



Appeal Decision

Site visit made on 22 July 2019 by Darren Ellis MPlan

Decision by Andrew Owen BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 August 2019

Appeal Ref: APP/N4720/D/19/3230937

Hallfield Farm, Thorpe Lane, Tingley WF3 1RH

- 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 B Butterfield against the decision of Leeds City Council.
 - The application Ref 19/01765/FU, dated 10 March 2019, was refused by notice dated 14 May 2019.
 - The development proposed is the erection of a double garage to the side.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The appeal site is within the Green Belt and so the main issues are:
 - whether the proposal would be inappropriate development for the purposes of development plan policy and the National Planning Policy 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 for the Recommendation

Whether the proposal would be inappropriate development

4. The National Planning Policy Framework (the Framework) establishes that new buildings in the Green Belt are inappropriate except in certain circumstances, including where they involve the extension of an existing building. This is provided that the extension does not result in a disproportionate addition over and above the size of the original building. The Framework defines 'original building' as 'a building as it existed on 1 July 1948, or, if constructed after 1 July 1948, as it was built originally.' It does not however define 'disproportionate'.
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5. Policy N33 of the Leeds Unitary Development Plan (Review) 2006 (UDP) is consistent with the Framework in that it seeks to protect the Green Belt but allows limited extensions to existing dwellings. Policy HDG3 of the Householder Design Guide 2012 (HDG) defines a 'limited' extension as not increasing the volume of the original dwelling by more than 30%.
6. The appeal property has had a rear conservatory and a detached outbuilding, that has been converted to habitable accommodation, added. The proposed development would see the erection of an attached double garage to the southern elevation of the house closest to Thorpe Lane.
7. The Council's calculations show that the existing extensions and the proposed garage would combine to increase the volume of the original property by 95%. Although the garage alone is not excessive in scale, when combined with the existing extensions, the threshold in HDG3 would be exceeded considerably. The development would therefore not be considered limited and hence would conflict with Policy N33. Similarly, based on the measurements above, the proposed extensions would, in my view, amount to a disproportionate increase above the size of the original building, hence conflicting with the Framework.
8. The proposal would therefore be inappropriate development which is, by definition, harmful to the Green Belt.

Openness

9. Openness is an essential characteristic of the Green Belt. As the visual bulk of the building would be increased by the development and as it would be set apart from the other farm buildings to the north of the dwelling, the proposal would result in a reduction in the openness of the Green Belt. This would cause moderate harm to the openness of the Green Belt and is in addition to the harm by reason of its inappropriateness.

Other Considerations

10. I understand the appellant's desire to provide security for his vehicles, and that the previous garage was converted to provide habitable accommodation for a dependant family member, and I attach moderate weight to these matters.

Planning balance and Conclusion

11. The development causes harm to the Green Belt by way of its inappropriateness and to its openness, and the Framework establishes that substantial weight should be given to any harm to the Green Belt.
12. The Framework states that development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. Although moderate weight is attached to the other considerations that are raised by the appellant, they do not clearly outweigh the totality of the harm. Consequently very special circumstances do not exist.
13. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR