



Appeal Decision

Site Visit made on 20 July 2021

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2021

Appeal Ref: APP/E2734/D/21/3273631

Grass Garth Farm, Askwith LS21 2HU

- 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 and Mrs R. Akers against the decision of Harrogate Borough Council.
 - The application Ref 21/00343/FUL, dated 26 January 2021, was refused by notice dated 18 March 2021.
 - The development proposed is described as a "link extension between existing house and outbuilding. Conversion of outbuilding and alterations to the fenestration on the east and west elevations of the outbuilding".
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Decision

1. The appeal is allowed and planning permission is granted for "link extension between existing house and outbuilding. Conversion of outbuilding and alterations to the fenestration on the east and west elevations of the outbuilding" at Grass Garth Farm, Askwith LS21 2HU in accordance with the terms of the application, Ref 21/00343/FUL, dated 28 January 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing Drawings, dated 12/01/2021; Proposed Drawings, dated 12/01/2021.

Procedural Matters

2. I have used the description of development as stated in the Council's decision notice and the appellant's appeal form as this is more precise and has been used by the parties throughout their appeal submissions.
3. Since the Council determined the proposal, the revised National Planning Policy Framework (the Framework) has been published on 20 July 2021. It is my planning judgement that, in so far as is relevant to this appeal, the section of the revised Framework relating to the Green Belt remains largely unaltered. My decision is made in the context of the revised Framework.

Main Issue

4. The main issue is whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies.

Reasons

Background

5. The appeal property is located in a rural area near the village of Askwith, accessed off a narrow single lane road.
6. The original property has been extended previously, including a two storey rear and side extensions, a front porch¹ and the erection of a garage with boiler room using permitted development rights, confirmed by a Certificate of Lawfulness².
7. The Appeal proposal comprises an extension to create a link from the dwelling to the existing garages and the conversion of part of the garage to living space, with some external alterations. The submitted plans show that the extension would be constructed of glass and that the roof over part of the existing garages, referred to by the appellant as a 'pump room', would be altered reducing the height of this part of the building.

Whether inappropriate development in the Green Belt

8. The Framework identifies that the 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. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances³.
9. The Framework states that the construction of new buildings should be regarded as inappropriate development in the Green Belt, subject to a number of exceptions⁴. The appellant contends that the proposal would meet one of the exceptions, namely c) 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.
10. Policy GS4 of the Harrogate District Local Plan (the HDLP), states that proposals for development in the Green Belt will be determined in accordance with relevant national policy.
11. In relation to exception c), the Framework and Policy GS4 of the HDLP do not provide a definition of what constitutes a disproportionate addition over and above the size of the original building. In the determination of the application the Council used guidance within its House Extensions and Garages Design Guide Supplementary Planning Document 2005 (the SPD).
12. The SPD states that "extensions will be permitted in the green belt only where it is shown that the scale, location and design would not detract from the open character and visual amenity of the green belt" It goes on to advise 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."

¹ 06/00590/FUL dated 20.03.2006

² 16/02513/CLOPUD dated 6.09.2016

³ Paragraphs 137 and 147 of the National Planning Policy Framework

⁴ Paragraph 149 of the National Planning Policy Framework.

13. The Officer's report however acknowledges that the SPD predates the Framework stating the "ground floor area does not fully accord with the Framework" and instead a 30% (volume) figure "taken from national appeal decisions" is utilised, although no substantive evidence is provided to support this new figure. The SPD, while being a material consideration, does not have development plan status and I have had regard to this in reaching my decision.
14. The Council details that the ground floor area of the 'original building' was 75m², and as a result of previous extensions is now "234.7m²". The proposed infill extension is detailed by the Council as adding approximately 9.8m², excluding the conversion of the garage which I note already exists as built development.
15. The original property has been subject of substantial extensions previously with the benefit of planning permission and permitted development rights. This cumulative development has already significantly increased the size of the original dwelling.
16. I note that the proposed works to the garage do not create any additional built development, albeit the garage is changed to living accommodation and alterations to the external walls are proposed. Additional built development is created by the appeal scheme is therefore limited to the link extension only.
17. In considering what constitutes a disproportionate addition it is also necessary to consider the scale, bulk, massing and built form that would result from the changes sought. In this instance the additional built form proposed by this appeal is shown on the submitted plans as being very limited and relates well to the existing garage and dwelling buildings.
18. Therefore, on balance, it is my planning judgement that the proposal would not result in disproportionate additions over and above the size of the original building.
19. Accordingly, I conclude that the proposal would meet exception c) of Paragraph 149 of the Framework and would not conflict with Policy GS4 of the HDLP. As such, it would not be inappropriate development in the Green Belt, having regard to the Framework and any relevant development plan policies.

Other Matters

20. The site lies within the Nidderdale Area of Outstanding Natural Beauty (AONB), a landscape designation of national importance. Under paragraph 176 of the Framework, great weight should be given to conserving the landscape and scenic beauty in AONBs. It is not at dispute between the parties that the appeal proposal, as a result of its scale and form, would not harm the AONB and based on the evidence before me I find no substantive reason to disagree.
21. A local resident raised a number of objections to the appeal scheme, in addition to matters already addressed, concern was raised as to the effect of the appeal scheme on the "amenity" of neighbours to the site. The proposed link extension and alterations to the garage building are located some distance from the neighbouring property and, as a result of the orientation of the buildings, would not readily be visible from the dwelling. The new windows would look out over the garden and parking area of the appeal property and while the development may be visible from parts of the neighbouring property I do not find that the

appeal scheme would harm the living conditions of the occupiers of the neighbouring property.

Conditions

22. I have noted the conditions suggested by the Council and considered them in light of the advice set out in both the Framework and the Planning Practice Guidance.
23. Planning permission is granted subject to the standard three year time limit condition. The relevant drawings are specified as this provides certainty. The Council suggested a condition relating to rooflights. However, the appear to show an entirely glazed structure of modern appearance, I have therefore not included this condition.

Conclusion

24. For the reasons given I conclude that the appeal should succeed.

Mr M Brooker

INSPECTOR