The Planning Inspectorate

Appeal Decision

Site visit made on 15 November 2016

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6th December 2016

Appeal Ref: APP/Z4718/W/16/3156424
Land adjacent 10 Meal Hill, Slaithwaite, Huddersfield HD7 5UR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr J Atkinson against the decision of Kirklees Metropolitan Borough Council.
- The application Ref 2016/62/90959/W, dated 21 March 2016, was refused by notice dated 31 May 2016.
- The development proposed is described as a replacement garage.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council changed the description of application Ref 2016/62/90959/W to 'demolition of existing garage and erection of triple garage with storage above'. This is a more accurate description of the proposed development which I have therefore used in the determination of this appeal.

Main Issues

3. The main issues in the appeal are:

   - Whether the proposal is inappropriate development in the Green Belt.
   - The effect on the openness of the Green Belt and the purpose of including land within it.
   - If the proposal is inappropriate development 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.

Reasons

Whether or not inappropriate development

4. The appeal property is located within the designated Green Belt. Paragraph 89 of the National Planning Policy Framework (the Framework) sets out that the construction of new buildings should be regarded as inappropriate in the Green Belt. One exception is the replacement of a building provided that the new building is in the same use and not materially larger than the one it replaces.

5. The existing single storey building is in use as a garage and store which the Council suggest occupies a footprint of approximately 58.5sq m, is approximately 3.1m high and provides floor space of approximately 47.2sq m. The proposed building would be two storey and would be used as a garage on the ground floor with a store/gym on the first floor. The Council suggest that the proposed building would have a footprint of approximately 67sq m, would be approximately 5.7m high and have a floor space of approximately 109.7sq m. I have no evidence to suggest that the Council's calculation of footprint and floor space may be incorrect.

6. Although the proposed building would be broadly in the same use as the existing, I consider that it would be substantially larger than the one it replaces. I accept the appellant's contention that the Framework does not provide any detailed guidance on the extent to which a new building would be deemed to be 'materially larger' than the one it replaces. However, in my view, a proposed building that would more than double the floor space and be substantially higher than the one it replaces would be considered as being 'materially larger' within the context of the guidance provided in paragraph 89 of the Framework.

7. As such, I find that the proposed development would amount to inappropriate development within the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness

8. A fundamental aim of Green Belts is to keep land permanently open. An essential characteristic is their permanence. The existing garage is located in close proximity to a cluster of dwellings on Meal Hill. The proposed development would increase the height of the garage and would slightly increase the extent of built footprint. However, given the proximity to, and extent of existing built development in the vicinity of the garage I consider that, overall, the proposed building would have a broadly neutral effect on the openness of the Green Belt.

Other considerations

9. The appellant's case is founded mainly on the assertion that the proposed development is not materially larger than the existing building and that openness would not be harmed. I accept that there would be no significant harm to openness. However, a fundamental objective of the Framework with regard to a replacement building in the Green Belt is to ensure that it is not disproportionately larger than the size of the original building. Given my findings above, the proposed development cannot be reasonably considered as being no materially larger than the size of the existing property. Consequently, I attach limited weight to this consideration.

10. I accept that the proposed building would be of a design that is in keeping with the cluster of properties in the vicinity. Owing to its position, design and use of constructional materials the proposed building would not detract from the character or appearance of the locality. I accept the appellant's view that the proposed building would represent an improvement on the appearance of the existing garage. This does weigh in favour of the scheme but, against the background of the size of the proposed building in relation to the existing, I do

not consider that this benefit constitutes a very special circumstance that would carry significant weight in the consideration of this appeal.

Conclusion

11. The appeal proposal would be inappropriate development that would be harmful to the Green Belt by definition. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

12. The Framework indicates that substantial weight should be given to harm to the Green Belt and very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. As explained above, I only give limited weight to the material considerations cited in support of the proposal and conclude that, taken together, they do not outweigh the substantial weight to be given to Green Belt harm sufficient to demonstrate very special circumstances. Although the Council has not referred to any policies within the development plan, the proposal is therefore contrary to the guidance provided in paragraph 89 of the Framework in being materially larger than the building it would replace.

13. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Stephen Normington

INSPECTOR