



Appeal Decision

Site visit made on 24 May 2022

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 10 June 2022

Appeal Ref: APP/Z4718/D/22/3291763

The Barn, New Laithe Bank, New Laithe Lane, Holmfirth HD9 1HL

- 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 and Mrs J Belfield against the decision of Kirklees Metropolitan Council.
 - The application Ref 2021/62/91971/W, dated 11 May 2021, was refused by notice dated 10 December 2021.
 - The development proposed is described as 'Additional bedroom with en-suite facilities'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Notwithstanding the description of the development set out in the banner heading above, which is taken from the application form, it is clear from the plans and accompanying details before me that the development comprises a single storey extension and associated alterations. I have determined the appeal on this basis as it more accurately describes the proposal.

Main Issues

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

Reasons

Inappropriate Development

4. The appeal property known as The Barn, New Laithe Bank, is a single storey detached dwelling of an irregular inverted 'L' shaped footprint and stone and slate construction. The appeal site also contains a detached double garage that is separated from the rear elevation of the main dwelling by a driveway and a small area of outdoor amenity space.
5. The topography of the area is such that the appeal site sits in an elevated position in proximity to the junction of New Laithe Lane and Cliff Road. The

immediate area is characterised by sporadic development where dwellings are generally dispersed and separated by intermittent fields and open, undeveloped areas.

6. The National Planning Policy Framework (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework establishes that new buildings within the Green Belt are inappropriate unless, amongst other things, it involves the extension of a building. This is providing 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.
7. Policy LP57(a) of the Kirklees Local Plan Strategy and Policies 2019 (Local Plan), sets out 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 goes on to state that the cumulative impact of previous extensions and other associated buildings will be taken into account. The policy justification also highlights that the assessment in respect of disproportionate additions will include consideration of the presence of outbuildings and other curtilage buildings. While disproportionate additions are not defined in the Framework, they are plural, and I conclude that this is a reasonable stance for the Council to take and reflects the aim of Paragraph 149 c) of the Framework.
8. The planning history of the site indicates that a single storey utility room extension and a detached double garage have been added to the original building. The decision notice for the previous permission (2002/62/94141/W3) on the site for a detached double garage did not refer to it being an extension. I also recognise that as the garage is detached it is a separate building to the existing dwelling. Nonetheless, given the ancillary function and close physical relationship with the existing dwelling it visually appears grouped with the main house and existing single storey extension. As such I consider the detached garage to be a normal domestic adjunct to the dwelling in this instance and regard it to be an extension/associated outbuilding to the dwelling for the purposes of applying local and national policies.
9. The appellants have calculated that the existing extension plus the proposed extension constitutes a cumulative increase of 30% in volume over and above the original building. However, these calculations appear to be based on floorspace rather than volume and do not include the volume of the detached garage. Moreover, assessing proportionality is primarily an objective test based on size. Although the proposal would be of single-storey scale it would add to the bulk of the existing building. Together with the previous extension and the detached double garage, the cumulative volume of additional built form would thereby result in disproportionate additions over and above the size of the original building.
10. Consequently, the proposed extension would be inappropriate development that is, by definition, harmful to the Green Belt and in conflict with Local Plan Policy LP57 and the Framework.

Openness

11. Paragraph 137 of the Framework advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness is the absence of development and has both spatial and visual dimensions.
12. The footprint and volume of the proposed development would give rise to a spatial loss of openness on the site as it results in development where there was previously none. From a visual perspective, the area to the south and west of the site is open, being formed of agricultural fields punctuated by low stone walls. Given the long-range views of the site from these directions and its elevated position, the additional built form, when viewed cumulatively alongside the existing extension and detached garage, would be highly visible from a number of public vantage points. The development would therefore reduce the openness of the Green Belt in both visual and spatial terms.

Other Considerations

13. My attention has been drawn to an appeal decision for a first-floor rear extension where the Inspector concluded that an existing detached garage did not constitute an extension as it was physically and visually distinct from the dwelling (Ref: APP/Z4718/D/16/3154064). However, that case was assessed against Policy D11 of the Kirklees Unitary Development Plan 1999, which has now been superseded, and on the basis of the evidence before me, appears to be less prescriptive than Local Plan Policy LP57. I have also found the detached garage to visually appear grouped with the main house and existing single storey extension. Accordingly, its circumstances are not directly comparable with those which apply in this appeal, and do not attract any weight in the overall Green Belt balance.
14. It has also been put forward that the dwelling still has permitted development rights. However, there is no certificate of lawful development or plans of schemes that could be constructed without the need of planning permission before me. I am therefore unable to be certain that these would be more harmful than the proposal. Given this uncertainty I have not afforded any weight to this matter.

Green Belt Balance and Conclusion

15. The proposal is inappropriate development in the terms set out by the Framework and results in a harmful loss of openness to the Green Belt. The Framework requires that substantial weight should be given to any harm to the Green Belt. The other considerations above do not clearly outweigh the substantial harm that I have identified due to inappropriateness and loss of openness. Consequently, the very special circumstances required to justify the development have not been demonstrated. As a result, the development conflicts with Local Plan Policy LP57 as set out above, and with Section 13 of the Framework which both seek to protect Green Belt land.
16. The appeal scheme consequently conflicts with the development plan and there are no material considerations worthy of sufficient weight, including the approach of the Framework, which would indicate a decision otherwise in accordance with it. The appeal should therefore be dismissed.

Mark Caine INSPECTOR