
Appeal Decision

Site visit made on 21 June 2017

by Beverley Doward BSc BTP MRTPI

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

Decision date: 5 July 2017

Appeal Ref: APP/N4720/D/17/3173456

1 Park Lane, Rothwell, Yorkshire, LS26 0EP

- 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 Peter Youhill against the decision of Leeds City Council.
 - The application Ref 16/0146/FU, dated 26 February 2016, was refused by notice dated 28 February 2017.
 - The development proposed is a detached garage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The planning application indicates that work on the proposed development has commenced. However, I saw from my site visit that whilst some works may have commenced the garage has not been completed.

Main Issues

3. The appeal site is a semi-detached dwelling within the Green Belt. The appeal proposal is for the erection of a detached garage measuring approximately 6.4m long and 4.8m wide to the rear of the dwelling. The main issues in this case are:
 - whether the proposal would be inappropriate development in the Green Belt;
 - the effect on the openness of the Green Belt and the purposes of the Green Belt; and
 - whether the harm by inappropriateness, and any other harm would be outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

Reasons

Whether inappropriate development

4. The National Planning Policy Framework (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It indicates, at paragraph 89, that the construction of new buildings should be regarded as inappropriate in the Green Belt unless they fall within certain specified

exceptions. One of these exceptions relates to the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

5. Saved policy N33 of the Leeds Unitary Development Plan (Review 2006) (UDP) indicates that, except in very special circumstances, approval will only be given in the Leeds Green Belt for, amongst other things, limited extension or alteration of existing dwellings. Accordingly, it is broadly consistent with the Framework. Policy HDG3 of the Council's Householder Design Guide, Supplementary Planning Document April 2012 (SPD) provides further guidance and indicates that extensions within the Green Belt which result in greater than a 30% increase over and above the house as originally built or as existing in 1947, or which harm the character, appearance or openness of the Green Belt are considered to be inappropriate development. This Guidance is broadly consistent with the Framework, as far as it sets out what it considers to be a disproportionate extension.
6. There is no dispute between the parties that the previous extensions granted planning permission in 2013 have resulted in a 33% increase in the volume of the original dwelling. Therefore, the dwelling has already been extended by an amount which exceeds that set out in policy HDG3 of the SPD.
7. Whilst the appeal proposal in itself may not be large scale it would nevertheless further breach the 30% figure set out within policy HDG3 of the SPD. Accordingly, the proposed increase in volume which would result from the appeal proposal would be a disproportionate addition over and above the size of the original building. This would be contrary to saved policy N33 of the UDP and policy HDG3 of the SPD. It would also be in conflict with the policies of the Framework. Accordingly, I conclude that the appeal proposal would be inappropriate development which is by definition harmful to the Green Belt.

Openness/purposes of Green Belt;

8. Openness is an essential characteristic of the Green Belt. It has a spatial aspect as well as a visual aspect. Therefore, the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt. In that the bulk of the dwelling would be increased by additional development, the proposal would reduce openness. However, in isolation, the loss of openness in this particular case would be minimal.
9. The appellant contends that the proposal would not harm the purposes of including land within the Green Belt as set out at paragraph 80 of the Framework. The Council does not express a view on these points. However, any lack of harm in these respects would have a neutral effect. Nevertheless, it seems to me that by virtue of the fact that the appeal proposal comprises a disproportionate addition over and above the size of the original building and that the appeal site is located on the edge of the built up area the proposed development would undermine two of the purposes of the Green Belt namely those of assisting in safeguarding the countryside from encroachment and checking the unrestricted sprawl of large built up areas.

Other considerations

10. Paragraph 14 of the Framework constrains the presumption in favour of sustainable development where specific policies in the Framework such as those relating to Green Belt indicate that development should be restricted.
11. The appeal proposal would be sympathetic in design to the host dwelling. The Council indicates that the appeal site lies within Rothwell Conservation Area. However, it does not raise any objections regarding the effect of the proposed development on the designated heritage asset and from my observations on site I consider that overall the appeal proposal would preserve the character and appearance of the Rothwell Conservation Area. Nevertheless, these are neutral factors which weigh neither in favour, nor against the proposal.
12. The appellant refers to an extension at the adjoining property (3 Park Lane) which was recently approved by the Council and contends that the Council has been inconsistent in its consideration of the appeal proposal and the planning application at No 3 in that the approved development at No 3 equate to additions to the dwelling similar in volume to that which would result in this case. However, I have not been supplied with sufficient information to be sure that the circumstances are directly comparable. In any event, paragraph 88 of the Framework makes clear that all development in the Green Belt is subject to stringent national planning policy tests, which I have applied to the appeal proposal.

Other matters

13. The appellant indicates that initial feedback from the Council was that the proposal would be acceptable but that it was refused following the reallocation of the planning application to another case officer. However, this is not a matter that I can comment on or consider as part of an appeal under Section 78 of the above Act.

Conclusion

14. To conclude therefore, the appeal proposal would be inappropriate development in the Green Belt which would, by definition, be harmful to the Green Belt. It would also cause some harm to the openness of the Green Belt and to two of its purposes. The Framework is clear that substantial weight should be given to any harm to the Green Belt and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
15. Despite having had regard to all the other considerations put before me, they are not sufficient to outweigh the totality of harm that I have found. In consequence, the very special circumstances needed to justify the development do not exist. Therefore, for the reasons set out above, and having regard to all other matters raised, the appeal should be dismissed.

Beverley Doward

INSPECTOR