



Appeal Decision

Site visit made on 15 June 2022

by C Megginson BA(hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th July 2022

Appeal Ref: APP/X4725/D/22/3294826

Melton Cottage, Heath, Wakefield WF1 5SN

- 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 Richard Gunn against the decision of Wakefield Metropolitan District Council.
 - The application Ref 21/02555/FUL, dated 15 October 2021, was refused by notice dated 4 January 2022.
 - The development proposed is the installation of detached timber clad garden building/store.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. From my site visit and on the basis of the evidence before me, the garden building/store has been completed and therefore the appeal seeks permission retrospectively.
3. The appellant has noted that they have received two decision notices. One dated 21 December 2021 and another dated 4 January 2022. The Council have advised the appellant to rely on the notice dated 4 January 2022. This is the notice I have before me and I have considered the appeal on this basis.

Main Issues

4. The main issues are:
 - Whether the development is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the development on the openness of the Green Belt;
 - Whether the development preserves or enhances the character and appearance of the Heath Conservation Area; and
 - If the development 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 the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

5. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 149. One such exception being 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'.
6. Policies CS1 and D23 of the Wakefield Metropolitan District Council Local Development Framework Development Policies (2009) broadly conform to the general thrust of national Green Belt policy, supporting the limited extension or alteration of existing dwellings where this would be small scale compared to the original dwelling.
7. Whilst the garden building is not an extension to the fabric of the cottage itself, it is nonetheless an extension to the cottages use within the curtilage. The Framework does not provide a definition of 'disproportionate additions' and I have little evidence before me to make a quantitative assessment, however, from visual inspection, the height, width and length of the garden building appears substantial against the cottage. Similarly, I have no evidence before me as to whether all of the cottage is original. Nevertheless, even if I were to include all of the cottage as it stands as original, the garden building would be a disproportionate addition over and above the size of the cottage.
8. For these reasons, the appeal proposal would be inappropriate development in the Green Belt which is, by definition, harmful. It would therefore conflict with Policies CS1 and D23 of the Wakefield Metropolitan District Council Local Development Framework Development Policies (2009) and the Framework.

Effect on the openness of the Green Belt

9. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. The appeal property has a compact residential curtilage but is surrounded by open land. It is very clearly visible from the adjacent highway in a prominent position on entering the village from the north. The openness of the Green Belt is clearly evident around the property. The garden building by virtue of its location sat right on the front of the plot, extends the physical development of the site. This encroaches into the context of the wider countryside and in both spatial and visual terms results in a noticeable and substantial reduction to the openness of the Green Belt, leading to conflict with paragraph 137 of the Framework which seeks to prevent urban sprawl by keeping land permanently open. There are some mature trees adjacent to the building which may provide some screening. This will be limited to when the trees are in full leaf and would only partially screen the development, therefore, I give this matter limited weight.

Character and appearance of the conservation area

10. The appeal site lies within Heath Conservation Area (CA), which has a unique character with significant houses arranged around large areas of common land.

The predominant building material is stone, with dwellings featuring traditional pitched roofs and boundaries typically comprising low stone walls and hedges. The consistency of materials and open, spacious feel contributes to the character, appearance and significance of the CA. The garden building is a wooden clad building with a flat roof design in a prominent location which stands out as modern and incongruous against the traditional design and materials of the host property and the wider CA. The garden building fails to preserve or enhance its character or appearance.

11. The harm is less than substantial within the meaning of Paragraph 196 of the the Framework. The garden building provides safe external storage, however, this is a private, not public benefit and is not sufficient to outweigh the harm that I have found, and to which I am required to attach great weight. As such, the development conflicts with Policies CS10, D9 and D18 of the Wakefield Metropolitan District Council Local Development Framework Core Strategy and Development Policies (2009), and the Framework which, in summary, seek to protect and enhance local character and distinctiveness.

Other considerations

12. My attention has been drawn to other detached garden outbuildings in the village concealed by privacy screening. I have limited evidence on these cases and could not see any such buildings during my site visit indicating they are less prominent than the appeal building and therefore lead to less harm to visual openness. It has not been demonstrated how the circumstances of these buildings are directly comparable, therefore I can only afford this matter limited weight. The appeal building provides a secure storage facility for the dwelling and I give this matter limited weight.

Other matter

13. The conduct of the council does not affect consideration of the main issues.

Conclusion

14. The development 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 development also results in less than substantial harm to the Conservation Area, to which I am required to attach great weight. For the reasons set out above, the harm to the Green Belt would not be clearly outweighed by the other considerations and, therefore, the very special circumstances required to justify a grant of planning permission have not been demonstrated. Consequently, the appeal is dismissed.

C Megginson

INSPECTOR