

## **Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on the 17 September 2020**

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### **Subject:**

Planning Application 20/00785/FUL is a full application for construction of a new single storey dwelling house on land at Scalebor Park Farm, Off Moor Lane, Burley in Wharfedale LS29 7BL

### **Summary statement:**

The application seeks permission for a dwelling house in the Green Belt to the south west of Burley-in-Wharfedale. The applicant is aware that the proposals would be inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The applicant's claims for very special circumstances are based on the design quality of the proposed dwelling - with references made to Paragraph 79(e) of the National Planning Policy Framework (NPPF). Paragraph 79 requires that isolated houses in the countryside should only be permitted if they are of exceptional quality, in that the design must be truly outstanding or innovative; reflecting the highest standards in architecture, and they should help to raise standards of design more generally in rural areas; and should significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

In addition to this test, Paragraph 144 of the NPPF says that 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. Officers are not persuaded that the contemporary design of this dwelling make it so truly outstanding or innovative that the tests of Paragraph 79 are met, nor that the design credentials amount to very special circumstances that clearly outweigh the harm to the Green Belt to which substantial weight must be given.

Continued ....

As well as being inappropriate development in the Green Belt, the proposals are contrary to Policy EN4 of the Core Strategy which seeks to preserve the District's landscapes.

Refusal is recommended.

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**Portfolio:**  
**Regeneration, Planning and Transport**

**Overview & Scrutiny Area:**  
**Regeneration and Economy**



## 1. SUMMARY

The application seeks permission for a dwelling house in the Green Belt to the south west of Burley-in-Wharfedale.

The applicant is aware that this open site is part of the Green Belt and that the proposals would be inappropriate development. The NPPF confirms the great importance of Green Belts, whose fundamental aim is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Although single storey in height, the proposed dwelling would nevertheless be of significant size, with an elongated footprint, and a contemporary design comprising a glass front under a sedum roof. As the site is isolated an access track is also proposed. The site selected is at the top of rising ground – prominent and elevated above the railway line. The proposed dwelling would be unrelated to any existing built form and due to its elongated form and siting would inevitably appear as a very noticeable encroachment of new development into open countryside. It would be sprawl beyond the boundary to the Green Belt formed at this point by the Wharfedale railway line, which is a permanent and well-defined Green Belt boundary.

The level of harm caused to Green Belt if this application was approved is identified as being high. A single house would make a negligible contribution to housing land supply but the proposal would create a precedent that would significantly undermine the strategic function of the Green Belt, with little relevance to the core policies and strategic patterns of development advocated in Core Strategy Development Plan Document.

Paragraph 144 of the NPPF says that 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.

The applicant's claims for very special circumstances are the design quality of the proposed house - with references to Paragraph 79(e) of the NPPF. Paragraph 79 requires that isolated houses in the countryside must be of exceptional quality, in that the design must be truly outstanding or innovative, reflecting the highest standards in architecture, and they should help to raise standards of design more generally in rural areas; and should significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

Officers are not persuaded that the design merits of this dwelling make it so truly outstanding or innovative that the tests of Paragraph 79 are met, nor that the design credentials amount to very special circumstances that justify inappropriate development in the Green Belt. Indeed, Officers consider that the prominent, isolated position, unrelated to any existing groups of traditional buildings, and the outward appearance of the dwelling would result in it appearing alien as well as reinforcing perceptions of sprawl and

encroachment of significant built form into open countryside.

Contextually, the building is also considered to sit uncomfortably within the landscape. It is intended to sit in a commanding position in the most prominent location within the site and so it is likely to have the most adverse impact on the surroundings from this location.

Views are likely to be affected in the short, medium and longer distances. The measures advanced for new planting will not sufficiently reduce the harmful impact of the residential development on the character and appearance of the surrounding landscape. As well as being inappropriate development in the Green Belt, the proposals are also contrary to Policy EN4 of the Core Strategy which seeks to preserve the District's landscapes.

## **2. BACKGROUND**

Attached as Appendix 1 is a copy of the Officer's Report which identifies the material considerations of the proposal.

## **3. OTHER CONSIDERATIONS**

None

## **4. FINANCIAL & RESOURCE APPRAISAL**

There are no financial implications for the Council arising from this application.

## **5. RISK MANAGEMENT AND GOVERNANCE ISSUES**

No implications.

## **6. LEGAL APPRAISAL**

The determination of the application is within the Council's powers as the Local Planning Authority.

## **7. OTHER IMPLICATIONS**

N/A

### **7.1 EQUALITY & DIVERSITY**

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions "have due regard to the need to eliminate conduct that is prohibited by the Act, advancing equality of opportunity between people who share a protected characteristics and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this purpose section 149 defines "relevant protected characteristics" as including a range of characteristics including disability, race and religion. In this particular case due regard has been paid to the section 149 duty but it is not considered there are any issues in this regard relevant to this application.

### **7.2 SUSTAINABILITY IMPLICATIONS**

There are no sustainability implications.

### **7.3 GREENHOUSE GAS EMISSIONS IMPACTS**

There are not considered to be any significant greenhouse gas emissions impacts caused by the proposed development.

#### **7.4 COMMUNITY SAFETY IMPLICATIONS**

There are no Community Safety Implications

#### **7.5 HUMAN RIGHTS ACT**

Article 6 – right to a fair and public hearing. The Council must ensure that it has taken into account the views of all those who have an interest in, or whom may be affected by the proposal. This is incorporated within the report attached as Appendix 1.

#### **7.6 TRADE UNION**

None.

#### **7.7 WARD IMPLICATIONS**

There are no Ward implications posed by this development.

#### **8. NOT FOR PUBLICATION DOCUMENTS**

None

#### **9. OPTIONS**

This Committee has the authority to approve or refuse this development. If Members are minded to approve this development against officer recommendation, they will need to provide their planning reason(s) in line with adopted planning policies.

#### **10. RECOMMENDATIONS**

It is recommended that the Committee accept the recommendation of refusal within the report attached as Appendix 1.

#### **11. APPENDICES**

Appendix 1: Report of the Strategic Director of Regeneration and Culture.

#### **12. BACKGROUND DOCUMENTS**

National Planning Policy Framework

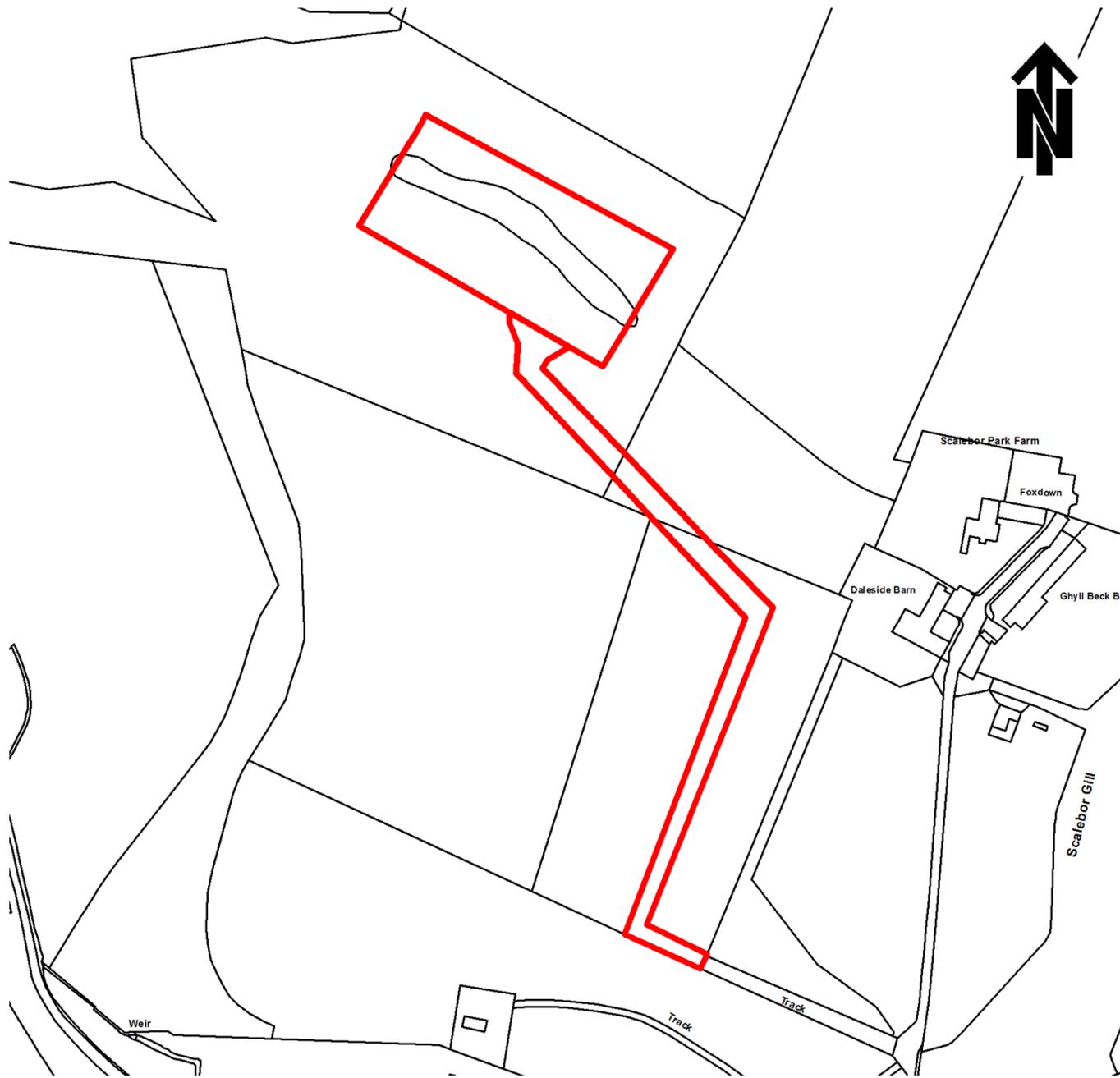
The Core Strategy Development Plan Document

The Replacement Unitary Development Plan for Bradford District

**20/00785/FUL**



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



1:2,500

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**Land At Scalebor Park Farm  
Moor Lane  
Burley In Wharfedale  
Ilkley LS29 7BL**

17 September 2020

**Ward:** Wharfedale  
**Recommendation:**  
**TO REFUSE PLANNING PERMISSION**

**Application Number:**  
20/00785/FUL

**Type of Application/Proposal and Address:**  
Full application for construction of a new single storey dwelling house on land at Scalebor Park Farm, Off Moor Lane, Burley in Wharfedale LS29 7BL

**Applicant:**  
Mr and Mrs Hornby

**Agent:**  
Rural Solutions Ltd.

**Site Description:**

The proposed dwelling house would be built in the Green Belt on part of a 20 hectare holding of open, agricultural land to the south west of Burley-in-Wharfedale. To the north, the land is separated by the Wharfedale railway line from the modern housing estate along Hall Drive. The land comprises pasture fields separated by occasional trees, wire fences and some hedges. Copses of trees exist further to the south and east. The site for the house is elevated above the railway tracks with views across the valley to the north. Currently there is no vehicular access so a new access is proposed cutting across to the proposed site from the unmade track that serves the cluster of existing, traditional stone houses and converted farm buildings at Scalebor Park Farm which lies to the south east of the proposed site.

**Relevant Site History:**  
None on this land.

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

The NPPF is a material planning consideration on any development proposal. The NPPF highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development, which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;

- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the NPPF suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

**Local Plan for Bradford:**

In this case the development plan consists of the Bradford Local Plan Core Strategy (LPCS), adopted July 2017, saved policies of the Bradford Replacement Unitary Development Plan (RUDP), adopted October 2005, and the Burley-in-Wharfedale Neighbourhood Plan (NP), made May 2018.

**Replacement Unitary Development Plan (RUDP)**

Pending progress with the Core Strategy Allocations DPD, certain “saved” policies of the RUDP remain in effect, although carrying less weight. The most significant is Policy RUDP saved Policy GB1 which sets out a presumption against inappropriate development and broadly reflects the NPPF in terms of identifying the purposes of the Green Belt.

**Core Strategy Policies**

- SC7 – Green Belt
- EN4 – Landscape
- EN2 - Biodiversity and Geodiveristy
- EN5 - Trees and woodlands
- DS1 - Achieving Good Design
- DS2 - Working with the Landscape
- DS4 – Street and Movement

**Burley Neighbourhood Plan**

- BW2 - Development outside the Settlement
- BW3 - Views (BWNP)

**Parish Council:**

Burley Parish Council recommends refusal of this application.

**Publicity and Number of Representations:**

- 18 objections
- 6 representations in support

**Summary of Representations Received:**

**OBJECTIONS**

1. Strongly object to the building on Green Belt land. If granted this would set a very dangerous precedent for future such development given that there is nothing exceptional about this particular application. It is an intrusion into the Green Belt. Precious countryside which the people of Burley have fought to protect valiantly and vigorously for so long.
2. Reference is to Paragraph 79 to justify the conflict with Green Belt but this requires design to be truly outstanding or innovative, to significantly enhance its immediate

- setting and be sensitive to the characteristics of the local area. Very weak generic arguments are proffered to suggest that the design of this house is "truly outstanding" but the design is not exceptional or innovative. Whilst it includes up-to-date materials and numerous energy saving and carbon neutral features, many of these are becoming standard and expected features of modern buildings, and hardly classifies as exceptional or innovative design sufficient to permit building in Green Belt. "To suggest design influence from the Doubler Stones or Le Corbusier's chapel at Ronchamp is, in our opinion, spurious."
3. The proposed house would be out of all proportion to its location and surrounding properties. It would stand on the skyline as viewed from properties adjacent to the railway line and would completely change the characteristic of the landscape of open fields, hedgerows, stock fences and mature trees. A 'glass house' is not appropriate in this traditional South Pennine landscape. Such a design would jar with its surroundings and this is not a plus point as the applicants appear to suggest, nor would it enhance the currently unspoilt bucolic vista.
  4. The access route to the site alongside the sports pavilion is in effect a public footpath and additional traffic along it is inappropriate and highly undesirable.
  5. There will be no common benefit derived from building this property, it would not be of benefit to the surroundings. The sole beneficiaries will be the owners and those with a financial interest as against the interests of the wider public.
  6. Curlews return each year to this land and deer use the field. There will be an unavoidable impact on flora and fauna should building work commence, not to mention the inevitable disruption associated with construction work.
  7. Publicity is questioned. There would be many more objections were people aware of this proposal.

### **IN SUPPORT**

1. The stunning look of the proposed dwelling will be the most iconic, innovative design in the local region for many decades. The design is of exceptional quality which will visually improve the immediate area.
2. The single storey design, green roof and use of local materials, the limited view from the north east side will integrate in to the local landscape in a positive way.
3. With the additional planting of woodland trees and landscaping the surrounding area will be improved ecologically.
4. Although in the Green Belt this is a far cry from a housing estate and much planning and meticulous research has gone into the attractive design.

A Wharfedale Ward Councillor has requested that, unless officers are minded to approve, this application be referred to Shipley/Keighley Area Planning Panel so as to thoroughly consider the issue under Paragraph 79e of the NPPF, which allows new houses to be constructed outside of settlements where the design is of 'exceptional quality'.

### **Consultations:**

Council's Landscape Team : Recommends refusal due to landscape harm.

Biodiversity Officer : Objections due to deficiencies of applicant's ecological evaluation.

Drainage Section : no objections raised subject to recommendations that conditions regarding agreement of Foul water and Surface Water drainage details be imposed on any grant of permission. In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document. This would include details of percolation tests and soakaways details.

Environmental Health Officer : Historic OS maps indicate that the proposed development site has remained undeveloped throughout its history. The probability of contamination being present sufficient to affect future site users is considered to be a low risk.

West Yorkshire Police : No comments to add but any new development /dwelling should incorporate the principles of secured by design.

**Summary of Main Issues:**

1. Green Belt – proposal is inappropriate development in the Green Belt.
2. Whether there are very special circumstances.
3. Consideration of Paragraph 79 of the NPPF as weighed against the NPPF requirement that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.
4. Implications for landscape character.
5. Ecology.
6. Access and highway issues
7. Other issues
  - Heritage
  - Drainage
  - Amenity of adjoining occupiers
  - Housing land supply arguments

**Appraisal:**

**Green Belt Policy Context**

The applicant is aware that the site is part of the Green Belt and that the proposed house and associated development would therefore be inappropriate development.

The National Planning Policy Framework confirms the great importance of the Green Belt, whose fundamental aim is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 144 of the NPPF says that 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.

The Green Belt is designated by the Bradford RUDP and saved Policy GB1 of the RUDP sets out similar policy considerations to the National Policy Planning Framework ('NPPF') to safeguard the District's Green Belt.

Bradford Local Plan Core Strategy (LPCS) policy SC7 sets out the Council's resolved position that delivering housing and employment growth will require the release of Green Belt land, and this will be done through a selective review of boundaries in locations that would not undermine the strategic function of the Green Belt, and would help deliver the core policies and strategic patterns of development set out in LPCS SC4 and SC5. The selective review of Green Belt boundaries envisaged in policy SC7 will be undertaken through the Land Allocations Development Plan Document, which has yet to be published.

Policy SC7 reflects the approach of the NPPF and sets out the Council's strategic aims in relation to development in the Green Belt. The policy recognises the valuable role the Green Belt plays in keeping settlements separate and conserving the countryside.

Openness has both a visual and spatial element, and 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.

The Green Belt around Burley-in-Wharfedale is very sensitive. The local community has vigorously opposed various proposals that would have breached the settlement limits, notably the proposed development at its western edge (the CEG development), which was finally rejected after a public inquiry and call in by the Secretary of State. A consistent approach to the control of development in the Green Belt and avoiding the establishment of precedents for building in the Green Belt around Burley-in-Wharfedale is therefore especially important given the pressure which the Green Belt around this settlement is facing.

Finally, the adopted Burley Neighbourhood Plan places great importance on the setting of the village within the Wharfedale Green Belt.

### **Impact of this development on openness**

As explained above, the Local Plan Core Strategy envisages that Green Belt in some parts of the District will have to be released – but through a selective review of boundaries in locations that would not undermine the strategic function of the Green Belt, and would help deliver the core policies and strategic patterns of development set out in LPCS.

This application proposes a sporadic encroachment of a single, though sizeable dwelling beyond the permanent boundary to the Green Belt formed by the electrified railway line. The application land clearly appears as part of the open countryside, physically distinct from the settlement. The proposed site is close to the edge of Burley in Wharfedale but it is physically detached from it by the railway line and the site is isolated from the settlement due to the absence of any highway links.

The development comprises the dwelling itself, the access track, car parking and ancillary domestic areas. These would stand in an isolated and exposed position, well removed

from any existing buildings such as vernacular farm groups. The nearest cluster of buildings comprising houses and converted barns is at Scalebor Park Farm some distance to the south east. The proposed dwelling would be physically distinct from these, and the new access necessary to physically connect it to established access tracks leading from Scalebor Park Farm to Moor Lane would cause further detriment to openness.

The railway line is a strongly defined and permanent boundary to the Green Belt which this proposed dwelling would breach. A single house would make a negligible contribution to housing land supply but the proposal would create a precedent that would significantly undermine the strategic function of the Green Belt, with little relevance to the core policies and strategic patterns of development advocated in LPCS.

Although single storey in height, the proposed dwelling would nevertheless be of substantial size. Due to a very elongated, sprawling form, and the prominence of the site selected at the top of rising ground elevated above the railway line it would inevitably appear as a very noticeable encroachment of new development into open countryside beyond the well-defined Green Belt boundary. Views would be obtained from the railway and from the public footpath which runs to the west of the site. In addition, glimpses are obtained from with the housing estate around Hall Drive/Hall Rise.

In the opinion of Officers, harm to openness and the degree of conflict with the purposes of Green Belt caused by this development would be substantial. The railway is a durable and permanent limit to the settlement and the encroachment of incremental development beyond that strong boundary would undoubtedly establish a precedent. The development would be contrary to the purposes of the Green Belt in preventing sprawl, assisting in safeguarding the countryside from encroachment and, to some extent, preventing neighbouring towns (Burley and Ilkley) from merging into one another.

Officers strongly disagree with the applicant's arguments that the purposes of the Green Belt should be given limited weight in this instance. Inappropriate development is harmful, by definition, to the Green Belt. In this case, there would a marked and adverse effect on the openness of the Green Belt as a result of the introduction of the proposed development, in both spatial and visual terms.

By conflicting with three of the five purposes served by Green Belt, this development would be against the NPPF, would undermine the strategic function of Green Belt and conflict with LPCS policy SC7.

This view is supported by the Burley Neighbourhood Plan which stresses the importance of the setting of the village within the Green Belt. Adverse comments from within the community including from the Parish Council about the importance of the Green Belt, the contribution of this site to its purposes and the need to avoid precedents. Local people responding to the application are understandably concerned about precedent in the light of ongoing pressure on the Green Belt around the settlement.

### **Consideration of whether there are Very Special Circumstances**

The applicant accepts that this residential development is inappropriate development in the Green Belt, and that the Local Planning Authority (LPA) would need to consider

whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

The applicant's claim for "very special circumstances" refers to the quality of the house's design and potential environmental and social benefits.

It must be said that the "social benefits" of such a large, prestigious and isolated house are not very apparent as it would be detached from the community due to its physical isolation. No public benefits are offered aside from normal Community Infrastructure Levy (CIL) contributions and offers of new tree planting. These environmental benefits will be considered in the context of the proposed Landscape Masterplan proposals that have been put forward.

With regard to the claimed design quality, the applicant references Paragraph 79(e) of the NPPF and claims this is an "exceptional" country house that should justify setting aside normal Green Belt policy.

NPPF Paragraph 79 begins by says that planning policies and decisions should avoid the development of isolated homes in the countryside unless certain circumstances apply.

The only one of those circumstances relevant to this proposal is paragraph 79(e) "That the design is of exceptional quality, in that it:

- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

The Government's motivation for including paragraph 79(e) in the NPPF derives from a desire not to stifle the long tradition of country house building in England. However, the extent to which local planning authorities and the Planning Inspectorate have responded to proposals for such exceptional houses varies. Members will note that the requirement is for the design to be "truly outstanding or innovative". This test is very high. Such considerations are, inevitably, subjective.

The applicant points out that the NPPF advises that "great weight" should be given to outstanding or innovative designs that promote high levels of sustainability or help raise the standard of design more generally in an area, but this is so long as they fit in with the overall form and layout of their surroundings. The NPPF also says LPAs should ensure that "substantial weight" is given to any harm to the Green Belt arising from inappropriate development.

Green Belt is a key tool in the achievement of sustainable development. Claims as regards the "exceptional design" of this house must be considered in the context that

- (1) The Government attaches great importance to Green Belts; and
- (2) When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

The applicant refers to various examples of truly outstanding or innovative houses that have been permitted by LPAs or the Inspectorate elsewhere in isolated countryside locations. These have been noted.

Some of these have not carried a Green Belt designation. The Green Belt sets an additional test to that outlined in paragraph 79(e) and is an important, material planning policy consideration that does not apply in some of the examples given in the applicant's submissions.

The sensitivity and vulnerability of Green Belt at Burley-in-Wharfedale and the harm that this development would cause to Green Belt in this case have been highlighted above. The amount of harm would be very high. By breaching the permanent boundary created by the railway line and by conflicting with three of the five purposes served by Green Belt, this development would undermine the strategic function of Green Belt and conflict with LPCS policy SC7 setting worrying precedents for further breaches of the Green Belt boundary around Burley and elsewhere.

The applicant's arguments about design quality rely upon claimed positive pre-application feedback received from the Yorkshire Design Review Panel. Weight needs to be given to this feedback. However, Council Officers have had no involvement in terms of the input of the Design Review Panel and the support referred to by the applicant's team is somewhat ambiguous - consisting of some Minutes of meetings and further email correspondence which suggests that the applicant's design team has had to revisit the Design Review Panel on more than one occasion - tabling amendments and refinements to design and landscaping. That the degree of support from the panel is rather ambiguous is evidenced by the fact that the submitted correspondence refers to the "emerging design" and that the architecture certainly "has the potential to rank as outstanding", implying that "more work is required to do so". The Panel acknowledges that the site has considerable potential as a setting for a new house but does not strictly say that the design submitted with this application achieves that aim.

In later correspondence the Panel says later that the revised proposal is truly exciting and has moved forward in a very positive direction, "being less self-indulgent than the first proposals, with the latest iteration being bold and unapologetic, reinforced by its location - sitting proudly on the ridge". These comments, however, take no account of Green Belt openness. The proposal is designed to sit "unapologetically" in the open countryside and proudly on the ridge. The applicant argues that making the design out of step with its surroundings is a deliberate means of making the development appear striking and innovative. But by doing so this large house would have a profound effect on the openness of the Green Belt contrary to its purposes.

As regards design features, the designer claims that the house combines local materials, glazing, and a green roof, "allowing the landscape to flow through the building", and whilst substantial, the low profile should minimise the intrusiveness. However, Officers disagree. The elevated siting and elongated form of the dwelling and its outward appearance would appear alien and re-inforce perceptions of sprawl and incursion or encroachment of significant built form into open countryside. A sedum roof

would not necessarily reflect the landscape character of pasture grazed by sheep. The impact of internal and external lights and the glazing are of concern.

Local people have expressed views that a 'glass house' is not appropriate in this traditional South Pennine landscape and rather than appearing "striking" it would appear insensitive and intrusive. The size and form of the house and proposed use of glass and, especially, the stated intention to use white Magnesian Limestone as the other external walling material, would make it appear alien and incongruous. Magnesian Limestone is not a building material local to Burley or Ilkley. This rock type does not appear until locations around Tadcaster – some 20 miles to the east. A glass fronted house under a sedum roof and framed by Magnesian Limestone seems especially discordant and to display a lack of understanding of landscape context. Magnesian Limestone would appear markedly at variance with the character of vernacular millstone grit buildings that are scattered elsewhere within the pasture landscape and below the gritstone crags of Ilkley and Rombalds Moor, the importance of which is referenced in the Landscape Character SPD.

Weight has been given to the need to promote innovative design, in rural as well as urban contexts and the support from the Design Review Panel for the design is noted, but the Design Review Panel concedes it has no remit to consider the importance of Green Belt. The LPA must give harm to Green Belt substantial weight and '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.

Officers are not persuaded that the design merits of this dwelling make it so truly outstanding or innovative that very special circumstances are proven, nor that it reflects the highest standards in architecture nor helps to raise standards of design more generally in rural areas to meet the tests of paragraph 79. It is not apparent how the design and construction techniques could be easily applied to many other rural buildings – such as affordable housing or other rural structures. The applicant's offer of making the plans available as an on-line resource for architecture students seems a weak way of justifying the proposal. The design quality credentials claimed in the submissions are not sufficient to outweigh the harm that would be caused to the Green Belt by reason of inappropriateness.

Furthermore, the proposal would have a detrimental effect on its landscape setting. Officers do not agree it would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area - for reasons explained below.

**Impact on Landscape Character:**

Policy EN4 of the Core Strategy seeks to conserve and enhance the various landscapes of the Metropolitan District.

The site chosen for the dwelling sits on the north east facing hillside above the river Wharfe, with gentle rolling ground to the west. It has an elevated area/ ridge in the central area of the site; and from the ridge the site steeply slopes down toward the railway embankment on the north-east boundary. The landform to the north east together with the reduced numbers of trees make this part of the site exposed and open to views in and out

of the site.

The site is within the Enclosed Pasture of the Wharfedale Landscape Character Area, SPD adopted by Bradford Council in October 2008.

The strength of character of the Enclosed Pasture is described as Strong – as a “...simple well-structured landscape comprising of a balance of pastures enclosed by drystone walls, hedges and mixed styles of fencing, woodlands and isolated settlements.” The SPD policy guideline for the area is to conserve and restore the landscape character by encouraging the retention of the traditional pastoral land use for sheep and cattle, retaining the integrity of field sizes; restoring hedges and walls; and replacing wire fencing with traditional boundary treatments, and maintaining the well wooded, ‘parkland’ character to the pastures.

The Landscape Character SPD also states that: “It is important to prevent the spread of development which would destroy the identity of the settlements” and “keep settlement edges neat and discreet...”

The application site and surrounding countryside retains all the essential agricultural characteristics and landscape elements typical of the Landscape Character Area. The site is pasture land with a number of key landscape features including a dense deciduous woodland buffer away to the east, south and west of the site; it has ‘island’ copses; and individual feature trees in various locations toward the northern part of the site.

The submitted Landscape Appraisal explores the nature of the site and assesses options for siting the building. In fact, the site gets identified with three distinct areas: steeply sloping pasture toward the railway; a central plateau with the ridge; and the wooded pasture on the lower part of the site with the surrounding woodland buffers.

The Council’s Landscape Officer says the surrounding woodland buffer could have offered screening and a better prospect of integration of the building within the surrounding landscape. Instead, the proposed location for the building is the elevated ground of the central plateau. Although this location maximises, for the benefit of residents, the enjoyment of panoramic views out to the wider landscape; this is also the most prominent part of the site. It can be seen from the railway; local and further afield public rights of way; from Burley-in-Wharfedale, from Askwith Moor and the Nidderdale Area of Outstanding Natural Beauty across the Wharfe Valley.

The proposed dwelling would be seen as pronounced encroachment in long range views from the northern side of the valley, including from within the settlement. The prominence of the selected site would be emphasised by the size and elongated plan form of the dwelling which would also result in the dwelling to be inserted on it appearing entirely alien to the traditional plan form and design of buildings in Wharfedale. The effects of glazing and of artificial lighting, together with domestic paraphernalia, would all help to draw attention to an isolated encroachment of new development into the countryside, despite screening by proposed landscaping.

Also important to local Landscape Character is that surrounding vernacular properties

mostly take the form of compact buildings clustered with other buildings such as converted barns - as part of typical Pennine farmsteads. In contrast, the site selected for the proposed dwelling is detached from any existing groups of farm buildings and away from screening features so it would appear in complete contrast to the manner in which settlements have evolved historically on the slopes below the moors.

The proposed dwelling is single storey, but this means that to provide the desired range of accommodation it is designed with a thin and very elongated form with a green curved roof that stretches across the slope above the railway on the highest part of the ridge. The Landscape Officer considers that although the building is intended to follow the natural contours of the land, its emphasis is too horizontal. In comparison with the undulated adjacent landscape, the linearity of the building does not seem to blend in with the immediate setting or the wider landscape surroundings.

Indeed, visuals in the applicant's Design and Access statement show how the building is very prominent (and "unapologetic") on the skyline and does not integrate well with the landscape. The applicant's submissions, as a whole, do not try to disguise the fact that this dwelling is intended to dominate this part of the valley in the manner of a grand country house. However, residents of the estate to the north of the railway point out how this would be an entirely unwelcome intrusion in terms of safeguarding the countryside for its own sake.

The Council's Landscape Officer considers that inclusion of a green roof would provide little benefit visually because that it is a further horizontal feature and not inclined; and therefore does not assist in breaking up the awkward horizontal emphasis of the roof, as it will not be seen. The glass and masonry will be the features that attract attention from afar.

It is also clear that the proposed development would involve a significant and disproportionate change to the fabric of the landscape. Although the proposal is a single dwelling, the character of a sizeable tract of countryside would be disrupted as it would shift from open pasture to residential use. The proposed dwelling would be located centrally in this tract of countryside. Its influence on landscape fabric and the additional effects of the associated access track would therefore be apparent across a disproportionate area. It would completely change the characteristic of the landscape of open fields, hedgerows, stock fences and mature trees in a negative way.

It is also noted that the applicant proposes to visually enhance the immediate setting of the proposed house through planting proposals within a submitted Landscape Masterplan. However, these proposals would be insufficient to ensure that the house would not be visually jarring and incongruous. It would still appear as sprawl and encroachment and the planting proposals would, in themselves introduce some discordant elements to the landscape – in particular the long copse of trees designed to screen the significant length of new access track.

The Landscape Character SPD warns that changes in the traditional agricultural land uses has resulted in some of the pastures becoming marginal as grazing is reduced, most noticeable on the higher ground with poorer soils." However, there is no visual evidence of this degradation and deterioration at this site which is on the lower slopes. It is noted how

the applicant's Landscape Appraisal claims that, for this site; "continued limited use and management could result in a degraded, overgrown landscape with deterioration of the existing features of value". However, in contrast the applicant's Design and Access Statement says that the land it is well maintained and produces silage - so it clearly has real value as farm land.

The site and surrounding countryside retains all the essential agricultural characteristics and landscape elements of the area; with pasture fields, blocks of woodland, groups of trees and hedgerows. In contrast, the siting, form and appearance of the applicant's proposal have been designed to deliberately dominate the landscape in order to make a statement that it is an "innovative" proposal. However, Officers consider this to be the wrong approach.

The proposed building is elongated and contextually sits uncomfortably within the landscape. It is intended to sit in the most prominent location within the site; and so it is likely to have the most adverse impact on the surroundings from this location. Views are likely to be affected in the short, medium and longer distances. The measures advanced for new planting will not sufficiently reduce the harmful impact of the residential development on the character and appearance of the landscape. There would still be a strongly perceived change to its traditional character. The Council's Landscape Architect says that, in landscape terms, she cannot support the application. The proposals are contrary to Policy EN4 of the Core Strategy which seeks to preserve the District's landscapes.

### **Impact on Ecology**

Although only 1 dwelling is proposed, it would be placed in the open countryside, and in the middle of an ecological habitat network and on semi-improved grassland which cannot be ruled out as supporting (foraging) habitat for moorland bird species associated with the South Pennine Moors Special Protection Area /Special Area for Conservation (SPA/SAC) which lie to the south.

The applicant has submitted an Ecological Appraisal of the site which establishes that the semi improved grassland plant assemblages are common in the local area and of low ecological value. No protected species were recorded on the site itself.

However, the Council's Biodiversity Officer challenges whether the survey submitted is appropriate for the purpose intended. The survey methodologies are not adequately set out to demonstrate that they conform to known standards. Surveys of use of the site by SPA/SAC bird species were not undertaken at optimal times and a proper survey for invertebrates, moths and butterflies is not included although these are present on semi-improved grassland. The Council's Biodiversity Officer advises that the implications of a sizeable urban incursion into the grassland in terms of how this would impact on the ecological habitat network is not properly considered and effects dismissed without evidence. There is also concern that suggested "habitat improvement works" to the adjacent land would not appropriately enhance its ecological functionality, particularly any use of the site by feeding/foraging birds associated with the nearby SPA would not be well served by proposals for shelter belt planting designed to screen the access track. In this locality, the tree planting is extensive and may be detrimental to ecology

Deficiencies of the applicant's surveys and submissions make it difficult to rule out adverse impact on biodiversity.

For these reasons, it is not accepted that the proposal would have no adverse impacts on matters of ecological or nature conservation interest, and would deliver a net benefit for biodiversity. It is therefore not compliant with the relevant parts of Core Strategy policies EN2 and WD1.

### **Highways Impacts**

Access to the site by vehicle can only be formed via the network of unmade roads leading off Moor Lane. It is acknowledged that these routes are popular with walkers and several have commented on likely conflicts between additional vehicles and people enjoying the rights of way network. Although these points are acknowledged, it is not accepted that a single, albeit large, dwelling would cause significant effects in terms of the capacity of the tracks or cause significant highway safety problems.

### **Burley Neighbourhood Plan**

The adopted Burley Neighbourhood Plan includes Policies BW2 and BW3. Policy BW2 refers to development outside the settlement boundary, requiring that development proposals outside the settlement need to satisfy national and local policies relating to development within the Green Belt and will be supported when they, where feasible and appropriate:

- a) do not have an adverse impact on the cultural, ecological and archaeological importance of key features of Wharfedale; and
- b) protect moorland habitats; and
- c) protect and enhance the role of the River Wharfe for green infrastructure (see also Policy BW15); and
- d) preserve field patterns, tree cover and the wider landscape of the Wharfedale Valley and the hills and moorland that surround the area; and
- e) do not have a significant adverse impact on natural and built heritage assets.

The proposal is deemed contrary to this policy, specifically due to conflict with Green Belt policy as identified above, and the broader conflict with the character of the landscape setting of the village.

Policy BW3 requires that development should not have a material adverse effect on important views out of and into the village. Where appropriate, development proposals should address satisfactorily any adverse impacts on certain key views identified on Map 4 of the Plan. These include View b. The view from Sun Lane bridleway to Burley Moor which is an important view from south west Burley to Burley/Ilkley Moor showing the linkage of the moor to river green corridor which is an important feature of local distinctiveness and which constitutes a natural highway for the migration of flora and fauna and provides a village nature reserve. The new house would stand prominently in that key view, thus disrupting such visual linkage.

### **Other issues**

The proposal would have limited impact on designated heritage assets, being some

distance from Burley Conservation Area and the nearest listed buildings.

Due to its isolated location there would be no direct impacts on privacy or amenity of occupiers of adjoining land or buildings, although comments from occupiers of houses along Hall Road/Hall Rise are noted.

The proposal would not give rise to any material problems in flood risk and drainage terms. Such matters could be resolved by reserving agreement of details of surface and foul water drainage by planning conditions as recommended in consultation responses.

The LPA is unable to demonstrate a five-year supply of housing land, so paragraph 11(d) of the NPPF indicates that planning permission should be granted unless: (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessed against policies in the NPPF taken as a whole. The development would make only a very modest contribution to housing land supply. The benefits of the proposal in this respect are insubstantial as compared with the harm arising to an area of particular importance by virtue of the proposal being inappropriate development in the Green Belt. Harm to Green Belt is a clear reason for refusing the development proposed.

**Community Safety Implications:**

None

**Reasons for refusal:**

1. The site is in the Green Belt and the proposed dwelling would be inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The National Policy Planning Framework confirms the great importance of the Green Belt, whose fundamental aim is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The proposed dwelling would form a very noticeable encroachment of new development into open countryside beyond the well-defined, permanent Green Belt boundary formed by the Wharfedale railway. Such a prominent and isolated development could not be accommodated within this part of the Green Belt whilst maintaining the integrity of the wider Green Belt and the purposes of the Green Belt between Burley-in-Wharfedale and Ilkley. It would appear as noticeable sprawl and encroachment contrary to the purposes of the Green Belt. It would undermine the strategic function of Green Belt and conflict with Core Strategy Development Plan Document Policy SC7.

The Local Planning Authority has considered the applicant's reference to National Policy Planning Framework paragraph 79 and claims that the design of the dwelling is exceptional. However, the Local Planning Authority is charged with ensuring that substantial weight is given to any harm to the Green Belt and, in this instance, the degree of harm to the Green Belt would be significant and the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from this proposal, is not clearly outweighed by the claimed merits of the design. Such merits do not amount to very special

circumstances sufficient to outweigh harm to the Green Belt by reason of inappropriateness, and any other harm resulting from this proposal.

2. The proposed dwelling has been designed to deliberately dominate its skyline context in order to make a statement that it is innovative. It is unrelated to any established traditional groups of buildings in the landscape and proposes alien materials and building form. This approach will cause a strongly perceived change to the traditional appearance of this part of the Wharfedale Landscape Character Area, dominating a significant area of the pasture, such that the Landscape Masterplan proposals will neither conserve nor restore the landscape characteristics and qualities of the area to sufficiently reduce the impact of the residential development on the character and appearance of the wider landscape. The proposals are deemed contrary to Policy EN4 of the Core Strategy Development Plan Document which seeks to preserve the District's landscapes and Policy BW2 of the Burley Neighbourhood Plan.

3. The implications of a sizeable incursion of development into the grassland ecological habitat network is not properly considered by the applicant's submissions and it is considered that suggested "habitat improvement works" to the adjacent land would not appropriately enhance its ecological functionality, particularly any use of the site by feeding/foraging birds associated with the nearby South Pennine Moors Special Protection Area /Special Area for Conservation would not be well served by proposals for shelter belt planting designed to screen the access track. Deficiencies of the applicant's surveys and submissions make it difficult to rule out adverse impact on biodiversity. For these reasons, it is not accepted that the proposal would have no adverse impacts on matters of ecological or nature conservation interest, and would deliver a net benefit for biodiversity. It is therefore not compliant with the relevant parts of Core Strategy Development Plan Document policies EN2 and WD1.