
Appeal Decision

Site visit made on 24 January 2017

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 15 February 2017

Appeal Ref: APP/Z4718/W/16/3163230

Rose Glen, Far Lane, Hepworth, Holmfirth HD9 1TL

- 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 & Mrs Michael Walker against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2016/62/92127/W, dated 24 June 2016, was refused by notice dated 21 October 2016.
 - The development proposed is extension of existing double garage and conversion to single dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The proposed development is within the Green Belt and so the main issues are:
 - whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework (the Framework);
 - the effect of the proposal on the openness of the Green Belt; and
 - if the proposal would be 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 it.

Reasons

Inappropriate development

3. Paragraphs 89 and 90 of the Framework set out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. The appellants contend that the proposal would not be inappropriate development as it would not result in any disproportionate additions over and above the size of the original garage building. In addition, it is argued, the existing building is of robust construction which would facilitate conversion and extension.
 4. Whilst the proposed extension may be modest in the appellants' view, it would constitute a significant increase in the total volume and floor area of the building by more than 50%. In my view, this would be a disproportionate and
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substantial addition to the original building and would result in a significant change in the character and appearance of the building.

5. As such, the proposed development would not fall within the categories of buildings or structures allowed for in Paragraph 89 of the Framework. Consequently, I conclude that the proposal would be inappropriate development for the purposes of the Framework. Accordingly, the resultant harm must be given substantial weight in determining this appeal.

Effect on openness

6. The appellants argue that the proposed development would be small and have very little impact on its surroundings or on the openness of the Green Belt. Furthermore, it is argued that there would be little adverse effect on openness as the garage building, the garden use and surrounding land, the driveway and access already exist. Therefore, in the appellants' view, the small extension, which does not exceed the existing roof ridge height of the appeal building, would not have a detrimental impact on the openness of the Green Belt.
7. Notwithstanding the above, I find that the proposal would represent a significant increase in the footprint of the building. Whilst not increasing its height, it would extend the bulk and volume of the building on the site. Although it would be below the level of the public highway on Far Lane, the enlarged building would inevitably be more visible and prominent given that it is the first building to be seen on that side of Far Lane when approaching from the south. The impact would be exacerbated due to the area to the east of Far Lane having a predominantly open and rural character. Therefore, the proposed development would increase the physical and visible extent of the appeal building in its surrounding area which is predominantly open in character and appearance. As a result, it would have a detrimental impact on the Green Belt and would reduce its openness as a result.
8. Having considered the above, I conclude that the proposed dwelling would cause material harm to the openness of the Green Belt and would impact on the Green Belt purpose of safeguarding the countryside from encroachment. Consequently, I conclude that the proposal would be contrary to Policy D11 of the Kirklees Unitary Development Plan and the Framework. This policy and guidance seeks to strictly control development in the Green Belt and keep land permanently open.

Other considerations

9. I have had due regard to the personal circumstances of the appellants and their desire to have the proposed dwelling as a lifetime home. I have also considered the described features of the scheme put forward in support of the scheme in the Design and Access Statement.
10. The purpose of the proposal is to provide the appellants, who currently occupy the host property 'Rose Glen', with a suitable and accessible home due to personal circumstances and future needs. I appreciate the private and sensitive nature of these matters and I am conscious of the appellants' special needs and best interests. However, from what I have seen and read, there is no substantive evidence to indicate that it would be impossible for the appellants to adapt their existing dwelling to meet their future requirements.

Against this background, I see no overriding justification for further development within the Green Belt and its consequent harm.

11. The appellants state that the proposal could be achieved through permitted development rights. However, this has not been demonstrated and it is not appropriate under Section 78 of the Town and Country Planning Act 1990, as amended, to determine whether or not this would be the case. I therefore attach very limited weight to this matter.

Conclusion

12. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition, where there would be adverse effects on openness and the Green Belt purpose of safeguarding the countryside from encroachment, substantial weight should be given to the harm caused. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
13. Having had regard to all other matters raised, I conclude that the substantial weight to be given to Green Belt harm is not clearly outweighed by other considerations sufficient to demonstrate the very special circumstances necessary to justify the proposal. I am also satisfied that dismissal of the appeal is a proportionate response necessary in the wider public interest having also had regard to my public sector equality duties.
14. Consequently, for the reasons given above, and in accordance with national and local policy, I conclude that the appeal should be dismissed.

Andrew McCormack

INSPECTOR