
Appeal Decision

Site visit made on 13 June 2017

by Helen Hockenhull BA(Hons) B.PI MRTPI

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

Decision date: 30 June 2017

Appeal Ref: APP/Z4718/D/17/3174608

10 Meal Hill, Surat Road, 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 2016/62/92805/W, dated 18 August 2016, was refused by notice dated 13 April 2017.
 - The development proposed is a replacement garage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The original application form did not make reference to a house number on Meal Hill in order to locate the appeal site. However on the Appeal Form the address is stated as 10 Meal Hill. I have therefore used this in the banner heading above.

Main Issues

3. The main issues in this case are:
 - whether the proposed development is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - the effect of the development on the openness and purposes of the Green Belt;
 - 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

4. The appeal relates to a proposal for a replacement garage on land opposite 10 Meal Hill, Slaithwaite. Meal Hill forms a small cluster of stone built cottages and dwellings. The site is located within the Green Belt.
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Inappropriate development

5. Paragraph 89 of the Framework regards the construction of new buildings in the Green Belt as inappropriate development. One exception to this is the replacement of a building, providing the new building is in the same use and not materially larger than the one it replaces.
6. The existing garage on the site has a footprint of around 6.5 metres by 6.5 metres with a monopitch roof of overall height around 3 metres to the ridge. There is an attached store to the side which measures approximately 3.1 metres by 3.6 metres with an overall height of around 2.6 metres. The proposed new garage would be located in the same position as the existing building but would be of dimensions 6.5 metres x 8 metres. The main difference would be the provision of a pitched roof with an eaves height of approximately 2.5 metres and ridge height of around 4.7 metres.
7. It appears to me that the proposed garage would be around the same overall floor area as the existing building but in terms of volume it would be significantly greater. The Council advises the volume of the proposed garage would be approximately 244 cubic metres, around 56% greater than the existing building.
8. On this basis I conclude that the proposed garage, whilst being in the same use as the existing building, would be materially larger than the one it replaces. The development would not therefore comply with any of the exceptions in paragraph 89 of the Framework and would form inappropriate development in the Green Belt.

Openness and Green Belt purposes

9. A fundamental aim of Green Belt policy, as set out in paragraph 79 of the Framework is to keep land permanently open; the essential characteristic of Green Belts is their openness and permanence.
10. I have been made aware of a previous appeal decision¹ on the site for a slightly larger replacement garage. The Inspector in this case concluded that overall, the proposal would have a broadly neutral effect on the openness of the Green Belt due to its location in close proximity to the cluster of dwellings at Meal Hill. With regard to this appeal the Council have come to a similar conclusion.
11. Each case must be considered on its individual merits. However, in relation to this proposal, taking account of the location of the building and the fact that the proposed garage is slightly smaller than the one in the previous appeal, I too consider that the development would have a neutral effect on the openness of the Green Belt and the purpose of including land within it.

Other considerations

12. The appellant argues that the new garage is single storey and occupies roughly the same footprint as the existing building. In Green Belt terms it is not disproportionate and is therefore appropriate. I have acknowledged the similar footprint of the proposed garage above. However the proposal is of a much greater volume and height than the existing garage. It is therefore materially larger and forms inappropriate development in the Green Belt.

¹ APP/Z4718/W/16/3156424

13. The appellant also draws my attention to the previous appeal decision for a larger garage on the site. Whilst I have had regard to this, the appellant does not highlight any particular parts of this decision to support his case. I accept that the appeal proposal is smaller and therefore has less impact on the Green Belt. However it is still materially larger than the existing garage. Whilst the previous appeal decision forms a material consideration, I consider that for the above reasons, it attracts limited weight.
14. I acknowledge that the proposal would be of an appropriate design and use materials in keeping with the surrounding buildings. It would therefore cause no harm to visual amenity or the character and appearance of the area. Whilst this weighs in favour of the scheme, I attach limited weight to this consideration as it does not address the size of the proposed garage.

Conclusion

15. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except, in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations. I consider that despite the neutral harm to the openness of the Green Belt, the harm by reason of inappropriateness is clearly not outweighed by the other considerations outlined above. Very special circumstances necessary to justify the development do not therefore exist.
16. For the reasons given above and having regard to all other matters raised, I dismiss this appeal.

Helen Hockenhull

INSPECTOR