



---

## Appeal Decision

Site visit made on 20 June 2022

**by M Cryan BA(Hons) DipTP MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 28 July 2022**

---

**Appeal Ref: APP/X4725/W/21/3282675**

**71 Darrington Road, East Hardwick, Pontefract WF8 3DS**

- 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 Keeley Handlovics against the decision of City of Wakefield Metropolitan District Council.
  - The application Ref 21/00833/FUL, dated 29 March 2021, was refused by notice dated 9 July 2021.
  - The development proposed is extensions to front and rear dormers, and the erection of a detached poolhouse to rear.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The Council issued a split decision, allowing the proposed extensions to the front and rear dormers on the main dwelling, but refusing permission for the detached poolhouse. In determining this appeal the whole proposal is before me, as section 79(1)(b) of the Town and Country Planning Act 1990 allows that, on appeal under section 78, the Secretary of State may deal with the application as if it had been made to them in the first instance. Nevertheless, the Council found no harm in respect of the dormer extensions, and there is no evidence before me to indicate that I should take a different view here. I have therefore confined my consideration in this appeal to the proposed poolhouse.

### Main Issues

3. The main issues are:
  - Whether or not the proposal would be inappropriate development within the Green Belt having regard to the National Planning Policy Framework ("the Framework") and any relevant development plan policies;
  - The effect of the proposal on the openness of the Green Belt; and
  - If the proposal would 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

### *Inappropriate development within the Green Belt*

4. The appeal site is a large detached dormer bungalow, on a long plot at the north eastern edge of East Hardwick. The village extends in a mostly linear form along Darrington Road south and west of the appeal site; No 71 is the final dwelling on the north side of Darrington Road, with expansive open fields to the north of the site. The proposed development is the erection of a detached building to accommodate a hydrotherapy pool, at the western end of the appeal site.
5. The appeal site, and the entire village, is within (and “washed over” by) the Green Belt. The Government attaches great importance to Green Belts. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very specific circumstances, while Paragraph 149 indicates that, other than for listed exceptions, the construction of new buildings in the Green Belt should be regarded as inappropriate. One exception, provided for by 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”. Among other things, Policy D23 of the 2009 Wakefield Local Development Framework Development Policies Document (“the DPD”) allows for extensions to existing buildings including dwellings, subject to criteria that are consistent with the Framework.
6. The poolhouse would have a footprint of approximately 9m by 5m, and would have a pitched roof with an eaves height of around 2.5m and a maximum (ridge) height of around 4m. By the appellant’s calculation, it would take up 1.9% of the site area, on top of the 9% already covered by the developed footprint; it is suggested that it would therefore be of a scale “entirely subservient and proportional to the scale of the host dwelling”. However, the relevant comparison for Green Belt purposes is the not the dwelling in its current form, but as originally constructed. The Framework’s glossary explains this to mean “the building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally”.
7. It is evident from the planning history contained within the Council’s officer report that the appeal property has already been enlarged as a result of various planning permissions, including in 1994<sup>1</sup>, 2002<sup>2</sup>, and 2011<sup>3</sup>. The Council’s officer report indicates that the most recent extensions built as a result of the 2011 permission have resulted in the floor area of the original building cumulatively having been increased by around 64%.
8. Neither the Framework nor Policy D23 of the DPD specify the level of development that would normally be considered to represent a disproportionate extension. Based on my experience elsewhere, an increase in volume of 33% to 40% might typically mark the threshold beyond which an extension would be likely to be considered “disproportionate”, though of course this is rarely a hard and fast rule. In any event though, the original dwelling has already been extended by a very considerable amount, and the proposed poolhouse would

---

<sup>1</sup> LPA Ref: 97/99/41403/C

<sup>2</sup> LPA Ref: 02/99/41403/E

<sup>3</sup> LPA Ref: 10/02286/FUL

increase this still further. As such, the development would not fall within the meaning of “not disproportionate” set out in Paragraph 149(c).

9. Even if the evidence before me had led me to conclude that the scale of the development would be “not disproportionate”, there is also the matter of whether or not it should properly be regarded as an extension to the existing dwelling. It is accepted that an existing detached domestic outbuilding can be regarded as part of the dwelling and that an extension to the outbuilding can be regarded as an extension to the house<sup>4</sup>. On the same basis, in some circumstances a new outbuilding could, potentially, be regarded as an extension to a dwelling, although that would be a matter of fact and degree in each case.
10. The proposed poolhouse would be very close to the western end of the appeal site, almost as far from the main dwelling as possible and around 50m from the main rear elevation of the bungalow. I accept that there would be a functional connection between the poolhouse and the main dwelling. However, the physical separation would be so great that I cannot sensibly conclude that the poolhouse should be regarded as an extension to the existing dwelling.
11. I therefore conclude that the proposed poolhouse would not fall within the exception described in Paragraph 149(c) of the Framework, and would be inappropriate development in the Green Belt. By definition, it would be harmful to the Green Belt, and this is a matter to which I afford substantial weight in the planning balance as required by Paragraph 148 of the Framework. The development would also conflict with Policy D23 of the DPD, which seeks to protect the Green Belt within Wakefield in line with national policy.

#### *Openness of the Green Belt*

12. A fundamental aim of Green Belt policy, set out Paragraph 137 of the Framework, is to keep land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The baseline for considering the effect on openness, which is the absence of development and which has both a spatial and visual aspect, must be what currently exists at the site.
13. The proposed poolhouse would increase the amount of built form on the appeal site, and would therefore reduce the spatial openness of the Green Belt. This additional built mass could be seen in public views from Darrington Road across the fields to the north east of the village. The appellant drew my attention to an existing shed and pergola in the garden, which are not visible from Darrington Road; however, all of the evidence before me suggests that the poolhouse would be rather taller, and more visible, than these existing structures. The visual impact of the poolhouse in views from Darrington Road would be somewhat limited as it would principally be seen against the backdrop of other dwellings within the village. However, the poolhouse would also be seen from the rear of some other dwellings on Darrington Road within the village, from where it would be seen against open fields. There would therefore also be some loss of visual openness of the Green Belt.
14. Given the size of the proposed extension in the context of the Green Belt as a whole, I consider that the development would cause moderate harm to the

---

<sup>4</sup> See *Sevenoaks District Council v SSE and Dawe* [1997] (QBD 13.11.97 CO1322-97)

openness of the Green Belt. Once again though, the Framework is clear that substantial weight should be given to any harm to the Green Belt.

*Other considerations*

15. The proposed development would accommodate a hydrotherapy pool, which would help to meet ongoing medical needs of the appellant's child. It is not necessary to repeat here the specific details of the child's medical condition, but in the light of the evidence put before me (including a letter from the Clinical Lead Children's Physiotherapist at the Mid Yorkshire Hospitals NHS Trust) I acknowledge that the provision of a hydrotherapy pool would be of great benefit to the appellant's family. More generally, I am of course sympathetic to the appellant's wish to improve her child's healthcare provision.
16. However, there is nothing before me which substantively demonstrates why it is necessary for the poolhouse to be built such a great distance from the existing dwelling nor, as the Council suggested, why an existing outbuilding such as a garage could not be converted for the same purpose. The proposed siting of the poolhouse therefore seems to me to be substantially a matter of personal circumstances and choice; this must be considered against the view outlined in the Planning Practice Guidance that planning is concerned with land use in the public interest. In this light, I consider this to be a benefit which carries moderate weight in favour of the proposal.
17. The appellant also argues that the proposed development could be carried out under permitted development rights were it at any other property on the street. However, as part of the 2011 planning permission, certain categories of permitted development rights (including outbuildings) were removed from the appeal property. These were specifically withdrawn to protect the Green Belt; as such, I consider that the appellant's arguments on this point carry very limited weight in favour of the proposed development.
18. The Council considered the proposed design and materials for the poolhouse to be consistent with the main dwelling. However, that certain aspects of the proposal would be acceptable is a neutral factor which does not carry weight in favour of the development.

**Planning Balance and Conclusion**

19. The proposal would be inappropriate development in the Green Belt, and would cause harm to the openness of the Green Belt, conflicting with Policy D23 of the DPD which seeks to protect the Green Belt. These are matters to which I attach substantial weight, as required by Paragraph 148 of the Framework.
20. I have carefully considered and weighed the benefits of the scheme which have been put to me by the appellant. However, for the reasons I have set out above, I consider that the substantial weight to be given to the Green Belt harm arising from the development is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances. I therefore conclude that the appeal should be dismissed.

*M Cryan*

Inspector