The Planning Inspectorate

Appeal Decision

Site visit made on 1 February 2022

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2022

Appeal Ref: APP/N4720/D/21/3285211
Rowan Cottage, Mill Lane, Hawksworth, Leeds LS20 8PG

- 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 T Poulter against the decision of Leeds City Council.
- The application Ref 21/07147/FU, dated 23 August 2021, was refused by notice dated 15 October 2021.
- The development proposed is subterranean garage.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

   (i) 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.

   (ii) The effect on the openness of the Green Belt.

   (iii) The effect of the proposal on the character and appearance of the area, including landscape character.

   (iv) If the proposal would be 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 development.

Reasons

Whether or not inappropriate in the Green Belt

3. Paragraph 149 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt other than in a number of exceptions. One exception is 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.

4. Saved Policy N33 of the Leeds City Council Unitary Development Plan also sets out exceptions for development in the Green Belt including 'limited extension' extension to existing dwellings. Therefore, there is some synergy between this policy and the Framework albeit I attach more weight to the more recent wording of the Framework.

5. The proposed garage would be detached from the host dwelling but would be positioned within its curtilage and close to the dwelling. Taking account of its domestic function, the immediate proximity to the dwelling and the clear and direct ancillary relationship with the main house, the garage could as a matter of fact and degree be treated as an extension in this particular instance.

6. What constitutes a disproportionate addition is not defined within the Framework. The pre-text to Policy HDG3 (Green Belt) in the Leeds City Council Householder Design Guide (2012) (HDG) confirms that a guideline of approximately thirty percent volume increase over and above the original building is used as a threshold for residential development within the Green Belt. Without any alternative definition, I find this pertinent to my considerations.

7. The Council's delegated report suggests that the host dwelling has been significantly extended from what was once 'a small rural cottage' and that the totality of the previous extensions already exceed the volume of the dwelling by more than 30%. There is no detailed evidence before me such as floorspace and volume calculations to dispute this. Therefore, I am more persuaded by the Council's case that the additional footprint and volume of the garage would result in a disproportionate addition over and above the size of the original building.

8. Even if I were to consider the garage as a separate building rather than an extension, there are no exceptions in the Framework for new build domestic outbuildings in the Green Belt.

9. Overall, I am not persuaded that the proposal would meet the exception under Paragraph 149 c) or any of the other exceptions in the Framework. The proposal would therefore be inappropriate development in the Green Belt.

The effect on the openness of the Green Belt

10. Paragraph 137 of the Framework sets out the essential characteristics of Green Belts, which are their openness and permanence. It has been held in the High Court that openness is epitomised by the lack of buildings or development. Openness is a separate issue from the effect of a development on the character and appearance of an area.

11. The garage would be partially embedded into an existing embankment. However, it would project forward of this landscape feature and the footprint, height and volume of that part of the building would affect openness from a spatial perspective, albeit this would be to a limited extent.

12. The garage would not be highly discernible from public vantage points due to the height of existing walls and hedges to the boundary with Mill Lane in addition to the subterranean design which would be supplemented by an increase to the depth of the embankment next to the sides of the garage and a grassed roof. Consequently, the visual impact on openness would be negligible.

13. Overall, I conclude that the development would have a limited spatial impact. In that regard it would not preserve the openness of the Green Belt thereby conflicting with the aims of including land within the Green Belt when assessed against the Framework.

Whether or not there would be any other harm - Character and appearance

14. The Council's decision indicates that the site is situated within a designated Special Landscape Area (SLA). I have not been provided with any detailed information relating to this designation. However, during my site visit I saw for myself the location of the property within distinctly rural surroundings with an undulating topography.

15. The development would be within the residential curtilage of Rowan Cottage. The modest scale of the proposal, its subterranean design and the screening provided by boundary treatments and mature planting to the perimeter of the site would help to assimilate the garage into the property's soft landscaped gardens. This could be further supplemented by a condition requiring an appropriate finishing material to the garage doors. Therefore, the proposal would not be highly perceptible within the wider landscape and so would not be harmful to the character and appearance of the SLA in this particular instance.

16. I conclude, the proposal would not be harmful to the character and appearance of the area, including landscape character. In that particular regard it would not conflict with the design and landscape requirements of Policies P10 (Design) of the Leeds City Council Core Strategy (2014) and Saved Policies GP5 and N37 of the UDP. For the same reasons, the proposal would also adhere with the design guidance in Policies HDG1 of the Leeds Householder Design Guide.

Other Considerations

17. The appellant has referred me to other planning applications[1] in the Green Belt. However, no detailed evidence has been provided to demonstrate that the material considerations in those instances were identical to the appeal proposal.

18. With regards to the suggestion that basements should not be included in volume calculations, the evidence provided relates to an officer opinion relating to another site. There is no policy or guidance before me stating that development below ground level should not be included in an assessment of proposals in the Green Belt. Regardless, the proposal before me is only partially subterranean with the front portion being constructed above the existing ground level.

19. It is not clear what the reference to 'Noddia' on the land registry plan provided relates to. If this was a previous building, it is no longer in situ. Furthermore, there is nothing before me to suggest it was a residential building. Therefore, it's relationship with the Green Belt cannot be compared to the proposal. I therefore only attach very limited weight to this historic map reference as a material consideration.

20. Given the screening in place, I do not consider that the ability to park vehicles under cover rather than on the existing open parking area would result in any marked visual benefits for the area. The reduction in hard standing through the provision of a green roof has the potential to result in some limited benefits for drainage on the site.

[1] LPA Refs 18/00068/FU and 20/01187/FU

Conclusion

21. The development constitutes inappropriate development in the Green Belt to which I attach substantial weight. The Framework states that inappropriate development is by definition harmful to the Green Belt and should only be approved in very special circumstances. As part of the assessment, I have also found that the development would result in a limited spatial impact on the openness of the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. This is a high hurdle for a development proposal to overcome. The other considerations put forward in favour of the proposal only carry very limited weight.

22. In conclusion and on balance, the substantial weight to be given to Green Belt harm, in addition to the other harm identified is not clearly outweighed by other considerations and therefore the very special circumstances needed to justify the proposed development do not exist.

23. For the reasons given the overall conclusion is therefore that the appeal should be dismissed.

M Russell

INSPECTOR