



Appeal Decision

Site visit made on 18 January 2022

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th January 2022

Appeal Ref: APP/N4720/W/21/3281538

Oban House, Thorpe Lane, Tingley, Wakefield WF3 1QY

- 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 Mrs Haley Noble against the decision of Leeds City Council.
 - The application Ref 21/02548/FU, dated 23 March 2021, was refused by notice dated 10 June 2021.
 - The development proposed is an extension to the existing property to provide bedroom accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for an extension to the existing property to provide bedroom accommodation at Oban House, Thorpe Lane, Tingley, Wakefield WF3 1QY in accordance with the terms of the application, Ref 21/02548/FU, dated 23 March 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: 6750-00, 6750-X1, 6750-X2, 6750-X5, 6750-X6, 6750-X10 and 6750-X11.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the construction of the exterior of the existing building.

Preliminary Matters

2. The appellant submitted additional information in the form of a letter with the appeal. This letter, from a qualified practitioner, expands on their case for the proposed development which was made during the planning application. Whilst the Council have not commented specifically on the letter during the appeal process, they were afforded an opportunity to do so in their Statement of Case. I am therefore satisfied that I can take account of the letter without causing prejudice to the Council's case.
3. The National Planning Policy Framework (The Framework) was revised in July 2021, which accounts for the discrepancies in the paragraphs referenced on the decision notice, to which the appellant has drawn attention. The appellant has further been afforded the opportunity to make comments on the revised Framework.

Main Issues

4. 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;
- (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

- 5. Paragraph 149 of The Framework states that the construction of new buildings is inappropriate in the Green Belt but it sets out a number of exceptions. This includes at 149c) 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. Saved Policy N33 of the Leeds Unitary Development Plan Review 2006 (UDP) permits the 'limited' extension of existing dwellings as opposed to additions that are not disproportionate, but its aims in this respect are broadly consistent with those of the more recent Framework.
- 6. There is no definition in either local or national planning policy as to what represents a disproportionate addition over and above the size of the original building. However, the Council's Householder Design Guide 2012 (HDG) sets out at Policy HDG3 that in order to be considered as limited development all existing and proposed extensions should not exceed a thirty percent increase over and above the original house volume. It is further advised that although this figure is not definitive, it will inform the majority of decisions involving Green Belt applications.
- 7. The original dwelling has been considerably extended following the granting of planning permissions in 2003 and 2007. The Council puts the total increase in volume that has already taken place as being 272%, which is a figure not disputed by the appellant. Although the appellant draws reference to the fact that there would be elements of demolition associated with the appeal proposals, this would not in its totality remove structures of a scale to offset the cumulative extensions that are proposed and those which have already been undertaken.
- 8. The appellant also makes reference to paragraph 149g) of The Framework, which refers to limited infilling on previously developed land. However, the proposals are extensions to an existing building and therefore I am satisfied that they correctly fall to be considered under the provisions of 149c).
- 9. In conclusion, the addition of the extensions subject to this appeal would further compound the increase in the size of the dwelling that has already taken place and cumulatively would represent disproportionate additions over and above the size of the original building. The proposal would therefore not fall into any of the exceptions listed in paragraph 149 of The Framework and it

would be inappropriate development in the Green Belt. It would also not represent a limited extension under Saved Policy N33 of the UDP or Policy HDG3 of the HDG.

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 effect, the absence of development and it has both a spatial and visual aspect to it.
11. The proposal would result in a reduction in visual openness, in particular when considered cumulatively with the substantial extensions that have already taken place. In the same respect it would also contribute to a physical encroachment by reason of an increase in footprint.
12. The appellant makes reference to the characteristics of the site and the presence next to the edge of the settlement and close to the motorway. However, these factors do not contribute directly to an assessment of the impact that the appeal proposal itself would have on the openness of the Green Belt.
13. For these reasons and on consideration of the scale of the development, I conclude that there would be moderate harm to Green Belt openness. The proposal would therefore be contrary to the specific guidance within The Framework in this regard.

Other Considerations

14. The personal circumstances of the appellant and their immediate family members have been advanced in support of the need for the proposed development. This includes the aforementioned letter that has been provided with the appeal. The letter outlines in detail why the proposed development is required, and it means that there is compelling evidence before me that the appellant and their immediate family would be put to substantial hardship if the development were not to be permitted.
15. Whilst there are elements including the garage and store which are not directly related to the personal circumstances of the appellant, they provide compensatory floorspace for the appellant's mother and father, who also reside at the property. I am satisfied that it is reasonable to consider these elements of additional floorspace as being a necessary part of the overall proposal. The consideration with respect to personal circumstances carries significant weight in support of the proposal.

Other Matters

16. An interested party has made reference to traffic and parking concerns arising as a result of the proposed development. However, the proposal would not result in a material increase in the amount of traffic on the highway network and adequate parking would remain on the appeal site.

Conclusion

17. The Framework 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 is clearly outweighed by other considerations.

18. The proposal would be inappropriate development in the Green Belt and would result in moderate harm to its openness. However, I have found that with specific regard to the personal circumstances of the appellant and their immediate family, there is a need and justification for the development which carries significant weight in its favour.
19. In conclusion, I find that the other considerations which arise in this case clearly outweigh the harm to the Green Belt that I have identified. Looking at the case as a whole, I consider that very special circumstances exist which justify the development. The proposal therefore accords with Saved Policy N33 of the UDP and the objectives of The Framework, both of which refer to new development in the Green Belt, and the appeal should be allowed.

Conditions

20. Conditions are required with respect to the period to commence development and the approved plans, in the interests of providing certainty. It is also necessary to impose a condition requiring that external facing materials match those of the existing dwelling, to ensure that the proposal has an appropriate visual appearance.

Graham Wraight

INSPECTOR