
Appeal Decision

Site visit made on 29 October 2019 by C McDonagh BA (Hons), MA

by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2019

Appeal Ref: APP/Z4718/D/19/3235511

Medina, Oldfield Road, Honley, Holmfirth, HD9 6RP

- 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 Stewart Horn against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2019/62/91096/W, dated 1 April 2019, was refused by notice dated 29 May 2019.
 - The development proposed is erection of detached garage.
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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 main issues for consideration in this appeal are as follows:
 - Whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and the development plan policy;
 - The effect of the proposal on the openness of the Green Belt; and
 - If the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons for the recommendation

Whether inappropriate development in the Green Belt

4. The appeal site comprises an extended semi-detached dwelling known as Medina, which is of two-storey, stone-built appearance. The property has a driveway to the side, along with front and rear gardens which contain outbuildings. The site lies within the Green Belt adjacent to the open countryside.

5. The proposal entails the erection of a detached garage to the side of the dwelling. It would be built in the approximate location of a recently dismantled garage, with materials proposed to match those of the existing dwelling. It is understood the works are required to replace the former garage due to its poor condition and a need for outside storage.
6. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraphs 145 and 146 of the National Planning Policy Framework (the Framework) set out the forms of development that are not considered inappropriate within the Green Belt. These include part c), *the extension or alteration of a building provided that it does not result in disproportionate addition over and above the size of the original building*.
7. What constitutes a disproportionate addition is not defined within the Framework nor within Policy LP57 of the Kirklees Local Plan Strategy and Policies (LP). An assessment of whether the proposed extensions would be 'disproportionate' in the context of paragraph 145 is therefore a matter of planning judgement.
8. Permission was granted relatively recently for a substantial two-storey side and single storey rear extension¹. Although I have no details of this application, I am informed through the officer report that the extension constituted an increase of 51% over the original dwelling. The Council further state the footprint of the proposed garage would be 50% of the footprint of the host property, as extended, which is not disputed by the appellant. Based on all I have seen and read, there is no reason for me to disagree.
9. Based on these figures, the proposed garage would represent a significant increase in the apparent volume of the original building when taking into account the cumulative increases. I note the appellant considers the extension should be judged in terms of its increase in scale against the house as it sits today. However, both the Framework and LP Policy LP57 make clear that the proposed development must be assessed in the context of the original building. As such, the garage must be judged alongside the already permitted extension in order to determine whether it comprises a disproportionate addition.
10. Consequently, comparing the original dwelling to the dwelling that would result if the proposal were to go ahead, the outcome would be disproportionate. It would therefore be inappropriate development, which according to paragraph 143 of the Framework is, by definition, harmful to the Green Belt. The proposal would also be contrary to Policy LP57 of the LP, the aims of which align closely with the Framework with regards to maintain the qualities of the Green Belt.

Openness of the Green Belt

11. The Framework indicates that openness is an essential characteristic of the Green Belt. The development would significantly increase the scale and mass of the dwelling. As a result, in spatial terms, the openness of the Green Belt would be reduced.
12. Whilst I accept that the garage would replace a similar structure and some outbuildings, and that these collective footprints may be similar, the earlier permission for the extensions was granted on the basis of a condition which

¹ Application Ref: 2017/90385

required these structures, including the previous garage, to be removed, to ensure the openness of the Green Belt is preserved. As such, allowing the erection of new buildings would further reduce openness of the Green Belt when viewed cumulatively alongside the existing side extension. Although in isolation the loss of openness would be limited, nonetheless, there would be degree of harm arising from this, in addition to that arising from the inappropriate nature of the development.

Other considerations

13. The Framework states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
14. The supporting information submitted with the initial planning application indicates the garage would be used to store classic cars among general household items. This is a private benefit of the proposal which attracts limited weight in favour of the proposal.
15. I noted on the site visit that neighbouring properties vary in terms of size and scale and that some have been extended. However, the fact that a neighbouring property is larger in scale than the appeal dwelling, or that the appeal dwelling was small relative to its plot prior to the construction of the two-storey extension, does not make the proposed extension acceptable in terms of impact on the Green Belt. I can only deal with the proposal on its own merits in the light of current national and local policy, both of which are clear in setting out what is considered inappropriate in the Green Belt through both paragraph 145 of the Framework and LP57 of the LP.
16. I appreciate that the garage has been designed in accordance with permitted development limits in terms of its scale. Further to this, the garage would be partially sunk into the ground to reduce its impact and would be constructed in materials to match those of the host dwelling. However, permitted development rights were removed with regards to outbuildings at this property through a condition attached to the permission for the erection of the two-storey side extension. As such, despite the sensitive approach to the designing of the garage, this carries limited weight in the decision-making process.
17. The Council has raised no objection to the development on the basis of its effect on the character and appearance of the building or wider area. In addition, it considers the proposal would not harm the living conditions of other nearby residents or highway safety. From what I have seen and read I have no reason to come to a different conclusion in this regard. Furthermore, there are no neighbour objections or opposition from the Parish Council. However, these are neutral matters rather than carrying weight in favour of the scheme.
18. I note the appellant is willing to negotiate in terms of the floor area and height of the proposal in an attempt to reach a compromise which would allow the development to proceed. However, this is a matter for the Council. I can only determine the appeal on the basis of the plans on which the Council made its decision.
19. I acknowledge the appellant believes there were difficulties in communicating with the Council during the application period. However, these are not relevant

matters for the appeal process and in determining the appeals I have only had regard to the planning merits of the proposals. Furthermore, while larger housing developments may have been approved in the Council area on greenfield land, these are assessed differently to a household scale development in the Green Belt.

Whether very special circumstances necessary to justify the proposal exist

20. To conclude, 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 limited harm to the openness of the Green Belt. The Framework requires that substantial weight is 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.
21. Despite having regard to all the other considerations put before me, I consider that taken together, the factors cited in its favour do not clearly outweigh the harm the scheme would cause. Consequently, very special circumstances do not exist, and the proposal would conflict with the Framework.

Conclusion

22. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Recommendation

23. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C McDonagh

APPEAL PLANNING OFFICER

Inspector's Decision

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

S Ashworth

INSPECTOR