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## Appeal Decision

Site visit made on 7 July 2020

**by Alison Scott BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24 August 2020**

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**Appeal Ref: APP/X4725/D/20/3251240**

**The Briars, Intake Lane, Woolley, Wakefield WF4 2LG**

- 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 R V Fletcher against the decision of Wakefield Council.
  - The application Ref 20/00145/FUL, dated 22 January 2020, was refused by notice dated 24 March 2020.
  - The development proposed is Application for two storey side extension (resubmission of application no 19/00050/FUL).
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is:
  - Whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the 'Framework') and development plan policy;
  - The effect of the proposal on the openness of the Green Belt; and,
  - If the development would be inappropriate, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

### Reasons

3. The Briars is a newly constructed 1.5 storey detached property set back into the plot from the main road. It replaced a previous dwelling on site. A pre-existing outbuilding, described by the appellant as a residential annex, remained in existence alongside the new dwelling. This annex was not used as a separate dwelling or unit of occupation.
4. Paragraph 145 of the Framework states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. One exception is 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. Similarly, Policy D23 of the Council's Local Development Framework Development Policies (LDF) 2009 follows the same principles.

5. 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.
6. The replacement dwelling<sup>1</sup> is now the original dwelling and I do not dispute this. At a later date, planning permission was granted by the council to provide a new glazed link<sup>2</sup> from the new dwelling house to join the outbuilding with this dwelling. An application for a Certificate of Lawfulness of Existing Use or Development<sup>3</sup> (CLUD) was approved by the Council that confirmed the use of the site as a C3 use in October 2019.
7. The replacement dwelling and ancillary outbuilding are part of the same planning unit. Whilst the CLUD been approved to secure one whole unit as a C3 use, the annex outbuilding did not form the original house that has been created through the planning approval of 2013. The appellant's in their letter to the Council of 20 January 2020 and Statement of Case confirms that they were 'two distinct buildings'.
8. Whilst the two buildings have been combined via a link and are in one lawful use as a C3, the annex building does not constitute the original dwelling. The new dwelling is the replacement dwelling approved in 2013 and therefore that of what can be described as 'built originally'.
9. I do not dispute the point the appellant has made with respect to the Sevenoaks High Court judgement<sup>4</sup> and Brentwood, brought to my attention, although those particular circumstances are not the focus of this appeal. An appeal also brought to my attention<sup>5</sup> relates to another Council considering an outbuilding comprised the original dwelling prior to its conversion. However, none of these are directly comparable to the appeal before me.
10. Therefore, based on the evidence before me, the proposal, taking cumulatively with the previously approved and erected link extension, would result in an increase in the footprint of the original building of around 93.6% and an increase in the volume of around 72.2%. This size exceeds the amount specified within the Council's Residential Design Guide 2018 (RDG). The extension would add to the overall width of the dwelling and would add significant bulk, mass and scale. Consequently, the extension would result in a disproportionate addition over and above the size of the original building.
11. Therefore, I share the same view as the previous Appeals Planning Officer in their decision<sup>6</sup> as, given the essential characteristics of Green Belts are their openness and their permanence, the proposal would have both a visual and spatial impact upon the openness of the Green Belt given the dwelling's location and siting.
12. The extension would result in an erosion of space where there are currently no buildings. Furthermore, given the height of the 1.5 storey extension, and despite the use of appropriate materials, and whilst it may conform to the Council's RDG with regard to an appropriate design, the proposal would have a

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<sup>1</sup> Application reference 13/01131/FUL & 13/02548/NMC

<sup>2</sup> Application reference 15/00368/FUL

<sup>3</sup> Application reference 19/01809/CPE

<sup>4</sup> Sevenoaks DC v Secretary of State for the Environment & Clarke (1997), and Brentwood Borough Council v The Secretary of State for the Environment, Transport and the Regions & Mr I Churley (1999)

<sup>5</sup> Appeal Reference APP/T3725/A/12/2185711

<sup>6</sup> Appeal Reference APP/X4725/D/19/3228671

visual impact on the openness of the Green Belt. The scheme would not safeguard against the encroachment of development into the countryside, which is contrary to the third purpose of including land within the Green Belt as set out at paragraph 134 of the Framework.

13. I find that the proposed development would constitute inappropriate development and the Framework indicates that this is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There are no very special circumstances demonstrated to justify the harm that would arise. Accordingly, the proposal would conflict with the Framework and LDF Policy D23.

### **Conclusion**

14. On the basis of the evidence before me, the appeal is dismissed.

*Alison Scott*

INSPECTOR