



Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 27th August 2015

Subject: Appeal by Mr John Cowling and Aberford Village Hall against the refusal of planning permission, under application reference 12/05434/FU, for the alteration and extension of Aberford Village Hall to form a mixed use development (Use Classes A1, A3, B1 and D2) and construction of 5 detached houses, with associated car parking and landscaping, on land off Main Street, Aberford.

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 the alteration and extension of the village hall, formation of a car park and the construction of 5 dwellings within the Green Belt as enabling development was considered at the North and East Plans Panel meeting of 27th November 2014. The substantive report was accompanied by an exempted report under Schedule 12A of the Local Government Act 1972 and Access to Information Procedure Rule 10.4(3) relating to financial information concerning the viability of the scheme. Members considered that, notwithstanding the benefits of the scheme, the other considerations did not comprise the necessary very special circumstances to justify the development, and that the Neighbourhood Planning Process could be the route to pursue the village hall proposals. Members resolved to follow the recommendation to refuse and refused planning permission as inappropriate development in the Green Belt which would be harmful to openness.

2.0 ISSUES IDENTIFIED BY THE INSPECTOR:

- 2.1 The Inspector considered that the main issues were: whether the proposal would be inappropriate development in the Green Belt; the effect of the proposal on openness and the purposes of including land in the Green Belt; the effect of the proposal on the character and appearance of the area, including whether it would preserve or enhance the character or appearance of Aberford Conservation area; and, whether harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations, so as to amount to the necessary very special circumstances to justify the inappropriate development of the Green Belt.

3.0 SUMMARY OF COMMENTS:

- 3.1 The Inspector agreed that the 5 dwellings within the Green Belt were inappropriate development and harmful by definition, and gave substantial weight to this harm. The Inspector noted that under Paragraph 79 of the National Planning Policy Framework (NPPF) openness is an essential characteristic of the Green Belt and that it can be considered as meaning an absence of development. Though unconvinced that the site served the purposes of preventing urban sprawl of large built up areas, or protecting the setting of historic villages, the Inspector agreed that the introduction of 5 large houses on the currently undeveloped site would result in a considerable loss of openness and it would result in encroachment into the countryside, contrary to guidance contained within Paragraph 80 of the NPPF. As such it would have an adverse effect on the purposes of including land in the Green Belt and would cause moderate harm.
- 3.2 The Inspector then turned to the impact of the proposals on the character and appearance of the Conservation Area, which in the case of Aberford covers most of the linear village and some of the surrounding countryside. With reference to the Conservation Area Appraisal for Aberford, which identifies the surrounding landscape as very significant to the character and appearance of Aberford, the Inspector considered that despite their generally sympathetic design, the proposed houses would lead to an encroachment of development into currently open land and that they would detract from the rural setting of the village. However, in finding material harm to the conservation Area the Inspector reasoned that this harm would be limited, and in terms of the NPPF would lead to 'less than substantial harm', harm which would however be outweighed by the public benefits of the case.
- 3.3 In terms of housing land supply, though small, the Inspector stated that the proposals would make a limited contribution to housing land supply and this was considered to be a limited benefit in favour of the scheme. The Inspector however then observed that Footnote 9 of the NPPF indicates that permission should be granted only unless specific policies in the Framework indicate that development should be restricted, and that in this case the land being designated as Green Belt was relevant. In the absence of any evidence of particular highway safety problems, and having observed that Main Street is not particularly narrow and that on-street parking already occurs without unduly disrupting the flow of traffic, the benefits of the proposed car park were given only a small amount of weight in favour. With regard to the appellant's case for alternative sites potentially having a greater impact, the Inspector gave minimal weight in favour of this consideration. Flood risk and ecological enhancement considerations were held to be neutral factors in the balance.
- 3.3 In conclusion the Inspector noted that the development would be inappropriate development in the Green Belt which would result in a considerable loss of openness and would cause moderate harm to the purposes of including land within

the Green Belt. Substantial weight was given to this harm. Harm was also identified to the character and appearance of the surrounding countryside and the significance of the Aberford Conservation Area (though this harm was less than substantial and outweighed by the public benefits of the scheme). The improvements to the village hall (including its outdoor spaces) were given moderate weight and the provision of car parking spaces only a small amount of weight. The generosity of the landowner attracted limited weight in favour, and the fall-back position of alternative sites was given minimal weight. Overall, the Inspector concluded that, even when taken together, the other considerations do not clearly outweigh the totality of the harm identified and therefore held that as such the necessary very special circumstances to justify the development do not exist.

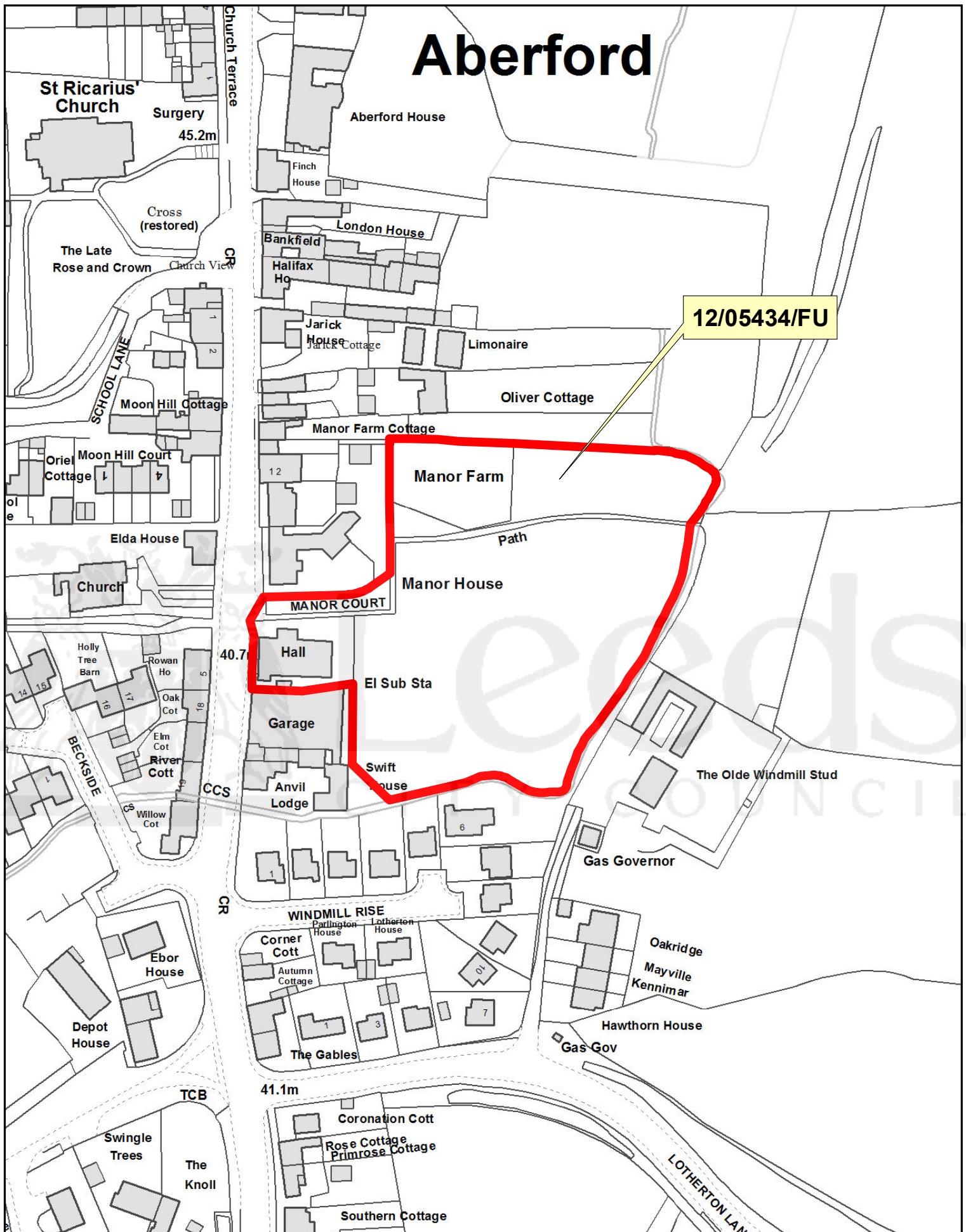
4.0 IMPLICATIONS:

- 4.1 The decision vindicates the position taken by the Council in respect of the application. The case serves to emphasise that even with public benefits identified, Inspectors continue to give substantial weight to the protection of the Green Belt, and that the bar for considerations that can be taken to comprise the necessary very special circumstances to outweigh harm to the Green Belt is a high one indeed.

Background Papers:

Application file: 12/05434/FU

Aberford



12/05434/FU

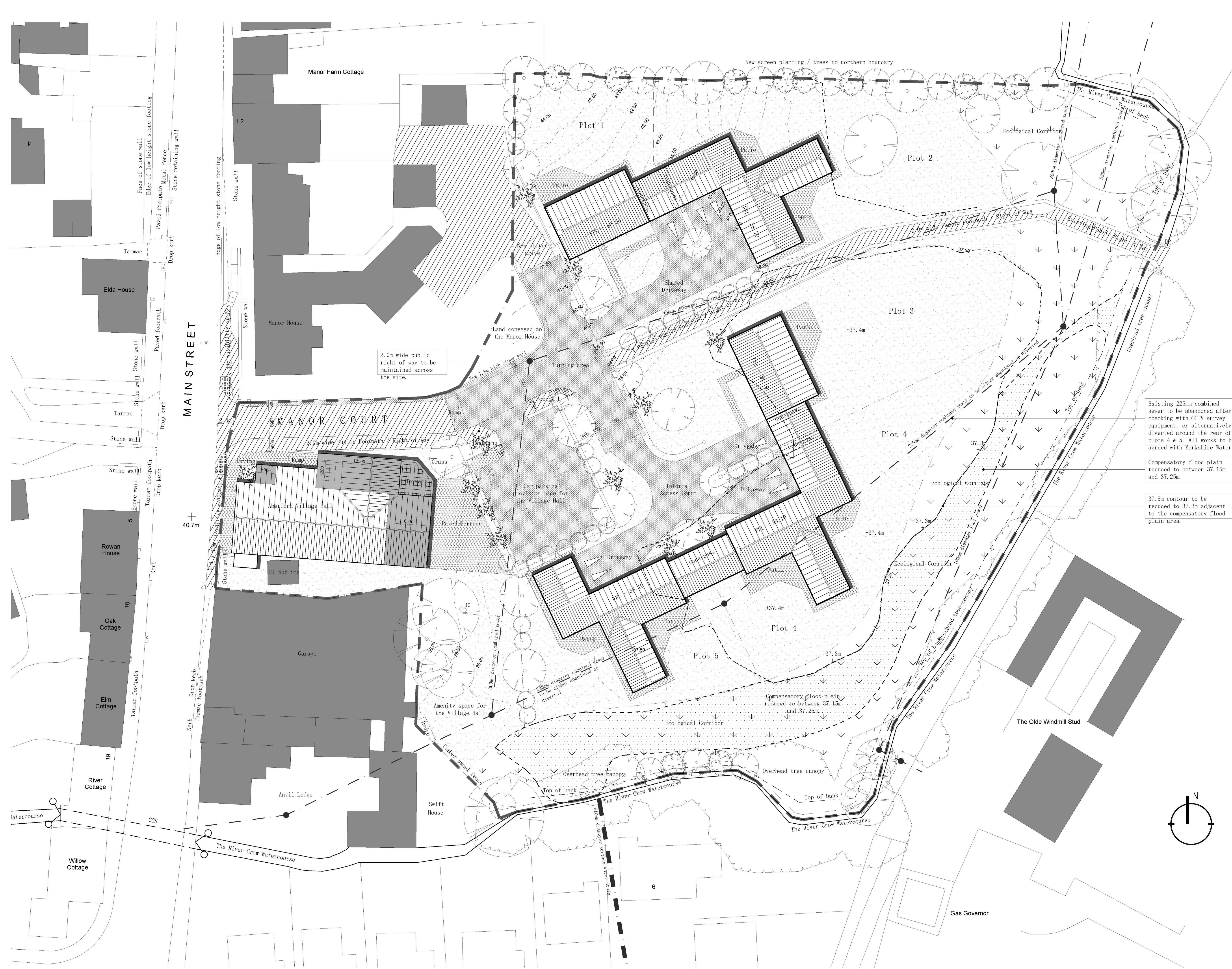
NORTH AND EAST PLANS PANEL

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PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1/1500





Key:

	Macadam
	Marshalls brindle block paving
	Turf
	600 x 450mm Marshalls saxon natural concrete paving
	Ecological corridor
	Existing tree
	Selected standard root balled 10-12cm girth, 3.0-3.5m high planted with double short stake, species as per detailed landscaping scheme. Hedging species to include Cherry Laurel 'Prunus Laurocerasus Rotundifolia' and Box 'Boxus Sempervirens'.
	Specimen shrubs:- 15L pot, 0.9-1.2m high spot planted within ground cover. Species to include Phorium Tenax 'Sundowner', Rhus x pulvinata 'Red Autumn Lace', Cotoneaster, Hebe & Ceanothus

Schedule of Accommodation

Plot No	Bedrooms	Area m ²	Area ft ²
1	6	279	3002
2	6	357	3841
3	6	279	3002
4	6	357	3841
5	6	357	3841
Totals		1629	17528

Key to boundaries:

- Denotes 1800 high close boarded timber fence to rear plot divisional boundaries, set 100mm min above finished ground level.
- Denotes 1200 high metal estate railings.
- Denotes 1200 high timber post & 3 rail fence.

Existing 225mm combined sewer to be abandoned after checking with CCTV survey equipment, or alternatively diverted around the rear of plots 4 & 5. All works to be agreed with Yorkshire Water.

Compensatory Flood plain reduced to between 37.15m and 37.25m.

37.5m contour to be reduced to 37.3m adjacent to the compensatory flood plain area.

REV/NOTE

REV	NOTE	DATE
J	Plots 3 - 5 realigned, hardstanding areas reduced.	pmb - 13-5-13
H	100mm gap added to plot divisional boundaries.	pmb - 2-4-13
G	2.0m wide footpath extended up to the turning head.	pmb - 28-2-13
F	Gabions omitted from the drawing.	pmb - 25-2-13
E	Garage sizes revised, general notes added.	pmb - 21-2-13
D	Drawing status revised for planning submission issue.	pmb - 19-12-12
C	Plots 1, 2 & 5 position adjusted.	pmb - 18-10-12
B	Title block amended.	pmb - 8-10-12
A	Title block amended.	pmb - 7-9-12

DRAWING STATUS

STATUS	BUILDING REGS	TENDER	CONSTRUCTION	AS BUILT
SKETCH				
PRELIMINARY				
APPROVAL				
PLANNING				

darstonegs
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CLIENT
 Mr John Cowling and Aberford Village Hall

PROJECT
 Proposed Residential Development & Village Hall Extension, Main Street, Aberford

DRAWING
 Proposed Site Plan

SCALE
 1:250 @ A1

DATE September 2012 **DRAWN** pmb **CHECKED** -

DRAWING NUMBER 8492 [90] 04 **REVISION** J

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