



Appeal Decision

Site visit made on 27 September 2022

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2022

Appeal Ref: APP/X4725/W/22/3298475

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 22/00130/FUL, dated 20 January 2022, was refused by notice dated 18 March 2022.
 - The development proposed is replacement garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal 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
 - 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

Development within the Green Belt

3. The appeal site is a large plot that houses a dwelling in a residential hamlet that is semi-rural in nature. The locality is identified as being within the Green Belt, which is not disputed by the appellant.
4. The appeal proposal is for a detached garage to the front of the property, indicated on the drawings as measuring 10.36m by 5.5m with a cream rendered finish.
5. Paragraph 137 of the Framework states that the Government attaches great importance to Green Belts, and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that the essential characteristics of Green Belts are their openness and the permanence.

6. Paragraph 147 of the Framework 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. In turn, Paragraph 149 lists the exceptions with regard to new buildings. Sub-paragraph (d) relates to “the replacement of a building, provided the building is in the same use and is not materially larger than the one it replaces” and is the key section within this appeal.
7. The appellant has provided details of the additional width and height of the proposed garage as part of their submission and I find that it would be materially larger than that garage to be replaced, it cannot be considered an exception, as set out in Paragraph 149 (d). This is not disputed by the appellant but has submitted the Very Special Circumstances that the appellant considers outweighs the potential harm to Green Belt.
8. On this issue, I find that the proposed garage does not meet the exception set out in Paragraph 149 (d) of the Framework, and as a result, would be inappropriate development in the Green Belt as set out in the Framework. I also find conflict with policy D23 of the Wakefield Local Development Framework Development Plan Document (2009) (the DPD) which seeks to protect the Green Belt in Wakefield in line with national planning policy.

Openness of the Green Belt

9. The Framework outlines that one of the essential characteristics of Green Belts is its openness. Openness has a spatial aspect as well as a visual aspect. Although the proposed development would replace the existing detached garage it would be materially larger than the existing structure. It cannot fail but to have a greater impact on the openness of the Green Belt in spatial terms, and thus cause harm. I find that in light of the overall size and scale of the development, combined with the replacement of the existing structure, such harm would be moderate.
10. Similarly, due to its greater prominence by reason of its size and scale, the proposed development would have a greater impact on the openness of the Green Belt in visual terms, and also cause harm. The proposed development would be prominent at the front of the site and highly noticeable in the street-scene. Therefore, due to its overall size, scale and siting, there would be significant harm to the openness of the Green Belt from a visual aspect.
11. I therefore consider that in both spatial and visual terms the proposed development would have a greater impact on the openness of the Green Belt than the development being replaced. Furthermore, in doing so the scheme also fails to assist in safeguarding the countryside from encroachment, one of the 5 purposes of the Green Belt, and would therefore not comply with the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open.
12. The proposed development is therefore inappropriate development in the Green Belt, and as such conflicts with the Green Belt guidance set out in the Framework.

Other considerations

13. The appellant has forwarded a number of points in support of the scheme and considers them to be Very Special Circumstances that warrant approval of the scheme.
14. Addressing the issues in turn, I find that the size of the proposal being larger than the previous garage still means that it cannot be an exception under the terms of the Green Belt policies of the Framework, a size difference of almost 750mm in greater width and 850mm in height is a significant material increase in size.
15. I find that the poor condition of the previous garage is not a reason or special circumstance to warrant a larger garage. The Council have stated in their evidence that a garage of the same size is likely to be acceptable.
16. The fact that the previous proposal was larger and removed from an earlier consent again does not represent Very Special Circumstances, nor does avoiding the pooling of roof water, which is an issue that could be dealt with as part of ongoing maintenance.

Planning Balance and Conclusion

17. The appeal proposal would be inappropriate development in the Green Belt, and harm the openness of the Green Belt. The conflict with policy D23 of the DPD and the Green Belt paragraphs of the Framework are matters to which I must assign substantial weight, as required by the Framework.
18. I have considered the benefits of the proposal, as forwarded by the appellant. However, the substantial weight to be given to the harm to the Green Belt outweighs the modest benefits demonstrated as Very Special Circumstances. The proposal conflicts with the development plan when taken as a whole and the Green Belt provisions set out in the Framework. There are no other material considerations which outweigh this finding. Therefore, for the reasons given, the appeal is dismissed.

Paul Cooper

INSPECTOR