

Appeal Decision

Site visit made on 22 January 2021 by Hannah Ellison BSc (Hons) MSc MRTPI

Decision by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 February 2021

Appeal Ref: APP/Z4718/D/20/3262666

29 Lamb Hall Road, Longwood, Huddersfield HD3 3TJ

- 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 Grayson against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2020/62/91072/W, dated 2 April 2020, was refused by notice dated 26 August 2020.
 - The development proposed is the erection of leisure annex.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework);
 - The effect of the proposal on the openness of the Green Belt; and
 - If found to be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations and if so, whether this amounts to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

4. The appeal site, which lies within the Green Belt, includes a large two-storey dwelling with detached garage set within generous landscaped gardens which vary in level throughout.
5. Paragraph 145 of the Framework states that new buildings should be regarded as inappropriate development in the Green Belt subject to a number of exceptions. 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, is one of these exceptions at paragraph 145 c). Both main parties consider the proposed development falls to be assessed against this exception.
6. There is no definition of extension in the Framework. Whilst ancillary outbuildings in the Green Belt can be regarded as an extension to a dwelling in some cases, it is a matter of fact and degree and consideration needs to be given to the distance from the proposal to the main dwelling. The Framework makes no mention of detached ancillary buildings.
 7. I acknowledge that if this were to be an attached extension to the host property, it would not be disproportionate in size. However, although the proposed building would be sited within the curtilage of the main dwelling and would be used for domestic purposes, it would be positioned a significant distance away from it. There would be clear visual and physical separation from the host property due to the presence of intervening landscaping, and the new building would be perceived as detached and separate from the host property.
 8. Therefore, the proposal is not considered to be an extension or alteration of the building, but rather constitutes a new building. As such, it would not meet the exception outlined in paragraph 145 c) of the Framework.
 9. The appellant has referred to an example at 25 Lamb Hall Road which was assessed against paragraph 145 c) of the Framework. However, it appears to me that this example was for an extension which was attached to the host building rather than detached built form. Reference is also made to a previous appeal decision¹ in a different location and local planning authority area. However, this example appears to concern backland development and thus has different circumstances to the proposal before me. The appellant has referred to an example at 41 Lamb Hall Road however very limited information has been provided thus I cannot determine its relevance to this appeal. As such, these examples are not directly comparable to the proposal before me.
 10. The appellant also suggests that the proposal would constitute limited infilling in villages, thus meeting the exception in paragraph 145 e) of the Framework. Although the Framework does not define 'limited infilling' it is held to be the development of a small gap between existing buildings. In this case, the built form in the immediate locality is predominantly grouped close to the highway and follows a linear layout. The built-up frontage is also relatively continuous along the street scene.
 11. The proposed building would occupy a noticeably detached position away from the main dwelling and behind the existing garage. It would not fill in a small gap between existing buildings and accordingly I find that it would not constitute limited infilling in a village.
 12. Moreover, the proposal does not fall within any of the other exceptions set out in paragraph 145 of the Framework, or paragraph 146.
 13. Consequently, taking all the above into consideration, I conclude that the proposal would be inappropriate development in the Green Belt for the purposes of the Framework.

¹ Appeal Ref: APP/N2739/A/07/2034490

Effect on openness

14. Paragraph 133 of the Framework states that a fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The assessment of openness requires a consideration of both visual and spatial aspects.
15. There is extensive mature landscaping within the site and, due to the steep topography where the building is proposed, there would be limited views from the public realm. It would not therefore have a significant visual impact upon the openness of the Green Belt.
16. Nevertheless, there are no buildings, structures or other development on the part of the appeal site where the building is proposed. The appellant has indicated that this part of the site was previously a tennis court however there is no evidence of built form and it is currently maintained as lawn. The proposal would introduce substantial built form to this undeveloped part of the appeal site and would therefore reduce the spatial openness of this part of the Green Belt. For these reasons, the proposal would be harmful to the openness of the Green Belt, contrary to the Framework.

Whether very special circumstances exist

17. The Framework advises that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
18. The proposal would constitute inappropriate development in the Green Belt and would cause harm to its openness. In accordance with the Framework, this harm is afforded substantial weight. No considerations in support of the appeal proposal have been advanced. The very special circumstances necessary to justify the development do not therefore exist.

Other Matters

19. Concern over the size and positioning of buildings which could be erected under permitted development rights in sensitive locations is not a matter for me within the context of this appeal. Additionally, there are no plans before me to indicate what could be erected under permitted development rights at the appeal site. As such, I cannot determine whether any potential permitted development fallback position is comparable to the proposal before me.

Conclusion and Recommendation

20. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

H Ellison

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

RC Kirby

INSPECTOR