



Appeal Decision

Site visit made on 4 March 2022

Decision by C Rafferty LLB(Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 24th March 2022

Appeal Ref: APP/Z4718/D/21/3283207

Holme Farm, Holt Head Road, Slaithwaite HD7 5TU

- 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 Michelle Dhurnea against the decision of Kirklees Council.
 - The application Ref 2021/62/91696/W, dated 21 April 2021, was refused by notice dated 8 September 2021.
 - The development proposed is described as 'partial demolition of existing garage, two storey side extension, alterations to existing outbuilding'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (i) Whether the proposal would constitute inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework);
 - (ii) The effect of the development on the openness of the Green Belt; and
 - (iii) If found to be inappropriate development, whether the harm, by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether the proposal constitutes inappropriate development

1. The site comprises a detached two storey property on Holt Head Road, an area within the Green Belt with an open and rural feel, albeit with sparse residential development. The property is in a sizeable plot, with a partially demolished side garage and outbuilding to the rear. The proposal relates to the demolition of the garage, erection of a two storey side extension, and alterations to the outbuilding.
2. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. While the construction of new buildings is inappropriate in the Green Belt, there are a limited number of exceptions, as detailed by paragraph 149 of the Framework. This includes at 149(c) "*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*". Original building is defined in the Framework as the building as it existed

on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. However, the concept of a disproportionate addition has not been defined.

3. Policy LP57(a) of the Kirklees Local Plan Strategy and Policies, February 2019 (the KLPS), states that in the case of extensions within the Green Belt, these will only be permitted where the original building remains the dominant element in size and overall appearance. It continues that the cumulative impact of previous extensions and other associated buildings will be taken into account. While a disproportionate addition is not defined in the Framework, I conclude that this is a reasonable stance for the Council to take and reflects the aim of paragraph 149 of the Framework.
4. No plans have been provided showing the original dwelling. However, the Council has stated that previous alterations include the erection of a front porch to the north and extensions to the side elevation for domestic purposes. This has not been disputed by the appellant and these elements were apparent on my site visit.
5. The proposed alterations to the existing outbuilding and the ground floor element of the side extension would largely respect the scale and footprints of the existing outbuilding and side garage. However, the additional introduction of the first floor side extension would result in the proposal overall appearing as a prominent feature which would fail to respect the proportions of the original building. Combined with the previous alterations, the original building would no longer appear dominant in size or appearance, being lost among the cumulative volume and appearance of the various additions. As such, the proposal would result in disproportionate additions over and above the size of the original building.
6. Accordingly, the proposal does not fall within the exception at Paragraph 149(c) of the Framework. There is no suggestion that the proposal would meet any other exception listed in the Framework and it would therefore represent inappropriate development.

Impact on openness

7. The Framework states that *"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."* It has been established that openness has both a spatial and visual aspect.
8. From a spatial perspective, the development would inevitably lead to a reduction in the openness of the Green Belt by introducing additional built elements at the site. However, the alterations to the existing outbuilding and the ground floor element of the side extension would replace certain features currently present, with the additional first floor element of the side extension being somewhat modest in size and scale in its own right.
9. From a visual perspective, views of the proposal would be available from Holt Head Road, where it would be noticeable in an otherwise largely open and rural setting. However, these views would primarily be in passing and, due to the sizeable proportions of the site, the proposal would be significantly set back from the road.
10. Therefore, having regard to the location of the site and the position of surrounding development, I conclude that the harm to the Green Belt arising from loss of openness would be limited.

Other matters

11. The Framework states that 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.
12. In this regard it is accepted that the proposal would improve the appearance of the property. As a result of a fire, the current garage and outbuilding elements create a somewhat derelict appearance, which would be removed by the proposal. It would be constructed from matching materials that would complement the design of the dwelling, with elements that would reflect the original character as part of a wider aim to restore the agricultural heritage of the site. This attracts significant weight in favour of approving the proposal.
13. The personal circumstances of the appellant are also acknowledged, whereby the proposal would provide family accommodation for both children and ageing parents. However, such personal circumstances will rarely outweigh planning considerations and limited weight is therefore attached to this argument.
14. The appellant has further stated that applications for similar extensions have been approved nearby. However, no further information on these developments or their comparability to the proposal have been provided. In any event, each appeal must be decided on its own site specific merits and a general reference to development nearby carries little weight.

Whether Very Special Circumstances Exist

15. It is accepted that the harm arising from loss of openness would be limited. However, I find that the proposal would represent a disproportionate addition over and above the size of the original dwelling and would therefore amount to inappropriate development in the Green Belt.
16. The Framework establishes that substantial weight should be given to any harm to the Green Belt. When taken cumulatively, many of the other considerations advanced in support of the scheme attract limited weight and, even acknowledging the significant weight attached to the design and appearance of the proposal, this is not sufficient to clearly outweigh the substantial harm to the Green Belt. Consequently, the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist.

Conclusion

17. For the reasons given, the proposal would not accord with the Framework; Policies LP24, LP32 and LP57(a) of the KLPSP; or the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR