

**MINUTES of the PLANNING COMMITTEE MEETING of  
BURLEY PARISH COUNCIL held at the Queens Hall, Burley  
on Monday 6<sup>th</sup> February 2023 at 7:30pm**



**Present:** Cllr Bob Felstead  
Cllr Steve Goodwill  
Cllr Katherine Howard  
Cllr Jan Lepley  
Cllr Chris Turner

**Officers:** Clare Smith (Parish Clerk)

**P121/2223 Item 1 – Chairman’s Welcome**  
Councillor Felstead welcomed those present to the meeting.

**P122/2223 Item 2 – To Accept Apologies for Absence**  
Apologies were received from Cllr Evans and Cllr Wild.

**P123/2223 Item 3 – Declarations of Interest**  
None.

**P124/2223 Item 4 – To consider written requests for a dispensation**  
No dispensation requests received under the Localism Act 2011 s33.

**P125/2223 Item 5 – Public Participation**  
Four members of the public were present regarding Item 8.2.

The residents of a nearby property spoke of some concerns they have regarding the proposal. The concerns were:

- i. Building materials – they would prefer the building to be stone rather than brick;
- ii. The extension would be very close to the boundary;
- iii. The building will block light; and
- iv. Access to the gable end for maintenance.

The applicants were present at the meeting and confirmed that they have recently submitted an amendment which states that the building will be stone rather than brick.

**P126/2223 Item 6 – Minutes of the Last Meeting**  
**RESOLVED** that the minutes of the Planning Committee meeting held on 19<sup>th</sup> December 2022 be approved and signed by the Chairman as a correct record of the meeting.

**P127/2223 Item 7 – Matters Arising from Previous Minutes**  
None.

**P128/2223 Item 8 – Consideration of Planning Applications:**

<b>8.1</b>	22/04161/FUL	Proposal: One new dwelling with associated parking and access within grounds of the existing house (West Lodge)	19 The Drive LS29 7AQ	Object. See Appendix A.
<b>8.2</b>	22/05294/HOU	Proposal: Single storey front extension; single and double storey side extension; double storey rear extension	16 Sandholme Drive LS29 7RQ	Recommend approval subject to the extension building materials being stone rather than brick. The Committee would also like to ensure that any windows overlooking neighbouring

				properties were fitted with obscured glass to protect privacy.
8.3	22/05369/HOU	Proposal: Rear extension and alterations including conversion of garage to habitable room	7 Southfield Road LS29 7PA	Recommend approval.

**P129/2223 Item 9 – Decisions made by Bradford MDC**

The Committee noted the following decisions made by Bradford MDC:

9.1	22/04887/FUL	Refurbishment of existing manager's flat to form a two-bedroom flat for Air B&B lettings including inserting a new window into the East gable and new roof windows to North and South elevations -	The Hermit Inn Moor Road LS29 7AS	Application Granted
9.2	22/04938/LBC	Installation of through floor lift by forming aperture in ceiling -	50 - 52 Main Street LS29 7DF	Application Granted
9.3	22/04159/HOU	Restoration of building -	19 The Drive LS29 7AQ	Not Development
9.4	22/04868/CLP	Outbuilding in curtilage to be used as home office, swimming pool, gym, and games room -	11 Moss Brook Court LS29 7RZ	Refused

**P130/2223 Item 10 – Area Planning Panel**

The meeting of the Area Planning Panel (Keighley and Shipley) will take place on 22<sup>nd</sup> February 2023. It is thought that the Poplar Close application will be discussed at this meeting.

**P131/2223 Item 11 – Ongoing Planning Matters**

The Clerk reported that a meeting had taken place with David Wilson Homes and they will shortly invite her and the Chairman and Vice Chairman of the Council to attend a site meeting. The roundabout work on the A65 will commence in March and will take approx.. 12 months to complete.

**P132/2223 Item 12 – Complaints**

The Clerk reported that a complaint has been received regarding a development on Great Pasture. The Clerk will ensure that the planning department are investigating this matter.

**P133/2223 Date of next Planning Committee meeting:**

Originally scheduled for 30<sup>th</sup> January 2023 – this meeting will not be quorate and has therefore been rescheduled until: **Monday 20<sup>th</sup> February 2023 at 7:30pm.**

**Meeting closed at 8:30pm**

## Appendix A

### Response to Planning Application 22/04161/FUL – 19 The Drive, LS29 7AQ

Burley Parish Council object to this planning application.

This is a rather complex application, given that the owners are making the application under Section 70B and Section 72 of the Town and Country Planning Act 1990. Section 70B allow powers to determine overlapping applications and Section 72, allows the application to be considered as a single application.

- (i) Land at this location is listed under 2 titles WYK686721 and YY151905.

The application also relies upon the Planning (Listed Buildings and Conservation Areas) Act 1990 chapters 1, 2 sections 7, 8 & 10 to which significant weight has been attached.

Notwithstanding the above, the Parish Council would wish to draw the attention of planning officers to the following, as proposals for this site have previously been refused.

- (i) Application Ref 17/04724/OUT, dated 3 August 2017, was refused by notice dated 15 November 2017. The application was refused in part on the grounds of adverse impact on the Green Belt.
- (ii) The appeal against this decision App/W4705/W/18/3201675 was dismissed (decision date 29 October 2018).

The National Planning Policy Framework (NPPF) provides guidance in this matter. We note that the application includes 'exceptional circumstances', although 'very special circumstances' are those which are applicable here. (NPPF Para 147)

The NPPF stops short of defining which circumstances can be considered exceptional. "Exceptional circumstances" are a less stringent test than the test applied to planning applications for development that would normally be seen as inappropriate in the green belt, which [requires "very special circumstances"](#).

The most important recent contribution to that effect was the December 2019 judgment dismissing the High Court challenge to Guildford Borough Council's local plan, which de-allocated three major sites from the Surrey town's green belt. The judge, Sir Duncan Ouseley, concluded that "exceptional circumstances" is a less stringent test than the test applied to planning applications for development that would normally be seen as inappropriate in the green belt, which requires "very special circumstances".

Therefore, this application needs to be justified by the more prescriptive test for "very special circumstances", particularly given inclusion of a Grade II listed Building in the application and the Planning (Listed Buildings and Conservation Areas) Act 1990.

The application does not demonstrate how it is of "**special architectural or historic interest.**" The Parish Council notes that many of the features of this Grade II listed building had been removed as evidenced in the Design and Access Statement page 8 – "Unfortunately, during the previous works, much of the original fittings and interiors were stripped out and were not sold with the property. It is clear that the panelling and fireplaces have been removed. The staircases and panelling (see bottom right) were present until the new owners took over." Subsections 5 and 5A, Chapter 1 of the of c Planning (Listed Buildings and Conservation Areas) Act 1990.

In this application, we have a single dwelling being proposed in Green Belt and note that applications for 9 houses on this site had previously been refused.

#### **NPPF – Green Belt release.**

The application is not supported by the NPPF, notably paragraphs:

- (i) 5. Delivering a sufficient supply of homes

- a. Para 60 - To support the Government's objective of significantly boosting the supply of homes.
- b. Paras 61 – 67.
- c. 61. To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment. Cores strategy policy WD2, E.  
62. Planning policy should reflect the need for require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes.  
63. No affordable housing are being delivered.
- d. Core Strategy policies HO1, HO2, HO5 and HO11 are not being delivered by this application.

(ii) Rural housing

- a. Paras 78 – 80.  
78. In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs.  
80. Planning policies and decisions should avoid the development of isolated homes in the countryside. None of the requirements are being delivered by this application.

(iii) 12. Achieving appropriate densities – all conditions

- a. Paras 124 & 125

124. Planning policies and decisions should support development that makes efficient use of land, sections (a) to (e). Here again this application fails in all respects.

125. Area-based character assessments, design guides and codes and masterplans can be used to help ensure that land is used efficiently while also creating beautiful and sustainable places. Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site.

This application contributes nothing to meeting this objective and does not feature in the SHLAA. Cores Strategy policies HO1, HO2, SC1, SC2, SC7, SC8

13. Protecting Green Belt land

- b. Paras 137, 138

137. 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.

138. The Green Belt serves 5 purposes, none of these are being met.

- c. Paras 139, the test here should be for “Very Special Circumstances” and not “Exceptional Circumstances” which are those being considered.

The prescribed tests are clearly detailed within paragraphs 140 – 147.

Core Strategy policies EN2, EN4, EN5 and EN8 are also applicable to this application.

(iv) Proposals affecting the Green Belt

- a. Paras 147 – 149 are applicable in this case. It must be noted that Para 147 is that to which to refer in respect of this application.

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

148. 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.

149. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. None of the exceptions points (a) to (g) are being delivered.

- (v) The site does not have a travel plan, nor does it encourage the use of public transport, cycling or walking. This is at odds to Core strategy policies TR1, TR3, TR4 and TR5.

### **Site Access**

There have been previous applications to build on Green Belt land on the opposite side of Hag Farm Road from the proposed West Lodge site (applications 17/00940/OUT and 17/04724/OUT). Both have been refused, in part due to concerns about the safety of pedestrians, cyclists and drivers on the route.

### **Consistency in Approach**

The Local Planning authority has a duty to consider all applications based on their own merit. At this site, and others close by (20/00785/FUL) the LPA has conformed to the NPPF, and Core Strategy Policies.

Reasons for refusal are listed above, however, for the avoidance of doubt, a brief synopsis of the key points are given below:

- (i) The site is in the Green Belt and the proposed dwelling would be inappropriate. Inappropriate development, is, harmful to the Green Belt and should not be approved except in “very special circumstances.” The NPPF 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, Green Belt boundary. Such a prominent 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 Menston. It would appear as noticeable sprawl and encroachment contrary to the purposes of the Green Belt. It would undermine the strategic function of the Green Belt and conflict with Bradford Local Plan Core Strategy SC7.

- (ii) The implications of a sizeable incursion of the development into the grass and woodlands ecological habitat network is not fully considered by the applicant’s submissions. We would expect there to be a significant loss of biodiversity and it’s unclear as to how this development enhances its ecological functionality, particularly any use of the site by feeding/foraging birds associated with nearby woodlands and the South Pennine Moors SPA/SAC.

It's difficult to see in the applicant’s surveys and submissions how to rule out impacts on biodiversity, most notably bats, which are present in large numbers in and around this location. It is not accepted that proposals would not have an impact on matters of ecological or nature conservation interest and would deliver a net biodiversity benefit. It is therefore not compliant with Local Core Strategy EN2.

- (iii) There are many other conditions outlined within the NPPF, and as noted above. The “exceptional circumstances” approach is inappropriate here. The NPPF clearly states in paragraph 147, that “very special circumstances” must apply to greenbelt release.

The NPPF and Core Strategy policies provide significant importance to the Green Belt at this location. The application fails to address a clear requirement for “very special circumstances,” and instead opts for the less prescriptive test of “exceptional circumstances” which are inappropriate to the application.