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## Appeal Decision

Site visit made on 1 October 2020

**by A M Nilsson BA (Hons) DipTP MRTPI**

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

**Decision date: 12 October 2020**

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**Appeal Ref: APP/E2734/D/20/3256098**

**The Riddings, Spring Lane, Kearby, Wetherby LS22 4DA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mr John Smith against the decision of Harrogate Borough Council.
  - The application Ref 20/00981/DVCON, dated 10 March 2020, was refused by notice dated 18 June 2020.
  - The application sought planning permission for retention of two storey and single storey extensions, demolition of garage extension and raised patio without complying with a condition attached to planning permission Ref 17/02571/FUL, dated 28 July 2017.
  - The condition in dispute is No. 3 which states that: "By 28<sup>th</sup> February 2018 the unauthorised garage extension shall be demolished and any evidence of the garage extension removed from the site and the principle and side elevations of the The Riddings made good by 28<sup>th</sup> February 2018, as shown on approved plans references 1188/12/G and 1188/13G".
  - The reason given for the condition is: "in the interest of the protection of the openness of the Green Belt".
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The appeal site is within the Green Belt and so the main issues are the effect that removing the condition would have on:
  - Whether the resulting development would amount to inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
  - the openness of the Green Belt; and
  - If the resulting development is inappropriate development, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

### Reasons

#### *Background*

3. The disputed condition was attached to a planning permission that granted consent for the retention of a two storey and single storey extension, including

demolition of garage extension and a raised patio. The Council have outlined that by requiring the removal of the garage extension the remaining development was considered to be acceptable in planning terms.

*Site and development*

4. The appeal property is a detached two-storey dwelling. The submitted evidence outlines that the property has previously been extended in the form of single storey front and rear extensions and a first-floor extension. A raised patio has also been constructed at the property.
5. The element of development in dispute relates to the front garage extension. In granting consent to retain a two storey and single storey extension, the Council imposed a condition requiring that the garage extension be demolished by 28 February 2018. The demolition of the garage as required by the condition has not taken place and remains in situ.

*Whether or not inappropriate development*

6. The National Planning Policy Framework (2019) (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 GS4 of the Harrogate Local Plan (2020) requires that proposals for development in the Green Belt will be determined in accordance with relevant national policy.
7. The Council's Supplementary Planning Document (SPD) House Extensions and Garages Design Guide (2005) outlines that in Green Belts house extensions that extend the ground floor area of the original house by more than 50% will not normally be permitted unless there is an exceptional household need.
8. The SPD predates the Framework. Its reference to ground floor area does not fully accord with the reference in the Framework at paragraph 145 to 'size'. This is because size is a three-dimensional concept, where in instances such as this would be in relation to volume and not simply area. Due to this inconsistency, I attach limited weight to the SPD and will consider the appeal in relation to size as per the requirements of the Framework.
9. I have been provided with plans that show the 'original' building and plans that show the property as extended. The appellant has outlined that the garage extension, when combined with the other extensions at the property amounts to a 56.92% increase in volume of the original dwelling. From the evidence before me, and from what I saw on my site visit, I consider that the size of these extensions when taken together amount to disproportionate additions over and above the size of the original building.
10. In this appeal, the element of the development before me relates solely to the front garage extension. On this basis, I therefore consider that removing the condition requiring its demolition would, when taken with the other elements, result in additions to the original building that would be disproportionate in the terms of paragraph 145 of the Framework. For these reasons, removing the

condition would result in inappropriate development in the Green Belt. This is a matter to which I afford substantial weight in the planning balance.

### *Openness*

11. 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. By its very nature of placing built development where there is currently, or in this case previously, none, it cannot fail but to have a greater impact on the openness of the Green Belt in spatial terms. I find that in light of the overall size and scale of the garage extension, the harm to the openness of the Green Belt from a spatial aspect would be moderate.
12. Due to the property sitting at a slightly lower level than Spring Lane, the garage extension is visible above the existing boundary treatment. I find that due to its overall size and scale, the harm to the openness of the Green Belt from a visual aspect would be moderate.
13. Overall, I consider that the effect on the openness of the Green Belt by removing the condition would be moderate.

### *Other considerations*

14. Reference is made that the extended garage accommodates a pellet storage and associated equipment to provide energy via biomass. I do not doubt that the extended garage facilitates a convenient arrangement in this regard, however I am not presented with sufficient evidence that the equipment could not be accommodated elsewhere. Whilst any relocation, or as has been suggested an alternative fuel supply, would be an inconvenience to the appellant, I find that the retention of the garage extension to accommodate the biomass infrastructure pellet storage, is a matter which I afford limited weight in the planning balance.
15. In support of the appeal, the appellant has referred to various planning consents at Low Barrowby Farm. Although I do not have full details of these applications, the characteristics of each site and circumstances are different. From the evidence provided, they appear to be proposals of a different nature to that before me and I have in any event determined this appeal on its individual planning merits.

### **Planning Balance and Conclusion**

16. The removal of the disputed condition would result in development that would constitute inappropriate development in the Green Belt. In addition, moderate harm would be caused to the openness of the Green Belt. On balance, I conclude that the substantial weight to be given to Green Belt harm that would arise from removing the condition is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances. The condition is therefore necessary, and the appeal should therefore be dismissed.

*A M Nilsson*

INSPECTOR