



Appeal Decision

Site visit made on 7 February 2023

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th February 2023

Appeal Ref: APP/Z4718/D/22/3297522

Mytholmbridge Farm, Luke Lane, Thongsbridge, Holmfirth, HD9 7TB

- 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 A Morrell against the decision of Kirklees Metropolitan Council.
 - The application Ref 2021/62/93391/W, dated 24 August 2021, was refused by notice dated 3 February 2022.
 - The development proposed is the "partial demolition of dwelling, erection of two-storey side and rear extensions, porch, link extension, detached garage and external alterations".
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Decision

1. The appeal is allowed, and planning permission is granted for the partial demolition of dwelling, erection of two-storey side and rear extensions, porch, link extension, detached garage and external alterations at Mytholmbridge Farm, Luke Lane, Holmfirth, HD9 7TB in accordance with the terms of the application, Ref 2021/62/93391/W, dated 24 August 2021, 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:
 - 21007D-03-P03 Rev A1 Site plan proposed & location plan
 - 21007D-02-P03 Rev A1 General arrangement as proposed.
 - 3) Notwithstanding the glazed elements, the materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes, A, B or E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Preliminary Matters

2. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording, matching that used on the Decision Notice has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed.

3. However, as both parties have used this description in their submissions, and it is a much clearer description of the development proposed, I have used it in my heading above.

Main Issues

4. The main issues are;

- Whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies.
- The effect on the openness of the Green Belt.
- The effect of the proposal on the character and appearance of the host property and surrounding area.
- Would harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal if necessary.

Reasons

5. The appeal site is a farmhouse with a long-standing attached barn, now part of the main house, rear lean-to extension and detached outbuilding. Broadly perpendicular to the road, the rear of the dwelling in part abuts an open field and in part existing garden areas. A number of other dwellings lie close by, lending the area to the south-west a more built-up, edge-of-settlement appearance. To the west is an open field, rising steeply to New Mill Road, from where very fleeting and filtered views of the site can be gained. Similarly fleeting views of the north-western gable, and the north-western end of the rear elevation can be had from Luke Lane. Distant views are possible from within the valley, and brief views are possible from the public right of way, although these are limited by the height difference, intervening structures and screening. In all of these views, the appeal site is seen in the context of other, surrounding development of varied character, appearance, age and scale.
6. The proposal seeks to replace and enlarge the existing extensions, create a glazed link to the existing outbuilding and erect a detached garage. The Council has no fundamental objection to the detached garage, and I am satisfied with its appearance and overall effect. The appellant sets out that the proposal would increase the volume of the dwelling by 10%, and increase its footprint by 12 square metres.
7. The Council consider the existing main farmhouse, rear lean-to and attached barn, long-since converted into residential use, to be part of the original building.

Whether inappropriate development

8. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Policy LP57 of the Kirklees Local Plan, adopted 27 February 2019 (the Local Plan) allows for the extension, alteration or replacement of buildings in the Green Belt subject to criteria requiring, amongst other things, the original building to remain the dominant element in terms of size and appearance.

9. This policy also requires previous extensions to be taken into account, and allows for extensions to previously extended buildings, having regard to the scale and character of the original part. Much of the rest of the policy duplicates the National Planning Policy Framework (the Framework).
10. 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 states that the construction of new buildings should be regarded as inappropriate in the Green Belt subject to exceptions. Paragraph 149c sets out that 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 would not be inappropriate. Paragraph 149d allows that the replacement of a building, in the same use and not materially larger than the one it replaces would not be inappropriate.
11. Although their decision refers only to what they find to be the disproportionality of the proposal (the paragraph 149c test), the Council and the appellant have considered the proposal against both of these exceptions in their evidence. I shall therefore do the same.
12. Whilst the tests in the Framework and Policy LP57 of the Local Plan are closely related, they are distinct. As noted, Policy LP57 seeks to ensure that the original building remains dominant in terms of size and overall appearance. Insofar as original elements remain, this proposal would do that. The ridge and eaves height are lower on the 'barn' replacement-section than the main house, the rear extension is lower and clearly reads as an extension from all sides, with different ridge and eaves heights and a different roof pitch. The end gable section of the extension is smaller, retaining the dominance of the main house, and, in my opinion, highlighting the difference between the main farmhouse and the subservient proposed extensions.
13. Whilst overall the proposal would be larger than the existing combination of original farmhouse, converted barn and extensions, I do not find the original building is no longer dominant in terms of size and overall appearance, nor do I consider that overall, the proposal would disproportionately extend the building or be materially larger than the existing situation.
14. For the reasons set out above, I find that the proposal could be considered against either of those Framework exceptions, and as such find that the proposal is not inappropriate in the Green Belt.

Openness

15. Although neither relevant Framework exceptions contain a specific requirement to consider the actual effect on openness, Policy LP57 requires that proposals do not result in a greater impact on openness, particularly in terms of their treatment of outdoor areas. The Council has expressed concern over the relationship of the increased footprint, and indeed, the detailed arrangement of doors in this regard. However, having close regard to the site plan and the situation on the ground, I am satisfied that the proposal would not result in a greater effect on openness by creating any circulation space to the rear, which is not already in use, or even beyond that shown on the existing drawings. Any such future, unauthorised use of land would be for the Council to control.

16. As such, I find that insofar as it must be assessed for the purposes of Policy LP57, the proposal would not result in a greater impact on the openness of the Green Belt.

Character and appearance

17. Much of my reasoning above, with regard to the scale and proportionality of the proposal, including that the extensions and alterations are clearly subservient to the main house, and openness also establishes that in my opinion the overall character and appearance of the proposal is acceptable.
18. Turning specifically to the detail, including the glazing, whilst I accept that large areas of glazing are not wholly traditional or historic, I do not find that they are explicitly harmful in the way alleged by the Council. To my mind, the glazing, in a gable which is subservient to the remaining original building, would simply be a different walling material and different design element, highlighting the part of the building it sits in as an extension; a latter intervention in the building and on the site. Moreover, I did see similar examples of such gable-treatment in the local area, and in my opinion, the proposal echoes the existing glazing arrangement.
19. I acknowledge the criticism by the Council of the proposed fenestration to the rear of the extension replacing the barn. However, I do not consider that the windows are so regular or so greatly different in size, rhythm, spacing, arrangement or character to existing windows on the site, or indeed, to windows in other buildings in the area, that they introduce an unduly domestic and therefore harmful, character or appearance to the site.
20. I have addressed the Council's concern over the potential extension of domestic uses into the adjoining field above, but I am satisfied that the proposal would not fundamentally alter the relationship of the site to the open field adjoining it.
21. I acknowledge that the extended dwelling would be visible from the public domain, and its appearance in views at various distances would change. However, I find that the proposed volumes of the building and their relationship, including the descending ridge heights, inset gables and generally reducing scale mean that the broad character and appearance of the site and the area it sits in would remain the same, consistent with the established character and appearance. As I have noted, the site would always be seen in the context of the surrounding built form which is of varying character and appearance. To my mind, it is this mix which adds to, and establishes the attractive character and appearance of the area to which the appeal site would continue to positively contribute.
22. In my opinion, the historic spatial relationship of the site to its surroundings would not fundamentally change. Whilst the barn element would be replaced, the main house would remain largely as it now is, albeit with an obviously contemporary extension. I therefore consider that the proposal would not result in the loss of the traditional farmhouse grouping or introduce unsympathetic domestic or urban features. The spatial relationship of the site to its surroundings, and the historic links to the activities and growth of the area would therefore remain unchanged and legible.

23. Taking all of the above together, I do not find that the proposal would be an unsympathetic, incongruous, dominant or overly prominent form of development. As such, I do not find that it would harm the character and appearance of the host property or the surrounding area.
24. The proposal would therefore not conflict with Policy LP24 of the Local Plan, which seeks, amongst other things to ensure that the form, scale, layout and details of proposals respect and enhance the character of their surroundings, are suitably subservient and in-keeping. Nor do I find that it would conflict with guidance on good, high-quality design, materials, detailing and scale in the House Extensions and Alterations SPD, Policy 2 of the Holme Valley Neighbourhood Plan. I also find that the proposal would not conflict with Framework guidance on achieving well-designed places.

Conditions

25. The Council has suggested a number of conditions to be attached, should planning permission be granted. Having had regard to the requirements of the Framework and the Planning Practice Guidance (PPG) I have imposed those standard conditions concerning commencement (1), compliance with the submitted plans (2) and the use of matching materials where relevant (3) in order to ensure the satisfactory appearance of the completed development. I have amended the suggested wording of the materials condition to allow for the glazed element.
26. The Council has also requested a condition removing certain permitted development rights. There is a presumption against the restriction of national permitted development rights in the Framework, and a warning in the PPG that such conditions may not pass the tests of reasonableness or necessity. Given the particular circumstances of this proposal, site and surroundings, I am satisfied that there is a clear justification for their removal in this case, and that the condition would be reasonable and necessary.
27. I am therefore satisfied that the conditions I have imposed meet the tests in, and requirements of both the Framework and the PPG.

Conclusion

28. I have found that the proposal is not inappropriate development in the Green Belt. I have also found no harm to openness in line with the development plan policy test. There is therefore no need to consider whether or not very special circumstances exist as I have not found harm to the Green Belt by reason of inappropriateness.
29. I have found the proposal would not harm the character and appearance of the host property or the area and would therefore comply with the development plan, local guidance and national policy. There are no material considerations which indicate a decision be taken other than in accordance with the development plan.
30. For the reasons set out above, the appeal should therefore be allowed, and planning permission granted.

S Dean

INSPECTOR