
Appeal Decision

Site visit made on 4 August 2020

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 August 2020

Appeal Ref: APP/R2330/D/20/3251885

**Clayton Hall Barn, Clayton Hall Drive, Clayton-Le-Moors, Lancashire
BB5 5UE**

- 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 Simon Rhodes against the decision of Hyndburn Borough Council.
 - The application Ref 11/20/0090, dated 6 January 2020, was refused by notice dated 24 April 2020.
 - The development proposed is a s/s garage, utility room and covered access.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey garage, utility room and covered access at Clayton Hall Barn, Clayton Hall Drive, Clayton-Le-Moors, Lancashire BB5 5UE in accordance with the terms of the application, Ref 11/20/0090, dated 6 January 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan 1:1250 and proposed 2 car garage and utility room at Clayton Hall Barn Great Harwood.
 - 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. I have, for completeness, used the appellant's full name which is set out on the appeal form in my decision.
3. The description of development set out above has been taken from the planning application form. However, I have for clarity, considered and reached my decision based on the description of development found on the appellant's appeal form which reflects the scheme that is before me and that found on the decision notice. I have used this description in my formal decision above.

Main Issues

4. The main issues are: (i) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;

(ii) the effect on the openness of the Green Belt; (iii) the effect of the proposal on the character and appearance of the area; (iv) the living conditions of the occupants of Clayton Hall Farm, with regards to enclosure; and (v) if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

5. The appeal site lies within the Green Belt and is at the end of a small line of residential properties along Clayton Drive. The site previously contained an agricultural building. Planning permission was granted in 2018 ((Ref: 11/18/0103) 'the 2018 planning permission') to demolish this building and erect a new dwelling. The agricultural building has been demolished and construction is ongoing. Evidently this is a permanent and physical form of construction which is attached to the ground and of a size that was built on site. While internal works are ongoing and the external ground works are not yet complete, it is in my view a building.
6. Although the building on site has replaced the former agricultural building and it was itself an enlargement upon that previous building, the 'original building', having regard to the glossary found in the Framework is the replacement building. Even though a condition was imposed on the 2018 planning permission restricting permitted development rights, this is the baseline against which the appeal scheme must be considered against.
7. Policy BD 1 of The Core Strategy (CS) states that the overall general extent of the Green Belt will be maintained. Framework paragraph 145 states that the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are: 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 Council's approach to extending buildings in the Green Belt is found in Policy DM34 of the Development Management DPD (DPD). Part 3a of this policy allows an increase of no more than 50% of the volume of the original building. The proposal, based on the appellant's assessment of a 22% increase, would accord with Policy DM34 3a. While the term 'disproportionate' is not defined, I consider that the proposal would accord with exception c) of Framework paragraph 145.
8. This leads me to conclude, in respect of this issue, that the proposal would not be inappropriate development in the Green Belt and as such it would accord with CS Policy BD1, DPD Policy DM34 3a and Framework paragraph 145.

Openness

9. Given my finding on the first main issue, it is not necessary for me to consider the proposal's effect on openness as this is implicit when considering the exceptions within Framework paragraph 145.

Character and appearance

10. Clayton Hall Farm, a two-storey detached dwelling, is located to the west. To the south is the large Clayton Hall which is set within substantial landscaped grounds. Beyond the appeal site's northern boundary is open countryside.

11. Space is afforded to the building on either side. This means that there is a visual break between the building and Clayton Hall Farm which is also set off the common boundary that is lined by a mature hedgerow. The combination of both provides a pleasing visual setting.
12. The proposal would be a subordinate and proportionate addition to the host building and take design cues from it and the surrounding area. Furthermore, the proposed use of materials would ensure that it would harmonise satisfactorily with the building and wider area. The proposal would also, in my view, still facilitate a visual break between the building and Clayton Hall Farm, which I note has a garage in a similar location to that proposed. Although views to and from the fields behind the site would be lost on one side of the building, they can only be appreciated when stood immediately in front of or at the rear of the site. The proposed extension would also not unduly urbanise the site considering the host building and nearby residential properties.
13. This leads me to conclude, in respect of this issue that the proposed development would accord with DPD Policy DM34 3b and CS Policy ENV6 which jointly seek, among other things, high quality design that does not have a detrimental impact on the original building, or on the wider area in terms of its character, scale, design and use of material.

Living conditions

14. Clayton Hall Farm has window openings in the front and rear elevations at ground and first floors which provide the principal means of outlook and source of sun and daylight. The gable elevation facing the appeal site contains a ground floor opening serving a habitable room. This is a secondary window. There are no openings in this elevation at first floor.
15. The proposal would not cause a loss of privacy due to the tall mature hedge along the common boundary. However, there would be a technical conflict with the external space standards set out in DPD Policy DM29. Even so, this conflict would not cause an unacceptable increase in the sense of enclosure given the orientation of the respective properties, the hedge and the siting and scale of the proposed extension. The effect would not be significant having regard to the Householder Design Guide Supplementary Planning Document (HDG).
16. The proposal would accord with DPD Policy DM29 and the HDG which seek to protect the amenity of surrounding existing residents.

Other considerations

17. Due to my findings on the main issues, it is not necessary to consider the other considerations in this case.

Conclusion and conditions

18. I have had regard to the planning conditions suggested by the Council. I have imposed a plans condition in the interests of certainty and a matching materials condition to ensure that the extension harmonises with its host and the area.
19. For the reasons set out above, I conclude that the appeal is allowed.

Andrew McGlone

INSPECTOR