance with the development plan.
37. For the reasons outlined above, the appeal should be dismissed.

S Brook

INSPECTOR