

Appeal Decision

Site visit made on 26 June 2019

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2019

Appeal Ref: APP/A4710/W/19/3226494

Booth Barn, Booth Hill, Luddenden, Sowerby Bridge HX2 6TQ

- 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 M Hellowell against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 18/01441/FUL, dated 28 November 2018, was refused by notice dated 23 January 2019.
 - The development proposed is a detached garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal is inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy; and,
 - The effect of the proposed development on the character and appearance of the Special Landscape Area.
 - If the development is inappropriate, 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

Whether Inappropriate Development in the Green Belt

3. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Framework states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of exceptions as set out in paragraph 145.
4. The exceptions include e) limited infilling in villages. Policy GNE1 of the Replacement Calderdale Unitary Development Plan (2006) (the LP) seeks to restrain development outside of urban areas *through the general extent* of the Green Belt.

5. The proposal is for a single detached double garage with a green roof, set into the hill side in an agricultural field, adjacent to the host property known as Booth Barn. The proposed location of the garage consists of part of a small and sloping grassed field, elevated above the rear garden of the host property and associated outbuildings. I saw from my site visit that the grassed field is separate from the curtilage of the host dwelling.
6. To the west of the location of the proposed garage are the rear gardens of properties fronting onto Dean House Lane. To the south and east are open fields and to the north is the host dwelling and associated outbuildings.
7. The appellant has referred to part E of paragraph 145 of the Framework, suggesting that the proposed development would be *within a group of existing buildings as opposed to being an isolated development*.
8. However, the dwellings around the appeal site are arranged in a broadly linear fashion, adjacent to Dean House Lane. The location of the proposed garage, while near to both the host property and neighbouring properties, is situated outside of the curtilage of the host property and consists of a rough grassed field without frontage onto the road and as such does not represent a gap in the built form of the area for the proposed development to infill.
9. As such, the proposed development does not benefit from an exception detailed in paragraph 145 of the Framework and is inappropriate development in the Green Belt.

Effects on openness and purpose

10. The Framework indicates that openness is an essential characteristic of the Green Belt having a spatial as well as a visual aspect.
11. The proposed double garage is shown on the submitted plans as being of a substantial scale and would require extensive excavation of the existing sloping field. The plans show that while much of the building would be below the current ground level, the proposed green roof and the two doors of the garage would be clearly visible from the east and would identify the proposed development as a distinct and substantial building. As such, I find that the proposed development would, in both spacial and visual terms, have a harmful effect on the openness of the Green Belt.
12. It is not disputed by the appellant that the garage would be sited outside of the residential curtilage of the host dwelling. While the encroachment into the countryside may be limited in size in respect of the overall area protected as Green Belt, the proposed development would nonetheless conflict with Policy GNE1 of the LP and paragraphs 133 and 134 of the Framework as it would fail to assist in safeguarding the countryside from encroachment, one of the 5 purposes of the Green Belt and would go against the fundamental aim of Green Belt policy to keep land permanently open.

Character and appearance of the Special Landscape Area

13. I acknowledge that the appellant has attempted to minimise the visual effect of the proposed garage by proposing to build the garage into the slope of the field and including a green roof. However, the proposed garage is of a substantial size and scale, the front elevation of the proposed garage and large flat

expanse of the roof would remain visible and would represent a visually jarring addition to the landscape, even with the green roof.

14. I therefore find that the proposed development would harm the character and appearance of the Special Landscape Area. As a result, I find that the proposal would fail to accord with Policy NE12 of the LP that seeks to protect and enhance the character and appearance of the area.

Other considerations

15. I saw at my site visit and from the plans submitted with the appeal that there does not appear to be sufficient available land within the curtilage of the dwelling to develop the proposed double garage. I also note that the proposed site of the garage is located closest to the existing garden area and outbuildings of the host property. However, I only attach limited weight to these considerations.

Planning Balance and Conclusion

16. The Framework establishes that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not be demonstrated unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. This is a high hurdle for a proposal to overcome.
17. The other considerations in this case, for the reasons set out above, do not clearly outweigh the harm that I have identified, both in terms of the inappropriateness of the development and its effects to the character and appearance of the Special Landscaped Area. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal would be contrary to Policies GNE1 and NE12 of the LP which seek to preserve the openness of the Green Belt and protect and enhance the character and appearance of the Special Landscape Area.
18. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

Mark Brooker

INSPECTOR