



Appeal Decision

Site visit made on 2 August 2021

by C Coyne BA (Hons) DipTP DipERM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd September 2021

Appeal Ref: APP/N4720/W/21/3275014

Cottages No 1 and 2, Park Cottages, Arthington Lane, Arthington, Otley LS21 1PJ

- 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 & Mrs J Barnett against the decision of Leeds City Council.
 - The application Ref 21/00026/FU, dated 23 December 2020, was refused by notice dated 1 March 2021.
 - The development proposed is described on the application form as 'infill rear two storey extension'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. On 20 July 2021 a revised version of the National Planning Policy Framework (the Framework) was published. Apart from changes to paragraph numbering and one minor amendment, no major changes have been made to the Framework in relation to national Green Belt policy. As a result, given the nature of the refusal reasons and the main issues, on this occasion I consider that the publication of the revised Framework does not directly alter the assessment of this appeal. The relevant updated paragraph numbers have been used in my reasoning below.
3. The Council have described the development as 'two storey rear infill extension'. I note that the appellant has also utilised this description on their appeal form. I consider that this revision provides an accurate description of the proposal and I have therefore determined the appeal on this basis.
4. The address given on the application form only refers to Cottage no. 1 as does that on the appeal form. However, it is clear from the submitted plans and the decision notice that the proposed development relates to two similar extensions at both Cottage no. 1 and Cottage no. 2. I have therefore included both cottages within the address in the banner heading above.

Main Issues

5. The main issues are:
 - whether the proposal would represent inappropriate development in the Green Belt;
 - the effect of the proposed development on the openness of the Green Belt and the purposes of including land within it; and
 - if the proposed 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 proposal.

Reasons

6. The appeal properties are a pair of semi-detached two-storey cottages with a traditional stone exterior finish. These cottages have sizeable existing two-storey rear extensions and smaller single storey side extensions. The proposal would extend the existing two storey rear extensions to their sides to fill the existing courtyard type gap between the host properties.

Whether inappropriate development

7. National Planning Policy attaches great importance to Green Belts. 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.
8. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings is regarded as inappropriate in the Green Belt save for several specified exceptions as set out under paragraph 149. One such exception is the extension or alteration of a building if it does not result in disproportionate additions over and above the size of the original building. The Framework does not specify what might be a disproportionate addition over and above the size of the original building.
9. Policy HDG3 of the adopted Householder Design Guide Supplementary Planning Document (SPD) stipulates that proposed extensions to buildings in the Green Belt should not increase the volume of the original building by more than 30%.
10. According to the appellants' statement the proposed extensions would in combination with the existing ones cumulatively result in an increase in volume of approximately 50% when compared to that of the original building. Consequently, the proposal would be contrary to Policy HDG3 of the SPD.
11. I note the appellants' points that other local planning authorities have higher thresholds for what they consider to be a disproportionate addition to an original building in the Green Belt or indeed that some do not have any set limit at all. However, in this case given the existing two-storey rear extensions to the host properties, the fact that the proposed extensions would also be to a two-storey height and that they would increase the size of the original building by around a half means that they would to my mind represent disproportionate additions in this case, nonetheless. In any event, the SPD does have a threshold of 30% which is the limit to which I must have regard, nonetheless.
12. I therefore conclude that the proposed development would amount to a disproportionate addition over and above the size of the original building, and that, as a result, the proposal would represent inappropriate development in the Green Belt.

Openness and Green Belt Purposes

13. As set out in the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open as set out in Paragraph 137. Given the small scale of the proposal I consider that it would not have a significant adverse impact on the Green Belt purpose of assisting in safeguarding the countryside from encroachment.

14. In relation to its impact on openness, the proposal would not project past the existing rear building lines of the host properties. It would also not be readily visible from the highway to the front and if it was viewed from the more open land to the rear of the properties, it would be visually indistinguishable from the host properties. Consequently, I find that it would not have an adverse visual impact on the openness of the Green Belt.
15. That being said, the proposal would also fill an existing spatial gap between these properties. As a result, even though this gap is relatively self-enclosed, it would spatially reduce the openness of the Green Belt, nevertheless. Consequently, it would cause harm to the openness of the Green Belt albeit to a limited degree.
16. I therefore conclude that the proposed extensions would not preserve the openness of the Green Belt in conflict with paragraph 137 of the Framework.

Other Considerations

17. In support of the appeal proposal the appellants have cited a similar development that was granted planning permission at appeal stage (Ref APP/G4240/W/15/3081724) where an area increase of 80% was considered to have a minimal impact on the openness of the Green Belt. However, I do not have all the details of this case before me or the circumstances which led to that decision being taken. Furthermore, an increase in area is not the same as an increase in volume and as a result, I consider that the circumstances applicable to this scheme are not the same as those presented in this case, which I have determined on its own merits. I therefore afford this consideration limited weight.
18. I also acknowledge that the materials and design of the proposal would match those of the host properties. I therefore afford this consideration limited weight in favour of the appeal scheme.

Planning balance and conclusion

19. Paragraphs 147 and 149 of the Framework indicate that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the Framework also sets out that any harm to the Green Belt should be afforded substantial weight.
20. In the context of the above, very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations. Consequently, other considerations weighing in favour of the development must clearly outweigh any harm. I have given limited weight to the other considerations cited in favour of the development. In my view, these would not clearly outweigh the substantial harm to the Green Belt caused by the inappropriateness of the proposed development and its impact on openness. The very special circumstances necessary to justify the developments do not therefore exist.
21. Accordingly, the proposal would conflict with paragraphs 147 and 149 of the Framework and policy HDG3 of the SPD. For these reasons and having regard to all relevant matters I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR