



Appeal Decision

Site visit made on 9 January 2024

by A Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 January 2024

Appeal Ref: APP/W4705/W/23/3330027

Land off Green Lane, Burley in Wharfedale LS29 7HP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Johny Walker against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 23/00396/FUL, dated 2 February 2023, was refused by notice dated 6 April 2023.
 - The development proposed is a building for storage of forestry equipment, trailers, chippers, stump grinders, tools for repairs and logs in association with tree felling/landscape contracting business.
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Decision

1. The appeal is allowed and planning permission is granted for a building for storage of forestry equipment, trailers, chippers, stump grinders, tools for repairs and logs in association with tree felling/landscape contracting business at Land off Green Lane, Burley in Wharfedale LS29 7HP, in accordance with the terms of the application Ref 23/00396/FUL, dated 2 February 2023, subject to the conditions in the schedule to this Decision.

Procedural Matters

2. There are currently 3 buildings on the land, labelled on the Existing Block Plan as buildings A, B, and C. While it is clear that buildings B and C would be removed to accommodate the proposed building, the situation in respect of Building A is ambiguous. Furthermore, at my site visit the appellant indicated that it was not the intention to remove Building A. I have therefore proceeded to determine the appeal on the basis that Building A is to be retained.
3. On 19 December 2023, the Government published a revised National Planning Policy Framework (the Framework). Other than a change to the relevant paragraph numbers, the revised Framework does not materially alter the national policy approach in respect of the main issues raised in this appeal and I have had regard to the latest version in reaching my Decision.

Main Issues

4. As the appeal site lies within the Green Belt, the main issues are:
 - Whether the proposal is inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies; and
 - If the proposal is inappropriate development, whether harm by reason of inappropriateness and any other harm is clearly outweighed by other

considerations so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether inappropriate development in the Green Belt

5. Paragraph 154 of the Framework outlines that the construction of new buildings should be regarded as inappropriate in the Green Belt, unless it falls within a list of exceptions. In this case, I am directed to the exception under sub-paragraph (g), which concerns the partial or complete redevelopment of previously developed land, as long as this would not have a greater impact on the openness of the Green Belt than the existing development.
6. In terms of development plan policies, Policy BW2 of the Burley-in-Wharfedale Neighbourhood Development Plan 2017-2030 (the NP) requires development to satisfy national and local Green Belt policies. Other policies before me include Policy SC7 of the Bradford Core Strategy Development Plan Document (2017) (the CS) and saved Policy GB1 of the Bradford Replacement Unitary Development Plan 2005 (the UDP). However, the Council accepts that Policy GB1 is not consistent with the Framework exceptions for the purposes of this scheme, while Policy SC7 is concerned with future Green Belt land release rather than individual planning applications. My decision therefore relies on the approach in the Framework.
7. The proposed building does not represent an overly large structure and would be confined to an existing area of hardstanding which is already occupied by buildings. However, the information before me indicates that it would be taller than the buildings it would replace and with a larger footprint than that of the existing buildings combined. As a result, there would be a greater volume and spread of built development on the site compared to the existing situation. This would cause a loss of openness in terms of the spatial dimension.
8. In addition, although the site has well-vegetated boundaries for the most part, there is a gap between trees along the southern boundary where the proposed building is likely to be more visible than the existing buildings due to its greater height and mass. This would cause some loss of openness in visual terms.
9. I therefore find that the proposal would have a greater impact on the openness of the Green Belt than the existing development from both a spatial and visual perspective.
10. I consider that the harm arising from the loss of Green Belt openness would be limited in degree. Nevertheless, when judged against the wording of the Framework, I find that the proposal would be inappropriate development in the Green Belt.

Other considerations

11. The appellant operates an established tree felling/landscape contracting business from the site. Currently, the only secure covered storage at the site is in the form of two shipping containers (buildings B and C), which provide limited functionality due to their modest size. All of the larger equipment and machinery, including trailers, chippers, and a tractor are kept out in the open where they are exposed to the elements and are more vulnerable to theft. This has both practical and financial implications for the business. Indeed, the

appellant advises that there have been two recent break-ins at the site. While little detail is given of those incidents, I can understand why security is an important concern for the appellant in this location. In these circumstances, I deem the need for improved storage at this site to be entirely reasonable, and I am satisfied that the size and form of the proposed building is commensurate with the operational needs of this rural business.

12. The appellant's Arboricultural Report (AR) indicates the removal of three trees along the western boundary which are protected by a tree preservation order. However, these have been categorised as 'category U', and their removal is recommended for other reasons which are not directly related to the development proposed. In the absence of any substantive evidence to the contrary, I have no reason to disagree with the findings of the AR. As part of the proposal, the appellant has committed to compensatory planting on the southern boundary which, over time, would provide better screening along this boundary and further reduce the visual impact of the building. This could be secured by an appropriately worded condition, along with further conditions requiring submission of an Arboricultural Method Statement and measures to protect retained trees during construction, as recommended in the AR. No other objections on landscape/character and appearance grounds were raised by the Council, and I see no reason to disagree.
13. I note from the Council's officer report that the site is within the zone of influence of the South Pennine Moors Special Protection Area and Special Area of Conservation, which are European Sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended. However, due to the scale and nature of the development involved, I do not consider that the proposal would result in potential disturbance to the features of interest for which the habitat sites are designated, and I note that this was also the view reached by the Council.

Green Belt Balance

14. The proposal would be inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There would also be limited harm to the openness of the Green Belt. The Framework makes clear that substantial weight should be given to any harm to the Green Belt.
15. Against this, the proposal would address a need for secure storage at an established rural business site, and would do so without causing harm to the landscape and character and appearance of the area more generally. Paragraph 85 of the Framework sets out that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking account of local business needs. Paragraph 88 goes on to state that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, including through well-designed new buildings. These are considerations which weigh very strongly in favour of the scheme.
16. Looking at the case as a whole, I consider that the harm to the Green Belt is clearly outweighed by other considerations. Therefore, very special circumstances exist which justify the proposal.

Conditions

17. The standard time limit and approved plans conditions are imposed for certainty. Various other conditions relating to trees are necessary given the protected status of the trees at the site and in the interests of the character and appearance of the area. Some of these are worded as pre-commencement conditions, as a later trigger for their submission and/or implementation would limit their effectiveness or the scope of measure which could be used. I have also imposed a condition to ensure the ecological enhancement measures shown on the plans are delivered.

Conclusion

18. Given the above, I conclude that the proposal accords with national and relevant local Green Belt policies. Therefore, the appeal should be allowed.

A Caines

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: TS315-3 Rev A; TS315-2 Rev A; TS315-1; TS315-5; 'Proposed Bat and Bird Boxes'.
- 3) No site clearance, preparatory work, or development shall take place until a scheme for the protection of the retained trees (the Tree Protection Plan) and the appropriate working methods (the Arboricultural Method Statement) in accordance with British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The approved scheme of protection and working methods shall be implemented prior to any works commencing on site, and thereafter adhered to throughout the construction period. Nothing shall be stored or placed within any fenced/protected area, and ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.
- 4) No site clearance, preparatory works, or development shall take place until a full specification of all proposed tree planting has been submitted to and approved in writing by the local planning authority. The specification shall include the quantity, size, species, and positions of all trees to be planted, how they will be planted and protected and the proposed time of planting. The tree planting shall be carried out in accordance with the approved specification and timings.
- 5) If any tree subject to condition 4 is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same size and species as that

originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation.

- 6) The ecological enhancements shown on drawing 'Proposed Bat and Bird Boxes' shall be implemented prior to the development being brought into use and shall be permanently retained thereafter unless the local planning authority gives its written consent to any variation.

****End of schedule****