



Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 8th September 2011

Subject: Application 10/03826/FU – Appeal by Mr Alan Wilcock against the refusal of planning permission for a permanent workers dwelling following the lapse of planning permission for a temporary workers dwelling at Riverside Nurseries, Linton Common, Linton, Wetherby.

The appeal was allowed and partial costs awarded against the Council.

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 and costs decisions.

1.0 THE APPEAL WAS DEALT WITH BY A HEARING

1.1 This application was recommended for approval by Officers, however Members of Plans Panel East resolved to refuse permission for the agricultural worker's dwelling due to the development being inappropriate development within the Green Belt and its impact on openness and character, and impact upon pedestrian and highway safety. An application for a full award of costs against the Council on this application was made by the appellants.

2.0 ISSUES IDENTIFIED BY THE INSPECTOR

2.1 The main issues identified by the Inspector were whether the proposal constitutes inappropriate development in the Green Belt; its impact on openness and visual amenity; whether the size of the dwelling would be commensurate with the holding; the effect on highway safety; and if the proposal 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.

3.0 SUMMARY OF COMMENTS

Whether the Proposal is Inappropriate

- 3.1 The Inspector highlighted that a new dwelling within the Green Belt, whether it be for agricultural purposes or not, would be deemed to be inappropriate development since its main function would be for residential purposes.

Effect on Openness and visual Amenity of Green Belt

- 3.2 The Inspector noted that given the degree of coverage of existing buildings close to the site, the loss of openness as a result of the dwelling would be modest. He was satisfied that the loss of openness and degree of encroachment of the Green Belt attracted limited weight. In terms of the visual impact upon the Green Belt, the Inspector noted that the proposed dwelling would cover a small area in comparison with the extensive buildings at the nursery and would be modest in relation to many other dwellings along Linton Common. The Inspector also noted that the dwelling would be set slightly into the gently rising ground and would therefore be limited in its visual impact when seen from Linton Common. Taken as a whole, the Inspector concluded that the dwelling would not be unacceptably harmful to the visual amenities of the Green Belt.

Whether the dwelling would be commensurate with the holding

- 3.3 The Inspector noted that the size of the dwelling had been reduced during consideration of the application. He noted that a 3 bedroom dwelling with a single garage and office accommodation which serves the business would be reasonable. He concluded that the dwelling would meet the needs of the business and is affordable, and on balance, accepted that the dwelling would not be too large, and would be commensurate with the holding it would serve.

Highway Safety

- 3.4 The Inspector noted that the access is far from ideal to serve a business which attracts some heavy vehicles, but concluded that no evidence had been provided which indicates that the business would inevitably continue to grow and attract more traffic just because of the presence of a dwelling on the site. In this respect, there would be no differences between the caravan and the proposed house in terms of additional vehicle trips.

Conclusion

- 3.5 The Inspector concluded that the proposal would be inappropriate development which attracts substantial weight. The proposal would also reduce openness and conflict with one of the purposes of including land in the Green Belt, which attracts less weight. However, he founds that there would be no material harm to the visual amenity of the Green Belt, no harm to highway safety and that the dwelling would be commensurate with the holding.

4.0 DECISION

- 4.1 The appeal was allowed subject to conditions by letter dated 18th August 2011.

5.0 COSTS

- 5.1 In terms of the first reason for refusal relating to the impact upon the Green Belt, the Inspector was satisfied that the appellant had not been put to unnecessary expense, and the Council presented a respectable basis for its stance. In terms of the second reason for refusal, relating to highway safety, the Inspector was unconvinced by the Council's reasoning on the merits of the highways issue. Whilst the Inspector acknowledged that the development is not the same as the temporary caravan, he

accepted that the Council had failed to substantiate its reason for refusal. The lack of a substantiated and rational explanation for the second reason amounts to unreasonable behaviour and has resulted in unnecessary expense.

5.2 In light of the above, the Inspector concluded that a partial award of costs is justified.

6.0 IMPLICATIONS

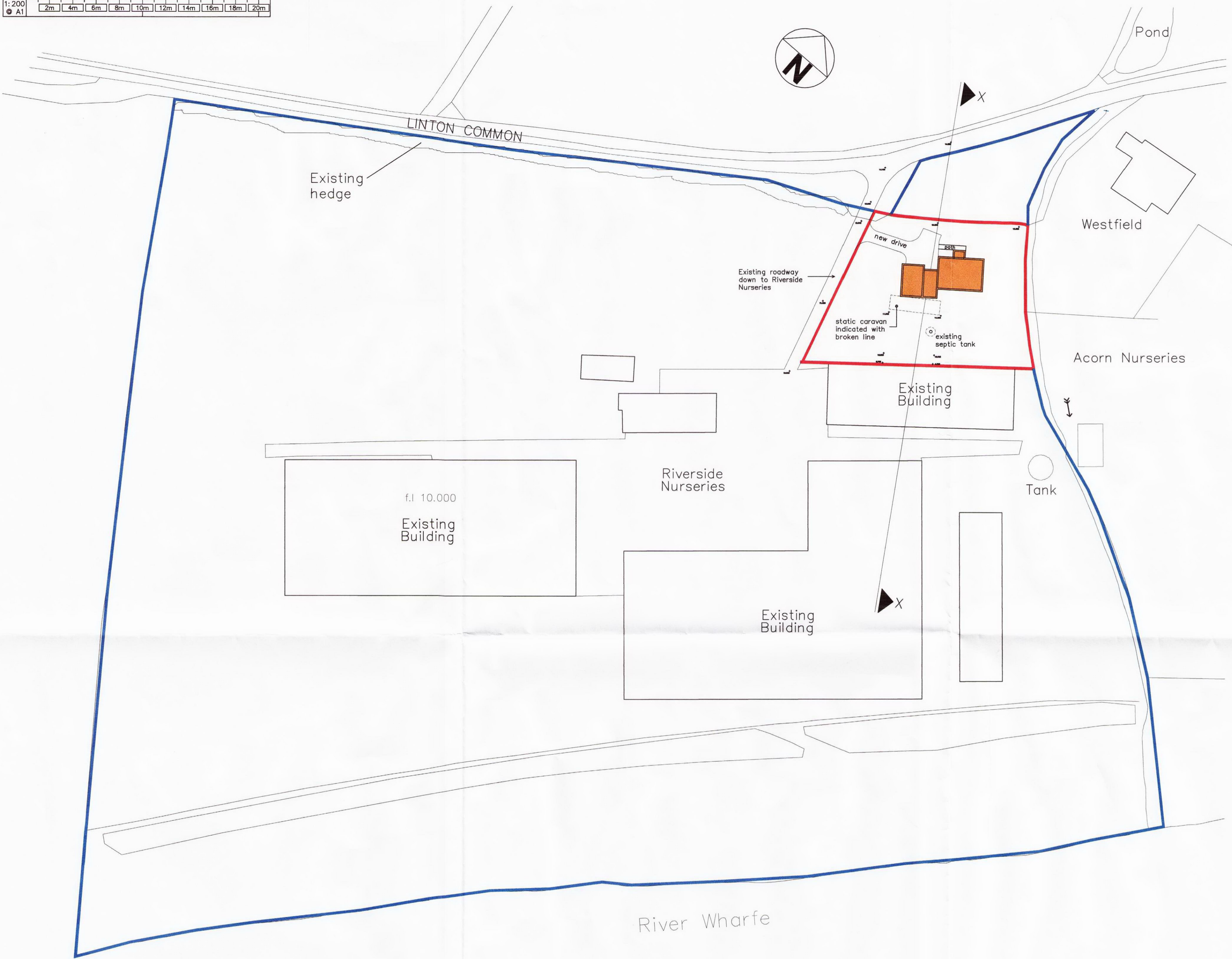
6.1 Members are asked to note the comments of the Inspector in this case and in particular his reference to Circular 03/2009 in terms of the need to provide evidence to substantiate reasons for refusal in relation to costs awards.

Background Papers

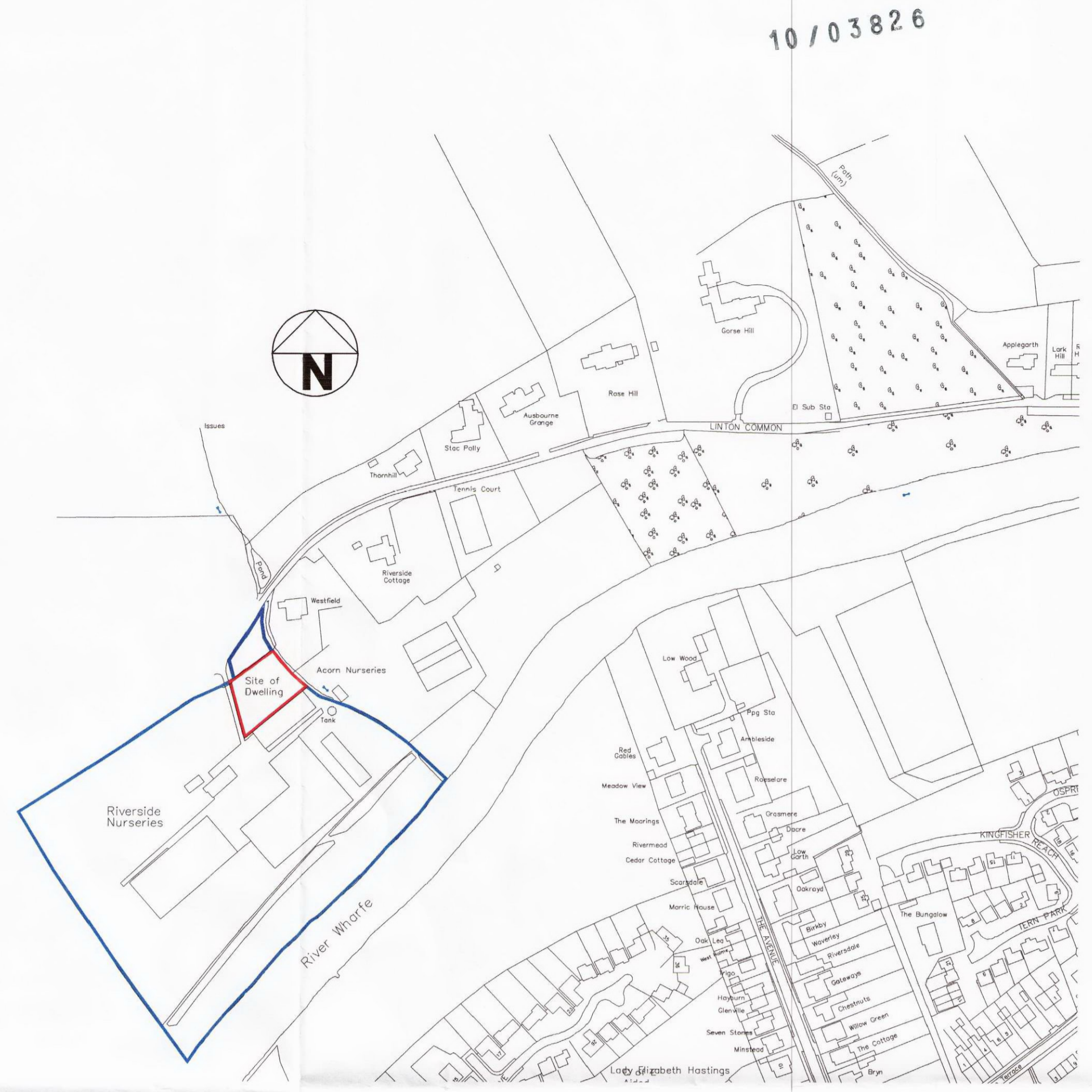
Planning Application File

Inspectors Decision Letter

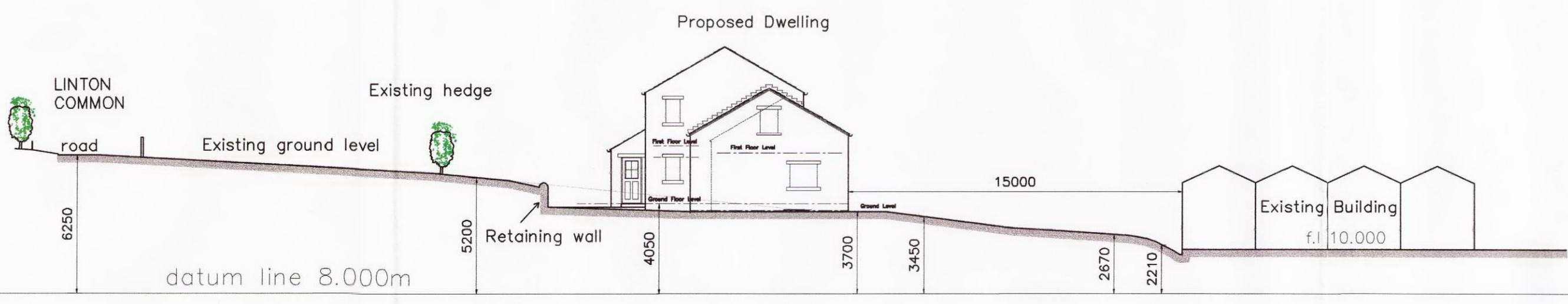
1:200
A1
2m 4m 6m 8m 10m 12m 14m 16m 18m 20m



SITE PLAN scale 1:200



LOCATION PLAN scale 1:2500



SECTIONAL ELEVATION ON LINE X-X scale 1:200

10/03826

7/12/2010 Revision G:
Red line boundary amended

GENERAL NOTES

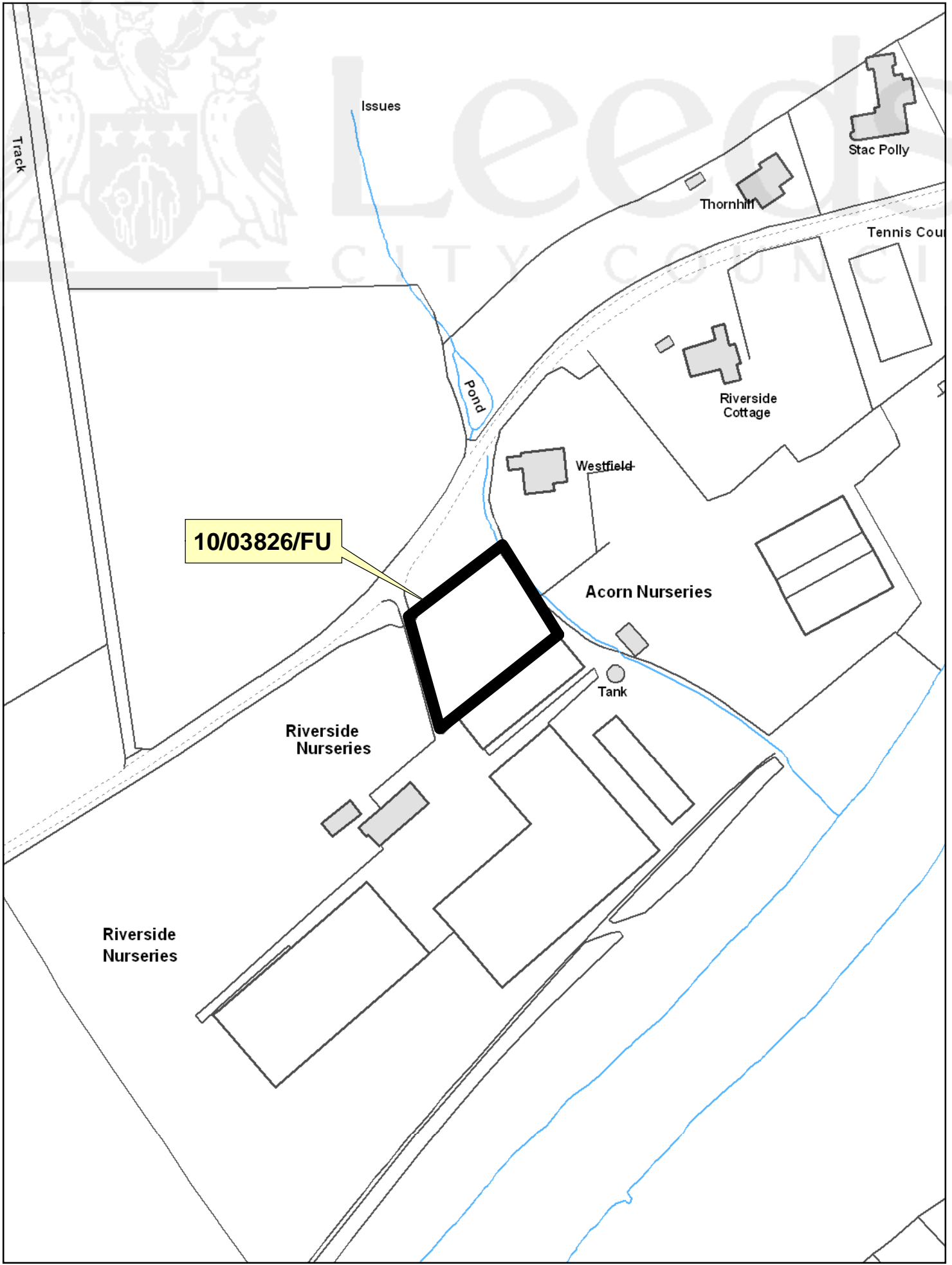
- ALL WORK TO BE CARRIED OUT IN STRICT ACCORDANCE WITH THE BUILDING REGULATIONS 2004 AND TO THE SATISFACTION OF THE LOCAL AUTHORITY TOWN / COUNTRY PLANNING, BUILDING CONTROL AND DRAINAGE DEPARTMENTS.
- APPOINTED CONTRACTOR RESPONSIBLE FOR NOTIFYING LOCAL AUTHORITY BUILDING CONTROL DEPARTMENT UPON COMMENCEMENT OF WORK.
- DIMENSIONS ALL TO SITE CHECK.
- THESE PLANS HAVE BEEN PREPARED FOR SUBMISSION TO THE LOCAL AUTHORITY FOR BUILDING REGULATIONS AND TOWN / COUNTRY PLANNING PURPOSES ONLY AND DO NOT CONSTITUTE FULL WORKING DRAWINGS.
- ALL MATERIALS ARE TO BE USED IN STRICT ACCORDANCE WITH THE RECOMMENDATIONS OF THE MANUFACTURERS

LEEDS CITY COUNCIL
Please refer to Decision Notice
- 8 DEC 2010
REVISED

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Client:	MR ALAN WILCOCK		
Job:	Proposed Detached Dwelling with Integral garage at: Riverside Nurseries, Linton Common, Linton Nr. Wetherby.		
Drawing:	Site Plan, Location Plan & Section through site		
By:	a.k	300.03.2	G
Check:		Drawing Number:	
Scale:	1:200, 1/2500	Date:	October 2010



EAST PLANS PANEL

