
Appeal Decision

Site visit made on 26 June 2017

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 18 July 2017

Appeal Ref: APP/A4710/W/17/3172707

5 Pondwell Lodge, Cam Lane, Clifton, Brighouse HD6 4JD

- 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 G Blackburn against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 16/01647/FUL, dated 19 December 2016, was refused by notice dated 22 February 2017.
 - The development proposed is extensions to the house (including replacement of the existing conservatory), link extension and conversion of the existing stable block to form residential accommodation to the host dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The site is within the Green Belt defined by the Replacement Calderdale Unitary Development Plan 2006 (UDP). The main parties agree that the proposal would represent inappropriate development in the Green Belt as it would represent a disproportionate addition over and above the size of the original building. I concur with that position.
3. On the basis of the above, the main issues in this appeal are:
 - The effect on the openness of the Green Belt and the purposes of including land within it; and
 - Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the development.

Reasons

Openness and Green Belt Purposes

4. The essential characteristics of Green Belts, as set out in paragraph 79 of the National Planning Policy Framework (the Framework), are their openness and permanence. A fundamental aim of Green Belt policy is to safeguard the countryside from encroachment.
5. As the bulk of the building would be increased as a result of the extensions then the proposal would reduce this openness and represent encroachment into

the countryside. However, due to the size of the proposed extensions, the encroachment and loss of openness arising from the proposal would be limited.

Other Considerations

6. The appellant contends that an extant Certificate of Lawfulness for a Proposed Development (CLPD) for an extension and an outbuilding represents the 'very special circumstances' required to justify the proposal. I note that the 'fallback' development permitted as a result of the CLPD would be of a greater volume in comparison to the appeal proposal with a commensurate greater effect on the openness of the Green Belt and encroachment.
7. However, the outbuilding permitted as part of the CLPD includes elements such as a pool and gymnasium which are not part of the current proposal. I also note that a flank wall of the outbuilding would be located approximately 1.5m from the window of the sitting room of the host dwelling, with a resultant detrimental effect on the enjoyment of the property. Therefore, this fallback position would not appear to represent a realistic alternative to the proposal. I consider that these circumstances limit the likelihood of such works being carried out, and I therefore give this fallback position limited weight.
8. My attention has been drawn to an appeal decision¹ where an Inspector considered that a fallback position amounted to the very special circumstances necessary to justify development. As in that decision, I have taken account of the fallback position represented by the CLPD. But, for the reasons stated, I have afforded this limited weight.
9. I note that the Council consider that the principle of the conversion of the stable building is acceptable. However, this matter is neutral in the overall planning balance.

Conclusion

10. The proposal would result in inappropriate development which is, by definition, harmful to the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green Belt. In addition, there would be limited encroachment and loss of openness.
11. I have attached limited weight to the potential for a fallback scheme to be implemented under an extant CLPD. This other consideration does not clearly outweigh the totality of harm which is the test required by the Framework. Consequently, very special circumstances do not exist. The proposal would therefore conflict with policy GNE1 of the UDP which seeks to restrain development outside of urban areas through the general extent of the Green Belt. The proposal would also conflict with the Framework in respect of protecting Green Belt land.
12. For the reasons given above, and having regard to all other matters raised, the appeal should be dismissed.

David Cross

INSPECTOR

¹ Appeal Ref: APP/N2739/A/12/2189742