



Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 28th May 2015

Subject: Appeal by Mr and Mrs S Reynolds against the non-determination of planning application 14/05078/FU for the demolition of the existing cottage and erection of new dwelling with detached garage at

The Old Forge Cottage, Forge Lane, Wike, LS17 9JU

The appeal was dismissed

Electoral Wards Affected:

Harewood

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Members are asked to note the following appeal summary:

1.0 BACKGROUND:

1.1 The application for a replacement dwelling within the Green Belt was considered at the North and East Plans Panel meeting of 27 November 2014; a site visit also took place. Members raised concerns about the size of the replacement dwelling and the council's Green Belt planning policies and resolved not to accept the officer recommendation of approval. The application was reported back to 8th January 2015 North and East Plans Panel with a suggested reason for refusal. In the meantime the applicant had appeal against non-determination and thus no formal decision was made.

2.0 ISSUES IDENTIFIED BY THE INSPECTOR:

2.1 The Inspector considered that the impact on the Green Belt was the main issue and sought to establish whether the proposal was inappropriate development as set out in the National Planning Policy Framework and the development plan; the effect of

the development on the openness and purposes of the Green Belt; and whether harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

3.0 SUMMARY OF COMMENTS:

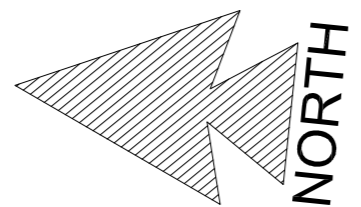
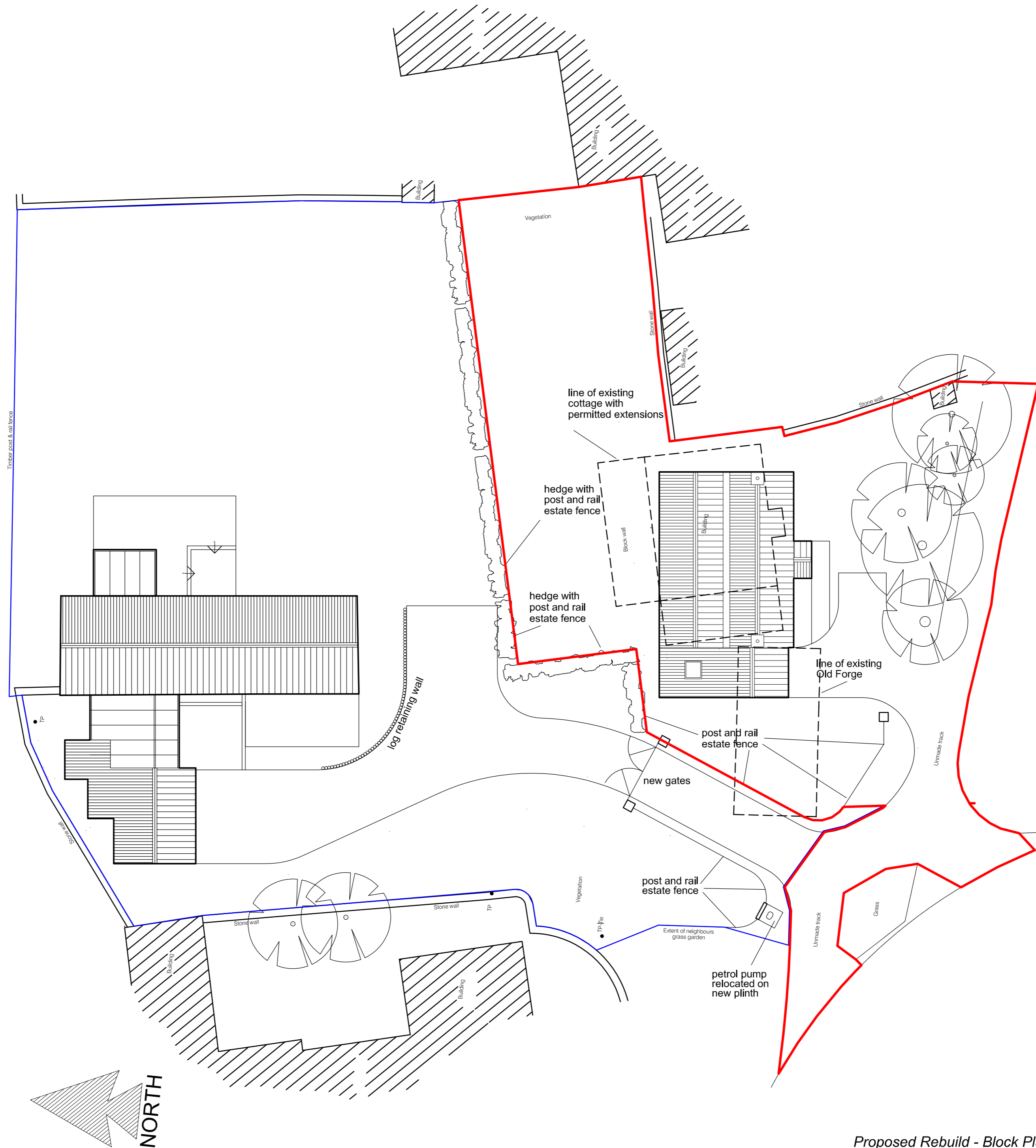
- 3.1 The Inspector, like the authority, identified that the replacement dwelling would be materially larger than the existing house and thus concluded that scheme represented inappropriate development. The fact the replacement dwelling would be larger meant it would have a greater prominence and impact than the existing. Thus the new house would harm openness and also encroach on the countryside, causing conflict with one of the five purposes of including land in the Green Belt.
- 3.2 The Inspector then turned to the possibility of a Permitted Development fall-back position and assessed whether this could amount to the very special circumstances necessary to outweigh the identified harm to the Green Belt. The Inspector did give weight to the permitted development fall back, noting that the new dwelling and the house as extended under PD were very similar. However, the Inspector was not convinced that there was a likelihood or real prospect of the fall-back scheme occurring. The Inspector drew attention to the state of disrepair of the house and the absence of a structural survey or any costings comparing the two positions. The absence of this substantive evidence reduced the weight which could be attached to the fall-back position.
- 3.3 In conclusion the Inspector noted that the substantial harm through inappropriateness and the other identified harm to openness and encroachment was not outweighed by the fall-back position and thus dismissed the appeal.

4.0 IMPLICATIONS:

- 4.1 It is clear from the Inspector's reasoning that the presence of a fall-back position must be afforded weight in Green Belt decisions. The main issue for any decision maker or decision making body is the weight which can be attached to this position. The Inspector noted the three tests established in case law which are the availability/lawfulness of the fall-back position, the similarity between the fall-back position and the development and the likelihood of the fall-back scheme occurring. If these tests are passed then reasonable weight must be given to a fall-back position.

Background Papers:

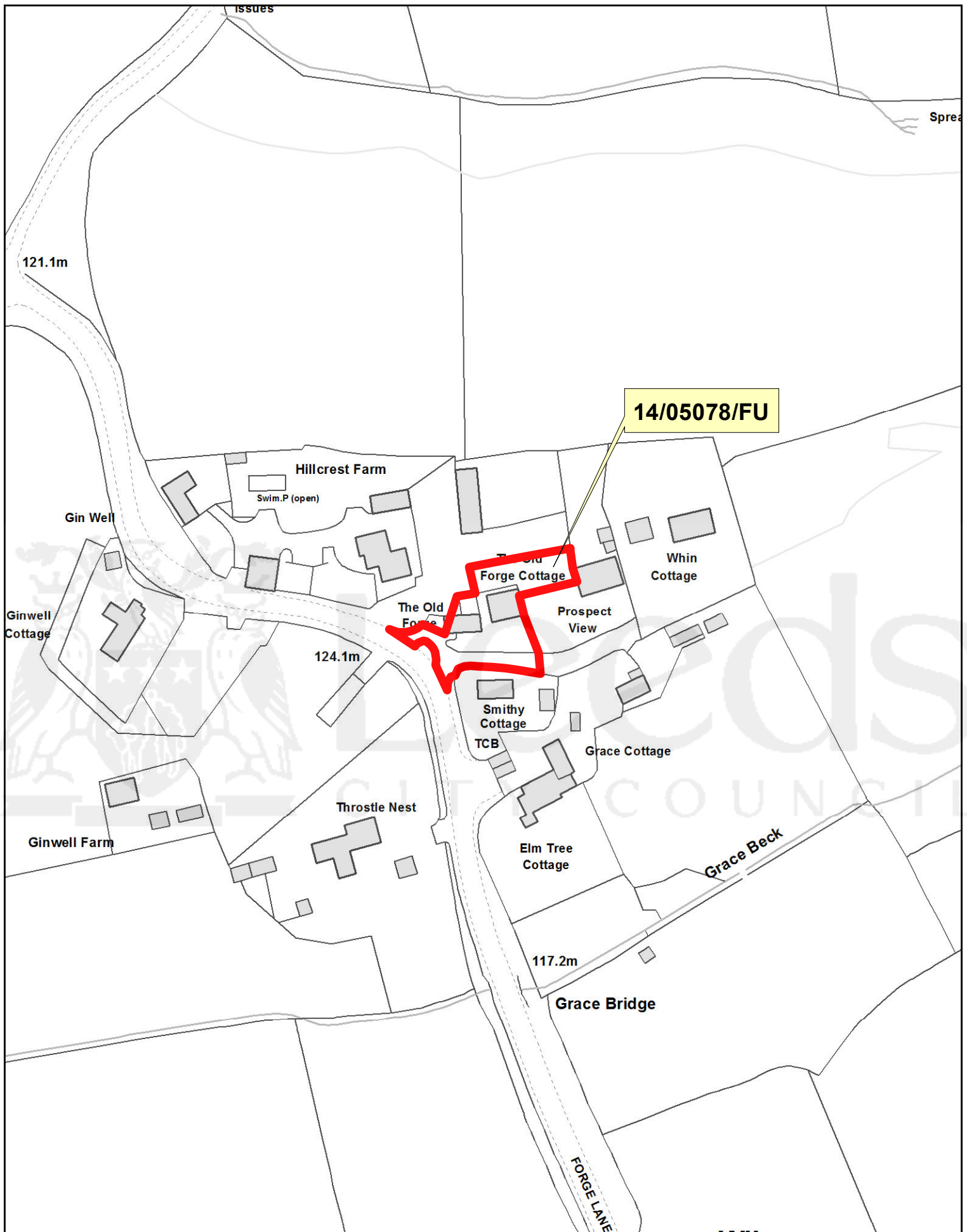
Application file: 14/05078/FU



Mr and Mrs Reynolds
 Forge Cottage, Forge Lane Wike
 Proposed Rebuild - Block Plan scales 1:200 19-08-2014 drwg. no. 2433-05-02

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SCALE : 1/1500

