



Appeal Decision

Site visit made on 16 July 2020

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 October 2020

Appeal Ref: APP/Z4718/D/20/3244948

The Farmhouse, Bradley Hall Farm, Huddersfield HD2 1FN

- 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 & Mrs P Flacks against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2019/62/92927/W, dated 6 September 2019, was refused by notice dated 7 November 2019.
 - The development proposed is erection of detached garden room.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the description of development from the Council's Decision Notice as this is a more accurate description of the development proposed.

Main Issues

3. The appeal site is within the Green Belt and so the main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt; and
 - If the proposal is inappropriate development, 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

Site and proposal

4. The appeal property is a detached two-storey dwelling. It is located at the end of a long access track adjacent to other buildings that also appear to be in residential use. The cluster of buildings, of which the appeal site is part, is surrounded by open fields. The property has been extended by way of a large two-storey side extension, whilst the rear garden contains an existing outbuilding and timber decking, pergola, gazebo and bar.

5. The appeal proposal involves the erection of an outbuilding in the rear garden of the property. The courts have held that some outbuildings may be considered as extensions on the basis that they are 'normal domestic adjuncts', for example, the construction of a garage in close proximity to a dwelling. It is not in dispute between either party that, despite being a standalone structure, the proposal may be classed as an extension to the dwelling. Given its proximity to the dwelling and that it would provide accommodation that would normally be found within the dwelling itself, I have no reason to form a different view.

Whether or not inappropriate development

6. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Framework outlines that the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions as set out in paragraph 145. One of the exceptions cited 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'. Policy LP57 of the Kirklees Local Plan (2019) (the Local Plan) accords with national Green Belt policy in these respects.
7. The Council's evidence refers to the planning permission¹ for the existing two-storey side extension which outlines that the extension approved under that consent increased the cubic capacity of the original dwelling by approximately 50%. The evidence continues that the appeal proposal would add a further 20% of the cubic capacity of the original dwelling that when taken together both the existing and proposed extensions would amount to an increase of 70% of the cubic content of the original dwelling.
8. On this basis, therefore, I consider that the proposal would result in additions to the original building that would be disproportionate in the terms of paragraph 145 of the Framework. For these reasons, the proposal would be inappropriate development in the Green Belt.

Openness

9. The Framework outlines that one of the essential characteristics of Green Belts is their openness. Openness has a spatial aspect as well as a visual aspect. Although the proposal would replace the existing bar, pergola, gazebo and decking area, the proposed development is significantly larger than these existing structures. It cannot fail but to have a greater impact on the openness of the Green Belt in spatial terms, and thus cause harm. I find that in light of the overall size and scale of the development, combined with the replacement of existing structures, such harm would be moderate.
10. Similarly, due to its greater prominence by reason of its size and scale, the proposal would have a greater impact on the openness of the Green Belt in visual terms, and also cause harm. The development would however utilise materials that are prevalent in the immediate context and its siting within the domestic curtilage would serve to ensure that the harm to the openness of the Green Belt from a visual aspect, would be moderate.

¹ Kirklees Council Planning Ref 2014/92787

11. I therefore consider that in both spatial and visual terms the proposal would have a greater impact on the openness of the Green Belt than the existing development. Furthermore, in doing so the scheme also fails to assist in safeguarding the countryside from encroachment, one of the 5 purposes of the Green Belt, and would therefore not comply with the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open.

Other considerations

12. Although the building design would be consistent with the style of surrounding buildings and use sympathetic materials, good design is an expected part of the planning process. As such, the lack of harm in this respect does not amount to a positive material consideration in favour of the development, and I give the lack of harm in this regard little weight.

Planning Balance

13. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 continues by stating that 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.
14. The proposal would constitute inappropriate development in the Green Belt. Therefore, it is by definition harmful to the Green Belt, which the Framework indicates should be given substantial weight. In addition, moderate harm would be caused to the openness of the Green Belt and the purposes of including land within it. Having considered all matters raised in support of the proposal, I conclude that, together, they do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
15. Therefore, the proposal would be contrary to Policy LP57 of the Local Plan, which requires, amongst other things, that for extensions to buildings in the Green Belt the original building remains the dominant element both in terms of size and overall appearance, where the cumulative impact of previous extensions and of other associated buildings will be taken into account. The proposal would also be contrary to the Framework.

Conclusion

16. For the reasons given above, I therefore conclude that the appeal be dismissed.

A M Nilsson

INSPECTOR