
Appeal Decision

Site visit made on 14 February 2017

by Paul Singleton BSc (Hons) MA MRTPI

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

Decision date: 28th February 2017

Appeal Ref: APP/W4705/D/16/3165614

Broadview, Hob Cote Lane, Oakworth, Keighley BD22 0RW

- 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 Mrs Karen Mirza against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 16/05490/HOU, dated 4 July 2016, was refused by notice dated 23 November 2016.
 - The development proposed is demolition of garden sheds and replace with new garden store building.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal is inappropriate development in the Green Belt and, if so, whether the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Reasons

3. Saved Policy GB5 of the Bradford Replacement Unitary Development Plan (UDP) (2005), referenced in the Council's reason for refusal, is concerned only with the extension or alteration of dwellings in the Green Belt. Because it is restricted in this way the policy is not fully consistent with the National Planning Policy Framework (Framework) which sets out relevant policy tests that apply to the extension or alteration of any building in the Green Belt. For this reason I consider that Policy GB5 should not be considered fully up to date and that greater weight should be given to the Green Belt policies in the Framework.
 4. Paragraph 89 of the Framework states that local planning authorities should regard the construction of new buildings in the Green Belt as inappropriate and lists a limited number of exceptions to that general presumption. One of those exceptions relates to buildings for agriculture or forestry. As the appeal site does not form part of an agricultural holding that exception is not applicable, notwithstanding the intended use of the proposed building for the storage of tools and equipment used on the appellant's smallholding.
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5. The third bullet of paragraph 89 states that the extension or alteration of a building is not inappropriate provided that it does not result in disproportionate additions over and above the size of the original building. The glossary to the Framework advises that the term 'original building' means the building as it existed on the 1 July 1948 or, if constructed after that date, as it was built originally.
6. The rendering of the external walls of the dwelling have made it difficult to identify the physical extent of the bungalow as originally constructed. However, it is apparent that its original floor area has been increased considerably, in particular by the addition of a conservatory, the attached garage and store to the front, and the detached garage to the side of the bungalow. Although physically detached, the side garage is in close proximity to the bungalow and appears to be used as a domestic adjunct to the dwelling. Having regard to the High Court judgment in the Sevenoaks District Council and Dawe case¹, the garage should be treated as an extension to the original dwelling.
7. Given the close proximity and relationship that it would have with the dwelling I consider that the proposed storage building should also be treated as constituting an extension or addition to the dwelling house. At 37 square metres in area it would be a large structure relative to the original size of the bungalow. When considered together with the existing additions listed above, it would clearly result in disproportionate additions to the original building. Accordingly, the proposal falls outside of the scope of the exception under the third bullet and is inappropriate development in the Green Belt.
8. If I am wrong to treat the proposed building as an extension to the dwelling the only other exception that might possibly apply is that under the fifth bullet of paragraph 89. This states that the replacement of a building is not inappropriate provided that it is in the same use and is not materially larger than the one it replaces.
9. Given the appellant's evidence that the tool shed and wood shed to be removed as part of the appeal proposal are currently used for tool and equipment storage, I am satisfied that the proposed building would be in the same use as the buildings that it would replace. I also consider it reasonable to take account of the fact that two existing buildings would be replaced by one new building. Although I do not have precise measurements of the two buildings to be removed it is readily apparent that the proposed storage building would be substantially larger than the combined footprint and volume of the two sheds that it would replace. The appeal plans show that it would also be much taller than either of those sheds. Accordingly, the proposal does not satisfy the requirement that the replacement building should not be materially larger than what would be removed and falls outside the scope of the exception in the fifth bullet of paragraph 89.
10. In light of the above considerations I find that the proposal would constitute inappropriate development in the Green Belt. Paragraph 87 of the Framework advises that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 states that very special circumstances will not exist unless the

¹ Sevenoaks District Council v SSE and Dawe [1997] CO 1322-97

potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly and demonstrably outweighed by other considerations.

11. I accept that the front boundary hedge to the appeal site would provide a good level of screening and that only limited views of the proposed building would be available from outside of the site. However, openness has both a visual and a spatial dimension. The replacement building would be of larger size, greater height and of a much more substantial construction that would give it a more solid and permanent appearance than that of the two sheds to be removed. In my view the proposal would reduce the existing level of openness within the appeal site and would cause some, albeit limited, harm to the openness of the Green Belt. The Council asserts conflict with the purposes of including land in the Green Belt but, as the building would be contained within the existing residential curtilage, I do not consider that it would result in any encroachment into the open countryside or conflict with any of the other purposes listed in paragraph 80 of the Framework.

Other Matters

12. The appellant states that the new building is required for storing valuable tools and equipment, some of which would be dangerous in the wrong hands, and that there have been previous problems of break ins and theft of equipment. I accept that the building might be of considerable benefit to the appellant but this would be a private rather than a public benefit and can be given only limited weight in the determination of the appeal. It would not outweigh the harm to the Green Belt.
13. I note the appellant's reference to the conversion of another building in the Green Belt to residential use but, if this involved the conversion of an existing building, that proposal would have been considered with reference to the relevant tests set out in section 9 of the Framework.

Conclusions

14. The proposal would be inappropriate development and would cause some, limited harm to the openness of Green Belt. The potential harm to the Green Belt is not outweighed by any other considerations and the very special circumstances required to justify a grant of planning permission have not been demonstrated. The proposal would, therefore, conflict with the policies in Section 9 of the Framework and with saved UDP Policy GB5 in respect of the extension or alteration of a dwelling in the Green Belt.
15. For the reasons set out above I conclude that the appeal should fail.

Paul Singleton

INSPECTOR