



Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 28th November 2013

Subject: 13/02833/FU – Detached house with attached double garage and associated landscaping at Cleavesty Centre, Cleavesty Lane, East Keswick, LS17 9HJ

APPLICANT

Mr S Burrows

DATE VALID

16th July 2013

TARGET DATE

10th September 2013

Electoral Wards Affected:

Harewood

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: REFUSE PERMISSION for the specified reasons:

1. The Local Planning Authority consider that the proposed detached dwelling is inappropriate development within the Green Belt as it falls outside the list of exceptions to the restrictive approach to development within the Green Belt detailed in local and national policy. Inappropriate development is, by definition, harmful to the Green Belt and no very special circumstances have been demonstrated the proposal is considered contrary to the aims and intentions of policy N33 of the Leeds Unitary Development Plan (Review) 2006 as well as guidance contained within the National Planning Policy Framework.
2. The Local Planning Authority consider that the proposed detached house would result in an isolated dwelling in the countryside and, in the absence of any special circumstances, would fail to promote sustainable development in rural areas. As such the proposal is contrary to paragraph 55 of the National Planning Policy Framework.

1.0 INTRODUCTION

- 1.1 This application seeks permission to erect a dwelling on the site of the Cleavesty Centre, a disused riding school and kennels located to the north of East Keswick village and within the Green Belt.
- 1.2 A total of nine applications for some form of residential development have been submitted to the authority since 1983 and all have been refused. Between 1983 and 1996 the applications largely sought accommodation for staff working at the business. More recently outline applications for three houses were submitted in 2008 and 2009 and a detached five bedroom house was submitted in 2010. This application was considered by Members who declined to accept the officer recommendation of approval, however before the authority could reach a decision the applicants lodged an appeal against non-determination. This application and the 2008 scheme were the subject of Public Inquiries and both appeals were dismissed.
- 1.3 These previous applications have established that the main issues are whether residential development is acceptable within the Green Belt and whether the site is sustainable. The applicant has previously accepted that new buildings within the Green Belt are inappropriate development but have submitted that a improvement to the openness of the Green Belt, as well as the quality of the landscape, the ecology of the site and the sustainability credentials of the development were the very special circumstances which outweighed the substantial harm through inappropriateness. The authority and the Planning Inspectorate did not agree. The conclusion of the most recent appeal decision following the Public Inquiry noted that:
- “the benefits of the scheme would be fairly extensive but, in balancing the harm it would cause against these benefits, I consider that the overall extent of the harm would be so great that the combined weight of the other considerations is not sufficient to clearly outweigh the totality of the harm arising from the inappropriateness of the proposal and the other identified harm.”
- 1.4 The application currently before Members has been submitted as the applicant asserts that the NPPF (specifically the list of exceptions at paragraph 89) allows for the redevelopment of previously developed sites and thus the construction of a new dwelling at the Cleavesty Centre is no longer inappropriate development. It is also claimed that the NPPF has strengthened the emphasis upon sustainable environments. The authority do not agree with this interpretation of paragraph 89 and have thus far refused all applications which have relied upon a permissive interpretation of paragraph 89; two appeals are currently under consideration by the Planning Inspectorate.
- 1.5 The application is brought before Members due to the history of the site and the Panel’s involvement in the previous application.

2.0 PROPOSAL

- 2.1 The applicant seeks permission to erect a five bedroom dwelling house with attached garage and gym. Other works are proposed to the wider curtilage of the current site to create a managed landscape to the north and west sections of the site.
- 2.2 The proposed dwelling and ancillary buildings form a rough U-shape and are arranged around a courtyard garden. The scheme has been designed to broadly reflect a converted farm complex. To the west side of the courtyard is a 24m by 8m two storey stone ‘barn’ with a gabled slate roof. Glazing insertions are largely full height windows with a strongly vertical emphasis. To the north side of the courtyard is a 13.5m by 9.0m single storey stone structure which resembles a byre, or other form of ancillary

farm building; a gabled pantile roof is proposed. Glazing to this building has a horizontal emphasis. This is linked to the 'barn' by a two storey glazed corridor and staircase.

- 2.3 The garage and gym lie to the east of the site and is of timber construction with a gabled, pantile roof. This is a link-detached structure with a glazed single storey walkway running across the front of the 'byre' and around to the east of the site. A small area of solid walling on the east elevation helps to define a second entrance to the complex.
- 2.4 A generous domestic curtilage is proposed; this comprises approximately half the site and is larger than was proposed in 2010. The other areas of the site will become managed landscapes. There is some inconsistency in the information submitted by the applicant, with the site plan indicating a wildflower meadow and the landscape plans showing vegetable gardens and orchards.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to a disused former riding school to the north of East Keswick beyond the village envelope and within the Green Belt. The site is bounded to the east by Cleavesty Lane and to the North by the A659 (Harewood Road). Access is taken from Cleavesty Lane.
- 3.2 There are a collection of building on the site, including the covered riding school and the more low lying kennel buildings. Areas of hardstanding are also present, with a car park along the part of the boundary with Cleavesty Lane and two outdoor ménage areas. The boundaries of the site are defined by a mix of post and rail fencing and hedging.
- 3.3 The wider landscape, a special landscape area, is largely open and has an agrarian character. The site itself is located on a reasonably flat plateau with long range views of the site possible from the A659, Crabtree Lane to the east and the Ebor Way footpath to the north.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 As outlined above there is a long history of applications which have sought some form of residential development on the site. The full list of these application is included at paragraph 4.3 below. The two most relevant applications are the 2008 outline application for three dwellings and the 2010 full application for a five bedroomed dwelling house, with the later application being the most relevant. Both these applications were the subject of Public Inquiries.
- 4.2 The 2008 application was dismissed for three reasons. It was considered to be inappropriate development in the Green Belt, to harm the character of the Special Landscape Area, and to be an unsustainable location. The Inspector considered the impact upon the SLA to be neutral, but found the site to be unsustainable and the development to be inappropriate in the Green Belt.
- 4.3 The 2010 application would have been refused for two reasons; inappropriate development in the Green Belt and also concern regarding the proposed contemporary design of the dwelling. The Inspector did not agree with the authority's judgement of the design and in fact considered this reason to be unsubstantiated and awarded costs against the council. The Inspector did agree that the proposal was inappropriate development within the Green Belt and the appeal was dismissed for

this reason. In coming to this view the Inspector gave great consideration to the issue of sustainability, despite the fact that the council had not considered this. The sustainability benefits of the proposal were found to be neutral and did not weigh in favour of the development. The Inspector also considered that the new house would create an isolated dwelling in the countryside which was in conflict with national rural development policy. This was a major failing of the proposal.

4.4 The planning history (detailed below) clearly indicates that the issues of the site are finely balanced.

4.5 H31/243/83/FU Siting of 2 mobile homes to riding school
Refused

H31/104/89/OT Outline application to layout access and erect one detached bungalow with integral garage
Refused

H31/26/88/FU Erection of 1 bedroom flat and staff accommodation to riding stables
Refused

H31/29/91/FU Detached mobile home to stables and kennels
Refused

31/278/96/FU Detached prefabricated 2 bedroom mobile home to riding centre
Refused

08/06442/OT Outline application to erect 3 dwelling houses to site of equestrian centre
Refused (appeal dismissed)

09/01720/OT Erection of detached 5 bedroom house with attached double garage to equestrian/kennels/cattery
Refused

10/02898/FU Erection of detached 5 bedroom house with attached double garage to equestrian/kennels/cattery
Not determined (appeal dismissed)

5.0 HISTORY OF NEGOTIATIONS:

5.1 Prior to the submission of the current scheme the applicant held a meeting with officers and Councillor R Procter where they (the applicant) set out why they considered the proposal was compliant with Green Belt policy and explained the more traditional form of design. Officers explained that they did not agree with the applicant's interpretation of Green Belt policy.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application has been advertised by neighbour notification letter, site notice and newspaper advert.

6.2 The Parish Council have raise no objection to the scheme but note that stone would be preferable to timber boarding on the garage.

6.3 The occupant(s) of Low Cottage on Main Street in East Keswick object to the loss of provision for outdoor recreation and the encroachment of housing beyond the village.

7.0 CONSULTATIONS RESPONSES:

7.1 Contaminated Land: Express no objection to the scheme subject to conditions;
Mains Drainage: Express no objection to the scheme;
Highways: Express no objection to the scheme subject to an appropriate visibility splay.

8.0 PLANNING POLICIES:

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste DPD.

Local Planning Policy

8.2 Relevant planning policies in the Leeds Unitary Development Plan (Review) 2006 are listed below:

GP5: Development proposals should resolve detailed planning considerations.
BD5: All new buildings should be designed with consideration given to both their own amenity and that of their surroundings
N13: The design of all new buildings should be of high quality and have regard to the character and appearance of their surroundings.
N33: Provides a list of when development might be not inappropriate within the Green Belt
T2: New development should not adversely affect the highway network:

Emerging Local Development Framework Core Strategy

8.3 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. The examination took place in October 2013. As the Council has submitted the Publication Draft Core Strategy for independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.

General Policy

When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions of Leeds.

Planning applications that accord with the policies in this plan (and where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant planning permission unless material considerations indicate otherwise – taking into account whether:

- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- specified policies in that Framework indicate that development should be restricted.

Policy P10: Design

New development for buildings and spaces, and alterations to existing, should be based on a thorough contextual analysis to provide good design appropriate to its scale and function.

New development will be expected to deliver high quality innovative design that has evolved, where appropriate, through community consultation and which respects and enhances the variety of existing landscapes, streets, spaces and buildings according to the particular local distinctiveness and wider setting of the place, contributing positively towards place making and quality of life and be accessible to all.

Proposals will be supported where they accord with the following key principles:

- (i) The size, scale and layout of the development is appropriate to its location and respects the character and quality of the external spaces and the wider locality;
- (ii) The development protects the visual, residential and general amenity of the area including useable space, privacy, noise, air quality and satisfactory penetration of daylight and sunlight;
- (iii) The development protects and enhance the district's historic assets in particular existing natural site features, historically and locally important buildings, skylines and views;
- (iv) Car parking, cycle, waste and recycling storage are integral to the development;
- (v) The development creates a safe and secure environment that reduce the opportunities for crime without compromising community cohesion;
- (vi) The development is accessible to all users.

National Planning Policy Framework

- 8.4 This document sets out the Government's overarching planning policies. There is a strong presumption in favour of sustainable development and the document also strongly promotes good design. In respect of heritage local planning authorities are encouraged to sustain and enhance the historic environment. In respect of the Green Belt authorities should regard the construction of new buildings as inappropriate and significant weight should be given to harm to the Green Belt.

Paragraph 55 notes that:

To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in

a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling. Such a design should:
 - be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
 - reflect the highest standards in architecture;
 - significantly enhance its immediate setting; and
 - be sensitive to the defining characteristics of the local area.

Paragraph 80 notes that the:

Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 89 notes that:

A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

9.0 MAIN ISSUES

- 1) Sustainable Development/Rural Development
- 2) Green Belt
- 3) Design and Character

4) Representations

10.0 APPRAISAL

Sustainable Development/Rural Development

- 10.1 As the NPPF makes clear the purpose of planning is to help achieve sustainable development and this goal lies at the heart of planning policy. Paragraph 55 of the National Planning Policy Framework (NPPF) states that in order to promote sustainable development housing should be located where it will enhance or maintain the vitality of rural communities. Local planning authorities are instructed to avoid new isolated homes within the countryside unless there are special circumstances, one of which is the exceptional quality or innovative nature of the design.
- 10.2 The application site is located beyond the built envelope of East Keswick and within the open countryside. At the most recent Public Inquiry the creation of an isolated dwelling in the countryside was considered, and this matter was a significant concern to the Inspector who concluded that although the design of the house was of high quality it did not result in a form of development which would allow an exception to the national policy objective of strict control over new houses in the countryside. The proposal still conflicts with national rural development policy in respect of isolated dwellings in the countryside. Although there are no significant concerns raised in respect of the design of the proposal (see below) the new dwelling is not of exceptional quality nor innovative. As such the creation of a new dwelling would directly conflict with the stated objective of national planning policy to prevent isolated homes within the countryside.
- 10.3 Due to the isolated location of the dwelling sustainability has always been a significant concern in respect of the development. In 2008 the Inspector considered that the unsustainable nature of the site weighed heavily against the proposal. In coming to this view the Inspector noted the lack of accessible public transport, the difficult cycling and walking conditions on nearby roads, the lack of services, shopping and other facilities in East Keswick, and also the lack of a school or employment facilities within the village. This led the Inspector to conclude that the majority of journeys would be undertaken by car and that the benefits of the scheme through improved biodiversity did not outweigh the substantial drawbacks of allowing a new home in a demonstrably unsustainable location.
- 10.4 At the most recent appeal the appellant put forward a package of sustainability measures which included a large home office to reduce the need to travel to work and the provision of an electric/low emission car on the site. The new dwelling would also be zero-carbon (level 6 of CSH). The improved sustainability measures led the inspector to conclude that, on balance, the new house would have a neutral impact in terms of access and sustainability.
- 10.5 The proposal currently before the authority does not include the enhanced sustainability package that was proposed at the last appeal. Whilst there remains a study located within the main ground floor accommodation, this does not appear quite comparable to the previous office which was distinct and separate from the main living space. The electric/low emissions vehicle is no longer proposed and the design and access statement notes that the dwelling is only “targeting in excess of Code 5 for Sustainable Homes”. The domestic curtilage of the dwelling has also been increased which reduces the land given over to ecological enhancement and

there is a lack of clarity about both the use and character of the land which is to be located outside the domestic curtilage.

- 10.6 The new orchard area to the north which is located outside the domestic curtilage is located immediately adjacent to the vegetable gardens within the domestic curtilage. The design and access statement also makes reference to orchard land enabling “small scale ancillary areas for the keeping of egg laying hens and the creation of autumn fruit crops”. The use of land both within and outside the defined domestic curtilage for the same purpose (small scale cultivation) which is ancillary to dwelling could very easily lead to a lack of definition between the two areas and the steady encroachment of domestic garden into the ‘orchard’ land. The use and nature of the biodiversity area is also unclear. The creation of a semi-managed landscape would not be of significant concern, however with three separate access points from the domestic garden area, the creation of a formal stone path to the orchard, mown paths, benches and what appears to be a domestic woodpile, it is not clear that the land is being ‘given over’ in order to enhance bio-diversity. Rather it would appear to be a managed and rather formal area which could very quickly have a domestic character.
- 10.7 As such the proposal conflicts with national rural development policy by creating an isolated dwelling in the countryside. Furthermore, the dwelling would be located within a demonstrably unsustainable location and sustainability credentials of the scheme currently under consideration are not considered sufficient to outweigh the unsustainable location of the site. Measures which were previously considered to weigh in favour of the scheme have been omitted or lessened and the remaining sustainability measures do not overcome the distinct disadvantage of the site’s rural location.

Green Belt

- 10.8 The application site is located within the Green Belt. As outlined within the National Planning Policy Framework (NPPF) the essential characteristics of Green Belt are their openness and their permanence. Paragraph 89 of the NPPF notes that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. The NPPF also states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.
- 10.9 Paragraph 89 of the NPPF, like Policy N33 of the UDP, provides a list of circumstances in which the construction of new buildings in the Green Belt might be considered not inappropriate. There is a difference between the two lists with the NPPF including at bullet point 6 the following exception:
- Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- 10.10 As the UDP does not include any policy which equates to bullet point 6 of the NPPF and indeed is silent on this matter, there is a degree of conflict between the Development Plan and the NPPF. This therefore does marginally reduce the

weight which can be applied to policy N33, however where the text of the policy remains in conformity with the NPPF its weight is not diminished.

- 10.11 The main issues in relation to this application are therefore;
- (i) whether either element of the proposal constitutes inappropriate development in the Green Belt as set out in the Development Plan and having regard to national policy framework set out in the NPPF. This document advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, and;
 - (ii) if it is inappropriate development, whether the harm, by reason of inappropriateness is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

These will each be discussed in turn.

Inappropriate development

- 10.12 All parties (including the applicant) have previously accepted that the construction of a new house in the Green Belt is inappropriate development. This view was shared by the Inspector who dismissed the previous appeal. The applicant no longer accepts that the proposal is inappropriate development and considers that bullet point 6 of paragraph 89 means the scheme should be found to be acceptable in principle.
- 10.13 As noted above bullet point 6 of paragraph 89 of the NPPF notes that the redevelopment of previously developed sites (brownfield land) within the Green Belt need not be considered inappropriate development provided that the development would not have a greater impact on openness and the purposes of including land within it.
- 10.14 It is unclear at the present time exactly how this bullet point is to be interpreted. There is no definition of a previously developed sites within the NPPF and the authority has no local policy which provides definition or clarity. The applicant suggests that as The Cleavesty Centre is a site which has previously been developed its complete or partial redevelopment is permitted by bullet point 6. The authority do not agree with this interpretation of the NPPF as this would mean that all brownfield sites within the Green Belt, of any size or scale could be redeveloped. This interpretation would contradict the well-established presumption against development within the Green Belt and would also be in conflict with other Green Belt policies within the NPPF.
- 10.15 The authority has taken a much more cautious approach and does not believe that the phrase previously developed sites can mean all brownfield land within the Green Belt. When considering how the phrase is to be understood the authority has looked to Annex C of PPG2. The text of bullet point 6 is similar to the general thrust of Annex C of PPG2 which makes reference to the “limited infilling at major developed sites” (C3) and also whether “they are redundant or in continuing use, the complete or partial redevelopment of major developed sites” (C4). Both paragraphs C3 and C4 note that infilling and redevelopment should have no greater impact on the purposes of including land in the Green Belt and also that redevelopment should contribute to the objectives for the use of land in Green

Belts. The similarity between the language of Annex C and bullet point 6 means that it is also reasonable to assume that their intention is similar.

- 10.16 In choosing the phrase previously developed sites rather than major developed sites it is clear that the NPPF does not intend bullet point 6 to carry exactly the same meaning as Annex C and that the choice of language may signal some change in the forms of development which may be considered as exceptions to the restrictive policy on Green Belt development. The exact meaning of the phrase remains unclear.
- 10.17 The authority has suggested that when assessing whether a parcel of land can be a previously developed site there needs to be some consideration of scale and character. It is likely that the changes introduced by the NPPF mean that it may no longer be necessary for a site to be of the scale of a hospital or colliery for its redevelopment to be considered not inappropriate. Crucially though it must still be in line with Annex C of PPG2 and thus be of a scale and character where redevelopment would bring about environmental improvements or secure employment. Three applications have been refused on this basis. Two are at appeal with a Hearing arranged for 17th December. Both of these involve proposals to demolish commercial buildings and erect a new dwelling. The most recent refusal was that at Sandhills Villas which was considered by Panel last month. An appeal is expected.
- 10.18 Members should also be aware of two relevant appeal decisions from other authorities. The first relates to the redevelopment of a commercial stud farm and associated buildings. In this case the appellant successfully argued that the inclusion of bullet point six at paragraph 89 of the NPPF suggested 'subtle but significant' changes to the forms of development which could be considered as exceptions within the Green Belt. In reaching a view on whether the land and buildings could be considered a previously developed site the Inspector made reference to a complex of substantial buildings which were spatially and functionally linked.
- 10.19 The second relevant appeal relates to the redevelopment of an indoor riding arena on the edge of a village to form a single dwelling. The Inspector in this instance did not consider bullet point 6 of paragraph 89 to introduce subtle changes but rather wholesale changes. In assessing whether the erection of a new dwelling was inappropriate development within the Green Belt the Inspector offered only the following comment:
- “the site in this case has clearly been previously developed and the proposal is for its complete redevelopment.”
- This was enough for the Inspector to conclude that the proposal was not inappropriate development within the Green Belt. The Inspector also made reference to the silence of the local plan on the issue of previously developed sites and also noted that this silence made the local plan out-of-date.
- 10.20 The question which remains is whether The Cleavesty Centre can be considered a previously developed site in the context of Green Belt policy. The authority consider the answer to this to be no. The indoor equestrian centre which is present on the site is a large building and there are other structures as well as the manege areas and the hardstanding associated with the car park. However, the scale of the site remains modest and whilst the existing buildings which are on the land are not particularly attractive structures they are common to many sites within the Green

Belt having the appearance of large agricultural buildings. The scale and character of the site do not have a substantially detrimental impact upon the appearance of the area and nor would its redevelopment bring about substantial environmental improvements.

The purposes of including land within the Green Belt

- 10.21 Whether or not the land and buildings are considered to be a previously developed site, paragraph 89 states that the redevelopment must not have a greater impact upon openness and the purpose of including land within it than the existing development. In both the 2008 and the 2010 appeals openness was a significant consideration with the most recent inspector noting that the new house would result in a 41% reduction in footprint, a 36% reduction in volume and the overall height of the house would be 0.45m less than the ridge height of the indoor riding school. The replacement of the existing buildings would therefore result in a substantial reduction in scale, bulk and site coverage and a significant increase in openness. The Inspector concluded that this was a significant benefit of the proposal.
- 10.22 The new house now under consideration would largely be located on the site of the existing indoor area and would both reduce the overall volume and dispersal of structures across the site. Based on figures provided by the applicant there would be a 56% reduction in footprint and a 48.7% reduction in volume. Conditions could be used to ensure that further ancillary structures could not be constructed without the benefit of planning permission. This reduced dispersal and volume of structures would have a benefit to openness. However, unlike the previous scheme where the ridge of the new house was 0.45m lower than the ridge of the existing equestrian building, the ridge of the new dwelling will be 9.0m in height, approximately 3m higher than the ridge of the current equestrian building. As such whilst the reduced dispersal and volume would have some benefit to openness, the increased height of structures on the land would reduce openness and heighten the visual mass of the new dwelling. The increased height of the new dwelling substantially reduces the benefit of the reduced dispersal, particularly as the kennels and runs are low slung structures which do not impose themselves on the landscape. The impact upon openness of the current proposal is therefore neutral at best.
- 10.21 The proposal would also conflict with the stated national policy objective of safeguarding the countryside from encroachment. As noted above The Cleavesty Centre is remote from East Keswick Village and is in an isolated location. The land does not form a natural 'rounding off' of the village, would encroach into the countryside and Green Belt.
- 10.22 Paragraph 89 notes that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. As the development proposed by the applicant does not satisfy any of the noted exceptions to this restrictive approach to development, the construction of a new dwelling at The Cleavesty Centre must be considered to be inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and substantial weight should be given to harm to the Green Belt. Because the development is inappropriate it is necessary to consider whether any other considerations exist which are sufficient to outweigh the harm through inappropriateness.

Design and Character

- 10.25 The National Planning Policy Framework states that “good design is indivisible from good planning” and authorities are encouraged to refuse “development of poor design”, and that which “fails to take the opportunities available for the improving the character and quality of an area and the way it functions, should not be accepted”. Leeds Unitary Development Plan Policy GP5 states that “development proposals should seek to resolve detailed planning considerations including design” and should seek to avoid “loss of amenity.
- 10.26 The new dwelling which is proposed raises no significant concerns in respect of its design nor its impact upon the wider landscape character. The house has been designed to resemble a farm complex with a cluster of buildings set around three sides of a courtyard. The two ‘main’ buildings are constructed of stone with timber proposed for the garage building. Slate is proposed to the roof of the larger building with pantiles to roofs of the other two structures. The arrangement of the buildings and the mix of materials are appropriate within a rural context and the scheme will not cause significant harm to the character of the area. It is noted that East Keswick Parish Council have raised concern regarding the use of timber cladding to the garage, however as this has been designed to be an ancillary structure and to have a lesser scale than the two stone buildings the use of timber is not considered to be harmful.

Other Matters

- 10.27 In order to be considered acceptable in respect of highway safety development proposals must not impede the free and safe passage of cars and pedestrians. The proposed works do not materially change the existing access arrangements however Highways have requested that the visibility splay at the existing access be improved. Were consent to be granted this could be addressed by condition.

Representations

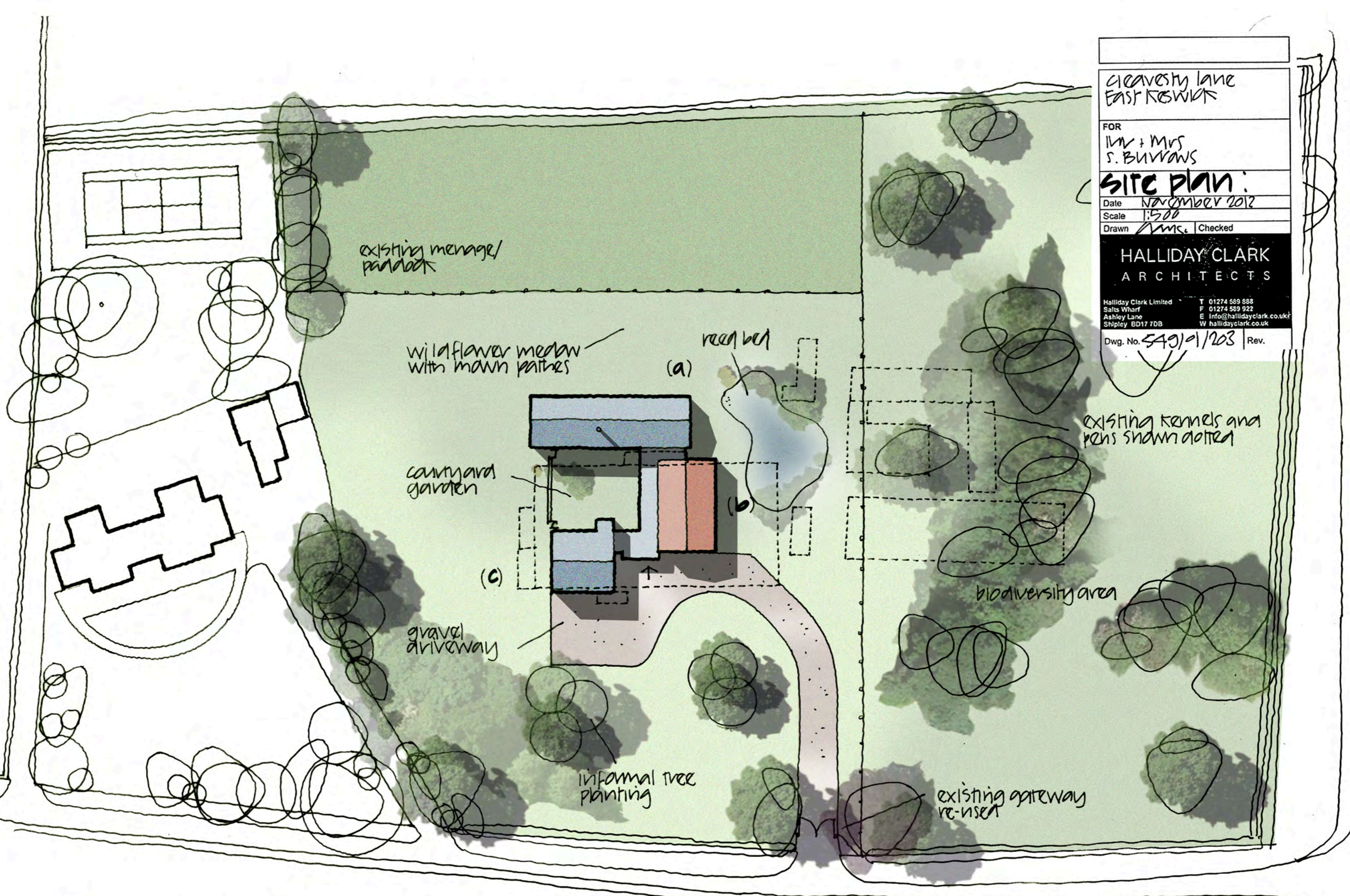
- 10.34 All material planning considerations raised through representations have been discussed above. The concerns of the occupant of Low Cottage regarding the loss of an appropriate leisure activity within the Green Belt are noted, however the equestrian business ceased some years ago and the authority has no powers to insist that this use must be reinstated.

11.0 CONCLUSION

- 11.1 The application is therefore considered to be unacceptable. The construction of a new dwelling within the Green Belt is inappropriate development which is, by definition harmful to the Green Belt and no very special circumstances have been forwarded which outweigh this harm. Furthermore the proposal would result in the creation of an isolated home in an unsustainable, rural location. As such the development fails to comply with the aims and intentions of policies N33 and GP5 as well as advice contained within the National Planning Policy Framework, and is thus recommended for refusal.

Background Papers:

Application files 13/02833/FU
Certificate of ownership: Certificate A signed by the agent



Cleavestry Lane
East Reswick

FOR
Mr + Mrs
S. BURROWS

SITE PLAN:

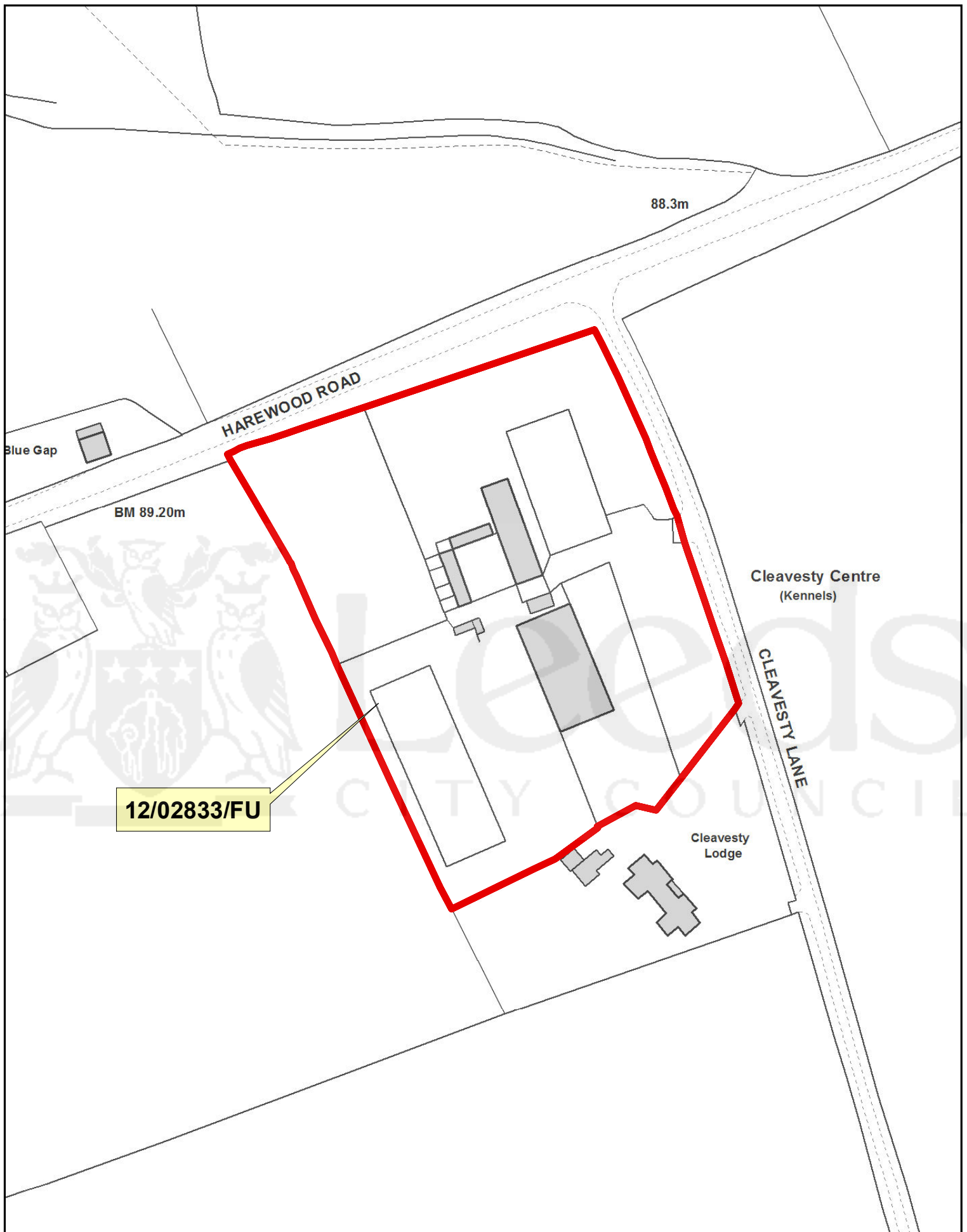
Date November 2012
Scale 1:500
Drawn JMC Checked

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Dwg. No. 549/01/203 Rev.

PROPOSED SITE PLAN:
(1:500)



NORTH AND EAST PLANS PANEL

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