



Appeal Decision

Site visit made on 5 January 2026

by **C Mayes CMLI**

an Inspector appointed by the Secretary of State

Decision date: 20 February 2026

Appeal Ref: APP/N4720/W/25/3375937

The Bungalow Farm, Scotland Lane, Horsforth, Leeds LS18 5SF

- 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 Rick Cro against the decision of Leeds City Council.
 - The application reference is 25/04938/FU.
 - The development proposed is demolition of existing buildings, amendment of levels and construction of new build dwelling and associated landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would amount to inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and the development plan, including any relevant effects on openness.
 - The effect of the development on the character and appearance of the area, with particular reference to trees.
 - Whether the proposal makes adequate provision for Biodiversity Net Gain (BNG).
 - 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 required to justify the proposal.

Reasons

Whether inappropriate development and openness

3. The appeal site comprises a substantial plot on Scotland Lane occupied towards its frontage by a modest detached bungalow, with several redundant former agricultural outbuildings located to the rear. These structures lie outside the designated Green Belt as defined by the Leeds Unitary Development Plan (Review 2006) (UDP). Beyond them, however, the plot extends further into open, undeveloped ground that falls within the Green Belt. This rear land retains the characteristics of open countryside and makes a clear contribution to the rural setting of the area.

4. The proposal includes incorporating this Green Belt land into the domestic use associated with the proposed dwelling, with the submitted plans showing it laid out as a wildflower meadow. Introducing this rear land into the area used for domestic purposes would constitute a material change of use from its previous agricultural function.
5. The appellant suggests that paragraph 154(h)(v) of the Framework provides scope for the proposed change of use being considered as an example of development that may not be inappropriate provided it preserves openness and does not conflict with the purposes of including land within the Green Belt. The list of exceptions in paragraph 154 is not a closed list. However, as established by case law, the words '*such as*' indicate that the uses falling within this category should take their flavour or extent from the examples given, which include outdoor sport, recreation, cemeteries and burial grounds. These are uses that are generally open in character and serve a public or community function. A domestic garden extension does not share these characteristics and cannot reasonably be regarded as falling within the scope of the exception.
6. Openness is a key characteristic of the Green Belt and is capable of having both spatial and visual aspects. The proposed change of use of the land would result in a spatial loss of openness by introducing a domestic use into land that is currently undeveloped and formerly agricultural. This change alone constitutes harm, irrespective of any landscaping. In addition, the visual perception of openness would be diminished over time as the land becomes associated with domestic activity and paraphernalia, even if initially laid out as a wildflower meadow. The NPPF and case law make clear that both dimensions must be considered, and the proposal fails on both counts. As a consequence, the proposed change of use of the land would run counter to the essential characteristic of openness that Green Belt policy seeks to protect.
7. I recognise the appellant's contention that a wildflower meadow could soften the visual transition between the site and open land beyond. However, this benefit is limited and does not overcome the spatial harm arising from the change of use itself. Moreover, once the land becomes domestic garden, its maintenance and detailed land cover would largely sit outside effective planning control. Moreover, it has not been demonstrated how the long-term maintenance of a meadow, and the exclusion of domestic paraphernalia, would be secured. As to verdant buffers, the Council's Greening the Built Edge Supplementary Planning Guidance notes that buffer planting can assist assimilation at urban fringes. However, on the basis of the evidence before me I find that in this context additional planting would emphasise the extension of the site into what is currently open and agricultural land and would not overcome the fundamental policy conflict.
8. Saved UDP Policy GB23 sets out a presumption against garden extensions into the Green Belt unless they form a logical infilling or rounding off to the settlement, would not affect rural character, and would not involve significant loss of agricultural land. In this case, the proposed extension of domestic land would protrude notably into open countryside and, therefore, would not form a logical infilling or rounding off, and would adversely affect rural character by introducing domestic use into open land. While the loss of agricultural land may be limited, this does not overcome the conflict with the first two criteria. The proposal therefore fails to satisfy Policy GB23.

9. Paragraph 143 of the Framework sets out the purposes of including land within the Green Belt. Of particular relevance is the purpose of assisting in safeguarding the countryside from encroachment. As such, the proposed change of use of the land would constitute encroachment and undermine one of the fundamental purposes of the Green Belt.
10. For the reasons given above, I conclude that the proposal would amount to inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies, including any relevant effects on the openness of the Green Belt.

Character and appearance, including effects on trees

11. The appeal site is located on a section of Scotland Lane where the adjacent and nearby properties on the same side of the road are detached dwellings, predominantly from the 20th century. These buildings vary in height and design, with no consistent architectural style, but are unified by their generous plots and appreciable space to all sides. This spaciousness and rhythm of separation are defining features of the local character on this side of the street.
12. The 19th and early-20th century villas cited by the appellant as informing the proposed design are situated on the opposite side of Scotland Lane. Their distinctive design and grouping within a defined context are recognised by their designation as a Local Heritage Area (LHA) in the Horsforth Neighbourhood Plan 2019-2028 (the NP). These villas also sit within generous plots with appreciable space to all sides. However, these villas are not experienced in the same visual context as the appeal site. Moreover, they do not set the prevailing character for this side of the street, where the built form is more varied.
13. The proposed dwelling would occupy a substantial proportion of the plot's width and would be considerably larger than both neighbouring properties, and nearby properties, including the historic villas referenced by the appellant. Although the design incorporates a central block with subordinate wings, varied dormer styles, high-quality materials, traditional detailing, and is set slightly further back and lower within the site, these features do not sufficiently mitigate the building's overall scale, massing, or its limited separation from the side boundaries. On this side of Scotland Lane, generous spacing and moderated building envelopes define the local character. In contrast, a single, substantially broader and taller structure set close to both boundaries would appear visually dominant and incongruous, undermining the established pattern of development.
14. The NP seeks to ensure that new development complements and enhances the character of the existing built environment, with particular emphasis on respecting established patterns of development, plot sizes, and the relationship between buildings and their settings. The site is not within the defined LHA, and the proposal does not benefit from the policy support afforded to such areas. The claim that the proposal would enhance the area by drawing on the character of the LHA is not compelling, given the clear differences in context and the lack of direct relationship between the site and the heritage assets cited. Moreover, drawing architectural reference from the LHA for a proposal outside its boundaries risks undermining and blurring the distinctiveness of that area, diluting the special character that the designation seeks to protect.

15. The appellant has also argued that the existing bungalow is incongruous within the street scene. However, the bungalow, while modest, is consistent with the prevailing pattern of development on this side of Scotland Lane and contributes to the established character through its scale, form, and generous separation from plot boundaries. Its presence does not justify the introduction of a substantially larger and more dominant building that would undermine the spacious and varied character of the area. Furthermore, while the proposal would remove dilapidated outbuildings and consolidate built form on the site, any resulting visual improvement is limited and does not justify the introduction of a substantially larger and more dominant building.
16. The site contains several mature trees, notably along the frontage and boundaries, with the most significant specimens subject to a Tree Preservation Order (TPO). These trees make an important contribution to the visual amenity of the site and the wider street scene, as well as providing screening. Although the appellant has described positive intentions for tree retention and enhancement and has submitted a tree survey, the absence of an Arboricultural Implications Assessment means there is insufficient information to properly assess the likely impacts of the development on these trees, including those protected by a TPO. This lack of detail is particularly concerning given the proposed reprofiling of ground levels across the site. The plans indicate that significant changes in levels may be required to accommodate the new dwelling and associated landscaping, but without detailed proposed level drawings or clarity on how these works would affect root protection areas, there is doubt as to whether the long-term viability of the trees would be secured.
17. While it is sometimes appropriate to secure further arboricultural details by condition, this is only possible where there is sufficient certainty that the development can be carried out without unacceptable harm. In this case, the information submitted leaves too much doubt, and it has not been demonstrated that the proposal would adequately protect the trees on site.
18. In summary, the proposal would result in a visually dominant and incongruous addition that fails to respect the established pattern of development and the spacious plot character on this side of Scotland Lane. It would result in material harm to the character and appearance of the area, with particular reference to trees, and as such it would conflict with the aims of achieving well-designed places by responding to context and maintaining local character, as set out in Policy P10 of the Leeds Core Strategy (2019) (CS) saved Policies GP5, N23, N24, N25 and LD1 of the UDP, and the objectives of the NP.
19. Furthermore, the proposal fails to comply with Policy P12 of the CS, which seeks to conserve and enhance the character and quality of landscapes, and with saved Policy LD1 of the UDP and Policy LAND2 of the Leeds City Council Adopted Natural Resources and Wast Local Plan (January 2013), which together require development proposals to conserve trees, protect existing vegetation and allow sufficient space for trees to grow to maturity. It is also contrary to the guidance set out in the Leeds City Council Guideline Distances from Development to Trees Supplementary Planning Guidance (revised June 2020).

Biodiversity Net Gain (BNG)

20. The appellant claims exemption from the mandatory BNG requirement on the basis that the proposal constitutes a self-build development. While the appellant has suggested wording for a planning condition to secure the self-build status, Planning Practice Guidance makes clear that a planning obligation is the appropriate and enforceable mechanism for securing such an exemption. In this case, no planning obligation has been provided. It is my judgement that the suggested condition does not meet all the six tests for conditions as set out in the Framework, with specific reference to enforceability, and I do not see any amendment that would lead me to a different view.
21. I acknowledge that the scheme includes measures that would benefit biodiversity, such as a wildflower meadow, native tree and hedge planting, and provision for bat and bird boxes and hedgehog shelters. However, the appellant has not provided the required biodiversity metric assessment to demonstrate that the development would achieve the statutory minimum 10% net gain in biodiversity, as required by Schedule 7A of the Town and Country Planning Act 1990 (as amended by the Environment Act 2021).
22. Despite being offered the opportunity to provide either a planning obligation or the necessary biodiversity metric assessment, the appellant has chosen not to do so. In the absence of an enforceable mechanism to secure the exemption, or evidence to demonstrate compliance with the mandatory BNG requirement, the appeal proposal fails to meet the necessary statutory requirement for BNG. I therefore conclude that by failing to provide the necessary information to satisfy the biodiversity condition, as set out under Schedule 7A (Biodiversity Net Gain in England) of the Town and Country Planning Act 1990 (as amended by the Environment Act 2021), the proposal does not make adequate provision for BNG. This significantly weighs against the appeal, and is contrary to Policy G9 of the CS, in as much as this seeks to ensure development contributes to the overall biodiversity of the area.

Other Considerations and Green Belt Balance

23. The appellant has referred to a potential fallback position under permitted development rights. However, no details or evidence have been provided to demonstrate what could be achieved, nor is there substantive demonstration of intent to pursue such a scheme. I therefore afford this consideration very limited weight.
24. The proposed wildflower meadow may offer some biodiversity benefit and soften the visual transition between the domestic garden and the wider Green Belt. However, such benefits would be limited by the size of the meadow and, in any case, would not overcome the spatial harm arising from the change of use identified above. Moreover, maintenance of a wildflower meadow cannot be guaranteed, as landscaping within a domestic curtilage falls largely outside planning control.
25. I have also had regard to representations in support of the scheme, including the view that the scheme would enhance the approach to the city and reflect local character, and that construction would provide short-term economic activity. Taken together, and given the limited scale of the development, these benefits carry limited weight.

26. The scheme avoids any harm to the living conditions of the neighbours and would not introduce any highway safety concerns. However, these are neutral points that weigh neither for nor against the appeal.
27. I therefore find that the very special circumstances that are necessary to justify inappropriate development have not been demonstrated. The proposal is, therefore, contrary to the aims of the Framework and, thereby, Policy H2 of the CS and Policies GP5, N33 and GB25 of the UDP, in so far as they concern inappropriate development in the Green Belt.
28. The Framework establishes that substantial weight should be given to any harm to the Green Belt and that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I am also mindful that the proposed development would be contrary to the development plan in these respects.
29. Against this there would be limited benefits accruing from the boost to the local economy. I find that the harm that I have identified would, in this case, outweigh the benefits of the proposal.

Conclusion

30. The proposal would constitute inappropriate development in the Green Belt, which would harm its openness and conflict with the purpose of safeguarding the countryside from encroachment. As such, the Framework requires that I give this harm substantial negative weight. In addition, I have found that the scheme would result in harm to the character and appearance of the area, fail to demonstrate that significant trees would be protected from harm, and mandatory BNG requirements would not be met.
31. For the reasons set out above, the benefits and material considerations in support of the proposal, taken together, carry limited weight and do not clearly outweigh the harm the scheme would cause. Consequently, there are not the very special circumstances necessary to justify inappropriate development in the Green Belt.
32. The proposal conflicts with the development plan taken as a whole, and material considerations do not indicate that the appeal should be decided other than in accordance with it. I therefore conclude that the appeal should be dismissed.

C Mayes

INSPECTOR