



Appeal Decision

Site Visit made on 27 July 2021

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2021

Appeal Ref: APP/Z4718/W/21/3274204

Latham Barn, Gatehead Lane (A616), Hepworth, Holmfirth, Huddersfield, West Yorkshire HD9 7TU

- 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 David Best against the decision of Kirklees Metropolitan Council.
 - The application Ref 2020/62/93531/W, dated 9 November 2020, was refused by notice dated 5 February 2021.
 - The development proposed is alterations to holiday let/bed & breakfast unit and garage (including rear living room extension and balcony) to create dwelling forming annex accommodation associated with Latham Barn.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The revised National Planning Policy Framework (The Framework) was published on 20 July 2021. This document does not however materially change the approach to the main issues arising from this appeal, when compared to its predecessor, and therefore no further comments have been sought from the parties.

Main Issues

3. The main issues are:
 - (i) Whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies;
 - (ii) The effect on the openness of the Green Belt; and
 - (iii) Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

4. Policy LP57 of the Kirklees Local Plan Strategy and Policies 2019 (LPSP) refers to the extension, alteration or replacement of existing buildings in the Green Belt. Paragraph 149 of The Framework states that the construction of new

buildings is inappropriate in the Green Belt but it provides a number of exceptions, including at c) for 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. Annex 2 defines the original building as being the building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

5. The evidence relating to the size of the building on 1 July 1948 is inconclusive and the parties have differing views on what the extent of the original building was. The Ordnance Survey maps provided do however suggest that the footprint of the original building was equivalent to what exists at the present time, with the exception of the rear lean-to extension that has been constructed under the 2013 planning permission¹, leading to the likelihood being that any increases in size that did occur were later additions.
6. Irrespective of this however and noting the appellant's concerns regarding the accuracy of historical maps, it is common ground that parts of the building, be they original or not, have been demolished. This being the case and on the basis of the limited conclusive information I do have before me relating to the key date of 1 July 1948, I can only take the size of the original building to be that which exists today, minus the 2013 permitted rear extension and partial pitched roof which have recently been added.
7. The proposed extensions would, in conjunction with the extensions that have been permitted and undertaken recently, represent a disproportionate addition to the original building, in particular by reason of a significant increase to the size of its footprint, including the proposed balcony. Whilst the existing and proposed rear extensions have a lower height than the original building, they would also nonetheless significantly erode the dominance of the original building due to their overall size.
8. For these reasons, when considered in conjunction with the previous development permitted under the 2013 permission, I conclude that the proposed development would result in disproportionate additions over and above the size of the original building. It would therefore fail to meet with the exception which is set out by paragraph 149c) of The Framework and be inappropriate development in the Green Belt. It would also fail to accord with Policy LP57 of the LPSP where it requires that the original building remains the dominant element, both in terms of size and overall appearance.
9. The submissions provided refer briefly to parts a) and g) of paragraph 149 of The Framework. With respect to part a), the proposal is for residential use and therefore would not relate to a building to be used for agriculture or forestry. Part g) relates to proposals to redevelop previously developed land whereas the proposal clearly relates to an extension to the original building, which would remain intact essentially in its original form on the site. The proposal does not therefore fall under either of these parts of paragraph 149 of The Framework.

Openness

10. A fundamental aim of Green Belt policy, as set out by The Framework, is to prevent urban sprawl by keeping land permanently open. Openness is, in

¹ 2012/93353

effect, the absence of development and it has both a spatial and visual aspect to it.

11. The increase in the size of the original building that would result from the previously permitted extensions and the extension subject to the appeal would mean that the building's footprint had been greatly increased and this would reduce visual openness. There would also be a physical encroachment by reason of this increase in footprint.
12. Whilst the proposal would be viewed from some vantage points against the backdrop of the former stables to which it would be attached and against the greater bulk of Latham Barn, for example from the public footpath close to the appeal site and from Sheffield Road, it would not always be viewed in that backdrop.
13. For these reasons and on consideration of the scale of the proposed development, I conclude that there would be moderate harm to Green Belt openness and to the purposes of including land in the Green Belt. It would therefore be contrary to the specific guidance within The Framework in this regard.

Other Considerations

14. The appellant has outlined personal circumstances as to why they wish to provide the additional living accommodation, which they intend to occupy on an ancillary basis to the existing dwelling, and why it must be the size proposed to meet their needs. Whilst I am sympathetic to their situation in this regard, I afford this consideration moderate weight.
15. A conservatory which was permitted under the 2013 permission has not been built but it appears that it could be. However, this would be in an area that the appeal proposal also encompasses. Therefore, an addition to the footprint would be created in either of the two scenarios and this does not affect my assessment of whether the proposal that is before me would be a disproportionate addition to the original building. Furthermore, the built form of the appeal proposal is greater than that which was permitted by the previous planning permission. This consideration therefore carries only limited weight.
16. Policy LP55 of the LPSP refers to agricultural workers dwellings and although the appellant has made reference to this policy and to the future operation of the farm business, there is no substantive evidence, such as that referred to in the accompanying policy text to LP55, to demonstrate that there is an essential need for the proposed development to provide living accommodation for an agricultural worker. I therefore give this consideration only limited weight.
17. Holme Valley Parish Council support the proposed development. That there is such support for the proposal does not however justify a harmful development, and therefore I give this representation only limited weight.
18. Reference has been made to development that has taken place on other sites within the surrounding area and I acknowledge that the appellant has spent a considerable amount of time and effort in providing photographs relating to these sites and to the reverse views of the appeal site from them. However, I must determine the appeal that is before me primarily on its own merits against the relevant local and national planning policies that are in place and, in any event, I am not bound by the previous decisions of the Council. The

other developments and Council decisions referred to do not therefore offer weight in favour of the appeal proposal.

19. Photographs have been provided of the site taken some time ago and it is contended that what is present now and what is proposed represent a visual improvement in comparison. However, I must make my assessment on the basis of the situation as I find it currently. It is also suggested that the proposal would meet an affordable housing need, but it would be occupied on an ancillary basis to the main house. Neither of these considerations therefore offer support to the proposal.

Conclusion

20. The Framework at Paragraphs 147 and 148 establishes that substantial weight should be given to any harm to the Green Belt and that inappropriate development is, by definition, 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 resulting from the proposal, is clearly outweighed by other considerations.
21. The proposal would be inappropriate development in the Green Belt and would result in harm to its openness. Having regard to the reasons I have set out, I find that the other considerations in this case do not clearly outweigh the harm to the Green Belt that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
22. For the reasons given above, I conclude that the proposal conflicts with the objectives of Policy LP57 of the LPSP and with The Framework, both of which seek to protect the Green Belt. Therefore, the appeal should be dismissed.

Graham Wraight

INSPECTOR