



Appeal Decision

Site visit made on 14 February 2022

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th March 2022

Appeal Ref: APP/N4720/D/21/3289145

Providence House, Jewitt Lane, Collingham, Wetherby LS22 5BB

- 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 Ian Plunkett against the decision of Leeds City Council.
 - The application Ref 21/06311/FU, dated 21 July 2021, was refused by notice dated 18 October 2021.
 - The development proposed is two-storey extension to the southern elevation to provide 1 no. residential annexe for elderly care provision and single storey extension on eastern elevation to provide connecting corridor between annexe and host property.
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Decision

1. The appeal is allowed and planning permission is granted for two-storey extension to the southern elevation to provide 1 no. residential annexe for elderly care provision and single storey extension on eastern elevation to provide connecting corridor between annexe and host property at Providence House, Jewitt Lane, Collingham, Wetherby LS22 5BB in accordance with the terms of the application, Ref 21/06311/FU, dated 21 July 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: Drawing nos. 10900 Rev P3 (Location Plan), 10901 Rev P8 (Proposed Plans), 10902 Rev P8 (Proposed Site Plan), 10906 Rev P6 (Proposed Elevations Sheet 1), 10907 Rev P6 (Proposed Elevations Sheet 2) and 10908 Rev P3 (Proposed Sections).
 - (3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - (4) Prior to first occupation of the approved development, notwithstanding indicative details on the 'Proposed Site Plan', a planting plan should be submitted to and approved in writing by the Local Planning Authority. The planting plan should include written specifications (including subsoil and topsoil depths, cultivation methods, seasonal operations associated with plant establishment, plant handling and stock) and schedules of plants noting species, planting sizes and proposed densities and species totals. The planting shall be carried out in full accordance with the

approved planting plan during the first planting season following approval of these details.

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) 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. There is no dispute between the main parties that the site is located within the Green Belt for the purposes of decision making. 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 at Paragraph 149 c) 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. Original building is defined in the Framework as 'a building as it existed on 1 July 1948 or, if constructed after 1948, as it was built originally'.
- 4. Saved Policy N33 of the Leeds City Council Unitary Development Plan (UDP) also sets out exceptions for development in the Green Belt including 'limited 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 evidence before me suggests that the host dwelling replaced a previous dwelling on the site and was only completed in 2018. Having regard to the definition in the Framework, it is the current dwelling 'as it was built' which is the original building.
- 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 30% 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 confirms that the proposed extension falls just within the 30% guidance under Policy HDG3. Indeed, the appellant has calculated that the proposal would amount to a 28% increase in volume. On that basis I am satisfied that it would represent a proportionate addition to the original building. The proposal therefore meets the exception at Paragraph 149 c) of the Framework and is not inappropriate development in the Green Belt.

8. In respect of the second and third main issues, given the development would not be inappropriate development and would meet the exception at Paragraph 149 c) of the Framework, no material harm would be caused to the openness of the Green Belt. Therefore, there is also no need for me to assess whether there are any other considerations which would amount to very special circumstances.

Other Matters

9. The reason for refusal in the Council's decision notice included that the proposal would be harmful to the character and openness of the Green Belt. However, in the delegated report the section relating to 'character and appearance' concluded that there would be no harm in this regard and I do not disagree. In respect of openness, for the reasons already set out, I have found there would be no material harm.
10. With regards to the existing legal agreement relating to the appeal site, whilst I am concluding that the appeal should be allowed, that in itself does not override compliance or otherwise with the planning obligation. Therefore, whether or not the appellant is in a position to implement this planning permission is a separate matter to be considered by the parties outside the appeal process.

Conditions

11. I have attached the standard timescale for implementation and an approved drawings condition in the interests of certainty. A condition requiring the materials to be used in the external surfaces of the development to match the existing building is reasonable to ensure the finished development is of an acceptable appearance. I have also attached the Council's suggested planting plan condition to ensure that the indicative planting shown on the approved drawings appropriately responds to its landscape setting.

Conclusion

12. For the reasons given the appeal is allowed.

M Russell

INSPECTOR