



Appeal Decision

Site Visit made on 19 October 2020

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2020

Appeal Ref: APP/N4720/W/20/3256485

Field Gap, 12 Trip Garth, Linton, Wetherby LS22 4HY

- 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 D Hunter against the decision of Leeds City Council.
 - The application Ref 20/01967/FU, dated 3 March 2020, was refused by notice dated 17 June 2020.
 - The development proposed is demolition of existing outbuildings and the construction of a new dwelling along with associated hard and soft landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At my site visit I saw that a development had commenced. However, the Council has confirmed that planning permission has previously been granted for other development on the site including the demolition of an outbuilding and construction of a new dwelling. There is no evidence before me that the commenced development consisted of the appeal proposal.

Main Issues

3. The main issues are:
 - Whether the proposal is inappropriate development in the Green Belt;
 - The effect on the openness of the Green Belt; and
 - 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

4. The appeal site is within the Green Belt. The National Planning Policy Framework (the Framework) sets out that new buildings within the Green Belt are inappropriate subject to a number of exceptions. Paragraph 145(d) of the Framework sets out that one of these exceptions is the replacement of a building, providing the new building is in the same use and not materially larger than the one it replaces.

5. The Council has established that the building which previously existed on the site had been linked to and used in connection with a dwelling. As part of the Council's consideration of a previous application for the site, it concluded that the principle of the demolition of the outbuilding and the construction of a new dwelling could fall within the exception of paragraph 145(d) of the Framework. Based on the evidence before me, the previous proposal represented a 3% increase in the volume of development and the Council concluded that this was not materially larger, and as such it met the relevant exception of the Framework.
6. However, the appeal proposal would represent a 20% increase in the volume of development compared to the original outbuilding. This is clearly materially larger than the building that would be replaced, and the proposal would therefore not meet the exception of paragraph 145(d) and would be inappropriate development within the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and the Framework requires that substantial weight should be given to any harm.

Openness

7. The proposal would be materially larger than the building it replaces and would therefore harm the openness of the Green Belt.
8. However, the appeal site is not widely visible and within that context the harm to openness would be limited. That said, this does not negate my conclusions in respect of the inappropriateness of the proposal in the Green Belt and the substantial weight I give to the harm arising from that.

Other Considerations

9. The appellant refers to policy HDG3 of the Council's Householder Design Guide¹ which sets out that to be considered limited development in the Green Belt, all existing and proposed extensions should not exceed 30% of the original house volume. Policy HDG3 broadly reflects paragraph 145(c) of the Framework with regards to the extension or alteration of a building in the Green Belt which should not result in disproportionate additions.
10. However, the appeal proposal relates to a replacement building and not an extension to an existing building, on that basis the provisions of policy HDG3 and paragraph 145(c) do not apply. Moreover, reference to 'disproportionate' in paragraph 145(c) of the Framework is a more generous threshold compared to 'materially larger' in paragraph 145(d) which is the exception that applies to this appeal. Consideration of these matters does not therefore lead me to a different conclusion in respect of the inappropriateness of the proposal.
11. The appellant submits that he may apply for an extension to the originally approved dwelling at a later date. However, such a proposal would be considered in the circumstances of the site as they exist at that time. I am also mindful that the provisions of policy HDG3 and paragraph 145(c) of the Framework would apply to the materially larger building resulting from the appeal proposal were it to be granted planning permission, even allowing for the removal of permitted development rights as is suggested by the Council. This may lead to a further increase in the scale of built development on the site and subsequent encroachment into the countryside.

¹ Householder Design Guide Supplementary Planning Document 2012

12. Whilst I have had regard to the considerations of the Framework and policy HDG3 in respect of potential proposals to extend a dwelling on the site, I give this no more than limited weight in favour of the proposal.

Conclusion

13. The proposal would be inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and the Framework requires that substantial weight should be given to any harm. The proposal would also lead to limited harm to the openness of the Green Belt. The no more than limited weight I have given to the other considerations does not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal would therefore conflict with policy N33 of the Unitary Development Plan Review 2006 and the Framework with regards to the control of development and protecting land in the Green Belt.
14. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR