



Appeal Decision

Site visit made on 4 October 2022

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th October 2022

Appeal Ref: APP/A4710/D/22/3300755

**Hanging Stones, Hanging Stones Lane, Ripponden, Sowerby Bridge
HX6 4HR**

- 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 & Mrs M Danby against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 22/00079/HSE, dated 21 January 2022, was refused by notice dated 21 March 2022.
 - The development proposed is described as 'Detached Garage'.
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Decision

1. The appeal is allowed and planning permission is granted for Detached Garage at Hanging Stones, Hanging Stones Lane, Sowerby Bridge HX6 4HR in accordance with the terms of the application, Ref 22/00079/HSE, dated 21 January 2022, 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: D660 01, D653 03 A.
 - 3) Other than in respect of site preparation and groundworks, no development hereby permitted shall commence until samples or precise details of the materials to be used in the construction of the external surfaces of the garage hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved samples or details, and thereafter retained as such.

Preliminary Matters

2. The Council states that the building is not within the residential curtilage of the existing dwelling and forms part of the woodland around the site. The application does not include a change of use of land. However, as I am dealing with an appeal in respect of a refused planning permission, it is not my role to conduct an exercise as to the lawful use of the site. I have therefore dealt with the appeal on the basis that it was submitted.

Main Issues

3. The main issues are:
 - whether the development would be 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 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 required to justify the proposal.

Reasons

Whether Inappropriate Development

4. Hanging Stones is a detached two storey dwelling accessed via a driveway from Hanging Stones Lane. The site is enveloped by mature woodland with lawned gardens located on multiple levels to the west of the dwelling. The building is of a traditional appearance with a distinctive linear character comprising of a wide frontage and a comparatively narrow gable. The building is set back towards a steep bank which runs along the eastern edge of the site.
5. 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 special circumstances. Paragraph 149 makes it clear that, other than in specified circumstances, new buildings are inappropriate development. One of the exceptions of this is 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.
6. Both parties are in agreement that the proposed development would constitute an extension to the existing dwelling for the purposes of paragraph 149 of the Framework, albeit that the Council consider that extension to be disproportionate. Nevertheless, it is clear that the development proposed is intended to be used as a domestic building, it would be located a short distance from the dwelling and accessed directly from its driveway. The appeal site includes a log store that is clearly used in association with the existing dwelling. I therefore see no reason to disagree with the parties with regard to the assessment of the proposal under 149. c). I shall therefore turn to consider whether or not it is disproportionate.
7. The Framework does not define 'disproportionate' and makes no reference to the effect on openness of the Green Belt in relation to this particular exception. The proposed building would be a low, shallow roofed structure that would be faced externally with timber. Whilst it would be a narrower and shorter building than the existing dwelling, its footprint would nonetheless be similar. Nevertheless, owing to its low roof height, its volume would be low compared to that of the large two storey dwelling. Indeed, whilst neither party has provided me with volume calculations, my impressions on site were that the proposed building would comprise noticeably less than half of the volume of the original dwelling.
8. Moreover, with its low roof height, linear form, and timber construction, the proposed building would not appear excessively large or dominant when seen alongside the existing dwelling. Rather, it would appear as a subservient and subsidiary structure. I have not been directed to a specific volume of extension that the Council deems proportionate, or any guidance specifying a volume that could be considered as such. I also note that the original dwelling has not been

extended previously. As such, having regard to the comparatively low volume of the proposed garage and my above reasoning, I am satisfied that it would not amount to a disproportionate addition over and above the size of the original dwelling.

9. Therefore, I find that the scheme before me would not be inappropriate development in the Green Belt and would accord with the provisions of paragraph 149. c) of the Framework. With respect to openness and the purposes of the Green Belt, given my findings that it would not be inappropriate development, the development would, by definition, not have an adverse impact on the openness of the Green Belt or the purposes of including land within it. As such it would accord with Policy GNE1 of the Calderdale Unitary Development Plan (2006) (the UDP).
10. As the scheme does not amount to inappropriate development in the Green Belt, there is no requirement to assess if there are other considerations that amount to very special circumstances to justify it.

Conditions

11. In addition to requiring commencement with the standard statutory period, I have imposed conditions requiring compliance with the supporting plans and precise details of the external materials for clarity and so as to ensure that the proposal integrates acceptably with its surroundings in line with UDP policies BE1 and NE12.

Conclusion

12. For the reasons given above I conclude that the appeal should be allowed.

Paul Martinson

INSPECTOR