
Appeal Decision

Site visit made on 16 September 2020

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2020

Appeal Ref: APP/W4705/D/20/3256862

Overgate Croft Barn, Cocking Lane, Addingham LS29 0QG

- 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 Luke Winterburn of Ice Design and Build Ltd against City of Bradford Metropolitan District Council.
 - The application Ref 20/01840/HOU, dated 21 May 2020, was refused by notice dated 10 July 2020.
 - The development proposed is described as “construction of extension to dwelling”.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i. whether the proposal is inappropriate development in the Green Belt;
 - ii. the effect of the proposal on the openness of the Green Belt; and
 - iii. 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 necessary to justify the development.

Reasons

Whether inappropriate development

3. Policy SC7 of the Bradford District Core Strategy Development Plan Document 2017 (DPD) and Section 14 of the Local Development Framework for Bradford Householder Supplementary Planning Document (SPD) relate to development in the Green Belt. These policies are consistent with the National Planning Policy Framework (the Framework) which states in paragraph 145 that Councils should regard the construction of new buildings as inappropriate in Green Belt, unless the development falls within the exceptions list. This list includes 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 SPD states that where proposals result in an addition of over 30% of the original cubic volume, they are likely to be considered disproportionate.
4. The proposed extension would have an increase in footprint by approximately 31% with the Council having calculated the volume increase of the proposal to be around 54%. The proposed extension would be a large structure which

would result in a disproportionate addition that is over and above the size of the original property.

5. The proposed development would therefore be inappropriate development in the Green Belt and would conflict with Policy SC7 of the DPD, the SPD and paragraph 145 of the Framework.

Openness

6. The Framework makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It also states that one of the essential characteristics of Green Belt is their openness.
7. The appeal site is located in a countryside location and not adjacent to any urban areas. The design of the proposal reflects the existing property and makes use of the difference in site levels. The proposal would not be highly visible from public viewpoints however, it would be visible from the immediate surrounding area. The openness of the Green Belt is clearly evident around the existing building and in that the bulk of the building would be increased by additional built development, then the proposal would reduce openness. The incremental enlargement of built development in this location would have a negative effect on the openness of the Green Belt. Paragraph 133 of the Framework indicates that openness is an essential characteristic of the Green Belt. For this reason, there would be a degree of harm arising from this, in addition to that arising from the inappropriate nature of the development.

Other considerations

8. I have had regard to the appellants statement of case including that the proposal would be for a member of the family that has a disability which, amongst other things, prohibits driving and therefore necessitates a carer at the appeal property. Care from within the family unit would limit the requirement for publicly funded care services.

Conclusions

9. The Framework sets out a presumption in favour of sustainable development but this does not apply to inappropriate development in the Green Belt which is subject to restrictive policies in the Framework. The proposed extension is inappropriate development in the Green Belt. In accordance with the Framework, I attribute substantial weight to the harm so caused to the Green Belt. I attach significant weight to the harm caused by loss of openness in the Green Belt, to the purposes of including land in the Green Belt.
10. In favour of the appeal, I attach significant weight to the need for accommodation for a family member with a disability. However, there is insufficient evidence with regards to the exact care requirements to justify the scale of the proposed extension and whether other alternatives have been explored.
11. Having considered all matters in support of the appeal proposal, the considerable harm I have found and the conflict with the development plan and the Framework would not be clearly outweighed by other material considerations. Having regard to the case as a whole, I conclude that very special circumstances do not exist which could justify the proposed extension.

12. I recognise the failure of this appeal would affect care arrangements for the appellants family. Having regard to the circumstances drawn to my attention, this would represent an interference with their rights under Article 8 of the European Convention on Human Rights, as incorporated by the Human Rights Act 1998. However, having regard to the legitimate and well-established development plan policies and the Framework which aim to protect the Green Belt, in this case I consider greater weight is attached to these. Dismissal of the appeal is therefore necessary and proportionate, and it would not result in a violation of the human rights of the appellant or the appellant's family.
13. For the reasons set out above, and having regard to all other matters raised the appeal should be dismissed.

Chris Baxter

INSPECTOR