



Appeal Decision

Site visit made on 10 December 2019

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 11 March 2020

Appeal Ref: APP/X4725/W/19/3238033

Longley Edge, Doncaster Road, Wragby, Wakefield WF4 1QX

- 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 D Oddie against the decision of City of Wakefield Metropolitan District Council.
 - The application Ref 18/01663/FUL, dated 23 July 2018, was refused by notice dated 21 June 2019.
 - The development proposed is described as '(i) extension to dwelling house; (ii) formation of velux rooflights to facilitate use of roof space for living accommodation; and (iii) construction of a domestic garage and workshop (part retrospective).'
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Decision

1. The appeal is dismissed insofar as it relates to the construction of a domestic garage and workshop. The appeal is allowed insofar as it relates to the extension to dwelling house and formation of velux rooflights to facilitate use of roof space for living accommodation at Longley Edge, Doncaster Road, Wragby, Wakefield WF4 1QX in accordance with the terms of the application, Ref 18/01663/FUL, dated 23 July 2018, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans so far as relevant to that part of the development hereby permitted: Location plan, ref: 2018-15-02 Rev B; Site plan, ref: 2018-15-03 Rev B; Dwelling elevations as proposed, ref: 2018-15-12; and Plans as existing and proposed, ref: 2018-15-10.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matters

2. The Council issued a split decision on 21 June 2019, granting permission for 'single storey extension to south elevation and roof lights to eastern roof slope', and refusing permission for 'construction of detached garage and workshop.' Notwithstanding this, Section 79(1)(b) allows that, on appeal under Section 78, the Secretary of State 'may deal with the application as if it had been made to him in the first instance.' Therefore, and for the avoidance of doubt, I have

considered the development proposed in its entirety and determined the appeal on this basis.

3. I observed on my site visit that a building has already been erected in the location of the domestic garage and workshop, but it has not been completed. I have therefore proceeded on the basis that the development proposed has, in part, already occurred.
4. I was asked by the occupiers of Hessle Cottage to view the appeal site from the outdoor space to the rear of their property which lies adjacent to the appeal site. In the event, I was not able to access this space. However, I was satisfied that I was able to consider all potential effects on the occupiers of this property.

Main Issues

5. The appeal site is located within the Green Belt and therefore the main issues are:
 - a) Whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (Framework) and any relevant development plan policies;
 - b) The effect of the proposed development on the openness of the Green Belt; and
 - c) If it is inappropriate development, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposed development.

Reasons

Whether inappropriate development

6. Paragraph 145 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of exceptions. These include 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.
7. Policy CS1 of the Wakefield Metropolitan District Council Local Development Framework Core Strategy (2009) (CS) states that in the Green Belt development will conform to national, regional and Local Development Framework policies relating to the Green Belt. In addition, Policy D23 of the Wakefield Metropolitan District Council Local Development Framework Development Policies Document (2009) (DPD) states that, in relation to existing uses within the Green Belt, extensions and/or free standing buildings within an existing developed site and extensions and/or alterations to existing dwellings may be appropriate where, amongst other things, the extensions are not disproportionate over and above the size of the existing building(s) when originally constructed. In this respect, the Policy is broadly consistent with the Framework.
8. The extension of the main dwelling house would comprise a modest single storey infill addition. From the evidence submitted as part of the appeal, this would add approximately 13 square metres (m²) in floor area and 32 cubic

- metres (m³) in volume to the original building. This would equate to an increase in floor area of approximately 8% and an increase in volume of approximately 6%. In this respect, it would not constitute a disproportionate addition over and above the size of the original building, and so would not be inappropriate development in the Green Belt.
9. The rooflights to facilitate use of roof space for living accommodation would not add to the original footprint or volume of the building, and so would not constitute inappropriate development in the Green Belt.
 10. The garage and workshop, as partly constructed, is a free standing building located adjacent to the boundary of the appeal site and the rear private outdoor amenity space of Hessle Cottage. It comprises a linear, single storey structure with a shallow pitched roof which incorporates a three bay garage and an attached workshop unit that are currently open on the front elevation. It is constructed of stone with no external finish and with a profiled metal sheet roof. It is located approximately 20 metres (m) away from the main dwelling house and is about 295m³ in volume.
 11. There is disagreement between the parties over whether, given its physical separation, the garage and workshop can be considered as an extension of the main dwelling house for the purposes of the exception within the Framework and, therefore, if it is inappropriate development in the Green Belt.
 12. I have had regard to the High Court Judgment¹ and the appeal decisions² referred to by the appellant which support the view that, even though it is physically separate, a free standing building can be regarded as a 'normal domestic adjunct' to a dwelling. I am also aware of the extant planning permission³ which granted planning permission for the construction of a double garage located 10m away from the main dwelling house.
 13. I recognise that physical separation does not prevent development from being regarded as an extension to an original building (or buildings) and that case law or the Council do not set a distance at which a free standing building should, or should not, be considered as an extension. Nevertheless, I note that the Judge in the case of Dawe commented that it is 'a matter of fact and degree in every case', and so, is for the decision maker to assess. That is the approach I have taken in the determination of the appeal before me.
 14. In addition, from the limited information provided, I cannot be certain that the appeal decisions referred to are directly comparable to the appeal before me. In any event, I have determined this appeal on its own planning merits with regard to the specific detail of the appeal proposal and the context of its location.
 15. The main dwelling house and the garage and workshop are 20m apart, 10m further apart than the double garage granted under the extant permission. They sit at either sides of the appeal site with a flat gravelled courtyard between them. The buildings can be perceived together when standing centrally within the flat gravelled area, but there is no visual association between the two when viewed from other locations within the appeal site.

¹ Sevenoaks District Council v. Secretary of State for Environment and Dawe [1997] EWHC Admin 1012 (Dawe).

² APP/X0415/D/16/3146147; APP/X0415/D/16/3148561; APP/J3720/A/10/212521; and APP/J1535/D/16/315937.

³ Ref: 04/99/57372/C.

16. I appreciate that the function of the garage and workshop is related to the main dwelling house. However, I am of the opinion that the considerable physical separation between the buildings results in them having a conspicuous disconnection in terms of their spatial and visual relationship with each other within the appeal site. On this basis, I am unable to agree with the appellant that the garage and workshop building is a 'normal domestic adjunct' and should be considered as an extension to the main dwelling house. Furthermore, it does not fall to be considered as one of the other exceptions identified in paragraph 145 of the Framework and is therefore inappropriate.
17. I therefore conclude that, for the purposes of exception (c) in Paragraph 145 of the Framework, the extension to dwelling house and formation of velux rooflights to facilitate use of roof space for living accommodation would not amount to inappropriate development in the Green Belt. As such, it would comply with Policy CS1 of the CS and the provisions within the Framework that protect Green Belt land. However, I find that the partly constructed domestic garage and workshop amounts to inappropriate development within the Green Belt. As such, it conflicts with Policy CS1 of the CS and the provisions within the Framework that protect Green Belt land.
18. I note that the calculations provided by the appellant, the legitimacy of which is disputed by the Council, assert that the volume of the extension to the main dwelling house and the garage and workshop are under 50% of the volume of the original building (the sum of which includes the extant but not implemented double garage and the detached ancillary accommodation). Therefore, the appellant contends that the proposed development represents a proportionate extension as defined within the Council's Residential Design Guide Supplementary Planning Document (2018). Be that as it may, as I have concluded that the garage and workshop building is inappropriate development within the Green Belt, it is not necessary for me to assess and determine the validity, or otherwise, of these calculations.

Openness

19. The appeal site is located outside of the village of Wragby. It is accessed via a small track off the A638 which is shared with Hesse Cottage and a farmstead. It is enclosed by a combination of close-boarded timber fences and hedges. The wider landscape surrounding the appeal site is characterised by open agricultural land interspersed by field boundaries and wooded areas.
20. Within the appeal site there is a detached single storey dwelling house, a detached building used as ancillary accommodation, a large detached outbuilding and the partly constructed detached garage and workshop. The plans submitted with the application illustrate an existing garage located at right angles to the garage and workshop, which is stated to be demolished as part of the proposal. However, at the time of my site visit, no building was present in this location and the Council contend that any building that was there previously was not lawful.
21. Openness is an essential characteristic of the Green Belt that has visual as well as spatial aspects. The single storey form and shallow pitched roof of the garage and workshop, as partly constructed, in conjunction with the appeal site's boundary treatment, mitigate its visual impact on the openness of the Green Belt to a certain degree. However, when on site, it is evident that its significant size and long linear form, which does not relate well to the main

dwelling house, causes it to be readily visible and unduly prominent when viewed from the A638 and the B6428. As such, it results in a reduction in the visual aspect of the openness of the Green Belt.

22. In addition, the development has introduced substantial built form into a part of the Green Belt where there is no evidence that a lawful building was there previously and, consequently, has increased the developed proportion of the site. Combined with its separation from the other buildings within the appeal site, it has given rise to a significant physical incursion and encroachment into undeveloped land which is at odds with the prevailing character of the surrounding area. This has resulted in the erosion of the spatial openness of the Green Belt.
23. I am conscious of the extant permission for a double garage within the appeal site which, if implemented, would further reduce the openness of the Green Belt. I note that within the application the appellant confirmed that he would be willing to enter into a legal agreement or accept a condition which removes that permission. However, no offer or draft legal agreement are before me as part of this appeal. Therefore, the potential cumulative harmful impact on the openness of the Green Belt is a significant additional concern.
24. Accordingly, I conclude that the partly constructed domestic garage and workshop, has a significantly harmful effect on the openness of the Green Belt. As such, it conflicts with Policy D23 of the DPD and the provisions within the Framework which aim to protect the openness of the Green Belt. Although not cited by the Council in its reasons for refusal, I consider that, in this respect, it also conflicts with Policy CS1 of the CS.

Other considerations

25. No other considerations have been submitted by the appellant that are declared to outweigh the substantial weight which must be given to Green Belt harm and any other harm.

Conclusion

26. In summary, the part of the proposal comprising an extension to the dwelling house and formation of velux rooflights to facilitate use of roof space for living accommodation would not represent inappropriate development in the Green Belt.
27. However, the part of the proposal comprising the construction of a domestic garage and workshop represents inappropriate development in the Green Belt that significantly reduces openness. Inappropriate development is by definition harmful and should not be approved except in very special circumstances. In addition, openness is seen as an essential characteristic of Green Belts so a reduction in that quality would also be harmful.
28. Substantial weight should be given to any harm to the Green Belt. 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.
29. No other considerations have been offered by the appellant to outweigh the substantial weight which must be given to Green Belt harm and any other

harm, and so, there are no very special circumstances necessary to justify this part of the proposal.

30. For the reasons given above, I find the extension to the dwelling house and formation of velux rooflights to be acceptable and they are clearly severable both physically and functionally from the construction of a domestic garage and workshop. Therefore, I intend to issue a split decision in this case and grant planning permission for the extension to dwelling house and formation of velux rooflights to facilitate use of roof space for living accommodation.
31. Taking the above into account, I conclude that the appeal should be dismissed insofar as it relates to the construction of a domestic garage and workshop and allowed insofar as it relates to the extension to dwelling house and formation of velux rooflights to facilitate use of roof space for living accommodation.

Conditions

32. Planning permission is granted subject to the standard three year time limit condition. I have imposed a condition specifying the relevant drawings as this provides certainty. To ensure that the external appearance of the development is compatible with its context, a condition is attached relating to matching materials.

F Cullen

INSPECTOR