



Appeal Decision

Site visit made on 23 March 2020 by L Wilson BA (Hons) MA MRTPI

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 April 2020

Appeal Ref: APP/X4725/D/20/3244144

Nuses Barn, George Lane, Notton, Wakefield WF4 2NL

- 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 W Dean against the decision of Wakefield Metropolitan District Council.
 - The application Ref 19/01100/FUL, dated 9 May 2019, was refused by notice dated 5 November 2019.
 - The development proposed is described on the application form as "to side and rear of existing dwelling (part retrospective)."
-

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.

Preliminary Matters

3. The description of development above is taken from the application form and includes the word "retrospective", however, this term does not amount to an act of development. From the evidence before me, it is clear that retrospective permission is sought for the single storey extension to the rear of the dwelling, and I have dealt with the appeal on that basis.

Main Issues

4. The main issues are as follows:
 - i. Whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the 'Framework') and development plan policy;
 - ii. The effect of the proposal on the character and appearance of the host building and surrounding area; and
 - iii. If the development is inappropriate, whether the harm, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons for the Recommendation

Inappropriate Development

5. The appeal site relates to a stone-built barn which has recently been converted to a dwelling. Paragraph 145 of the Framework states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. Under section c) of that paragraph an extension of a building would not be inappropriate provided that it does not result in disproportionate additions over and above the size of the original building. Policy D23 of the Local Development Framework Development Policies (LDF) is consistent with this.
6. The appeal parties dispute what constitutes the original building. 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. The appellant considers that the original building is that which existed on 1 July 1948. The Council assert that the original building is the converted barn as approved under application 07/03111/FUL. They also consider that the converted barn was previously attached to a smaller barn and the two buildings although attached, functioned separately as part of the wider farm operation.
7. I understand that the barn previously formed part of Highfield Farm. In support of the appeal, the appellant has provided a map showing the building as it stood in 1948 and a photograph from approximately 1970. The photograph clearly shows that there were two structures, a taller structure which now forms the dwelling and a smaller, lower joining structure. Both structures had their own door.
8. The Council has highlighted that the structural report, submitted with the conversion planning application¹, stated that previously attached outbuildings have either been taken down or have collapsed due to neglect. Similarly, the officers report, for that application, also stated that the original footprint would stay the same.
9. Section 336 of the Town and Country Planning Act 1990 defines the term "building" as including any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building. Although the photograph shows that the two structures both had an entrance door, I am not persuaded that they functioned separately. It is not unusual for two structures to be attached, with separate entrances, and for planning purposes form one building. For example, if a house had an attached garage, with no internal door, the garage would still be part of the original building. The photo indicates that the two structures were in the same use and there is no physical segregation such as a fence or a hedge separating the structures. The Council has not submitted any substantive evidence to demonstrate that the two structures, for planning purposes, did not form one building.
10. I am also not convinced that the converted barn forms the original building. Although the use of the building has changed, the scheme relates to a conversion rather than a replacement building. The definition of an original building does not imply that when there is a change of use, a new building is created for the purposes of Green Belt policy. Thus, for the reasons given

¹ 07/03111/FUL

above, both the taller and lower structure did form part of the overall original building.

11. The appellant has drawn my attention to several appeal decisions and an approved planning application². The Council has also referred to an appeal decision³. These cases have been considered in reaching the above finding. However, I do not have the full details of these decisions and it appears that they do not reflect the specific circumstances of the appeal which seeks to establish whether the previously attached structure formed one building. Therefore, these decisions cannot be directly compared to the scheme before me. In any event, I have assessed the proposal on its own individual merits.
12. The Framework does not specify what might be a disproportionate addition over and above the size of the original building. However, the Wakefield District Residential Design Guide: Supplementary Planning Document (2018) (RDG) provides some guidance. It states that extensions of up to 50% of the volume and 50% of the floor space of the original house may be regarded as proportionate over and above the size of the original house. The Council's calculations are inaccurate given that they do not take into account the previously attached small structure formed part of the overall original building. Conversely the appellant has provided calculations including the small structure forming part of the original building. The appellant has calculated that the scheme would represent an approximate increase of 35% in footprint and 29% increase in volume.
13. Drawing all of the above points together, I find that, based on the evidence presented, the increase in volume and floor space would not result in disproportionate additions over and above the size of the original building. Accordingly, the proposed development would not constitute inappropriate development having regard to Policy D23 of the LDF, the RDG and the Framework.

Character and Appearance

14. The appeal site lies in a rural location. Within the vicinity of the site are large agricultural buildings and detached dwellings which differ in form, design and character. The appellant has emphasised that during discussions, the Council did not raise concerns relating to the proposals impact upon the character of the host building and surrounding area. They have also highlighted that the host building is not listed and the site does not fall within a conservation area.
15. The RDG states that extensions should be well balanced in relation to the existing house and as a general rule, extensions to the side of a house should be no more than two thirds of the width of the original house. The scheme clearly conflicts with this guidance. However, the scale and overall massing of the proposal would not appear visually dominant in relation to the original building because the height of the extension would be considerably less than the existing building. Similarly, the rear extension and canopy to the front would read as subordinate additions because of their scale and massing. The rear extension would also be largely screened from public view points.

² APP/M0655/D/18/3212107, APP/X4725/D/10/2123138 and 18/03184/FUL

³ APP/H1033/D/18/3195159

16. The side extension includes a large central window on the principal elevation. The current building is sympathetic to its original character and reads as a converted barn. The existing window openings are irregular and small which reflect the appearance of agricultural buildings. In order to maintain the character of the building, it is important that new windows respect the character and appearance of the original building.
17. The central window would be significantly larger due to its height and width than the existing windows. The proposed window would therefore be unsympathetic and out of proportion with the existing window openings. The development would unbalance the dwelling as it would result in a large, prominent window situated on the subordinate element of the building. The discordant window would draw the eye because it would be located on the front elevation and would be visible from George Lane. Thus, the window would appear at odds with the character and appearance of the host property and would be harmful to the traditional, rural character of the host building and surrounding area.
18. The Council are concerned that the proposed extensions, sunken patio and alterations to the driveway would increase the developed portion of the site. Policy D23, of the LDF, states that extensions should not lead to a major increase in the developed proportion of the site. Likewise, Policy D10, of the LDF, states that development will only be permitted if it would not reduce the space about the dwelling resulting in significant harm to the character of the area.
19. Although the scheme would result in an increase in the proportion of the site being developed this would not be overly apparent from George Lane. The patio would be barely visible when viewed from the surrounding area because land would be excavated to create the patio. The driveway and rear extension would also be largely screened by the existing boundary treatment and dwelling. Furthermore, as I have found that the smaller side structure did form part of the original building, the degree of built development would be similar to when the building was originally constructed. Accordingly, the extent of built development would not be harmful to the rural character of the surrounding area and would not be a reason to withhold planning permission.
20. For those reasons, whilst I have found that the scale and massing would not be detrimental in this particular instance and that the increase in built development would not be harmful, the large central window proposed would be visually harmful to the character and appearance of the host building and surrounding area. Consequently, the scheme would conflict with Policy CS 10 of the Local Development Framework Core Strategy, Policies D9, D10 and D23 of the LDF and the Framework. These Policies collectively seek, amongst other matters, to promote high quality design which respects the style of the original dwelling and the character of the area.

Other Considerations

21. Development should not be approved unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. As the proposal would not be inappropriate development this consideration would not apply.

22. The Council asserts that the development would harm the openness of the Green Belt. Paragraph 145 c) of the Framework, in contrast to exceptions within paragraph 146, does not include a specific caveat that the development should preserve the openness of the Green Belt and not conflict with the purposes of including land within it. On that basis, as the proposal falls within the remit of paragraph 145 c), there is no requirement to assess the impact of the development on the openness of the Green Belt. Thus, the impact on openness should not be a consideration.

Conclusion and Recommendation

23. The Framework identifies that substantial weight should be given to any harm to the Green Belt and that inappropriate development is, by definition, harmful to the Green Belt. I have concluded that the proposal would not be inappropriate development in the Green Belt. However, the scheme would be visually harmful to the character and appearance of the host building and surrounding area. The lack of harm with regards to the Green Belt would not mitigate or outweigh the harm I have identified.
24. For the reasons given above, I recommend that the appeal should be dismissed.

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

25. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree and conclude that the appeal should be dismissed.

K Taylor

INSPECTOR