



Appeal Decision

Site visit made on 6 January 2020

by B.S.Rogers BA(Hons) DipTP MRTPI

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

Decision date: 29 January 2020

Appeal Ref: APP/E2734/C/19/3229727

Paddock View, Park Lane, Spofforth, Harrogate, HG3 1BY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Michael Thompson against an enforcement notice issued by Harrogate Borough Council.
 - The enforcement notice was issued on 26 April 2019.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a single storey extension in the approximate position shown cross hatched blue on the attached plan.
 - The requirements of the notice are (i) demolish the single storey extension and make good any new wall openings with materials and (ii) remove from the land all building materials and rubble arising from compliance with (i) above.
 - The period for compliance with the requirements is six months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The appeal on ground (a) and the deemed application

2. The main issues are i. whether the development is inappropriate development in the Green Belt; and ii. if the development is inappropriate, whether 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.
3. The appeal site is located beyond the development limit of Spofforth, within the Green Belt. The property is a former agricultural building which was the subject of a prior notification of change of use to a dwelling house under Class Q of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development)(England) Order 2015 (Ref: 15/03888/PBR). This was approved by the Council in November 2015. However, in addition to carrying out the permitted conversion, the appellant constructed a large, single storey extension to the NW side of the property, which is the subject of the notice. A timber stable block has also been constructed a short distance to the NW of the dwelling but this is not included in the enforcement notice allegation.
4. The saved policies of the Harrogate District Local Plan and the Harrogate District Core Strategy set out the extent of the Green Belt but defer to national

guidance for detailed control. This approach is unchanged in the emerging District Local Plan. Para.145 of the National Planning Policy Framework (NPPF) indicates that the construction of new buildings is inappropriate in the Green Belt. The appellant submits that one of the exceptions, as set out in para.145 c) and g), is applicable in this case. I have also considered the possibility that para.145 d) could be relevant.

5. Para.145 c) allows for *"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"*. There is no explicit guidance in the development plan as to how 'disproportionate additions' should be assessed in the Green Belt. However, the reasoned justification to saved Local Plan Policy H15, concerning extensions to dwellings, indicates that an extension of the ground floor area by more than 50% will not normally be permitted, unless there is clear evidence of need for household occupation.
6. It is common ground that the extension in this case would extend the footprint of the dwelling by 115%. As an alternative approach, the appellant has assessed the increase in the volume to be some 68%. On both counts, the addition appears to me to be disproportionate, particularly as the slope of the land results in the single storey extension, which is some 12m long, being as high as the ridge of the 2 storey barn conversion to which it has been added.
7. The appellant submits that the previous agricultural building that once occupied part of this site should be taken into account. However, this was a skeletal, open timber structure, clearly unsuitable to form part of a conversion under Class Q, and was demolished as part of converting the barn to a dwelling. In my view, the barn as converted is the 'original building' for the purposes of para.145 c).
8. Furthermore, it would not be appropriate to consider the development as a replacement building under para.145 d), which allows for *"the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces"*. It is not in the same use and it is materially larger.
9. Turning to para.145 g), this allows for *"limited infilling or the partial or complete redevelopment of previously developed land (PDL).. which would - not have a greater impact on the openness of the Green Belt than the existing development"*. The site did not fall within the definition of PDL when it was in agricultural use. On the implementation of the Class Q conversion, it is submitted that the curtilage has become previously developed land. However, the extension clearly has a greater impact on the openness of the Green Belt than the existing development. In my view, the previous timber building can not be taken into account for the purpose of this paragraph as it did not exist when the site became PDL.
10. The NPPF states that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence. Substantial weight should be given to any harm to the Green Belt. I form the view that the development is an inappropriate form of development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

11. The extension clearly diminishes the openness of the Green Belt by its considerable physical presence. In terms of its visual impact, I saw that it is visible from Whin Lane, to the SW.
12. It is submitted that the development is consistent with saved Local Plan Policy H15, whose reasoned justification (see para.5 above) indicates a tolerance of larger extensions where there is clear evidence of need for household occupation. In this case, the drawing indicates the footprint of the converted building to be 12m x 6m which, with two storeys, appears more than adequate to form a family dwelling of a substantial size. In the Green Belt, where there is a policy of restraint, it does not appear to me to be a reasonable approach for the appellant to go ahead and convert most of the original building into bedrooms, as is the case here, and then to argue the need for a large extension as living accommodation.
13. The appellant points to the presence of a large and unsightly building on land immediately to the east of the appeal site, also in the Green Belt. I understand that this building has the benefit of planning permission as a replacement for a stable block. Whilst I agree that this adjacent building is visually obtrusive, it does not justify further loss of openness in the Green Belt.
14. The development which is the subject of the notice is harmful to the Green Belt by way of inappropriateness, by reducing its openness and by diminishing its rural character. It is therefore in conflict with the development plan and with the NPPF, which requires substantial weight to be given to any harm to the Green Belt. I have taken into account all the other considerations raised by the appellant but they do not clearly outweigh this harm and therefore the very special circumstances required to permit the development do not exist. Accordingly, the appeal fails.

B.S.Rogers

Inspector