

# Public Document Pack



## Agenda for a meeting of the Area Planning Panel (Keighley and Shipley) to be held on Wednesday, 26 October 2022 at 10.00 am in Council Chamber - City Hall, Bradford

### Members of the Committee – Councillors

LABOUR	CONSERVATIVE	GREEN
Lee Amran Humphreys Arshad Hussain	G Barker M Nazam	K Warnes

### Alternates:

LABOUR	CONSERVATIVE	GREEN
S Akhtar R Berry R Jamil J Lintern	M Pollard Sullivan	C Hickson Hickson

### Notes:

- This agenda can be made available in Braille, large print or tape format on request by contacting the Agenda contact shown below.
- The taking of photographs, filming and sound recording of the meeting is allowed except if Councillors vote to exclude the public to discuss confidential matters covered by Schedule 12A of the Local Government Act 1972. Recording activity should be respectful to the conduct of the meeting and behaviour that disrupts the meeting (such as oral commentary) will not be permitted. Anyone attending the meeting who wishes to record or film the meeting's proceedings is advised to liaise with the Agenda Contact who will provide guidance and ensure that any necessary arrangements are in place. Those present who are invited to make spoken contributions to the meeting should be aware that they may be filmed or sound recorded.
- If any further information is required about any item on this agenda, please contact the officer named at the foot of that agenda item.
- A legal briefing for all Members will take place at 09:30 in the Council Chamber on the day of the meeting.
- Anyone wishing to speak to any of the business items on the agenda either as a Ward Councillor, applicant/agent, in support of or objecting to an application must register to speak by emailing the Governance Officer [susan.booth2@bradford.gov.uk](mailto:susan.booth2@bradford.gov.uk) by midday on Monday 11 July 2022. Please provide a telephone contact number, together with the relevant application details and explaining who will be speaking. They will then be advised on how you can participate in the meeting. If you have not registered, you may not be able to speak.
- If anyone wishes to submit any accompanying photographs/plans they should not exceed four pages and must also be submitted in writing by midday on Monday 24 October 2022 to the following Governance Officer [susan.booth@bradford.gov.uk](mailto:susan.booth@bradford.gov.uk)
- Please note that any representations will be allowed 5 minutes only and this will have to be shared if there is more than a single speaker.

### From:

Asif Ibrahim  
Director of Legal and Governance  
Agenda Contact: Su Booth  
Phone: 07814 073884  
E-Mail: [susan.booth2@bradford.gov.uk](mailto:susan.booth2@bradford.gov.uk)

## A. PROCEDURAL ITEMS

### 1. ALTERNATE MEMBERS (Standing Order 34)

The City Solicitor will report the names of alternate Members who are attending the meeting in place of appointed Members.

### 2. DISCLOSURES OF INTEREST

(Members Code of Conduct – Part 4A of the Constitution)

To receive disclosures of interests from members and co-opted members on matters to be considered at the meeting. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

#### **Notes:**

- (1) *Members must consider their interests, and act according to the following:*

<b>Type of Interest</b>	<b>You must:</b>
<i>Disclosable Pecuniary Interests</i>	<i>Disclose the interest; not participate in the discussion or vote; and leave the meeting <u>unless</u> you have a dispensation.</i>
<i>Other Registrable Interests (Directly Related)</i> <b>OR</b> <i>Non-Registrable Interests (Directly Related)</i>	<i>Disclose the interest; speak on the item <u>only if</u> the public are also allowed to speak but otherwise not participate in the discussion or vote; and leave the meeting <u>unless</u> you have a dispensation.</i>
<i>Other Registrable Interests (Affects)</i> <b>OR</b> <i>Non-Registrable Interests (Affects)</i>	<i>Disclose the interest; remain in the meeting participate and vote <u>unless</u> the matter affects the financial interest or well-being</i>  <i>(a) to a greater extent than it affects the financial interests of a majority of inhabitants of the affected ward, and</i>  <i>(b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest; in which case speak on the item <u>only if</u> the public are also allowed to speak but otherwise not do not participate in the discussion or vote; and leave the meeting</i>

unless you have a dispensation.

- (2) *Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.*
- (3) *Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.*
- (4) *Officers must disclose interests in accordance with Council Standing Order 44.*

### **3. MINUTES**

**Recommended –**

**That the minutes of the meetings held on 29 June and 13 July 2022 be signed as a correct record.**

(Farzana Mughal – 07811 504164)

### **4. INSPECTION OF REPORTS AND BACKGROUND PAPERS**

(Access to Information Procedure Rules – Part 3B of the Constitution)

Reports and background papers for agenda items may be inspected by contacting the person shown after each agenda item. Certain reports and background papers may be restricted.

Any request to remove the restriction on a report or background paper should be made to the relevant Strategic or Assistant Director whose name is shown on the front page of the report.

If that request is refused, there is a right of appeal to this meeting.

Please contact the officer shown below in advance of the meeting if you wish to appeal.

(Su Booth – 07814 073884)

### **5. PUBLIC QUESTION TIME**

(Access to Information Procedure Rules – Part 3B of the Constitution)

To hear questions from electors within the District on any matter which is the responsibility of the Panel.

**Questions must be received in writing by the City Solicitor in Room 112, City Hall, Bradford, by mid-day on Monday 24 October 2022.**

## B. BUSINESS ITEMS

### 6. APPLICATION RECOMMENDED FOR APPROVAL OR REFUSAL 1 - 30

The Panel is asked to consider the planning applications which were set out in (**Document “D”**) relating to items recommended for approval or refusal.

The sites considered are:

- (a) Land at Grid Ref 415820 444018 Moor Lane, Menston, Ilkley, West Yorkshire - 22/02914/FUL (Approve) **Wharfedale**
- (b) 12 View Road, Keighley, West Yorkshire, BD20 6JL - 22/02632/HOU (Refuse) **Keighley Central**
- (c) Land 404492 438794 Goose Cote Lane, Keighley, West Yorkshire - 22/03576/OUT (Refuse) **Worth Valley**

(Mark Hutchinson – 01274 434741)

### 7. MISCELLANEOUS ITEMS 31 - 70

The Panel is asked to consider other matters which are set out in (**Document “E”**) relating to miscellaneous items:

(A-Q) Items to note.

(R-W) Decisions made by the Secretary of State – Allowed.

(X-AE) Decisions made by the Secretary of State – Dismissed.

(Mark Hutchinson – 01274 434741)



## Report of the Strategic Director of Place to the meeting of the Area Planning Panel (KEIGHLEY AND SHIPLEY) to be held on 26 October 2022

**D**

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### Summary Statement - Part One

#### Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item</u>	<u>Site</u>	<u>Ward</u>
A.	Land At Grid Ref 415820 444018 Moor Lane Menston Ilkley West Yorkshire - 22/02914/FUL [Approve]	<b>Wharfedale</b>
B.	12 View Road Keighley West Yorkshire BD20 6JL - 22/02632/HOU [Refuse]	<b>Keighley Central</b>
C.	Land 404492 438794 Goose Cote Lane Keighley West Yorkshire - 22/03576/OUT [Refuse]	<b>Worth Valley</b>

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Julian Jackson  
Assistant Director (Planning, Transportation and Highways)

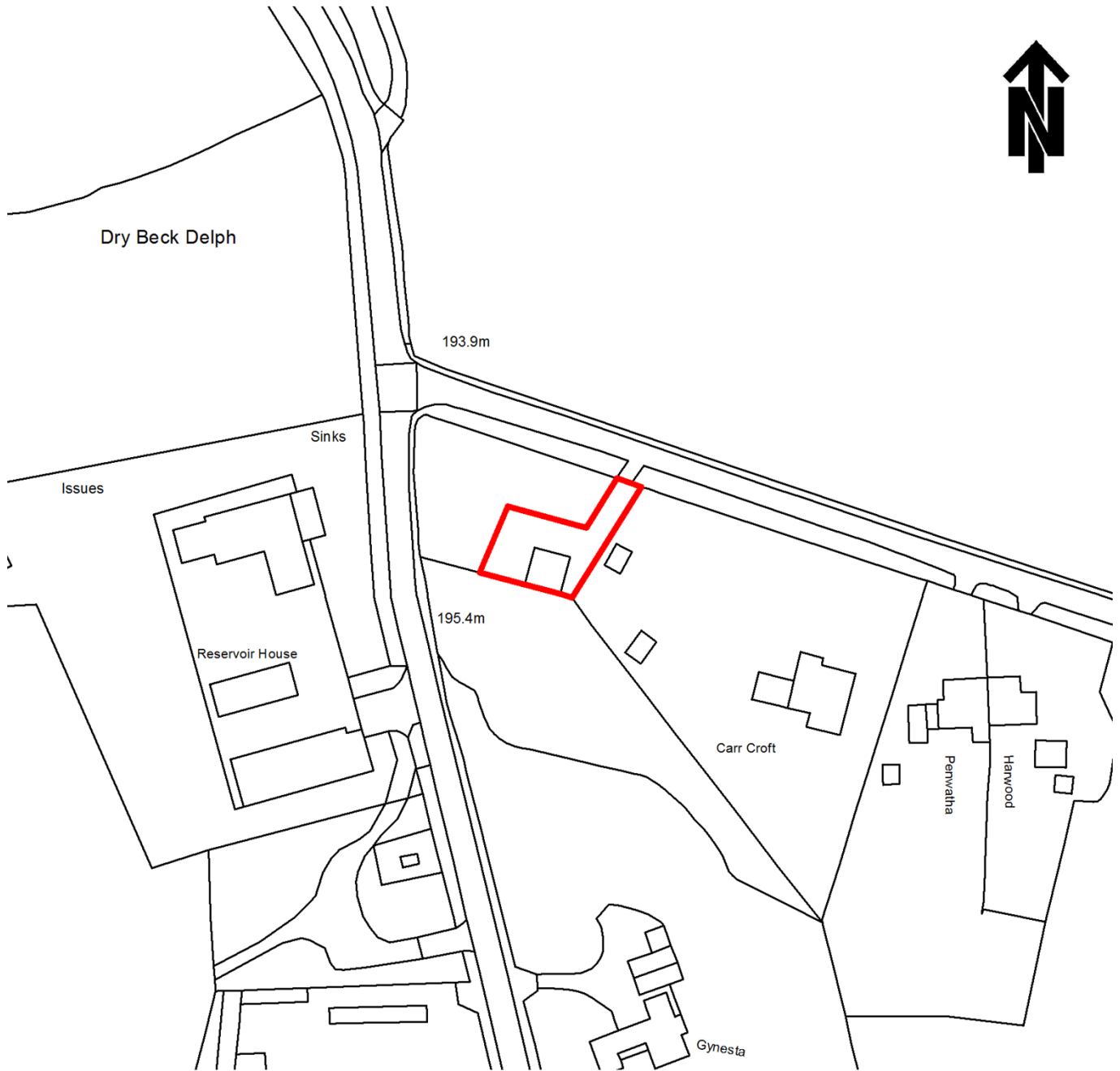
Report Contact: Mohammed Yousuf  
Phone: 01274 434605

Email: [mohammed.yousuf@bradford.gov.uk](mailto:mohammed.yousuf@bradford.gov.uk)

**Portfolio:**  
Regeneration, Planning & Transport

**Overview & Scrutiny Committee Area:**  
Regeneration and Environment

22/02914/FUL



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**Land At Grid Ref 415820 444018**  
**Moor Lane**  
**Menston**  
**Ilkley**

**26 October 2022**

**Item: A**  
**Ward: WHARFEDALE**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
22/02914/FUL

**Type of Application/Proposal and Address:**  
Full planning application for conversion of an existing agricultural building to a detached dwelling house (C3 use) on land at Grid Ref 415820 444018, Moor Lane, Menston.

**Applicant:**  
Mr Rob Britton

**Agent:**  
Mr Haydn Jones from Architecture One Eight Ltd

**Site Description:**  
The application proposes conversion of a functional storage building which has a steel portal frame and is faced partly in stone to its lower part, with a dull green coloured cladding to the upper section and roof. The building stands on a parcel of land on the corner of Hillings Lane and Moor Lane with a gated access onto Moor Lane. It is set back towards the rear corner of the plot and is not especially prominent due to a large amount of conifer tree cover around the edges of the plot which obscure the building in views from the adopted roads. The surrounding area is rural in nature but there are residential properties set along both highways at irregular intervals - including houses lining Moor Lane to the east. The site is located within the Green Belt and in the Wharfedale Landscape Character Area.

**Relevant Site History:**  
89/04756/FUL Erection of an implement and preparation shed Approved 04.10.1989

14/03748/FUL Construction of a single detached dwelling as replacement to existing agricultural building. Refused 22.10.2014

21/03067/PAR Change of use of agricultural building and land to 1 dwelling (Use Class C3). Prior Approval Refused 29.7.2021

**The National Planning Policy Framework (NPPF):**  
The NPPF is a material planning consideration on any proposal and confirms the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF says that local planning authorities should approach decisions on proposals in a positive and creative way to secure developments that will improve the economic, social and environmental conditions of the area. It requires that decision-makers at every level should seek to approve applications for sustainable development that accord with the statutory development plan.

**Local Plan for Bradford:**

The Core Strategy Development Plan Document (DPD) was adopted in 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP) remain applicable until adoption of Allocations and Area Action Plan DPDs. The site is not allocated for any specific land-use in the RUDP. Accordingly, the following adopted Core Strategy DPD and saved RUDP policies are applicable to this proposal.

**Core Strategy Policies**

DS1 Achieving Good Design

DS2 Working with the Landscape

DS4 Streets and Movement

DS5 Safe and Inclusive Places

EN2 Biodiversity and Geodiversity

EN4 Landscape Character

EN5 Trees and Woodlands

SC7 Green Belt

SC8 Protecting the South Pennine Moors and their Zone of Influence

SC9 Making Great Places

TR2 Parking Policy

**Saved RUDP Policies**

GB1 Principle of development within the green belt

GB4 Change of use/ conversion of buildings within the green belt

It should be noted that whilst both the above RUDP policies are 'saved' they are of some age and their wording is not precisely in alignment with the National Planning Policy Framework. The Planning Inspectorate has repeatedly indicated that they can only be afforded limited weight and that the NPPF should take precedence.

**Other Relevant Legislation**

South Pennine Moors SPA/SAC Supplementary Planning Document.

Landscape Character Supplementary Planning Document.

**Parish Council:**

Menston Parish Council object to the proposal and request that the application be considered by the Planning Panel. Their initial concerns related to the view that the development would be inappropriate in this location as it involves construction work within the green belt.

The Parish Council have been advised of the Officer opinion set out in this report - that the proposal is for a conversion of an existing structure to residential use and so can be considered as an exception to Green Belt policy. Nevertheless, the Parish Council wishes to sustain the objection on the basis that the previous application for prior approval for the conversion of the building was refused and this new proposal should also be rejected on the same basis because the site is not part of an established agricultural holding.

**Publicity and Number of Representations:**

Advertised by press and site notice and individual neighbour letters. Expiry date 18.8.2022.

3 objections have been received together with 1 comment in support.

**Summary of Representations Received:**

**Objection**

1. There has been an intention to build a house on this site since the 1980's. The current building was then constructed with the view to convert it to residential use at a later date.
2. The use of the building is not currently agricultural. The validity of the use of the site as a Christmas tree growing enterprise is questioned.
3. The proposal would be contrary to established green belt policy and previous similar applications for residential development have been refused.
4. The size of the dwelling is small and may lead to future requests for extensions and outbuildings.
5. The development would have a negative impact on the amenities of immediate Neighbours.
6. Visibility at the T junction between Moor Lane and Hillings Lane is already poor due to the presence of the conifer trees on site. Additional cars using the access will add to the potential hazard. Any planning consent should be conditional on the removal of these conifer trees and the restoration of the open metal railings to their original design.

Support – no specific reasons are given.

**Consultations:**

Highways DC – No objection subject to conditions relating to formation of the access, parking area, EV charging point and a restriction on gates not opening out onto the highway.

Council's Biodiversity Officer – No objection. The findings of the Ecological Report note that the building has no potential for bird or bat roosting and the scheme incorporates enhancement measures to support biodiversity net gain, subject to appropriate conditions. The submitted financial contribution is sufficient to mitigate against any recreational impacts of the development on the South Pennine Moor SPA/SAC.

Drainage Section – No objection and make no comments.

**Summary of Main Issues:**

1. Planning background and procedural issues
2. Principle of Development within the greenbelt:
  - Condition of the building*
  - Impact upon openness*
3. Impact on Landscape Character
4. Residential Amenity
5. Highway Issues
6. Impact upon Biodiversity
  - South Pennine Moors*
  - Ecology*

## **Appraisal:**

### **The Proposal**

The proposal seeks approval for the conversion of the existing portal framed building on the site to a residential dwelling house. The resulting building will provide a 2-bedroom dwelling across two floors. The scheme retains the overall form of the current structure, without enlargement. The existing steel frame would be retained but the functional green cladding sheets would be replaced with better insulated dark grey standing seam cladding. The large loading door to the front is to be removed and replaced with glazing. Some additional windows are added to give light to the interior. The existing gated access point to Moor Lane is to be used and parking for 2 vehicles is shown in front of the building.

Foul water from the dwelling will discharge to the YW Public Sewer recorded within Moor Lane 70m from the site entrance to which gravity connection will be achievable.

### **1. Planning background and procedural issues**

The site history shows that this functional building was built on the land under planning permission 89/04756/FUL granted in 1989. The decision description is the construction of an implement store and preparation shed. The site history file suggests that the building was intended to serve a tree nursery – growing Christmas trees. It is understood this Christmas tree nursery business operated for a time but, as objectors seem to confirm, that business has been inactive for a long time.

In 2014, an application, 14/03748/FUL, was made to replace the building with a single, new-build, detached dwelling. This application was, however, refused because building a new dwelling was inappropriate development in the green belt.

More recently, in 2021, a prior notification application (21/03067/PAR) was submitted seeking to take advantage of the permitted development provisions of Part 3, Class Q, to Schedule 2 of the Town and Country Planning (General Permitted Development (England) Order 2015. This legislation permits the change of use of agricultural buildings to dwellings, subject to certain provisions being met.

One of those limitations is that the building and site would have needed to be used solely for an agricultural use as part of an established agricultural unit, for a prescribed time limit.

The Local Planning Authority was not satisfied that the building met this limitation and refused to grant prior approval for the change of use. This was because Condition 2 on the original 1989 consent specifically restricted the use of the building to use in connection with a tree nursery. This does not constitute an agricultural use and so the site does not benefit from any permitted development rights under Part 3 Class Q.

It should be noted that Prior Notification 21/03067/PAR was not refused on grounds of planning merits. It was refused for procedural reasons. As the building is not used for agriculture, the submission of a prior notification application under Part 3 Class Q was not the correct way to go about changing the use of the building. This can only be achieved by submitting a full planning application for a change of use, hence this current application.

## **2. Control of Development within the Green Belt**

Nevertheless, although it was not appropriate to pursue change of use under permitted development provisions, the Parish Council objection to the granting of planning permission on the basis that the site is not part of an established agricultural holding is not supported by planning policy.

Guidance in the National Planning Policy Framework (NPPF) is that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. But Paragraphs 149 and 150 list certain exceptions to that presumption. These include the re-use of buildings provided two tests are met:

1. Provided that the buildings are of permanent and substantial construction, and
2. Provided the reuse preserves openness and does not conflict with the purposes of including land within the Green Belt.

The exception in the Framework for the re-use of an existing building sets no requirement that only buildings on bona fide agricultural holdings can be converted.

When considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt, but in this case Officers are confident that the scheme now presented is within the tests set by the Framework.

### Condition of the Building

The application is accompanied by a Structural Report which reports that the building in good structural condition and says the current steel frame would be able to support a new insulated clad roof and walling and any additional loading. Equally, the provision of new suspended flooring within the building would be feasible without adjustments to the current structure. The report also notes that there is a damp proof course evident. There is already a partial first floor in the building which is boarded with timber. The introduction of new windows would also pose no practical concerns in terms of the structure.

The Structural Report demonstrates that this building is of permanent and substantial construction and capable of conversion to a dwelling without significant rebuilding.

### Impact on Openness

The test under paragraph 150 of the NPPF also requires that re-use of an existing building needs to preserve the openness of the Green Belt and not conflict with the purposes of including land within it. The relevant purposes of the Green Belt here are to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another and to assist in safeguarding the countryside from encroachment.

The application site is currently well-contained and screened by mature vegetation. The retention of the adjacent woodland area, identified in blue on the submitted plan as being within the ownership of the applicant, would ensure that the domestic activity and paraphernalia associated with a dwelling house, such as parked cars, and a formal garden would be largely confined to the existing disturbed ground at the front of the building. Residential use and associated activity such as access and car parking would not unduly impinge on the openness and landscape character compared with past activity at the site.

Indeed, the size of the proposed residential curtilage is modest and of a scale which is

appropriate to this small family dwelling house. It has already been noted that no enlargements are proposed to the existing dwelling. The scheme presented is for a straightforward conversion of the existing structure and the residential use is unlikely to present any particularly noticeable urbanising influences that might be regarded as sprawl or encroachment.

It is however recommended to remove permitted development rights for future extensions and alterations, including outbuildings, to ensure the openness and character of the surrounding green belt area is not compromised by subsequent changes.

The reuse of this existing structurally sound building can therefore be regarded as an exception to Green Belt restrictions that will not materially affect openness compared with the past use and it does not conflict with the purposes of including land within the Green Belt. Notwithstanding the Parish Council's concerns, the reuse is within the scope of the exceptions set down in the National Planning Policy Framework.

### **3. Impact on Landscape Character**

The building stands in the countryside of the Wharfedale Landscape Character Area as defined by the adopted Landscape Character SPD. The SPD supports Policy EN4 of the Core Strategy which seeks to protect the landscape quality of Bradford District.

The utilitarian and functional nature of the current building adds little to the quality of the upland landscape around the site, but the small size of the structure and the dense conifer planting to the edges of the site mean that the building is hardly noticeable. That structure lends itself to a contemporary styled conversion with the substitution of the current metal sheeting with a dark grey standing seam roof covering. This approach would retain the functional character of the building and the colour scheme would mean that the building is still unobtrusive. The functional design reflects the existing character of the building and is appropriate to the semi-rural nature of the locality.

In addition, although it stands on a large plot the proposed curtilage to the dwelling depicted by the site layout plan 267.01.003 is reasonably restrained. The impact arising from the introduction of domestic paraphernalia on the landscape should therefore be minimal. It is suggested that the extent of the curtilage is restricted to that shown on the plan by means of a planning condition and also that details of the boundary treatment to define this curtilage shall be submitted to and agreed in writing by the Local Planning Authority and that these boundaries shall be retained around the curtilages.

Generally, therefore, the layout and design presented are sympathetic to the landscape surroundings of the site. That will ensure that the resulting dwelling would harmonise with its landscape setting. It is therefore considered that the conversion could be achieved without harm to the character of the Wharfedale Landscape Character Area - as required by Core Strategy Policy EN4.



#### **4. Residential Amenity**

The proposal raises no concerns concerning any harm to privacy or outlook of neighbouring occupiers. The garden of the nearest property to the east, Carr Croft, is separated from the site by an intervening paddock. All new window openings to the rear of the proposed dwelling will serve non-habitable rooms and the achievable facing distances from the newly formed windows are such that no privacy concerns from mutual overlooking are envisaged. The scheme accords with Core Strategy Policy DS5 in this regard.

#### **5. Highway Issues**

The new dwelling would use the existing vehicular access onto Moor Lane. Supporting information with the application demonstrates that this achieves the appropriate 2.4m x 43m visibility splays appropriate to the design speed of the road. As a single dwelling, traffic generation would be modest.

The drive access to the dwelling does not emerge directly onto the junction of Moor Lane and Hillings Road. It is located at an acceptable distance from it. The Council's Highway Officer has not asked for planning consent to be conditional on the removal of conifer trees from around the junction as suggested by an objector and is satisfied that this proposal raises no unacceptable highway safety issues.

That is subject to relevant conditions as to the surfacing of the access drive, provision of domestic parking and the introduction of an EV charge point to serve the new dwelling house. In addition, it is recommended that any gates to be installed as part of the development do not open outwards as this could cause an obstruction to the highway.

On that basis, the scheme would satisfy Policies DS4 and TR2 of the adopted Core Strategy DPD.

#### **6. Impact on Biodiversity**

##### The South Pennine Moors

This proposal is located more than 400m from the edge of the South Pennine Moors Phase II Special Protection Area (SPA) and Special Area of Conservation (SAC). There is no presumption against additional residential development on this site under Policy SC8 of the Core Strategy, or under the recently adopted the South Pennine Moors SPA / SAC Planning Framework Supplementary Planning Document (SPD).

The site falls within buffer Zones B and C to the SPA/SAC but with regard to buffer Zone B restrictions, the land proposed for development does not form foraging habitat for protected bird species of the SPA due to the dominance of trees on the site and the proximity to two roads. Additional residential development within buffer Zone C are expected to make provision for mitigating the resulting recreational pressure on the SPA or SAC. In accordance with the adopted SPD, this issue is addressed through the submission of a financial contribution by the applicant.

### Other Ecology Impacts

An Ecological Impact Assessment (EIA) by Witcher Wildlife Ltd. has been submitted in support of the proposal. This concludes that there are no protected species on the site that would be affected by the planned change of use. The building itself was identified to have negligible potential for roosting bats. The curtilage is to be limited to the area immediately adjacent to the building which has very limited value comprising bare, cleared earth. The scheme will provide a little bio-diversity net gain with the proposed introduction of bat and bird boxes into the converted building. It is suggested that a condition be imposed to secure delivery of these biodiversity measures. The EIA report also states that the external lighting around the building should be limited in extent, with the retained scrub woodland area being kept separate from the defined residential curtilage. Both of these measures will be beneficial, from an ecological perspective.

The proposal will accord with Core Strategy Policy EN2 and the requirements of the Council's SPD relating to the South Pennine Moors SPA/SAC.

### **Community Safety Implications:**

None arising.

### **Equality Act 2010, Section 149:**

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

### **Reason for Granting Planning Permission**

The proposal would not represent an inappropriate form of development in that it proposes the re-use of an existing structurally sound building within the Green Belt and so is an exception in accordance with the National Planning Policy Framework. The introduction of a residential use, as shown on the submitted drawings, can be achieved without having a material impact upon openness given the limited extent of the associated curtilage, the re-use of the existing access arrangements and the screening afforded by the adjacent woodland area. The proposal would therefore accord with the provisions around green belt development as set out in para 150 of the NPPF. Impact on landscape character is similarly limited.

Subject to the imposition of conditions, the scheme raises no material planning concerns as to the visual appearance of the resulting dwelling, highway safety or biodiversity. The property is sufficiently distant from near neighbours so as to not raise any significant amenity concerns.

The proposal will therefore accord with the provisions of Core Strategy Policies DS1, DS2, DS4, DS5, EN2, TR2 the South Pennine Moors SPD and the advice relating to development within the green belt contained in the National Planning Policy Framework.

**Conditions of Approval:**

1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. The development hereby approved shall only be carried out in accordance with the approved plans listed below: -

267.01.003 – Site Location Plan  
267.01.101 REV A - Existing Plans and Elevations  
267.03.101 REV A - Proposed Plans and Elevations  
AMA/21470/D/001 REV P1 - Drainage Strategy

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted.

3. The development hereby permitted shall be constructed using external facing and roofing materials as specified on the hereby approved drawing number 267.03.101 A received by the Council on 1 July 2022.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies DS1 and DS3 of the Core Strategy Development Plan Document.

4. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no development falling within Classes A to E of Part 1 of Schedule 2 of the said Order shall subsequently be carried out to the development hereby approved without the prior express written permission of the Local Planning Authority.

Reason: To prevent inappropriate forms of development and to safeguard the openness given that the site is located within an area of green belt and to accord with Policies DS1, DS2 and SC7 of the Core Strategy Development Plan Document.

5. The curtilage to the dwelling hereby permitted shall accord with that as depicted by the edged red site plan and the site layout plan Reference 267.01.003. Details of the boundary treatment to define this curtilage shall be submitted to and agreed in writing by, the Local Planning Authority. Only the agreed scheme shall be implemented prior to the first occupation of the dwelling and these boundaries shall be retained around the curtilages thereafter.

Reason: To safeguard the Green Belt from further encroachment of inappropriate development and to ensure that the impact of any means of enclosure on the character of the landscape can be carefully controlled to accord with Policies EN4, SC7 and DS2 of the Core Strategy Development Plan Document.

6. Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan numbered 267.01.003.

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policy DS4 of the Core Strategy Development Plan Document.

7. Before any part of the development hereby permitted is brought into use, the off-street car parking and turning facility shall be constructed of porous materials, or made to direct run-off water from a hard surface to a permeable or porous area within the curtilage of the site, and laid out with a gradient no steeper than 1 in 15. The parking area so formed shall be retained whilst ever the use hereby permitted subsists.

Reason: In the interests of highway safety and drainage, and to accord with policies TR2 and EN7 of the Core Strategy Development Plan Document.

8. Before the dwelling house is brought into use, an electric vehicle charging point shall be installed. The charging point shall be retained fully operational thereafter whilst ever the use subsists.

Reason: To facilitate the uptake of low emission vehicles and to reduce the emission impact of traffic arising from the development in line with the Council's Low Emission Strategy and National Planning Policy Framework.

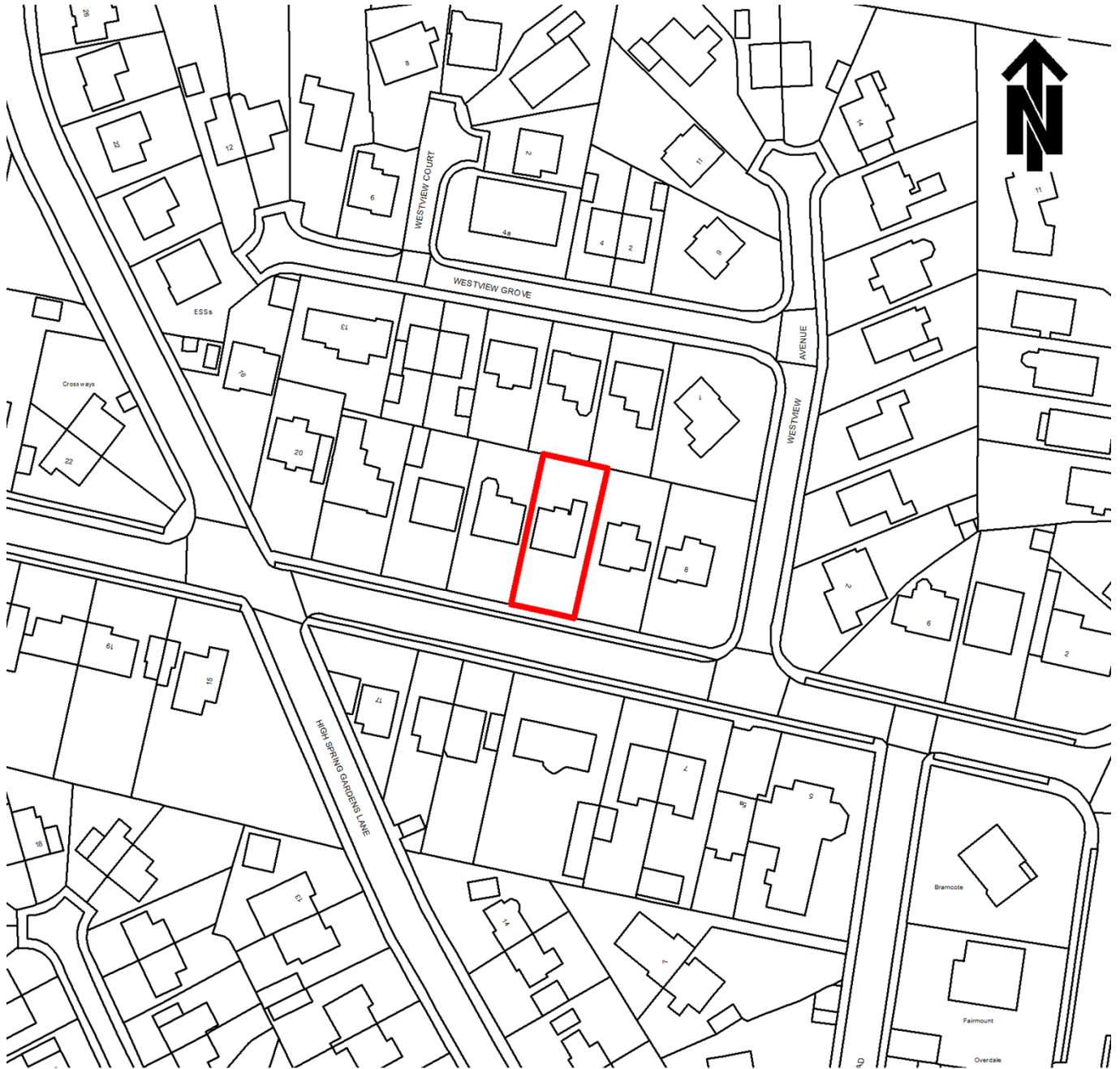
9. During the course of the conversion work, 2 No swift nesting boxes shall be installed into the western gable elevation and a bat box to the eastern gable elevation in accordance with the details set out in the Ecological Impact Assessment submitted by Witcher Wildlife Limited. Once installed, the boxes shall be kept in good order and be available for use whilst ever the building remains on site.

Reason: To provide appropriate biodiversity enhancement and to accord with Policy EN2 of the Bradford Local Plan Core Strategy.

22/02632/HOU



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



1:1,250

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**12 View Road**  
**Keighley**  
**BD20 6JL**

**26 October 2022**

**Item: B**  
**Ward: KEIGHLEY CENTRAL**  
**Recommendation:**  
**TO REFUSE PLANNING PERMISSION**

**Application Number:**  
22/02632/HOU

**Type of Application/Proposal and Address:**

Householder application for the construction of front dormer windows. Demolition of existing bay windows, existing conservatory and lean to roof. Formation of central glazed atrium and flat roof to rear extension at 12 View Road Keighley, BD20 6JL.

**Applicant:**  
Mr Riaz

**Agent:**  
Mr Michael Ainsworth - MADP

**Site Description:**

This application relates to a two-storey detached dwelling on the north side of View Road in a suburban area to the north-west side of Keighley. The street includes a variety of semi-detached and detached houses but this side of View Road, beyond High Spring Gardens Lane, is lined by similar detached houses – all being two storeys high and probably built in the 1960's. The houses have tiled roofs with feature gables and mostly rendered facades. The houses are set back from the road behind stone walls and hedges with mature gardens and some trees creating a mature street scene.

It is understood that this detached house suffered a fire in 2020 and is now a shell. Some restoration works to the dwelling have commenced; at present the house has no roof.

**Relevant Site History:**

92/02265/FUL – Single storey conservatory extension. Granted 28.05.1992

**The National Planning Policy Framework (NPPF):**

The NPPF is a material planning consideration on any proposal and confirms the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF says that local planning authorities should approach decisions on proposals in a positive and creative way to secure developments that will improve the economic, social and environmental conditions of the area. It requires that decision-makers at every level should seek to approve applications for sustainable development that accord with the statutory development plan.

**Local Plan for Bradford:**

The Core Strategy Development Plan Document (DPD) was adopted in 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP) remain applicable until adoption of Allocations and Area Action Plan DPDs. The site is not allocated for any specific land-use in the RUDP. Accordingly, the following adopted Core Strategy DPD and saved RUDP policies are applicable to this proposal.

**Core Strategy Policies**

DS1 Achieving Good Design  
DS3 Urban Character  
DS4 Streets and Movement  
DS5 Safe and Inclusive Places  
EN5 Trees and Woodland.

**Relevant Supplementary Planning Documents**

Householder Supplementary Planning Document.  
Homes and Neighbourhoods Supplementary Planning Document.

**Parish Council:**

Keighley Town Council has no objections and recommends approval.

**Publicity and Number of Representations:**

The application was publicised with neighbour notification letters that expired on the 11<sup>th</sup> July 2022.

6 objections were received.

15 representations were received in support. These include support from a Ward Councillor.

**Summary of Representations Received:**

Objection to this application:

- Works have started without planning permission.
- Development is out of character for the area.
- It is too high compared to the surrounding houses.
- Development would impact negatively on privacy.
- It is poorly designed.

Support for the application:

- Well-designed development that will improve the area.
- The house is in need of improving after being burnt down.

In support, the Ward Councillor says there have been issues in the past around fly tipping and if officers recommend for a refusal then can he asks that the item be referred to planning committee. The planning reason is that the proposal is bringing a disused derelict building back into use and it will be an enhancement to the local area which will prevent fly tipping.

**Consultations:**

None

**Summary of Main Issues:**

1. Principle of development
2. Design and scale
3. Impact on residential amenity
4. Trees

**Appraisal:**

**1. Principle of development**

The subject dwelling is located in a residential part of Keighley. View Road comprises a mixture of detached and semi-detached houses of varying styles but most have been built around the same period and all have a generally uniform height.

Although the agent's description of the proposal itemises individual aspects such as removal of the bay windows, conservatory and lean to roof, and refers to construction of front dormer windows, central glazed atrium and flat-roofed rear extension, this somewhat underplays the extent of the re-modelling being proposed. The proposal is really proposing a fundamental remodelling and substantial enlargement of the original dwelling.

Indeed, the application has been submitted as a 'Householder' application to extend the property but when comparing the existing elevation drawing with the proposed drawings it is questionable whether the significant works being proposed can be classed as an "extension" to the existing dwelling, as opposed to involving demolition and re-building of a replacement house. No structural information has been provided to confirm the robustness of the existing elements of fabric and foundations to support the additional massing of the new structure.

It is appreciated that other houses in the area have been extended in the past and there is certainly support from Officers for the need to bring this fire damaged house back into use with suitable modifications, but the proposals submitted present substantial conflicts with the adopted Householder SPD and Core Strategy design policies and the nature and scale of the proposed works are not seen as an enhancement.

**2. Design and Scale of the Proposals**

The first Design Principle within the Council's adopted Householder SPD is that the size, position and form of extensions should maintain or improve the character and quality of the original house and wider area. To achieve this, and as a general rule, extensions should not appear to dominate the original house or neighbouring properties. They should complement the design of the original property and the wider area, which should be taken as the starting point of any design.

Under this approach, the original house should be dominant and all extensions should appear as sympathetic additions. A well-designed subordinate extension will help to maintain the original appearance of a house and the wider area.



These application proposals involve a complete re-ordering of the house - adding to its height and bulk with the existing hipped roof eliminated to form two gables and introducing new features including the second storey with triangular dormer windows in the new roof and a pronounced projecting gable with full height glazing as the central feature of the principal elevation facing View Road. This feature is referred to as an 'atrium' in the description and would introduce a wholly novel design element to the neighbourhood.

In addition to those discordant design features, there is significant concern that the proposed house is of a much larger scale than the two neighbouring dwellings and the houses elsewhere along this section of View Road. The size of the proposed development would result in a dwelling that is out of scale and unduly imposing. That is demonstrated on the agent's own section drawings which illustrate how it would be significantly taller and with a much greater massing than the two houses next door. The development would see a three-storey house situated between traditional conventional two-storey suburban houses. The discordant dormer windows and three storey glazed 'atrium' would all draw attention to, and emphasise the unsympathetic scale of the building.

Whilst there are variations in the design of individual houses, there is a strong consistency in terms of the height and bulk of the existing houses, which tend to sit back quietly behind the mature gardens and trees. In contrast, the much bulkier form of the proposed house would appear very incongruous and overbearing. The resultant dwelling would alter significantly the massing and appearance of the house presently on site and the resultant appearance cannot be said to be complementary to the established character of View Road, nor is it of such exceptional or outstanding design that it raises the quality of the area.

Furthermore, the plans show that the width of the house would be widened to nearly fill the width of the plot. As a result, the house would appear much more cramped and overbearing than at present.

Finally, the rear elevation of the house is designed with a flat roof over three storeys of windows. The fenestration to the rear elevation appears poorly arranged. This flat roofed three-storey extension at the rear seems a particularly poor feature. Under the Householder SPD, the Council will normally insist that the roof of an extension should closely match the form (and materials) of the roof of the existing building. This will help to ensure that extensions and alterations complement and are integrated with the original house. The poorly matching flat roof is likely to damage the character of the building and the wider area.

These extensions, which if approved will amount to a radical redevelopment of the plot with a much larger and bulkier house seem both out of scale and out of keeping with the character of the existing house, the capacity of the plot and the character of View Road.

The proposals present significant conflicts with Policies DS1 and DS3 of the Core Strategy DPD which seek for planning decisions and development proposals to contribute to achieving good design and high quality places through being informed by a good understanding of the site/area and its context. Development, including extensions, should be appropriate to their context in terms of layout, scale, density, details and materials. These proposals are not.

### **3. Impact on residential amenity**

The application house sits between dwellings on View Road and backs onto the houses on Westview Grove. The significant increase in the height and massing of the dwelling is likely to have an impact on the amenity of the adjacent residents. The house would dominate the houses to either side and the sloping land will mean that number 10 is at a lower level, would be particularly affected by the overbearing nature of these proposals.

The distance to the rear boundary of the plot from the rear wall of the house is 7.25m. the guidance in the adopted Householder SPD is that a two storey rear extension should be a minimum of 7.0m from the rear boundary of the site and 17m from the nearest habitable room window of the house behind.

In this case, the proposal is three storeys in height, rather than the two in the guidance. This means that there is a concern that the rear of the proposed development would overlook the houses to the rear, and number 5 Westview Grove in particular.

### **4. Trees**

There is an impressive broad-leafed tree at the front of the site. It is far enough from the house to be unaffected by the proposed works if care is taken. If permission was granted, suitable protection measures for the tree would need to be employed.

### **Community Safety Implications:**

There are no implications for community safety.

### **Equality Act 2010, Section 149:**

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

### **Reasons for Refusal:**

1. The proposed extensions to the dwelling would dominate the original house and the neighbouring properties and would not complement the design of the original property and the wider area. The development would result in a dwelling that is of incongruous design and overbearing scale, and which would be detrimental to the character of View Road. The height, design and massing of the extensions are detrimental to the host dwelling and the contribution it makes to the character of View Road. The proposal conflicts with policies DS1 and DS3 of the Core Strategy Development Plan Document.
2. The massing of the proposed development would cause detriment to the living conditions of occupiers of the neighbouring residential properties by creating an overbearing dwelling that will harm outlook and daylight. In addition, the windows to the rear would overlook the garden of the property to the rear on Westview Grove. The proposal would harm the amenity of occupiers of adjoining properties and conflicts with policy DS5 of the Core Strategy Development Plan Document.

**22/03576/OUT**



*City of*  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



1:1,250

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**Land 404492 438794**  
**Goose Cote Lane**  
**Keighley**

**26 October 2022**

**Item:** C  
**Ward:** WORTH VALLEY  
**Recommendation:**  
**TO REFUSE PLANNING PERMISSION**

**Application Number:**  
22/03576/OUT

**Type of Application/Proposal and Address:**

Outline planning application for residential development of land for up to 9 dwellings requesting consideration of access at land at 404492 438794 - south of Goose Cote Lane, Keighley.

**Applicant:**  
GCL Developments

**Agent:**  
Mr Sam Dewar - DPA Planning Ltd

**Site Description:**

This application relates to part of an open field approximately 2km to the south-west of the centre of Keighley and 500m south-east of Oakworth. The field is bounded by Goose Cote Lane to the north. To the west is a cluster of houses around Harewood Hill which is outside the Green Belt. The land falls away to the south and east with adjoining fields stretching down towards the Keighley Worth Valley Railway line and the river Worth which are in the valley bottom. The red line application site has an area of 0.5 hectares and is part of a larger field which extends to the east.

**Relevant Site History:**

18/00214/MAO - Outline application for residential development of land for 100 market dwellings, 30 affordable sheltered dwellings, on-site green space, ecological and landscape enhancement, requesting consideration of access. Refused 05.04.2018

18/05104/MAO - Outline application for residential development of up to 100 dwellings with all matters reserved apart from access. Withdrawn 06.11.2019

**The National Planning Policy Framework (NPPF):**

The NPPF is a material planning consideration on any proposal and confirms the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF says that local planning authorities should approach decisions on proposals in a positive and creative way to secure developments that will improve the economic, social and environmental conditions of the area. It requires that decision-makers at every level should seek to approve applications for sustainable development that accord with the statutory development plan.

**Local Plan for Bradford:**

The Core Strategy Development Plan Document (DPD) was adopted in 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP) remain applicable until adoption of Allocations and Area Action Plan DPDs. The site is not allocated for any specific land-use in the RUDP. Accordingly, the following adopted Core Strategy DPD and saved RUDP policies are applicable to this proposal.

**Core Strategy Policies**

SC9 Making Great Places  
SC7 Strategic Green Belt Policy  
DS1 Achieving Good Design  
DS2 Working with the Landscape  
DS4 Streets and Movement  
DS5 Safe and Inclusive Places  
EN4 Landscape Character  
HO9 Housing Quality

**Parish Council:**

Keighley Parish Town Council: Recommends refusal as the site is designated Green Belt and the application doesn't meet the requirements for Green Belt development. Furthermore, the comments outlined in the Landscape Architects report make clear the negative impact any such development would have on the local area.

**Publicity and Number of Representations:**

The application was publicised with a site notice that expired on the 7<sup>th</sup> October 2022, neighbour notification letters and press notice (Keighley News) that both expired on the 20<sup>th</sup> October 2022. Representations received:

252 objections received.

19 representations in support

**Summary of Representations Received:**Objection to this application:

- The land is designated green belt
- The land is a greenfield site
- Oakworth cannot cope with more housing.

Support for the application:

- Bradford does not have a five year supply of housing land.
- Eco homes should be supported.

**Consultations:**

Drainage Section: The Local Lead Flood Authority recommend that this application is not determined until a Surface Water Drainage Strategy has been submitted for the proposed development.

Landscape Team: The development could be classed as an infill to some extent. Important views to the Worth Valley railway are restricted due to the topography. However, the implication of further green belt release would mean that the future potential cumulative negative impact on landscape character could ultimately be more significant than is suggested by this application alone.

Should the applicant pursue a full plans application then a landscape visual appraisal to be undertaken by qualified CMLI Landscape Architect in accordance with GLVIA3. A landscaping plan identifying proposed tree/shrub planting, potential net gain, SUDS, surfacing type, retaining walls, contours with both existing and proposed levels is required. Also a selection of profiles/elevations to show the proposed building to determine scaling and massing of the proposed development with regards to the landscape and existing buildings. Thorough consideration should also be given to mitigation.

**Summary of Main Issues:**

1. Background/procedural matters
2. Conflict with Green Belt
3. Consideration of whether there are very special circumstances.
4. Landscape
5. Highway safety
6. Ecology/Biodiversity
7. Residential amenity
8. Drainage
9. Other issues – land stability/archaeology.

**Appraisal:**

**1. Background/procedural matters**

The applicant has submitted an Outline application for residential development of the land for up to 9 dwellings. It requests only consideration of access. A Proposed Layout is submitted showing an arrangement of 9 detached houses around a cul de sac off Goose Cote Lane. However, that layout arrangement is regarded as illustrative except insofar as it indicates the point of access from Goose Cote Lane and a turning head.

The applicant's submission acknowledges that the site is part of the Green Belt. This proposal is for inappropriate development therefore represents a departure from the Development Plan. It has been advertised accordingly.

It will be noted that a previous outline application for 100 market dwellings, 30 affordable sheltered dwellings was refused at the Council's Regulatory and Appeals Committee in 2018. That application was refused for the following summarised reasons:

1. The proposal is for inappropriate development within the Green Belt. The considerations in favour of the development are not considered to counterbalance the harm the development would cause to the Green Belt.
2. The development would unacceptably harm the character of the landscape to the detriment of the local tourist industry and the adjacent heritage railway line.
3. The application does not properly and fully assess land stability issues associated with the site or how land stability may affect the development viability, layout, design and requirement for retaining structures. The proposal is contrary to Core Strategy Policy EN8.

4. The application does not properly assess the archaeological potential of the site or the potential archaeological impact of the development and how this may be mitigated. The proposal is contrary to Core Strategy Policy EN3. This new application proposes a lesser development on part of that land.
5. Although close to the edge of Keighley, the site is actually in the Worth Valley ward.

## **2. Conflict with Green Belt policy**

Although proposing a lesser development than 18/00214/MAO, the application site is nevertheless still part of the West Yorkshire Green Belt.

In terms of the policy context provided by the Development Plan, it should be noted that RUDP Green Belt policies, whilst 'saved', are of some age and their wording is not in precise alignment with the National Planning Policy Framework. Although saved Policy GB1 of the RUDP was referenced in the 2018 refusal, the Planning Inspectorate has repeatedly indicated that RUDP policies referring to Green Belt cannot be afforded much weight and that the up-to-date NPPF should take precedence.

The Core Strategy includes a Policy SC7 referring to Green Belts. Whilst emphasising the importance of openness, this policy principally sets out the strategic approach that will be taken in the future review of green belt through the Allocations DPD rather than indicating a policy for dealing with specific development proposals.

This application therefore needs to be determined principally by reference to the National Planning Policy Framework within which the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

NPPF paragraph 138 sets out that the Green Belt serves five purposes:

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

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

In respect of development NPPF paragraph 149 states that "A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt."

The construction of 9 houses is therefore clearly inappropriate development.

Exceptions to Green Belt policy are listed in paragraphs 149 and 150 of the NPPF but none of the exceptions are considered relevant to this proposal. The land is not previously developed land and the proposal does not amount to “limited infilling in villages” as the site is on the edge of Oakworth rather than within the urban envelope of the village. The application would extend the edge of Oakworth into the field not infill.

The proposed development would not, therefore, meet any of the exceptions of the NPPF paragraph 149 and consequently represents an inappropriate form of the development.

Paragraph 147 of the NPPF states the “Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”

### **3. Whether there are very special circumstances**

Very special circumstances are not defined in the Framework. The applicant argues a number of claimed benefits to justify setting aside the Green Belt. These include making a “significant” contribution to housing land supply; that the site may be one for inclusion in the emerging Allocations DPD; that the houses will be sustainably located development; bringing benefits to the local economy; and that the scheme has “deliverability; and that the development could deliver biodiversity net gain; and landscape improvements.

It is acknowledged that Paragraph 11 of the National Planning Policy Framework requires that planning decision-takers should apply a presumption in favour of sustainable development which means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For applications involving the provision of housing, the presumption applies in situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites; or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. That is acknowledged to be the situation in Bradford District, within which the latest Housing Delivery Test results published on 14 January 2022 showed supply falling below this threshold.

However, the delivery of only up to 9 houses would make only a very modest contribution to housing land supply. Such modest benefits would not outweigh the substantial harm that a sporadic breach of Green Belt at Goose Cote Lane would cause to the integrity of the policy – setting a precedent for other breaches elsewhere across the District and undermining the importance of the Green Belt.

In addition, Footnote 7 of the Framework says that setting aside the presumption in favour of sustainable development can be justified if the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Green Belt is such an asset or area of particular importance.



The view of Officers is that approval of this application would cause harm to that asset for the reasons outlined. 'Very special circumstances' do not exist because the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is not clearly outweighed by other considerations.

This proposal will not make any significant contribution to housing land supply and by reference to the NPPF the planning balance must lead to a conclusion that, in this case, the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.

The applicant has also argued in the Planning Statement that the application site has been previously submitted for consideration as a potential future housing site in the forthcoming Allocations DPD. This was done as part of the Strategic Housing Land Availability Assessment (SHLAA). However, the SHLAA is only a search process and does not allocate land as part of the Development Plan. In any case, this allocation site was rejected for housing because of 'landscape impact' and 'Heritage impact'. The site does not form part of the Preferred Options Policies that form part of the Regulation 18 consultation on the Core Strategy. Arguments that the site is likely to be carried forward as an eventual release are therefore without foundation and carry no weight.

The other principal factor argued in the supporting statement is that the proposed houses have been described as 'eco houses'. The agent says they are willing to ensure the eco credentials of the 9 houses by conditions or a unilateral undertaking.

However, Officers attach little weight to this. There is no eco-house exception in the NPPF for development in the Green Belt, and use of the term "eco house" by the applicant is poorly defined. This application is outline and details of the appearance and design of the houses is not presented for consideration. Apart from some generic information about low carbon heating and renewable electricity generation there is no evidence to support the claim that "the houses will have a 74% reduction in energy demand compared to a typical building of the same size". A precise and enforceable condition that would meet the tests for planning conditions and which would secure delivery of "eco houses" is not presented by the applicant.

In any case, even if there were some certainty about what is being proposed, this would not justify breach of Green Belt which, in itself is not sustainable development. As the modern Building Regulations require increasingly high standards in terms of insulation, houses with sustainable design credentials are becoming increasingly common place. Such development is no longer "very special". As building technology develops, the novelty of an 'eco-house' has significantly diminished.

The other arguments for "very special circumstances" are similarly not supported by evidence and can be given little credence. Claimed biodiversity and landscape benefits are unquantified due to the lack of detail and whether they could be delivered is open to doubt.

The outline application was rejected on ground that the considerations in favour of the development were not considered to counterbalance the harm the development would cause to the Green Belt. That remains the case. Officers strongly dispute the applicant's argument that there are very special circumstances to support this proposal for inappropriate development. The potential harm to the Green Belt by reason of inappropriateness, and any other harm, is not clearly outweighed by other considerations.

#### **4. Impact on Landscape Character**

The proposed development would sit within the boundary of the Worth & North Beck Valley landscape character area. The site is also on the boundary of the Airedale landscape character area.

The objectives of the adopted Landscape Character SPD's are to protect and enhance the character, appearance and features which are important to the landscape and encourage an integrated approach to development which includes consideration for landscape issues. This is in support of Core Strategy Policy EN4

Consideration is also given to the National Character Area "Southern Pennines" an important statement of environmental opportunity to manage and enhance the pastoral character of the moorland fringes, lower hills and valleys, with their mosaics of pastures and meadows, and their strong field patterns defined by drystone walls, to improve ecological networks and strengthen landscape character.

The green belt designation of the land has aided in maintaining the landscape character of the area by preventing urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Previous application to develop the field have previously been refused/withdrawn due to the impact on longer reaching views of the site. Important views to the Worth Valley railway are restricted due to the topography. The site is clearly visible from Halifax Road on the to the south east of the site on the other side of the valley.

The development on this greenfield site in the green belt would extend the built edge of Oakworth beyond Goose Cote Lane and negatively impact on landscape character. The previous applications to develop the field (18/00214/MAO and 18/05104/MAO) were for much larger scale developments (130 and 100 dwellings respectively). Whilst this proposal is of a smaller scale than those it is still fundamentally unacceptable since it sees the encroachment of Oakworth into greenfield land that plays an important role in establishing the landscape character of the area and forming a definitive edge to Oakworth.

Each case has to be considered on its merits, however, the piecemeal development of the site would weaken the case to resist further urban development of this field in the future.

Given the sensitivity of the site, the application is lacking in relevant information such as, even a basic, landscape visual appraisal. What would be expected in a landscape visual impact assessment to be undertaken by qualified CMLI Landscape Architect in accordance with GLVIA3. A landscaping plan identifying proposed tree/shrub planting, potential net gain, SUDS, surfacing type, retaining walls, contours with both existing and proposed levels. A selection of profiles/elevations to show the proposed building to determine scaling and massing of the proposed development with regards to the landscape and existing buildings. Thorough consideration should also be given to mitigation.

The absence of such detail means that the full impact of the development cannot be undertaken. It is the case that the proposal is in outline with only access considered however, without a basic landscape appraisal it is not possible to fully consider the impact of the development.

What can be concluded is that the development would see encroachment of Oakworth into protected landscape that would cause demonstrable harm to the established character and amenity value of the area contrary to Policy EN4 of the Core Strategy

## **5. Highway safety**

Means of access is a matter for consideration and the proposals show a new junction, the serve the 9 dwellings, created on the south side of Goose Cote Lane. The access would be off set to the west from the junction of Harewood Road and Goose Cote Lane. A dry stone wall runs along the boundary of the field and Goose Cote Lane. The development would, therefore, necessitate the creation of an opening in the wall. There is a grass verge along the carriageway edge that provides for good sightlines in either direction.

Goose Cote Lane is the main route onto Keighley Road from the housing estate to the north and east which forms part of the western side of Keighley/Damems.

The visibility in both directions is appropriate and, subject to the necessary conditions in respect of laying out of the junction to the appropriate standard there is no concern over the access. The development does not raise undue highway safety concerns.

## **6. Ecology/Biodiversity**

A Preliminary Ecological Appraisal from January 2018 has been submitted with the application with relates to the whole field. It is not up to date and was used to support previous applications to develop the site.

The PEA needs to be updated and in accordance with the Environment Act 2021 Biodiversity Net Gain (BNG) in the form of a 10% net gain through habitat creation and enhancement should be required. The PEA predates this requirement and as such is lacking in information.

In principle it should be possible to see a suitable 10% BNG of the site as part of the development. However, without the information it is not possible to draw a satisfactory conclusion.

## **7. Residential amenity**

The proposed dwellings could be designed and orientated in a way that does not impact negatively on the amenity of nearby residents. The development of this part of the site would impact on the views of those houses on Goose Cote Lane that presently overlook the field however pleasant views are not protected.

## **8. Surface Water Drainage**

Although not in a Flood Risk Zone, there are concerns about surface water. A Surface Water Drainage Strategy has not been submitted for the proposed development. Such a strategy is fundamental to the scheme and the Council's Drainage Officer has advised that the application should not be determined without seeing one.

The applicant's Flood Risk Assessment states (4.7) 'The local public sewer network does not have capacity to accept any surface water from the proposed site'. As such, the developer needs to provide an outline drainage scheme showing how the surface water run-off from development will be disposed of. If soakaways are to be used this needs to be proven with soakaway tests, carried out in accordance with BRE Digest 365. The test results need to be accompanied with a photographic record of the testing.

There is a concern that without the drainage strategy the development could lead to increase flood risk elsewhere and this is contrary to the requirements of the NPPF. It is not possible to reserve by condition such details as they are fundamental to the acceptable development of the site. That is a further reason for refusal.

## **9. Other Issues – land stability/archaeology**

As well as being refused for reasons of Green Belt and landscape character outline application 18/00214/MAO for residential development was refused on grounds of potential land instability and possible conflict with archaeology.

These matters have been addressed by supporting evidence provided with this new application which it is acknowledged affects a smaller area of land.

A Preliminary Slope Stability Assessment was undertaken by ARP Geotechnical Ltd has examined engineering ground conditions along the terraced profiles seen across lower part of the 18/00214/MAO site which were the cause for concern. These are interpreted to be fluvial features but after careful inspection, there was no evidence of landslips or active faults causing movement, such as recent cracking or preserved historical cracking.

Core Strategy Policy EN8 advises that proposals for development of land which may be contaminated or unstable must incorporate appropriate investigation into the quality of the land. Where there is evidence of contamination or instability, remedial measures must be identified to ensure that the development will not pose a risk to human health, public safety and the environment. Investigation of land quality must be carried out in accordance with the principles of best practice.

That seems to have been partially addressed by the applicant and there seems no evidence to dispute the findings of the applicant's report that there are no insurmountable land stability issues on this lesser application site which would preclude a residential development. In any case this lesser development avoids the steeper slopes leading down to the river and the applicant's arguments that general stabilisation of the ground can be achieved by the inclusion of strategically placed foundations, and retaining structures which would be controlled as part of the reserved matters are accepted.

To address the concerns regarding possible impact on archaeology, the applicant has followed advice previously recommended by West Yorkshire Archaeological Advisory Service (WYAAS). SUMO Geophysics Ltd have undertaken a geophysical survey of the application area following Historic England guidelines (EH 2008).

The results from this survey indicate the presence of a ditch-like anomaly and evidence of ridge and furrow cultivation across three zones which cover the larger 18/00214/MAO site. However, the meaning of the geophysical findings in respect of the current application site - and whether these locate filled in pipelines or features of genuine archaeological interest - is uncertain. The applicant's conclusion that "no anomalies of archaeological interest were detected" on the application land is not entirely proven. However, if the LPA was intending to grant planning permission, it would seem feasible to require further evaluation (and recording) of the specific features revealed on the application site before development is begun.

**Community Safety Implications:**

There are no implications for community safety.

**Equality Act 2010, Section 149:**

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

**Reasons for Refusal:**

1. The land is in the Green Belt and the National Planning Policy Framework (NPPF) says a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The 9 houses would appear as sprawl and would be contrary to the purposes of Green Belt. The considerations in favour of the development, as presented by the applicant, and including the modest contribution to housing land supply, are not considered to outweigh the harm the development would cause to the Green Belt. Harm to the Green Belt as an asset of particular importance provides a clear reason for refusing the development proposed and there are no very special circumstances justifying a departure.
2. The development would cause unacceptable harm to the landscape character of the area by extending the urban edge of Oakworth into a greenfield site that is not outweighed any benefit of the proposal. The proposal is contrary Policies DS2 and EN4 of the Core Strategy Development Plan Document.

3. The application is lacking in details about drainage of the site. In the absence of a Surface Water Drainage Strategy completed by a suitably qualified person, it is not possible to fully assess the implications of the application proposal. The proposal is contrary to policy EN7 of the Core Strategy Development Plan Document and NPPF paragraph 159.

## Report of the Strategic Director of Place to the meeting of the Area Planning Panel (KEIGHLEY AND SHIPLEY) to be held on 26 October 2022

**E**

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### Summary Statement - Part Two

#### Miscellaneous Items

	<u>No. of Items</u>
Requests for Enforcement/Prosecution Action	(17)
Decisions made by the Secretary of State - Allowed	(6)
Decisions made by the Secretary of State - Dismissed	(8)

---

Julian Jackson  
Assistant Director (Planning, Transportation and Highways)

Report Contact: Mohammed Yousuf  
Phone: 01274 434605

Email: [mohammed.yousuf@bradford.gov.uk](mailto:mohammed.yousuf@bradford.gov.uk)

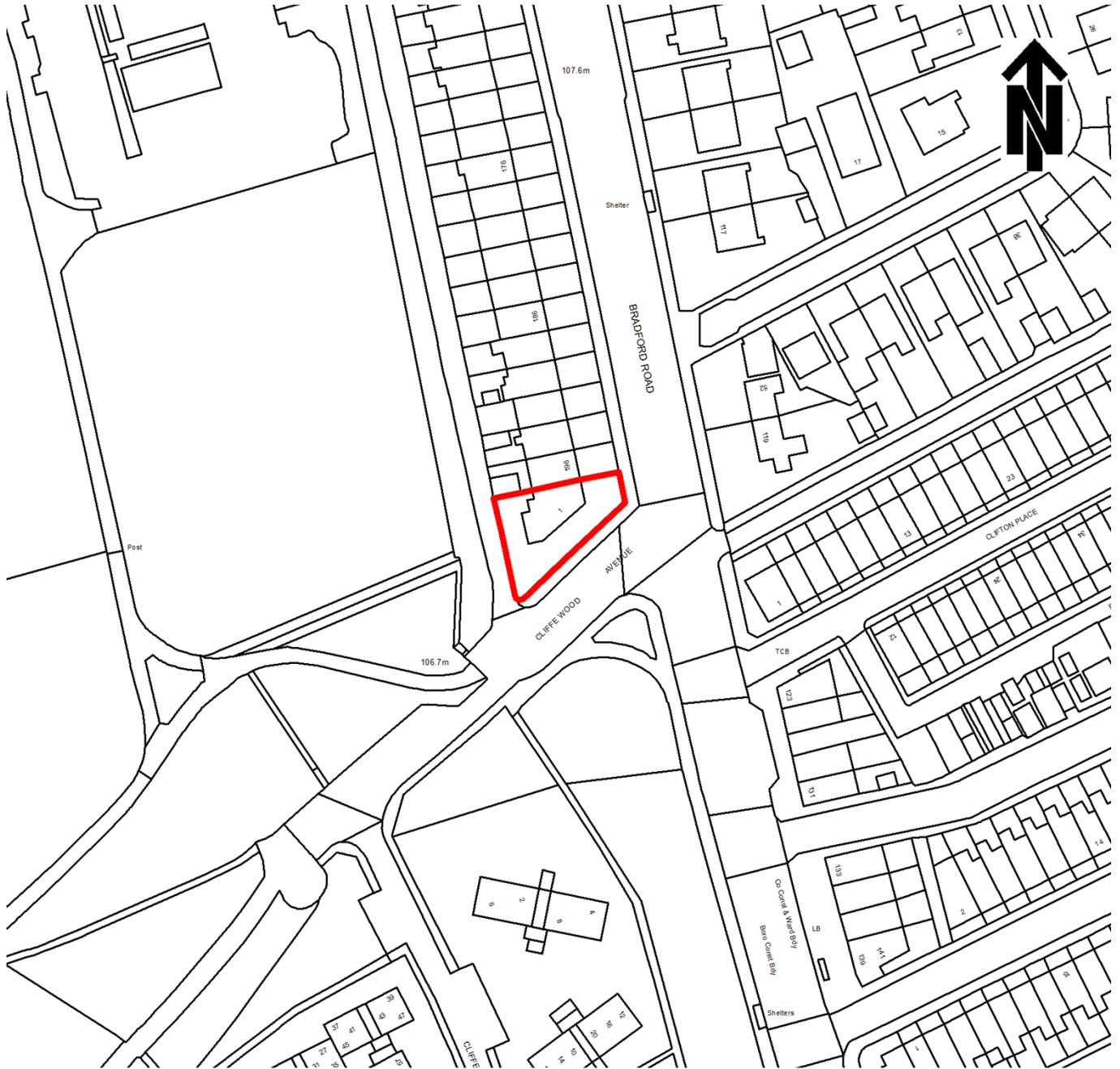
**Portfolio:**  
Regeneration, Planning & Transport

**Overview & Scrutiny Committee Area:**  
Regeneration and Environment

21/00591/215DS



City of  
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**1 Cliffe Wood Avenue**  
**Shipley**  
**BD18 3DD**



**26 October 2022**

**Item Number:** A  
**Ward:** SHIPLEY  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
21/00591/215DS

**Site Location:**  
1 Cliffe Wood Avenue Shipley West Yorkshire BD18 3DD

**Breach of Planning Control:**  
Untidy land

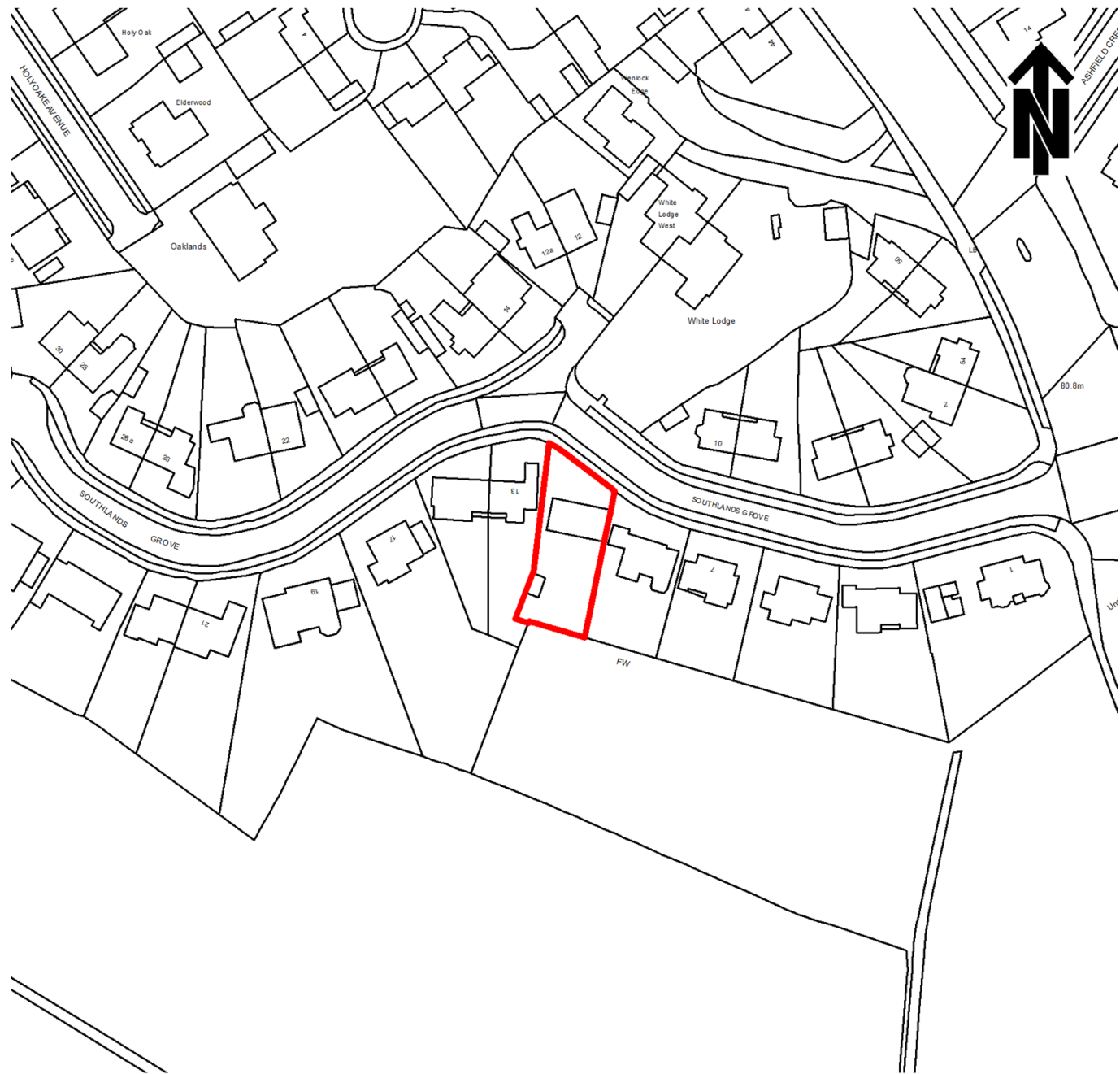
**Circumstances:**  
An enquiry was received in this office in June 2021, regarding untidy land at the above site.

A site inspection in October 2021 showed significant number of items on site including bricks, concrete debris, timber, cardboard, metal, glass, furniture, litter and miscellaneous waste has been deposited on the land. It is considered that the appearance of the land is causing a detrimental effect on the amenity of the local area and for the occupants of neighbouring residences.

Despite numerous letters to the owner of the land, no positive action has been taken to tidy the land and rectify the breach of planning control.

On 31st May 2022, the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the condition of the unauthorised fencing and land is such that they have a significantly adverse impact on the amenity of the land and the local area, contrary to Policies DS5 and SC9 of the Council's adopted Core Strategy Development Plan.

21/00972/ENFUNA



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**11 Southlands Grove**  
**Bingley**  
**BD16 1EF**

**26 October 2022**

**Item Number:** B  
**Ward:** BINGLEY  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
21/00972/ENFUNA

**Site Location:**  
11 Southlands Grove Bingley West Yorkshire BD16 1EF

**Breach of Planning Control:**

Without planning permission, the unauthorised construction of a side extension, timber outbuilding and timber/metal structure constructed above and beyond stone outbuilding.

**Circumstances:**

Following a complaint received in this office an investigation concluded that the above breaches of planning control had occurred. Despite efforts from the Local Planning Authority, the owner of the property has taken no action to rectify the matter.

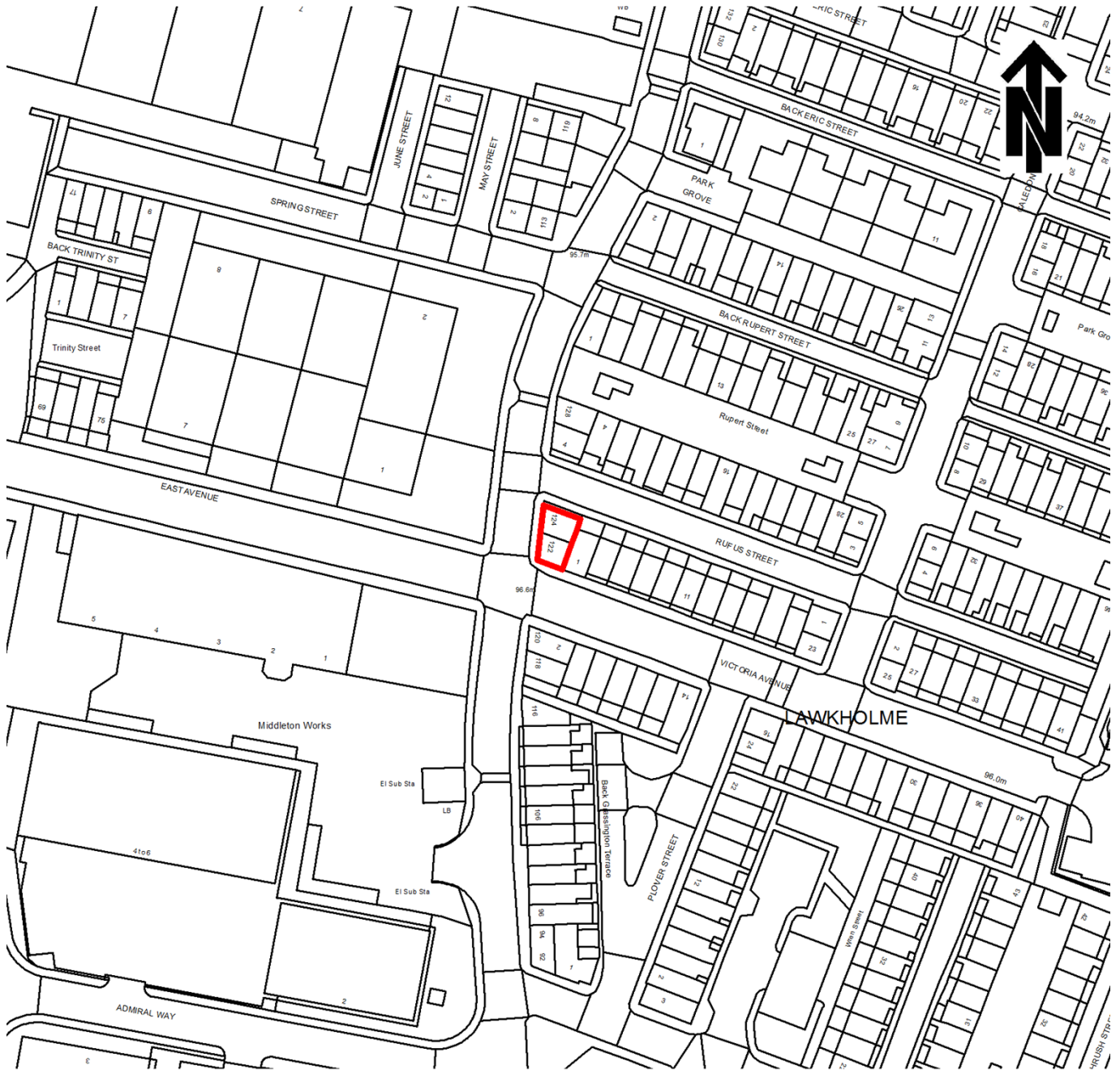
It is considered expedient to issue an Enforcement Notice because the side extension, outbuilding and timber structure have been constructed using an unsympathetic ad hoc design, and using a mixture of poor quality materials that fail to reinforce local distinctiveness. The unauthorised developments appear obtrusive in their setting and are harmful to the local environment.

The Planning Manager (Enforcement and Trees) authorised enforcement action on the 6 June 2022 requiring the owner of the property to demolish the side extension, timber outbuilding and timber/metal structure constructed above and beyond the stone outbuilding and remove all arising materials from the land.

22/00004/ENFCOU



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**122 - 124 Lawkholme Lane**  
**Keighley**  
**BD21 3JR**

**26 October 2022**

**Item Number:** C  
**Ward:** KEIGHLEY CENTRAL  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
22/00004/ENFCOU

**Site Location:**  
122 - 124 Lawkholme Lane Keighley West Yorkshire BD21 3JR

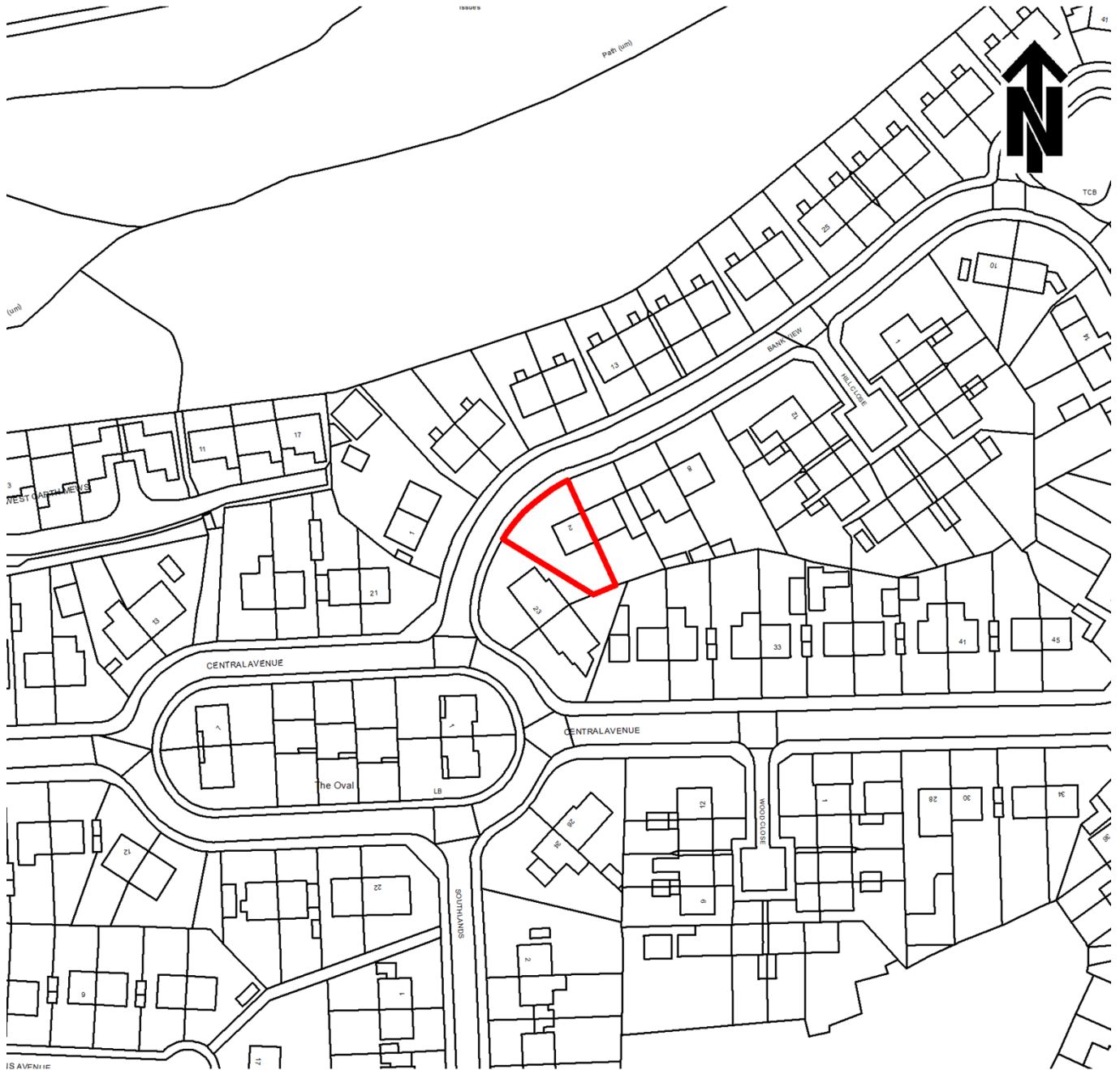
**Breach of Planning Control:**

Without planning permission, the change of use of the property from shop (Class E) to a hot food takeaway (Sui Generis)

**Circumstances:**

The Local Planning Authority was made aware of a material change of use of former retail premises to a hot food takeaway. Planning permission for a change of use to hot food takeaway was previously refused under 18/03553/FUL by reason of parking, unsympathetic flue positioning, noise, waste storage, vehicle movements, general disturbance and conflict with the Councils adopted Hot Food Takeaway SPD. Following written challenge by the Council no contact has been received from the owners and the unauthorised change of use persists. The unauthorised use of the premises is of significant detriment to the residential amenity of neighbouring properties by reason of the noise, vehicular activity, additional waste and general disturbance the use generates.

20/00961/ENFUNA



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**2 Bank View  
Baildon  
BD17 7PA**

**26 October 2022**

**Item Number:** D  
**Ward:** BAILDON  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
20/00961/ENFUNA

**Site Location:**  
2 Bank View Baildon West Yorkshire BD17 7PA

**Breach of Planning Control:**  
The construction of an unauthorised raised decking on the land

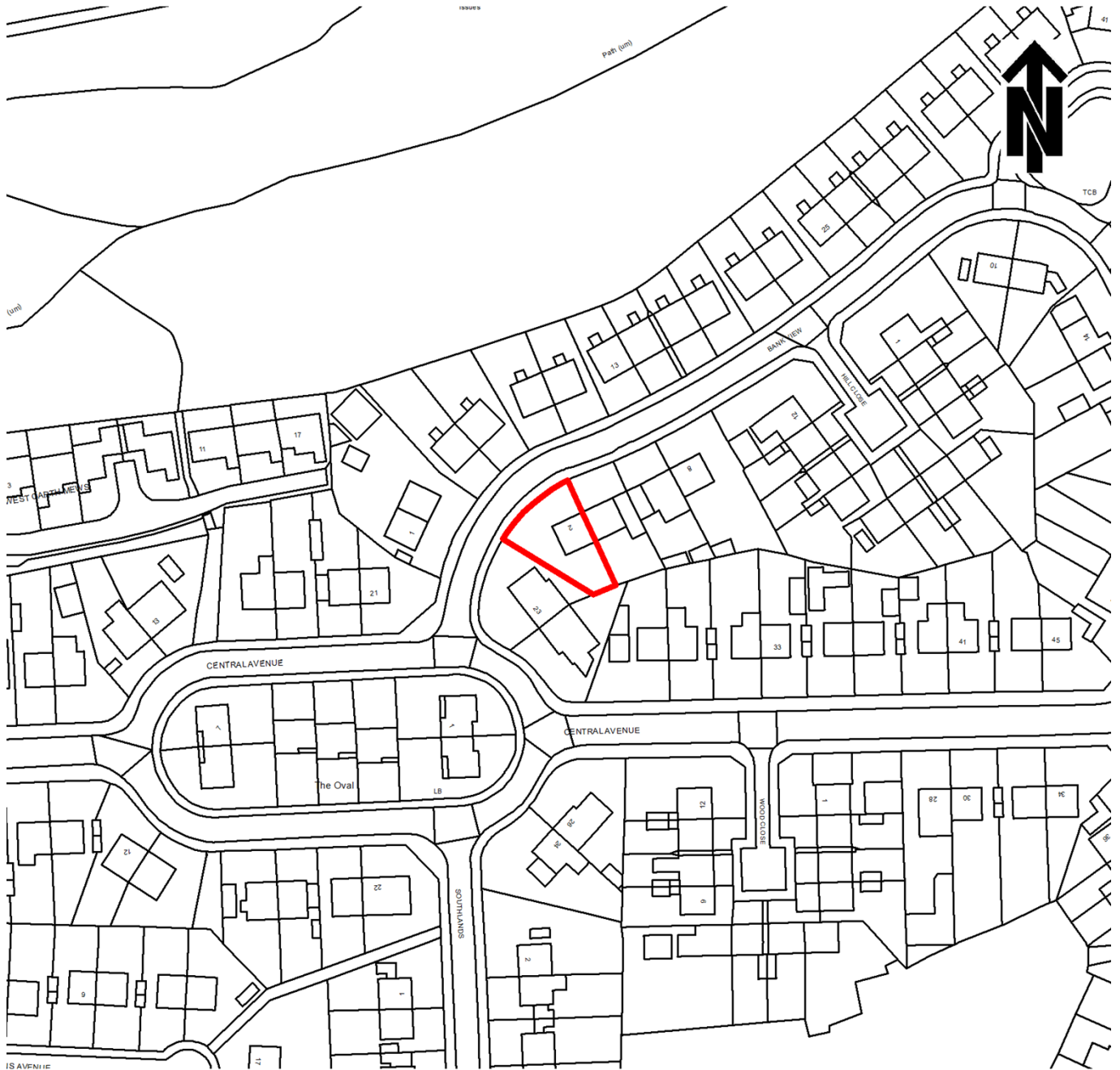
**Circumstances:**  
Further to the receipt of an enquiry an inspection in November 2020 showed that an area of raised timber decking had been constructed to the rear of the property for which planning permission was required.

A retrospective planning application seeking consent for the decking as built was refused by the council in January 2021. A subsequent appeal against the decision was dismissed by the planning inspectorate in June 2021. A further planning application seeking consent for an amended design was refused by the council in November 2021. The unauthorised decking is still in place and the breach of planning remains unresolved.

On 22nd February 2022, the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised raised timber decking to the rear of the property creates an elevated platform within close proximity to the neighbouring dwelling, which allows significant levels of overlooking and loss of privacy that is causing unacceptable levels of harm to the residential amenity of the neighbouring occupants, therefore contrary to Policy DS5 of the Council's adopted Core Strategy Development Plan, the design guidance contained within the adopted Householder Supplementary Design Guide and the principles of the National Planning Policy Framework.



20/01609/ENFUNA



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**2 Bank View**  
**Baildon**  
**BD17 7PA**



**26 October 2022**

**Item Number:** E  
**Ward:** BAILDON  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
20/01609/ENFUNA

**Site Location:**  
2 Bank View Baildon West Yorkshire BD17 7PA

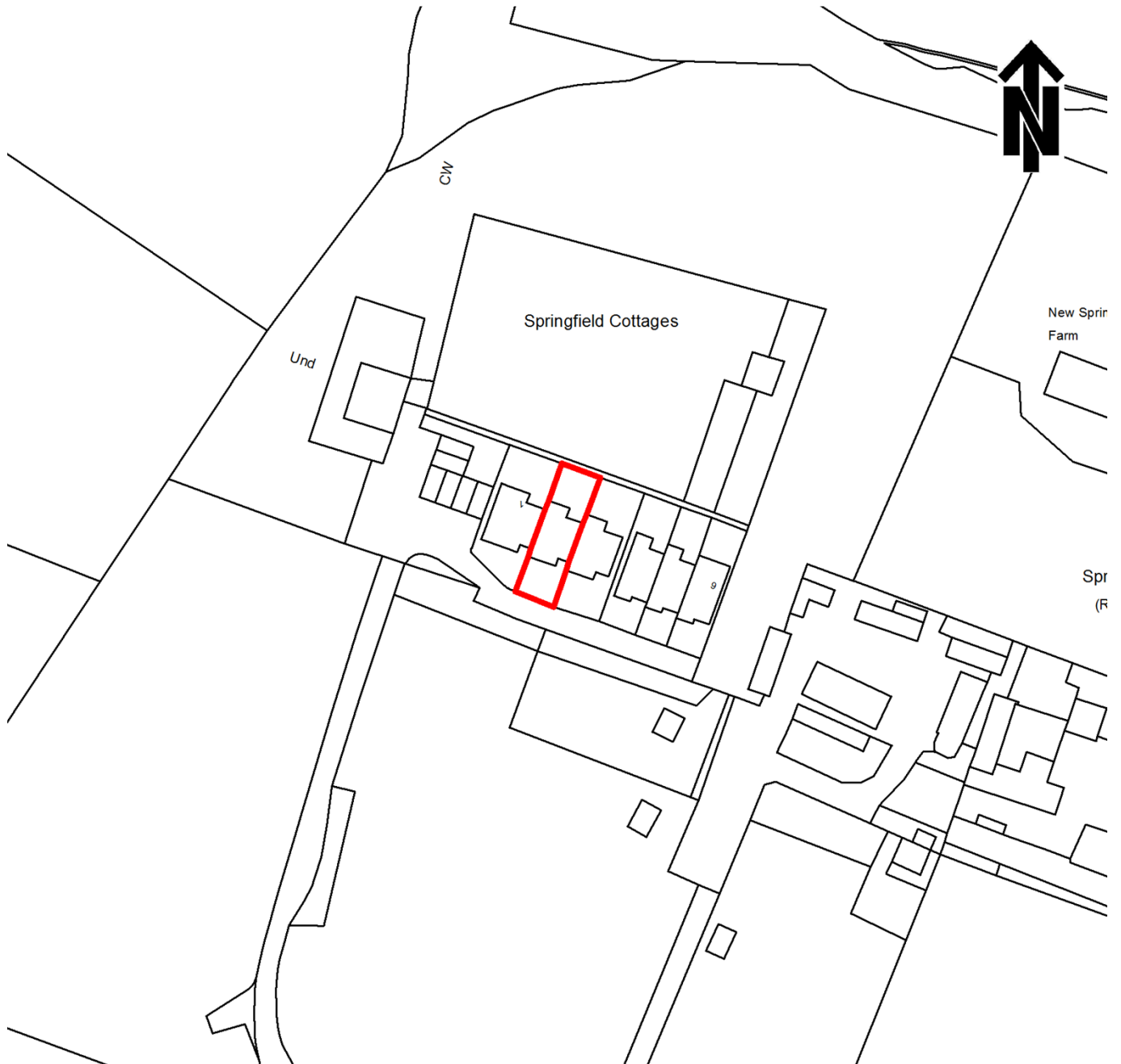
**Breach of Planning Control:**  
The construction of an unauthorised detached garage building on the land.

**Circumstances:**  
Following an enquiry in November 2020, a subsequent site visit revealed a large detached garage building, built west of the host dwelling, situated beyond the front elevation of the dwelling.

A retrospective planning application seeking consent for the garage was refused by the Council in January 2021 and the subsequent Appeal to the Planning Inspectorate dismissed in June 2022. A further planning application seeking consent for an amended design was refused in November 2021. The unauthorised garage is still in place and the breach of planning remains unresolved.

On 22nd February 2022, the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised detached garage building represents a prominent feature within the wider street scene, by virtue of its size and positioning. As a result, the garage represents an intrusive and incongruous feature in the street scene causing detriment to the character of the area, therefore being contrary to Policies DS1 and DS3 of the Council's adopted Core Strategy Development Plan, the design guidance contained within the adopted Householder Supplementary Design Guide and the principles of the National Planning Policy Framework.

20/01116/ENFUNA



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**2 Springfield Cottages**  
**Halifax Road**  
**Bingley**  
**BD21 5PP**

**26 October 2022**

**Item Number:** F  
**Ward:** BINGLEY RURAL  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
20/01116/ENFUNA

**Site Location:**  
2 Springfield Cottages Halifax Road Bingley West Yorkshire BD21 5PP

**Breach of Planning Control:**

Without planning permission, the construction of a composite boundary fence to the rear (north) of the dwelling on the land

**Circumstances:**

In August 2020 an enquiry was received regarding an unauthorised boundary treatment at the above property.

A site visit revealed that a composite boundary fence had been erected at the property, enclosing the rear garden area. Due to the removal of permitted development rights at the property, it is considered the fencing as built requires planning permission, for which there is no record of permission having been granted, as such, the fencing is unauthorised and represents a breach of planning control.

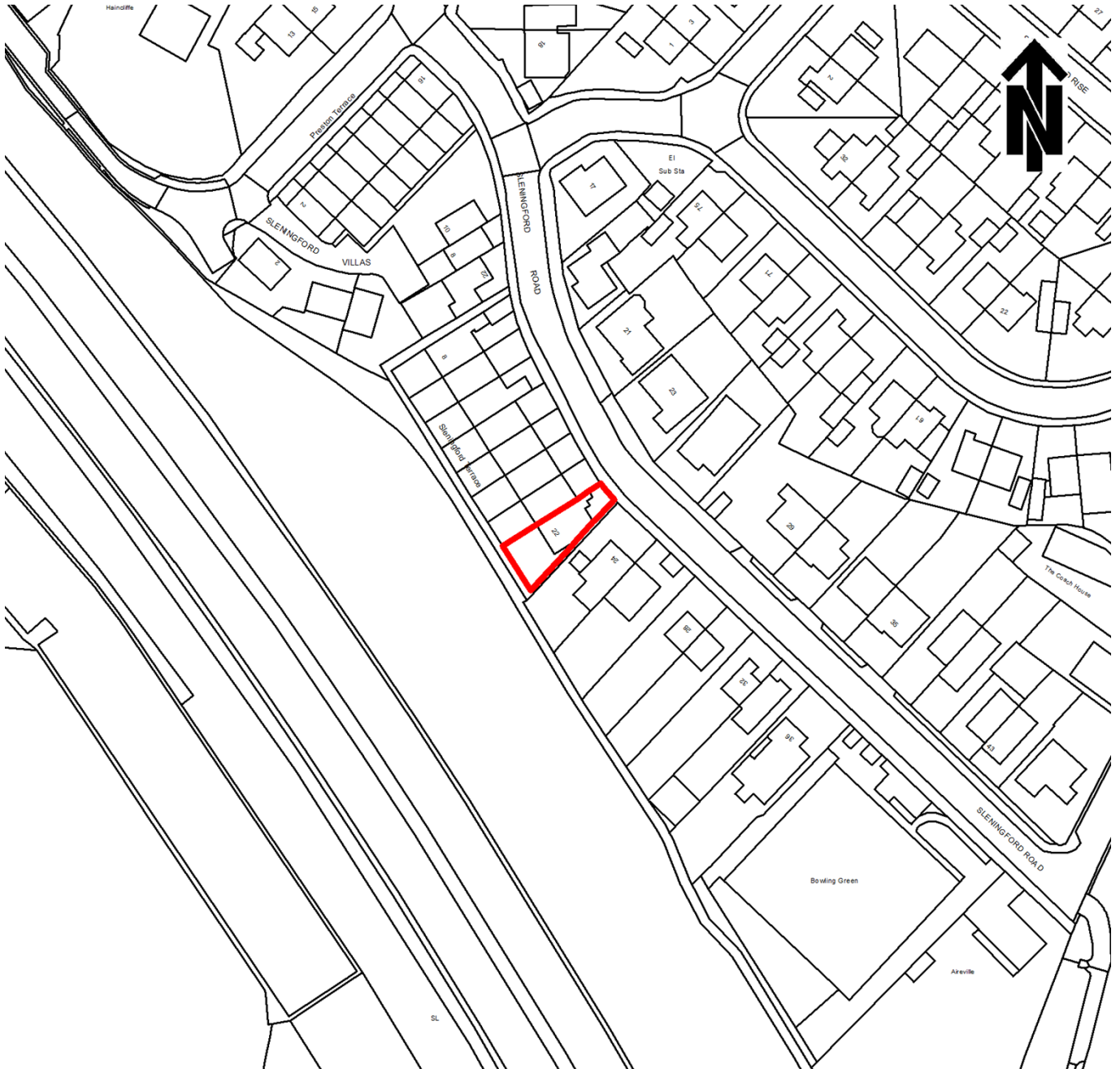
A standard challenge letter resulted in the submission of a retrospective planning application reference 21/02073/HOU, seeking consent for the fencing as built. This was refused by the Council in June 2021. A subsequent appeal to the Planning Inspectorate was dismissed in May 2022. To date, no satisfactory positive action has been taken by the owner to resolve the breach of planning control.

On 11th August 2022, the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised boundary fencing, by reason of its height, design and use of inappropriate materials, represents a feature which disrupts the uniformity of the row of dwellings and its rural character, forming an incongruous and visually harmful addition, contrary to Policies DS1, DS2 and DS3 of the Council's adopted Core Strategy Development Plan Document and the principles of the National Planning Policy Framework.

21/00509/ENFUNA



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**22 Sleningford Terrace**  
**Sleningford Road**  
**Bingley**  
**BD16 2SG**

**26 October 2022**

**Item Number: G**  
**Ward: BINGLEY**  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
21/00509/ENFUNA

**Site Location:**  
22 Sleningford Terrace Sleningford Road Bingley West Yorkshire BD16 2SG

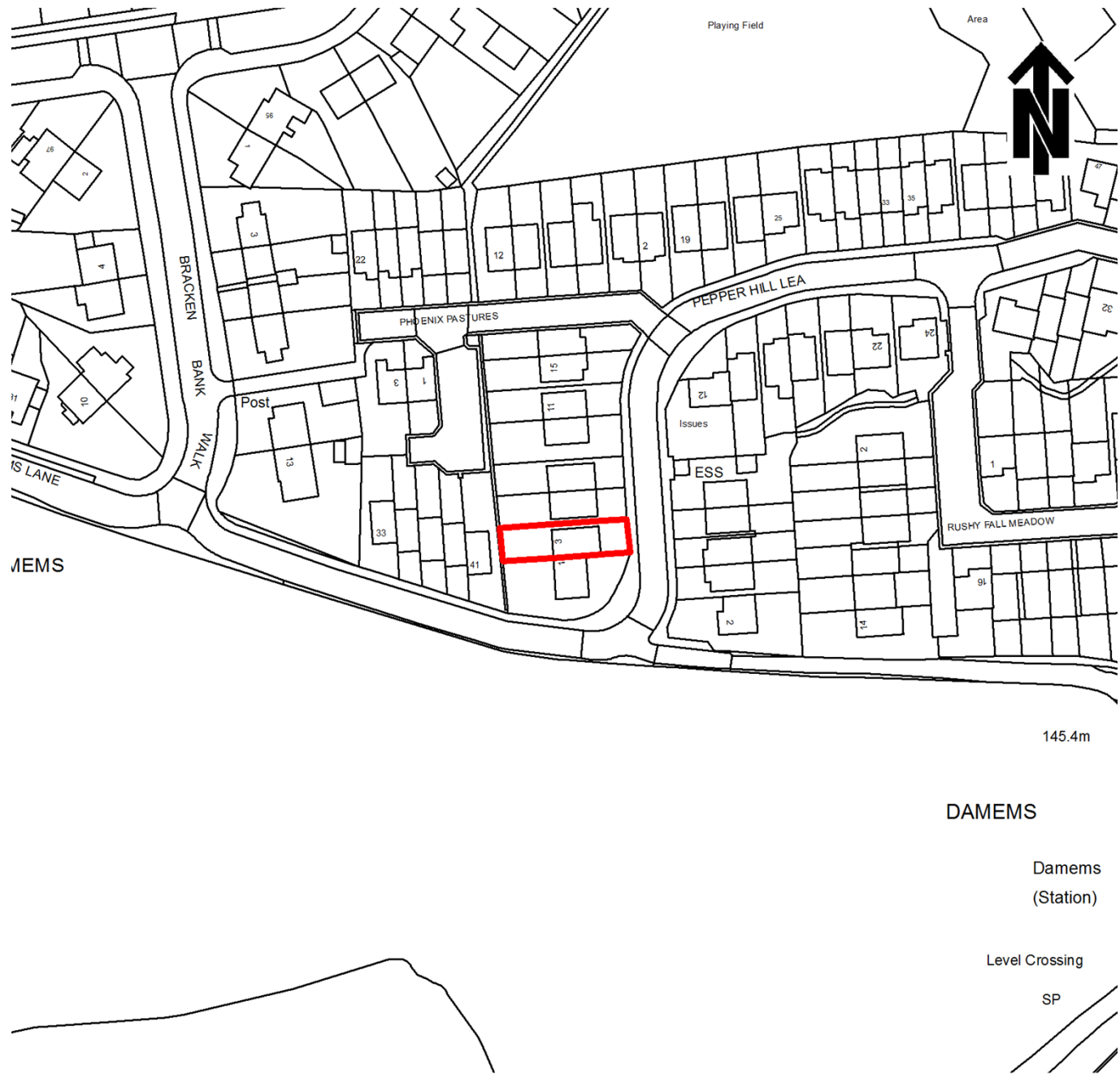
**Breach of Planning Control:**  
Without planning permission, the construction of dormer window on the rear (north-east facing) roof planes on the dwelling on the land

**Circumstances:**  
Following an enquiry received in this office in May 2021 regarding an unauthorised dormer window at the above property, a site visit was conducted in November 2021 which revealed a large rear dormer window extension clad in white upvc had been constructed. Due to the inappropriate facing materials used, it is considered the dormer window extension as built requires planning permission.

Letters have been sent to the owner/occupants of the property, requesting action to rectify the breach of planning control. To date, no satisfactory positive action has been taken.

On 11th August 2022, the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised rear dormer window, by reason of its unsympathetic design and scale, with an excess amount of non-matching upvc cladding used, represents an incongruous feature on the host dwelling and appears visually prominent within the street scene, causing significant detriment to the visual amenity of the local environment, contrary to Policies DS1, DS3, and SC9 of the Council's adopted Core Strategy Development Plan Document and the principles of the National Planning Policy Framework.

20/01020/ENFUNA



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**3 Pepper Hill Lea**  
**Keighley**  
**BD22 7AQ**

**26 October 2022**

**Item Number:** H  
**Ward:** KEIGHLEY WEST  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
20/01020/ENFUNA

**Site Location:**  
3 Pepper Hill Lea Keighley West Yorkshire BD22 7AQ

**Breach of Planning Control:**

Without planning permission, the creation of first floor balcony to the rear elevation of the dwelling on the land

**Circumstances:**

In July 2020 the Council received an enquiry regarding an unauthorised first floor rear balcony erected at the above property.

An inspection in January 2021 revealed a first floor rear balcony had been erected at the property which requires planning permission. The balcony is therefore, unauthorised and represents a breach of planning control. Following a challenge letters a retrospective planning application number was submitted seeking planning permission for the balcony as built, this was refused in June 2021.

A further planning application reference 21/04864/HOU, seeking consent for the balcony with the inclusion of an obscured privacy screen was granted conditionally in January 2022, with a condition that the privacy screen was installed within 8 weeks and retained thereafter. There is no privacy screen on the balcony and the planning condition has not been complied with, as such the balcony remains unauthorised.

On 23rd August 2022, the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised first floor rear balcony area facilitates significant overlooking and loss of privacy at close quarters from an elevated position, overlooking the private outdoor amenity space and habitable room windows on the adjacent neighbouring property, which is causing detriment to the residential amenity of the neighbouring occupants, contrary to Policy DS5 of the Council's adopted Core Strategy Development Plan Document and the principles of the National Planning Policy Framework.

20/00874/ENFUNA



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**38 Braithwaite Drive  
Keighley  
BD22 6HN**



**26 October 2022**

**Item Number:** I  
**Ward:** KEIGHLEY WEST  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
20/00874/ENFUNA

**Site Location:**  
38 Braithwaite Drive Keighley West Yorkshire BD22 6HN

**Breach of Planning Control:**

Without planning permission, the installation of a gate and railings along the front boundary of the property and the hard surfacing of part of the front garden, the drive and the rear garden with non-porous material with no provision to direct runoff water within the curtilage of the dwelling house.

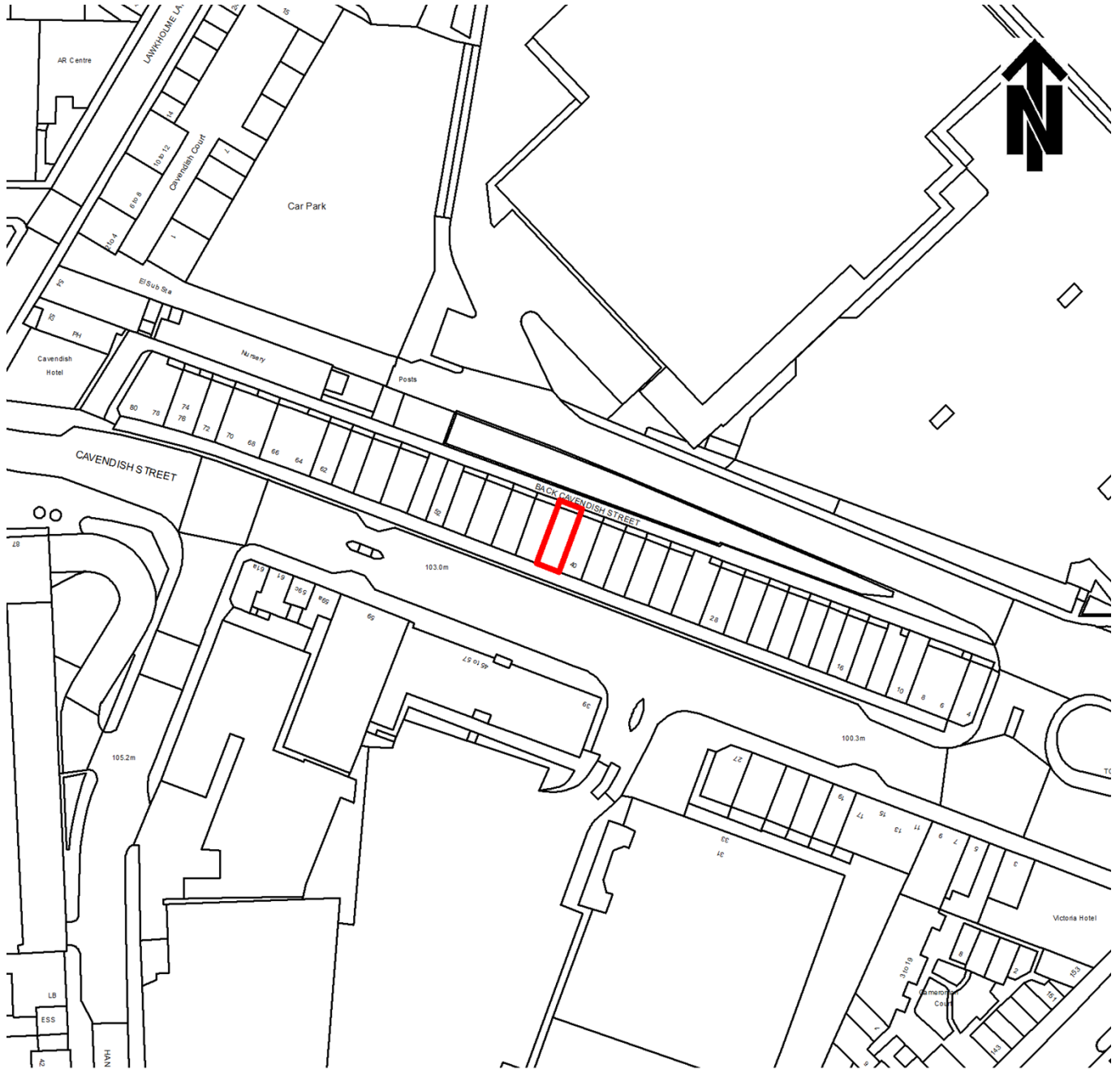
**Circumstances:**

The Local Planning Authority has received an enquiry regarding the above development. Despite a request from the Local Planning Authority the owner of the property has taken no action to rectify the breach and the matter remains unresolved.

It is considered expedient to issue an Enforcement Notice because the railings and gates due to their excessive height are at odds with the surrounding front gardens which are predominantly enclosed by low fences and railings. The railings and gates introduce an out of keeping form of development which is conspicuous from the highway to the detriment of the appearance of the street scene. The sealed hard surfacing fails to provide surface water drainage provision within the curtilage of the dwelling house and allows surface water runoff onto the adjacent public highway to the detriment of pedestrian and highway safety.

The Planning Manager (Enforcement and Trees) authorised enforcement action on 21 July 2022 requiring the owner of the property to remove the gates and railings from the front boundary and dig up and remove the non-porous hard surfacing material (tarmac) from the front garden, drive and the rear garden.

19/00242/ENFLBC



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**42 Cavendish Street  
Keighley  
BD21 3RL**

**26 October 2022**

**Item Number:** J  
**Ward:** Keighley Central (ward 15)  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
19/00242/ENFLBC

**Site Location:**  
42 Cavendish Street Keighley West Yorkshire BD21 3RL

**Breach of Planning Control:**

Without Listed Building Consent, the installation of a shopfront, projecting fascia sign and an externally mounted roller shutter, shutter box and associated guide rails.

**Circumstances:**

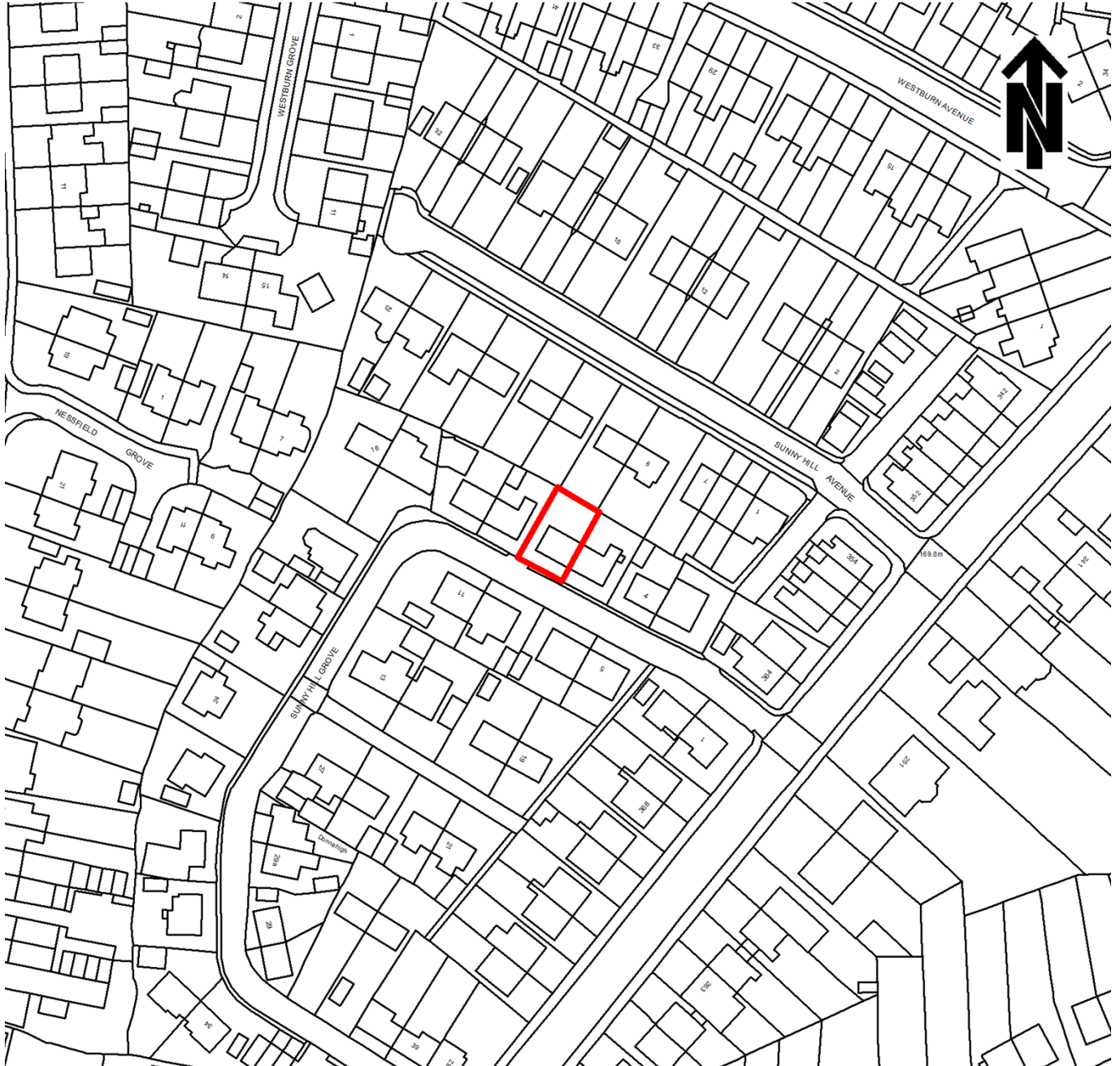
The Local Planning Authority has received enquiries regarding the shopfront, roller shutter and fascia sign at the above property, which is a Grade II Listed building.

The Council has no record of Listed Building Consent having been granted for the shopfront, roller shutter and fascia sign and the owner of the property has been requested to rectify the breach, however no action has been taken.

It is considered expedient to instigate legal action as the alterations are harmful to the architectural and historical interest of the Listed Building.

On 21 July 2022 the Planning Manager (Enforcement & Trees) authorised the issue of a Listed Building Enforcement Notice requiring the removal of the shopfront, fascia sign and externally mounted roller shutter, shutter box and associated guide rails.

21/00428/ENFUNA



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**6 Sunny Hill Grove  
Keighley  
BD21 1RU**

**26 October 2022**

**Item Number:** K  
**Ward:** KEIGHLEY WEST  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
21/00428/ENFUNA

**Site Location:**  
6 Sunny Hill Grove Keighley West Yorkshire BD21 1RU

**Breach of Planning Control:**

Without planning permission, the construction of a timber boundary fence to the front (south) of the dwelling on the land.

**Circumstances:**

An enquiry was received in this office in April 2021, regarding an unauthorised boundary fencing constructed at the above property.

A site visit revealed that a timber boundary fence measuring approx. 1.80m in height above ground level had been constructed to the front (south) of the dwelling adjacent the highway. Due to its height and position to the front of the property, it is considered that the boundary fencing requires planning permission.

In a response to a standard challenge letter, the owner submitted a retrospective planning application reference 22/01890/HOU, seeking consent for the boundary fencing as built, this was refused permission June 2022. No appeal was lodged against the council's decision. To date, no satisfactory positive action has been taken by the owner to resolve the breach of planning control. The unauthorised fencing is still in place and the breach of planning is unresolved.

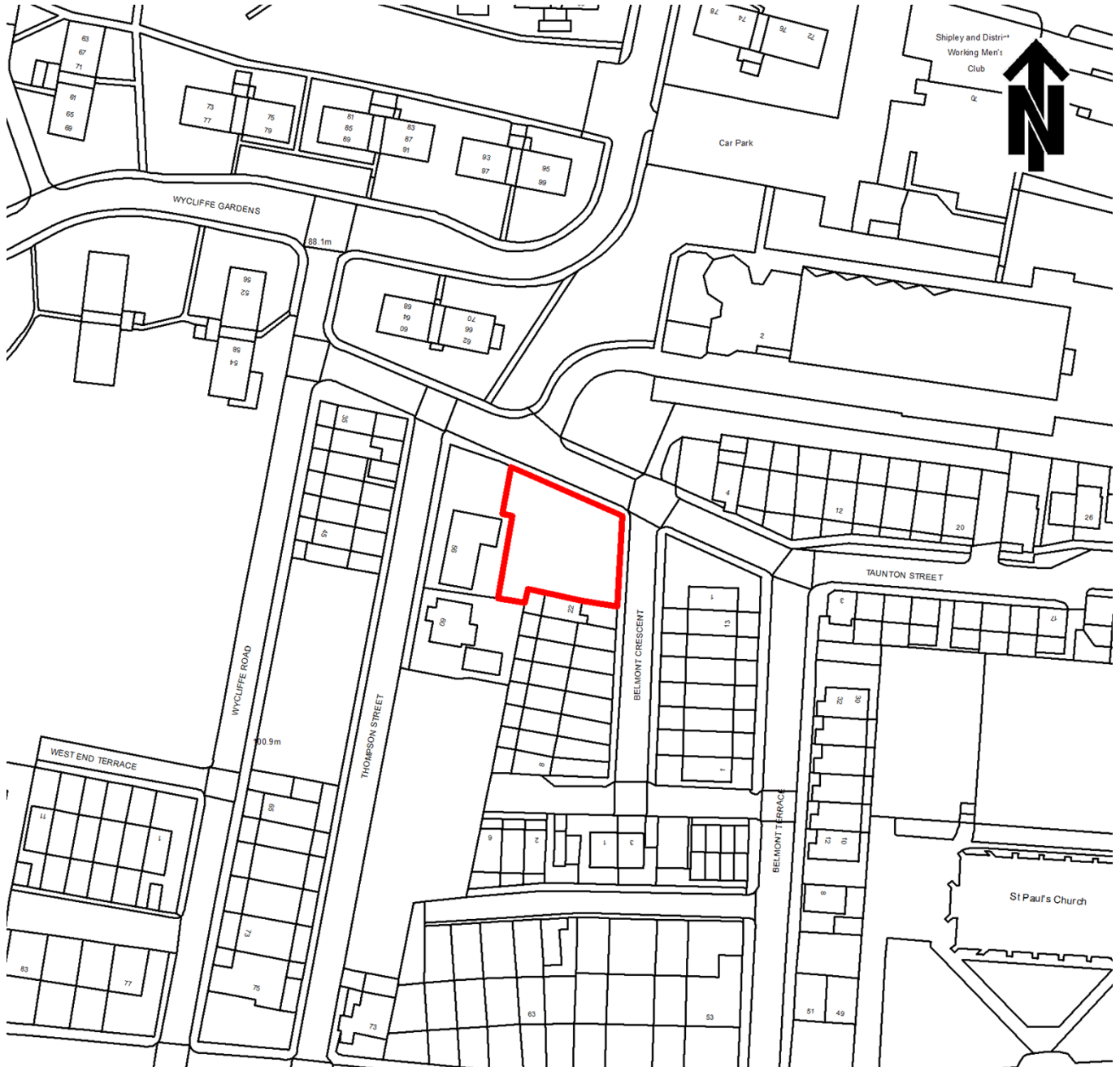
On 17th July 2022, the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised boundary fencing represents a prominent feature, that is at odds with the immediate surrounding area, causing significant detriment to the visual amenity of the street scene and local environment, contrary to Policies DS1 and DS3 of the Council's adopted Core Strategy Development Plan Document and the principles of the National Planning Policy Framework.

Furthermore, the boundary treatment, due to its height, design and close proximity to the highway, is causing the obstruction of views for vehicles exiting the site, representing a threat to the safety highway users and pedestrians, contrary to Policies DS4, DS5 and SC9 of the Council's adopted Core Strategy Development Plan Document and the principles of the National Planning Policy Framework.

21/00069/215DS



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**Former Site Of Apostolic Church**  
**Taunton Street**  
**Shipley**  
**BD18 3NA**

**26 October 2022**

**Item Number:** L  
**Ward:** Shipley (ward 22)  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
21/00069/215DS

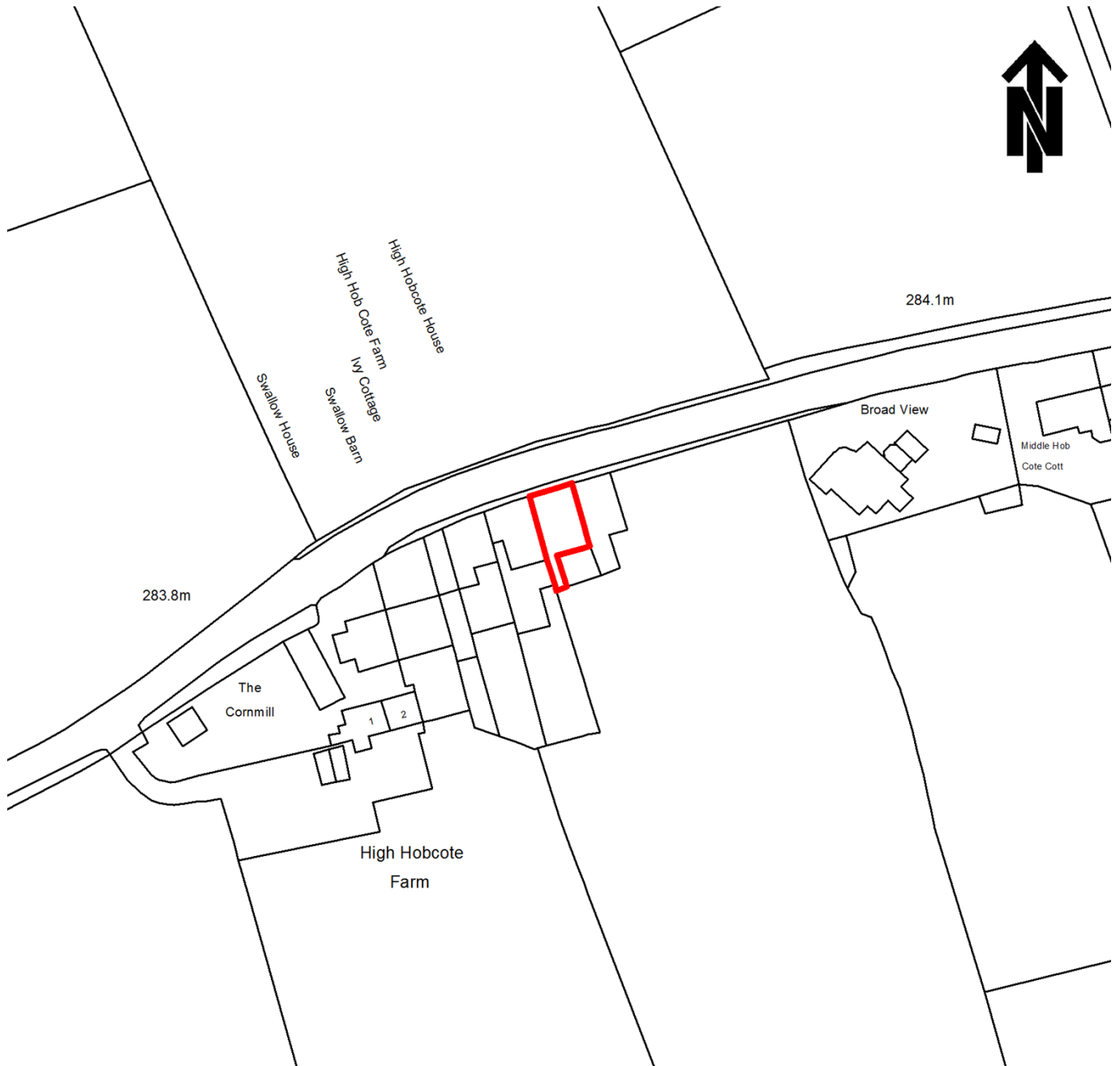
**Site Location:**  
Former Site Of Apostolic Church Taunton Street Shipley West Yorkshire BD18 3NA

**Breach of Planning Control:**  
Untidy land and unauthorised fencing

**Circumstances:**  
In January 2021, an enquiry was received in this office regarding untidy land and unauthorised fencing at the above site. An inspection in July 2021 showed significant number of items on site including metal fencing, timber, rubble and general litter that has been deposited on the land. It is considered that the appearance of the land is causing a detrimental effect on the amenity of the local area and for the occupants of neighbouring residences and constitutes a breach of planning control. The owner has taken no positive action to rectify the breach of planning control despite numerous requests from this office to do so. On 1st June 2022, the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the condition of the unauthorised fencing and land is such that they have a significantly adverse impact on the amenity of the land and the local area, contrary to Policies DS5 and SC9 of the Council's adopted Core Strategy Development Plan.



21/00507/ENFUNA



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**Land At Grid Ref 401996 438349**  
**Hob Cote Lane**  
**Oakworth**  
**Keighley**



**26 October 2022**

**Item Number:** M  
**Ward:** Worth Valley (ward 29)  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
21/00507/ENFUNA

**Site Location:**  
Land At Grid Ref 401996 438349 Hob Cote Lane Oakworth Keighley West Yorkshire

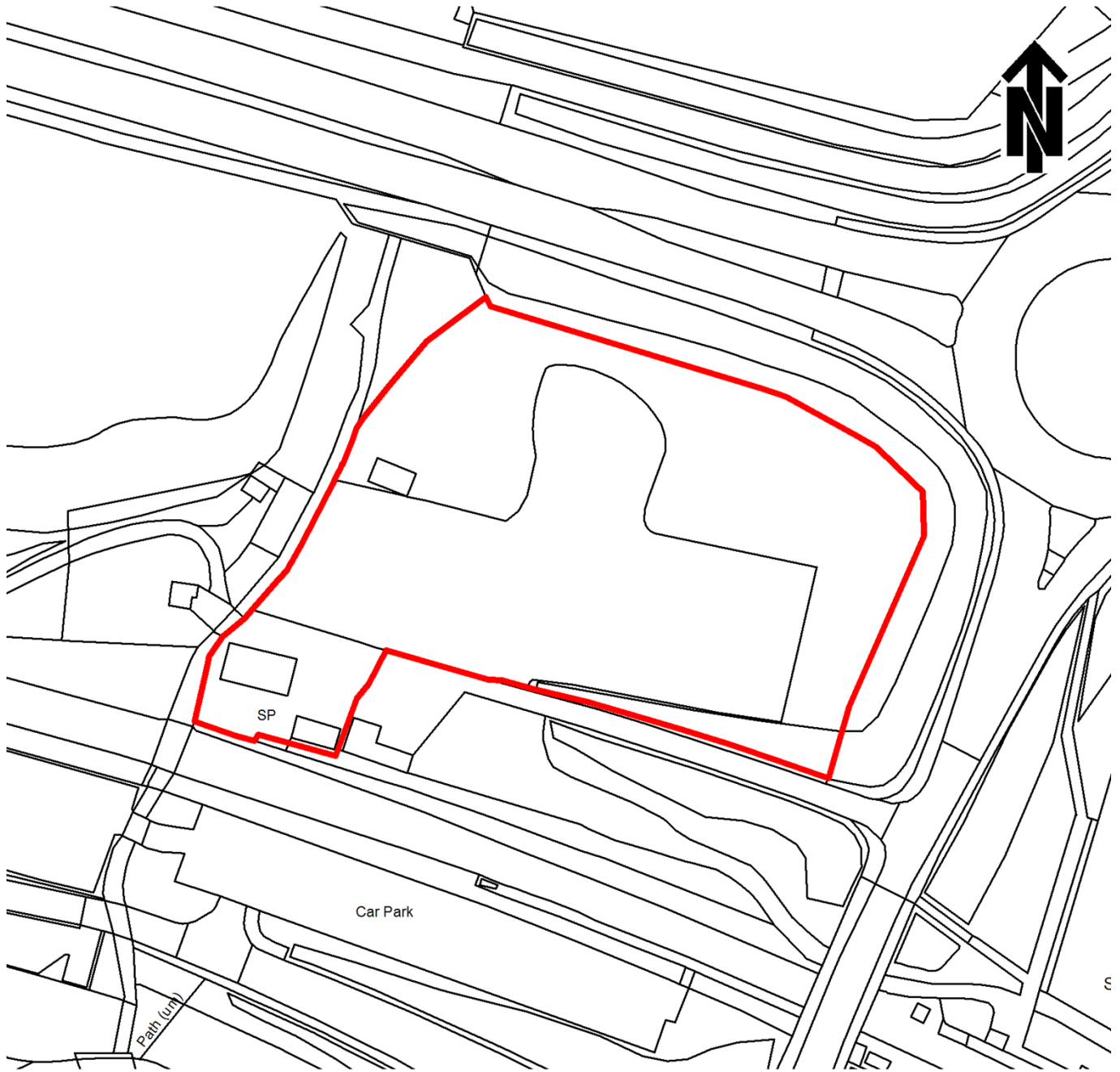
**Breach of Planning Control:**  
Without planning permission, the siting of an unauthorised metal storage container and construction of an unauthorised timber carport on the land.

**Circumstances:**  
In May 2021 the council received an enquiry regarding unauthorised storage container and timber carport on the land. An inspection in November 2021, showed a metal storage container had been sited on the land and a timber carport had been constructed. It is considered the structures require planning permission and a breach of planning control has occurred.

In response to a standard challenge letter a retrospective planning application reference 22/00126/FUL, seeking consent for the container and carport as built was submitted and subsequently refused in April 2022. No appeal was lodged against the council's decision and to date no positive action has been taken by the owners in respect of the aforementioned breach of planning control.

On 19th July 2022, the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) action as the unauthorised metal container and timber carport structure, by reason of materials, appearance and positioning, which represent detrimental additions to the established character of this upland landscape as identified in the locally designated Worth and North Beck Valley landscape character assessment. The development is causing significant harm to the landscape character, contrary to Policies DS3, EN4 and SC9 of the Council's adopted Core Strategy Development Plan Document and the principles of the National Planning Policy Framework.

18/00164/ENFCOU



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**Land At Grid Ref 403661 444984**  
**Station Road**  
**Steeton With Eastburn**

**26 October 2022**

**Item Number:** N  
**Ward:** Craven (ward 09)  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
18/00164/ENFCOU

**Site Location:**  
Land At Grid Ref 403661 444984 Station Road Steeton With Eastburn West Yorkshire

**Breach of Planning Control:**  
Without planning permission, the use of the land as a commercial car park.

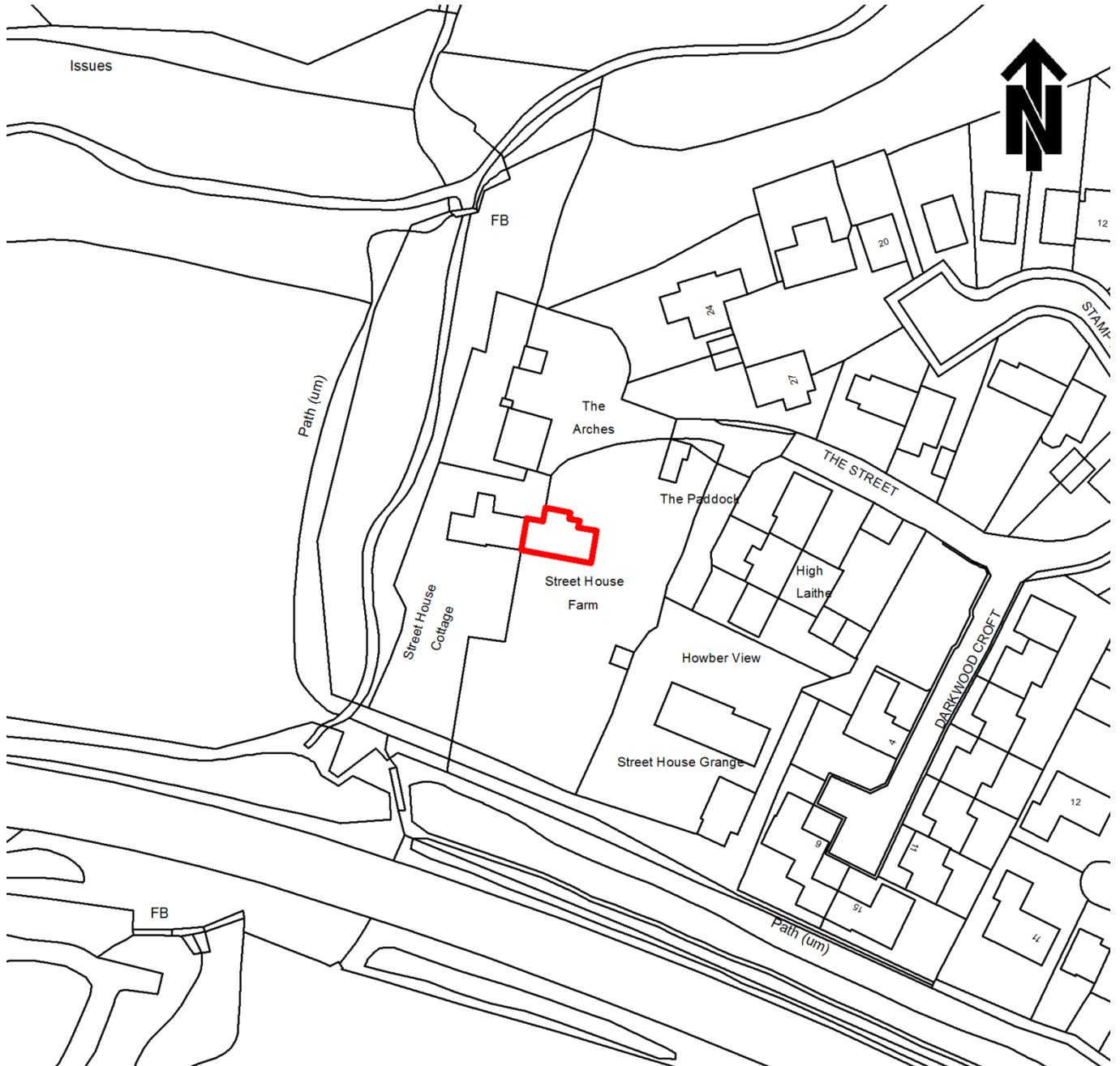
**Circumstances:**  
In February 2018, the council received an enquiry regarding an unauthorised car park use operating from the above land.

A site visit carried out revealed that part of the site was being used for a private car park. It is considered the use represents a material change of use of the land, which requires planning permission, for which the council has no record. As such, the car park use is unauthorised and represents a breach of planning control.

Following a challenge letter requesting remedial action, a retrospective planning application reference 20/00734/FUL was submitted seeking consent for the change of use to a car park, this was refused by the Council in February 2021. No appeal was lodged against the Council's decision. To date, no satisfactory positive action has been taken by the owner to resolve the breach of planning control. The unauthorised car park use is still ongoing and the breach of planning is unresolved.

On 17th July 2022, the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised car park use represents inappropriate development in the Green Belt, which is by definition harmful to the Green Belt. The development is not justified on the basis of very special circumstances and therefore the development is contrary to National Planning Policy Framework paragraphs 143 and 146, Core Strategy Development Plan Document Policy SC7 and Policy GB1 of the Replacement Unitary Development Plan.

21/00184/ENFCOU



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**Street House Farm**  
**The Street**  
**Addingham**  
**LS29 0JY**

**26 October 2022**

**Item Number:** O  
**Ward:** Craven (ward 09)  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

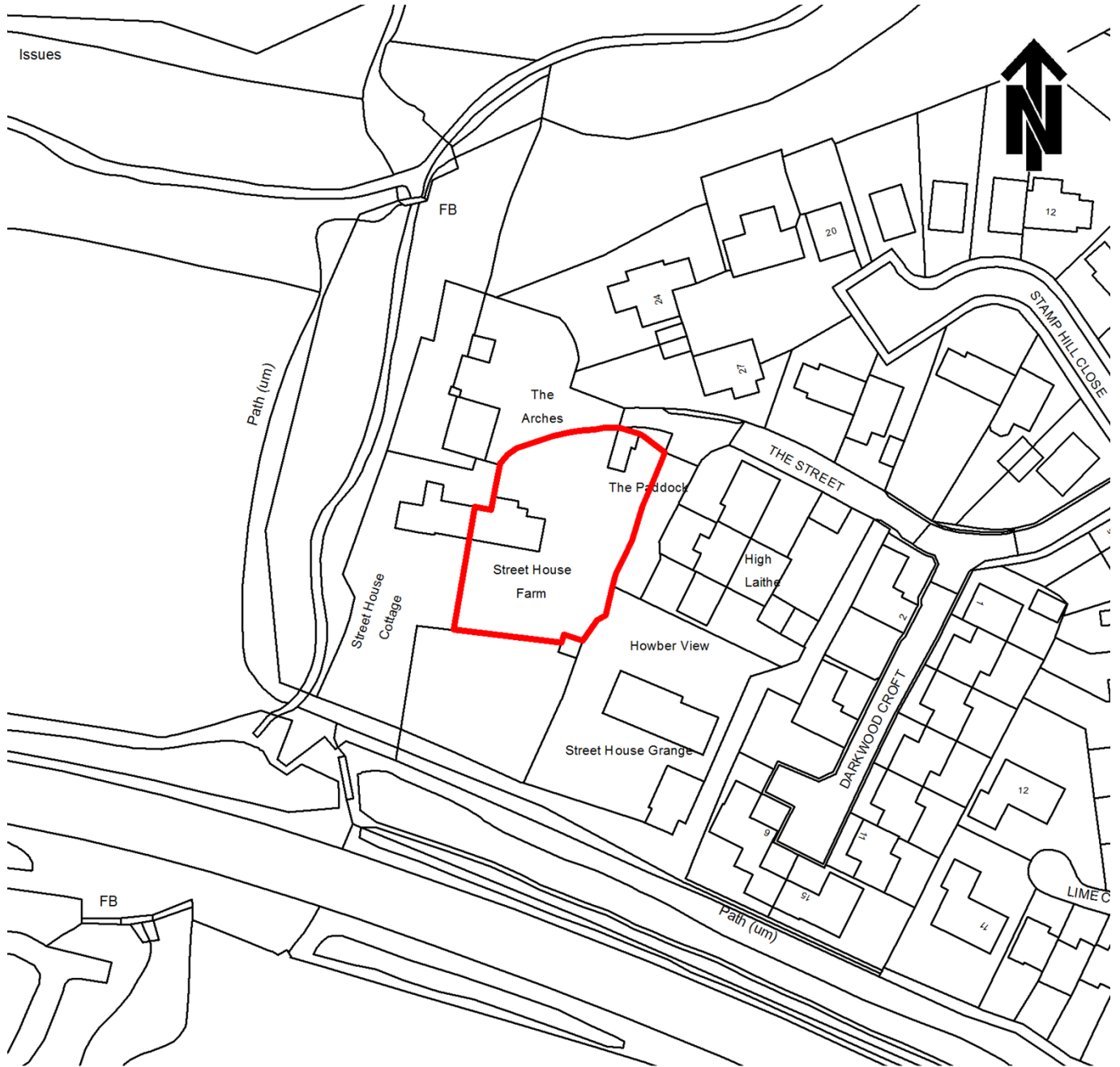
**Enforcement Reference:**  
21/00184/ENFCOU

**Site Location:**  
Street House Farm The Street Addingham West Yorkshire LS29 0JY

**Breach of Planning Control:**  
Unauthorised outbuilding

**Circumstances:**  
Following refusal of planning permission formal enforcement action authorised on 20th April 2022 to require removal of the unauthorised outbuilding. The outbuilding harms the setting of the listed buildings of Street House farm and the retention of the building would be contrary to the Council's duty under S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to protect heritage assets. The outbuilding by virtue of its proximity to listed buildings, scale, design and discordant appearance forms an incongruous feature and harms the setting of listed buildings of special architectural or historical interest). The outbuilding is an example of poor design that is not appropriate to the local context and does not contribute to making a high quality place. The unauthorised development is therefore contrary to the following policies of the Council's Local Development Plan Document SC9, DS1 and EN3.

21/01165/ENFUNA



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**Street House Farm**  
**The Street**  
**Addingham**  
**LS29 0JY**

**26 October 2022**

**Item Number:** P  
**Ward:** CRAVEN  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
21/01165/ENFUNA

**Site Location:**  
Street House Farm The Street Addingham West Yorkshire LS29 0JY

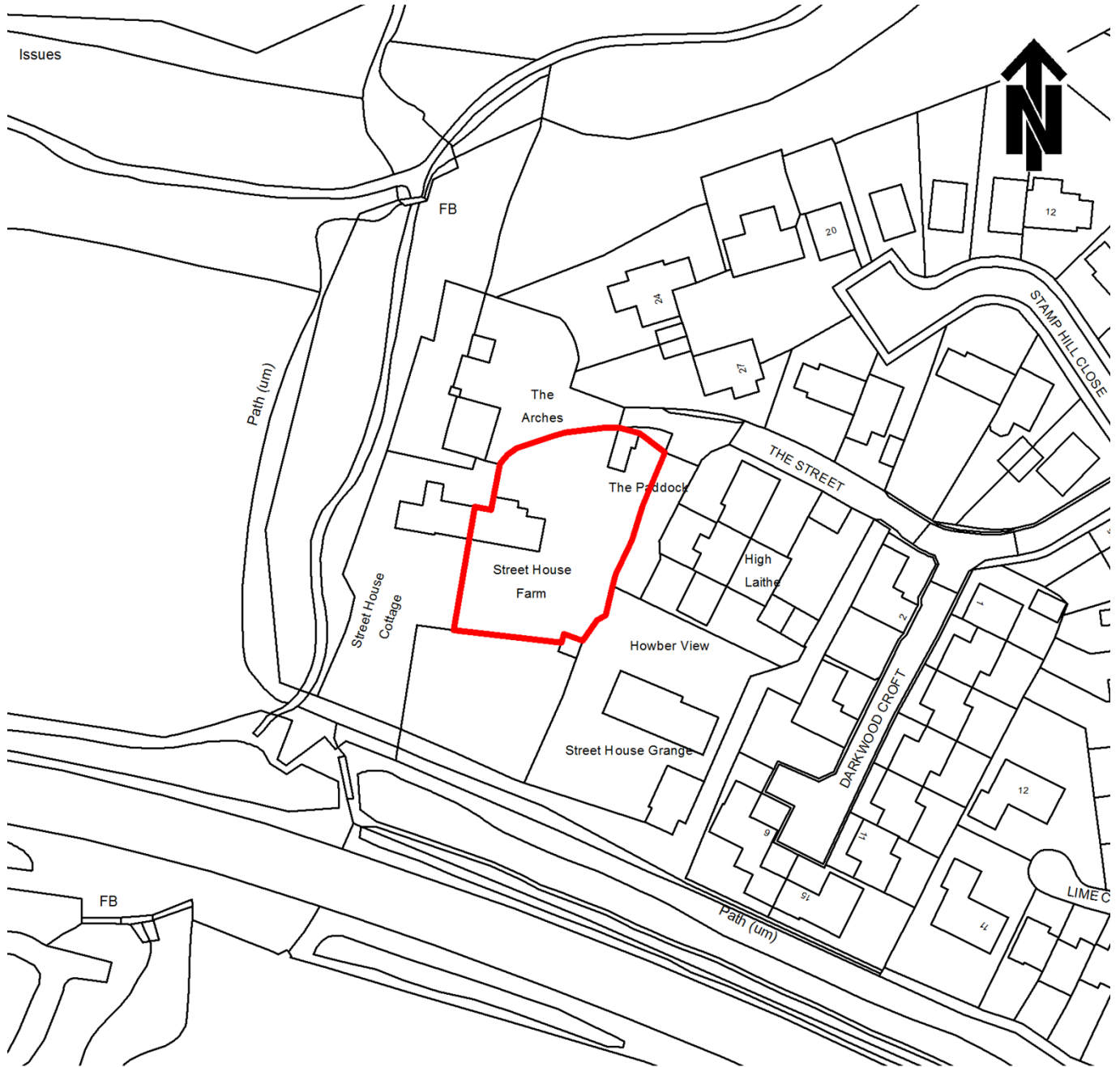
**Breach of Planning Control:**  
The unauthorised construction of a building which forms an extension to a listed building

**Circumstances:**  
An enforcement notice was authorised on 7th September 2022 by the Planning Manager (Enforcement and Trees) to require the removal of an unauthorised extension to a listed curtilage building for the following reasons: The unauthorised building appreciably harms the setting of the listed buildings of Street House farm and the retention of the unauthorised building would be contrary to the Council's duty under S.66 of the Planning (Listed Buildings & Conservation Areas) Act 1990 to protect heritage assets. The unauthorised building by virtue of its proximity and effect on listed buildings, significant scale, discordant appearance and inappropriate design, forms an incongruous feature detrimental to the character of the Grade 2 Listed Building as one of special architectural or historical interest. The unauthorised building is an example of poor design that is not appropriate to the local context and does not contribute to making a high quality place.

The unauthorised building is contrary to policies SC9, DS1 and EN3 of the Council's Core Strategy Local Development Plan Document.



21/01166/ENFLBC



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**Street House Farm**  
**The Street**  
**Addingham**  
**LS29 0JY**



**26 October 2022**

**Item Number:** Q  
**Ward:** CRAVEN  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
21/01166/ENFLBC

**Site Location:**  
Street House Farm The Street Addingham West Yorkshire LS29 0JY

**Breach of Planning Control:**  
Without listed building consent, the unauthorised alteration of a Listed Building by the construction of a timber clad extension

**Circumstances:**  
The unauthorised works executed to the listed building are considered such as to constitute a contravention of Sections 7, 9(1) and (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Authority consider it expedient to issue a Listed Building Enforcement Notice having regard to the effect of the works on the character of the building as one of special architectural or historical interest. The Planning Manager (Enforcement and Trees) authorised a Listed Buildings Enforcement Notice on 7th September 2022.

## DECISIONS MADE BY THE SECRETARY OF STATE

### Appeal Allowed

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
R.	Shipley (ward 22)	162 Bradford Road Shipley West Yorkshire BD18 3DE  Conversion of four illuminated advertising displays to a single 'D-Poster' digital advertising display - Case No: 22/00156/ADV  Appeal Ref: 22/00054/APPAD1
S.	Worth Valley (ward 29)	2 Providence Crescent Oakworth Keighley West Yorkshire BD22 7QT  Two storey side extension - Case No: 22/00789/HOU  Appeal Ref: 22/00067/APPHOU
T.	Windhill And Wrose (ward 28)	204 Gaisby Lane Shipley West Yorkshire BD18 1AE  Appeal against Enforcement Notice - Case No: 21/00417/ENFAPP  Appeal Ref: 22/00063/APPENF
U.	Bingley (ward 02)	83 - 85 Main Street Bingley West Yorkshire BD16 2JA  Appeal against Enforcement Notice - Case No: 20/01118/ENFUNA  Appeal Ref: 22/00061/APPENF
V.	Craven (ward 09)	Apple Garth Chapel Road Steeton With Eastburn West Yorkshire  Construction of one detached dwelling and associated works (resubmission of application ref 20/02980/FUL) - Case No: 21/04759/FUL  Appeal Ref: 22/00037/APPFL2

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
<b>W.</b>	<b>Worth Valley (ward 29)</b>	<b>Whirloe Slaymaker Lane Oakworth Keighley West Yorkshire BD22 7EU</b>
		<b>Detached private garage and formation of new vehicular access, drive and dropped kerb - Case No: 22/00260/HOU</b>
		<b>Appeal Ref: 22/00075/APPHOU</b>

## Appeal Dismissed

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
<b>X.</b>	<b>Worth Valley (ward 29)</b>	<b>14 Cross Lane Oxenhope Keighley West Yorkshire BD22 9LE</b>
		<b>Proposed detached private garage - Case No: 21/06322/HOU</b>
		<b>Appeal Ref: 22/00048/APPFL2</b>
<b>Y.</b>	<b>Keighley Central (ward 15)</b>	<b>16 Cooke Street Keighley West Yorkshire BD21 3NN</b>
		<b>Installation of shutters to shop front - Case No: 22/00028/FUL</b>
		<b>Appeal Ref: 22/00069/APPMC1</b>
<b>Z.</b>	<b>Keighley Central (ward 15)</b>	<b>2 Back Prospect Place Keighley West Yorkshire BD21 1PQ</b>
		<b>First floor extension over existing building and car park. Creation of under-croft for car parking - Case No: 21/06380/FUL</b>
		<b>Appeal Ref: 22/00066/APPFL2</b>
<b>AA.</b>	<b>Keighley East (ward 16)</b>	<b>22 Grange Road Riddlesden Keighley West Yorkshire BD20 5AA</b>
		<b>Two storey side and rear extension with internal alteration - Case No: 21/04937/HOU</b>
		<b>Appeal Ref: 21/00155/APPHOU</b>

<b><u>ITEM No.</u></b>	<b><u>WARD</u></b>	<b><u>LOCATION</u></b>
<b>AB.</b>	<b>Bingley (ward 02)</b>	<p><b>7 Park Top Cottages Otley Road Eldwick Bingley West Yorkshire BD16 3DB</b></p> <p><b>Demolition of conservatory and construction of double storey extension - Case No: 22/01660/HOU</b></p> <p><b>Appeal Ref: 22/00085/APPHOU</b></p>
<b>AC.</b>	<b>Bingley Rural (ward 03)</b>	<p><b>Co Op Food Store Greenside Lane Cullingworth Bingley West Yorkshire BD13 5AN</b></p> <p><b>Change of use from Use Class E to create one retail unit and one hot food takeaway (re- submission of 21/01430/FUL) - Case No: 21/05738/FUL</b></p> <p><b>Appeal Ref: 22/00045/APPFL2</b></p>
<b>AD.</b>	<b>Shipley (ward 22)</b>	<p><b>Land East Of Ashley House Ashley Lane Shipley West Yorkshire BD17 7DB</b></p> <p><b>Appeal against Enforcement Notice - Case No: 21/00278/ENFCOU</b></p> <p><b>Appeal Ref: 22/00034/APPENF</b></p>
<b>AE.</b>	<b>Ilkley (ward 14)</b>	<p><b>The Coach House Upper Parish Ghyll Lane Ilkley West Yorkshire LS29 9NX</b></p> <p><b>Addition of gable dormer window to north plane of roof, recladding of existing flat roofed dormer in zinc, insertion of external doors in east elevation, and replacement and enlargement of two rooflights in west roof plane - Case No: 22/00394/HOU</b></p> <p><b>Appeal Ref: 22/00059/APPHOU</b></p>

## **Appeals Upheld**

**There are no Appeal Upheld Decisions to report this month**

## **Appeals Upheld (Enforcements Only)**

**There are no Appeal Upheld Decisions to report this month**

### **Appeals Withdrawn**

There are no Appeal Withdrawn Decisions to report this month

### **Appeal Allowed in Part/Part Dismissed**

There are no Appeals Allowed in Part/Part Dismissed to report this month

### **Notice Upheld**

There are no Notice Upheld to report this month

### **Notice Varied and Upheld**

There are no Notice Varied and Upheld to report this month

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