



Appeal Decision

Site visit made on 29 October 2019

by J M Tweddle BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st November

Appeal Ref: APP/A4710/W/19/3234538

Windmill Court Country House, Causeway Foot, Halifax HX2 8YB

- 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 Mrs Gillian Holden against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 18/01469/FUL, dated 6 December 2018, was refused by notice dated 14 February 2019.
 - The development proposed is described as a 'single storey extension to osteopath to form physical exercise area & hydrotherapy facility'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The site address differs on the application form, the decision notice and the appeal form. For clarity, I have used the address provided on the appeal form as this appears to be a more accurate reflection of the site's location.

Main Issues

3. The main issues are:
 - Whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the development on the openness of the Green Belt, and;
 - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, and if so, whether this would amount to the very special circumstances required to justify the proposal.

Reasons

4. The appeal site lies in a semi-rural location as part of a group of buildings associated with Windmill Court Hotel and holiday cottages. The appeal property is a two storey detached building with an Osteopath Clinic occupying the ground floor and holiday let accommodation at first floor. The intention is to provide a single storey side extension to the Osteopath Clinic to accommodate a physical exercise area and hydrotherapy facility.

Whether inappropriate development

5. Policy GNE1 of the Replacement Calderdale Unitary Development Plan (amended 2009) (the RCUDP) seeks to restrain development outside of urban areas through the general extent of the Green Belt. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping the land permanently open.
6. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 145. One such exception is 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. The Glossary at Annex 2 of the Framework defines an 'original building' as: '*A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally*'.
7. Approval for the appeal building was originally granted in April 2014¹ for a single storey detached garage including storage. A revised scheme was granted planning permission in December 2014² that allowed for a two storey building with holiday let accommodation at first floor. Based on the evidence before me, it appears that the revised scheme was subsequently implemented and is the building which forms the subject of this appeal. As such, for the purposes of applying Green Belt policy, the building's current form constitutes the 'original building' and is therefore the starting point for an assessment of disproportionality.
8. The Council considers that the proposed extension would amount to a 137% increase in volume. However, it has incorrectly based its calculation on the size of the building for which it originally granted consent rather than the amended scheme that was subsequently built. I am mindful that the Council does not have any specific guidance in relation to what might be considered as a 'disproportionate addition' for the purposes of Green Belt policy and therefore this is an objective test based on the degree of change proposed and the resulting size and scale compared to that of the original building.
9. Notwithstanding the Council's calculations, the proposed extension would have a footprint almost equal to that of the original building. In combination with its height and overall massing, it is reasonable to suggest that the proposal would increase the volume of the original building by approximately 50%. It would therefore result in a substantial addition to the property.
10. For these reasons, I find the appeal proposal would result in a disproportionate addition to the original building. It follows, therefore, that the proposal would be inappropriate development in the Green Belt which is, by definition, harmful. It would therefore conflict with Policy GNE1 of the RCUDP and the Framework.

Openness

11. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. The proposal would increase the bulk and massing of an existing building and in doing so would result in a loss of openness. The harm is somewhat curtailed by the single storey scale of the proposal and its

¹ Application Ref. 14/00216/FUL

² Application Ref. 14/01305/FUL

presence as part of a grouping of other buildings. However, the proposal would extend built form into the western extent of the site which is currently absent of development and where the openness of the Green Belt is clearly evident.

12. As a result, I find that the overall impact on the openness of the Green Belt would be moderate given the size of the proposed extension and its surrounding context.

Other considerations

13. The appeal site and the wider grouping of buildings have an extensive planning history as detailed by both main parties. The appellant has cited examples of other developments on the site and in the locality which in her view demonstrate that the current proposal would not be a disproportionate addition. However, I have not been provided with the full circumstances of each case and therefore I cannot be sure that they represent a true comparison to the appeal proposal. I have instead considered the appeal on its own merits.
14. The appellant submits that the proposal will provide additional facilities for the existing Osteopath business and provide additional facilities for guests staying at the adjacent hotel and holiday cottages. This would complement the facilities provided by the existing businesses on site and would offer some local employment opportunities in the form of one full time and one part time job being created. These are limited economic benefits that support the proposal.
15. The extension would largely be screened from public view by existing buildings and a row of mature trees along the roadside. It would also be subservient to the host building and would incorporate matching materials. This would mitigate the visual impact of the proposal, but this is only a neutral factor in my consideration.

Conclusion

16. In summary, the proposal would be inappropriate development in the terms set out by the Framework and would result in a moderate loss of openness to the Green Belt.
17. Taking into account the other considerations outlined above these do not outweigh the substantial weight which must be given to Green Belt harm, and therefore are not sufficient to demonstrate very special circumstances. For these reasons the appeal is dismissed.

Jeff Tweddle

INSPECTOR