



Appeal Decision

Site Visit made on 16 November 2021

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 NOVEMBER 2021

Appeal Ref: APP/Z4718/D/21/3281196

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 Council.
 - The application Ref 2021/62/91045/W, dated 12 March 2021, was refused by notice dated 15 June 2021.
 - The development proposed is erection of leisure annex.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised National Planning Policy Framework (the Framework) was published on 20 July 2021. I have given the main parties the opportunity to comment on this, and have based my decision on the revised Framework.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - the effect on the openness of the Green Belt; and
 - would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal would be inappropriate development

4. The appeal relates to a large, detached house and its extensive landscaped gardens, located in the Green Belt. The site slopes downhill from Lamb Hall Road and the house is set back from, and at a lower level than, the road frontage. There is an existing detached garage close to the site entrance. A detached leisure annex building is proposed within the grounds.
5. Paragraph 149 of the Framework regards the construction of new buildings as inappropriate development in the Green Belt, with exceptions which include 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 (paragraph c).
6. The proposed detached building is intended to be used for purposes ancillary to the residential use of the existing dwelling on the site. However, the existence of a functional connection alone is not sufficient to establish that the building would be an extension. It is also necessary to consider the physical relationship between the existing and proposed detached buildings.
 7. A previous appeal for a similar development on the site was dismissed in February 2021¹. The scheme before me is an amended proposal, which has been revised to move the proposed building closer to the existing dwelling. Nevertheless, the building now proposed would still be located some significant distance – around 17m – from the existing house, and separated from it by the property's wide, circular entrance driveway and areas of landscaping, including a tall conifer tree and a hedge. As a result, it would be seen and read as an entirely separate, detached structure, physically and visually separate from the house itself.
 8. On that basis, as a matter of fact and degree based on the circumstances in this case, and notwithstanding changes made since the previous appeal was dismissed, I conclude that the proposed building would not comprise an extension or alteration to the dwelling on the site. Therefore, it is not necessary for me to go on to consider whether the proposed development would result in disproportionate additions over and above the size of that original building for the purposes of paragraph 149 c) of the Framework.
 9. I am advised that the proposed building would be closer to the main dwelling than the existing detached garage on the site is. However, I have little information before me regarding the circumstances in which that existing structure was built and cannot be certain that they were comparable to those in the current appeal. In any event, I have considered the proposal before me on its own merits in the light of up to date guidance contained within the Framework.
 10. For the reasons given, I conclude that the proposed building would not constitute an extension or alteration to the existing building on the site. Consequently, it would not fall within the exception criteria in paragraph 149 c) of the Framework. Nor would it fall within any of the other exceptions in paragraph 149 of the Framework, or any of those in paragraph 150.
 11. The proposal would therefore represent inappropriate development which would, by definition, be harmful to the Green Belt and should not be approved except in very special circumstances.

The effect on openness

12. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and permanence. In considering the effects on openness I have taken account of the spatial and visual impacts of the proposal.

¹ Appeal reference: APP/Z4718/D/20/3262666

13. The submissions indicate that proposed building would be located in part of the site which was formerly a tennis court. However, that part of the site is now landscaped and does not contain any built form. Although the building would be partly subterranean, a large proportion of its two storey structure would be located above ground. It would therefore introduce a significant volume of built development into an area where none exists currently. Consequently, it would significantly erode the spatial openness of the Green Belt.
14. Because of the land levels within the site and the presence of trees and vegetation within and around its boundaries, public views of the proposed building would be somewhat limited. However, the full height of the building would be evident from the adjoining garden at 25 Lamb Hall Road and from land beyond the reservoir to the rear, despite intervening vegetation. It would therefore also have some effect on the visual openness of the Green Belt.

Other considerations

15. The proposed building would provide additional accommodation for the appellant and their family. However, such circumstances are not unusual and I afford little weight to this consideration.
16. I have been referred to guidance in the 'Permitted development rights for householders: Technical guidance', which quotes paragraph E.2. of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The paragraph quoted refers to permitted development rights for buildings within the curtilage, and incidental to the enjoyment, of a dwellinghouse. In certain defined areas, it imposes a limit on the size of any such structures which are situated more than 20m from the dwellinghouse.
17. This site is not within any of those defined areas. Nor, in any event, am I satisfied that the 20m threshold can be inferred as a definition of what would comprise an extension in terms of the separation between such a building and the associated dwellinghouse. Therefore, I afford little weight to this and it does not alter my conclusion that, as a matter of fact and degree and based on the particular circumstances in this case, the proposed building would not constitute an extension to the existing building.
18. Reference has been made to a permission granted by the Council for an outbuilding elsewhere in the district. However, based on the very limited information before me I cannot be certain of the circumstances in that case, or that they were directly comparable in all respects to those in the appeal before me. In any event, I have considered this appeal on its own planning merits.
19. The appellant has suggested that the proposed building would be permitted development if the front elevation of the existing house faced Lamb Hall Road rather than sideways into the site. Be that as it may, planning permission has been sought for the proposed building. I have considered this appeal, accordingly, based on its planning merits and in the light of relevant policy and guidance.
20. Although I note comments made regarding the Council's handling of the application, my conclusions are based on the planning merits of the case. Matters relating to the Council's handling of the application have not formed

part of my consideration of the appeal or been taken into account in coming to my conclusions.

Green Belt Balance and Conclusion

21. The Framework requires that substantial weight is given to any harm to the Green Belt. I have found harm to the Green Belt by reason of the proposed development's inappropriateness and harm to the openness of the Green Belt. The Framework states that very special circumstances will not exist unless harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
22. For the reasons given, I afford limited weight to the various matters that have been advanced by the appellant in support of the proposal. Consequently, I conclude that the other considerations put forward would not, in their totality, clearly outweigh the harm to the Green Belt that I have identified. The very special circumstances necessary to justify the development therefore do not exist and the development would conflict with the Green Belt protection aims of the Framework.
23. No specific conflict with development plan policies has been drawn to my attention. However, the proposal would conflict with the Framework as set out above. I give significant weight to the Framework as a material consideration and conclude that the appeal should be dismissed on that basis.

Conclusion

24. For the reasons given, I conclude that the appeal should be dismissed.

Jillian Rann
INSPECTOR