



Appeal Decision

Site visit made on 9 January 2023

by B S Rogers BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 February 2023

Appeal Ref: APP/X4725/C/22/3300237

180A Hollin Lane, Crigglestone, WAKEFIELD, WF4 3EG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Ms Lindsey Morley against an enforcement notice issued by Wakefield Metropolitan District Council.
 - The notice was issued on 13 May 2022.
 - The breach of planning control as alleged in the notice is: Without planning permission, the erection of a detached garage in the approximate location shown hatched black on the Land.
 - The requirements of the notice are: (i) demolish the garage, including removal of the foundations; and (ii) remove all resultant materials from the land.
 - The period for compliance with the requirements is 42 days.
 - The appeal is proceeding on the grounds set out in sections 174(2)(a), (f) & (g) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a detached garage at 180A, Hollin Lane, Crigglestone, Wakefield, WF4 3EG as shown on the plan attached to the notice.

The appeal on ground (a) and the deemed application

2. No.180A Hollin Lane is a detached house, located to the rear of a row of dwellings, including nos. 178 and 180 Hollin Lane, Crigglestone. It was built following the grant of planning permission in June 2016, for *1 no. dwelling, residential curtilage and access following demolition of existing stables* (ref: 15/02962/FUL). The house was subsequently extended, following the grant of planning permission for a two-storey side extension in February 2018 (ref: 17/03153/FUL). An application to remove a planning condition imposed on the latter permission, which removed permitted development rights, was approved in September 2021 (ref: 17/03153/S7301).
3. The whole of the appeal site is within the Green Belt, whose boundary coincides with the rear boundary of nos.178 and 180. The house is sited close to this boundary and its garden is largely to the north of the house, beyond which is a grassed field and the M1 motorway. The garage in question has been constructed in the NW corner of the site, within the presently fenced off garden. However, the garden's northern boundary, formed of a timber fence, with associated planting, appears not to follow the alignment of the red line boundary of the June 2016 permission. It was agreed by the parties on site

that the northernmost 2m or so of the garage extends beyond the originally defined curtilage.

4. The main issues in this case are:- (i) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies; (ii) the effect of the proposal on the openness of the Green Belt; (iii) the effect of the proposal on the character and appearance of the area; and (iv) whether any 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.
5. Policies CS1 of the Core Strategy and D23 of the Wakefield Development Plan Policies Document are consistent with the Framework. The construction of new buildings should be regarded as inappropriate unless for one of the listed exceptions. Inappropriate development is, by definition, harmful and should not be approved except in very special circumstances.
6. I agree with both parties that the development, comprising a single, brick built garage with a tiled, pitched roof, amounts to inappropriate development; its distance of over 9.5m from the dwelling means that it can not reasonably be considered to be an extension to a building, one of the listed exceptions in the Framework. The garage reduces the openness of the Green Belt, albeit by a modest degree.
7. The appellant submits that the garage was built by the previous owner and that she was unaware that it was unauthorised when she purchased the property. However unfortunate that might be, that appears to be a matter that could be taken up with her legal advisors.
8. The appellant also submits that the garage is no more harmful than what could now be lawfully erected under the permitted development rights that were restored to the dwelling, following the September 2021 permission. However, this submission depends on the acceptance of the western elevation as being the principal elevation. To my mind, this is not the case. Although it contains the front door, it does not front the highway serving the house because of the unusual 'backland' setting of the house. The northern elevation of the house as originally built is larger, contains the main architectural features and has a more imposing stone facing as opposed to the brickwork of the western elevation. Accordingly, this claimed 'fallback' position is of little weight.
9. However, it does not appear unreasonable for a household to have a garage within its domestic curtilage for security purposes. Whilst any garage built on this site would reduce the openness of the Green Belt, in its absence, there would likely be a vehicle parked in that position, itself reducing openness to some degree. Because of the unusual layout of this property, the position of the present garage, leading off the vehicular turning area, is in one of the very limited practical positions for siting a garage.
10. As the building is, for the most part, within an established domestic curtilage, where one would normally expect to see such a structure, the Council concedes that, whilst there would be encroachment into the open land, *"Given the small scale of the development, the proposal would not result in unrestricted sprawl, nor would it undermine the other three purposes of including land within the Green Belt as set out."*

11. In terms of the impact on the character and appearance of the area, I agree with the Council's view that *"The garage harmonises with the host dwelling and has an acceptable relationship with it, despite the fact that it is over 9.5m from the dwelling itself."* I also accept its view that *"Given the unusual layout of the dwelling and its garden area/parking and turning areas, the location of the garage is acceptable when considering the general character of the area, the setting of the host dwelling and the street scene. Nearby residential dwellings also have garages in their rear gardens, this is not an incongruous feature in the area."*
12. Whilst acknowledging the harm to the Green Belt by way of inappropriateness, I find this a situation where the most unusual layout of the property and the reasonable needs and expectations of a household should be given due weight. The garage is largely within an established domestic curtilage, is very modest in scale, accords with the character and appearance of the area and does not visually harm the Green Belt. The circumstances here are unlikely to be readily repeatable such that it might encourage further cumulative development in the Green Belt.
13. I find that, on the particular facts of this case, the other considerations raised clearly outweigh the harm that I have identified. On balance, I consider that very special circumstances exist which justify the development. Accordingly, there is no undue conflict with the provisions of the development plan and the Framework.
14. The appeal on ground (a) succeeds and I shall quash the enforcement notice and grant planning permission on the deemed application.

The appeal on grounds (f) and (g)

15. Because of my conclusion above, there is no need to go on to consider these grounds of appeal.

B S Rogers

INSPECTOR