



Appeal Decision

Site visit made on 15 February 2023

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 March 2023

Appeal Ref: APP/N4720/D/22/3307674

Highcroft, Selby Road, Garforth, Leeds LS25 2AG

- 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 L Struthers against the decision of Leeds City Council.
 - The application Ref 22/04099/FU, dated 8 June 2022, was refused by notice dated 24 August 2022.
 - The development proposed is retrospective application for detached single garage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The garage is in situ and I am subsequently considering the appeal retrospectively.

Main Issues

3. The main issues are:
 - whether the development is 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; and
 - If it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate development

4. Paragraph 147 of the Framework states that the construction of new buildings within the Green Belt is inappropriate development. However, the Framework lists certain forms of development which are not regarded as inappropriate. This includes 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 (paragraph 149(c)).
5. Policy N33 of the Leeds Unitary Development Plan (UDP) (2006) also sets out exceptions for development in the Green Belt. This includes limited extensions to existing dwellings. This is not fully consistent with the Framework. As such, I attach more weight to the more recent wording of the Framework.

6. There is no definition of disproportionate development within Policy N33 or the Framework. The pre-text to Policy HDG3 in the Council's Householder Design Guide (2012) (HDG) confirms that a guideline of approximately thirty percent volume increase over and above the original building is used as a threshold for residential development within the Green Belt. Without any alternative definition, I find this pertinent to my considerations. There is no dispute between the main parties that due to the extent of additions undertaken already to the original dwelling, the development represents a disproportionate addition. Given the additions exceed the thirty percent threshold I have no reason to disagree.
7. Accordingly, the development comprises inappropriate development in the Green Belt. It is therefore at odds with the provisions of the Framework, Policy N33 of the UDP and Policy HDG3 of the HDG, when taken together and insofar as they relate to this matter.

Openness

8. As set out in paragraph 137 of the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the essential characteristics thereof being its openness and permanence. The physical presence of built forms may affect openness, which can also have a visual and spatial element.
9. The garage is visible from Selby Road. It is single storey and within the grounds of the host property and is therefore not prominent within the wider Green Belt. Even small additions can incrementally erode the openness of the Green Belt. In this regard, given its modest size and extent of visibility, the development has resulted in a minor loss of openness, both visually and spatially.
10. Although there is housing development on the opposite side of the road, the appeal property and its attached neighbouring house are separated by the road and located with fields either side. They are, in this regard and like many others, individual houses within the Green Belt and not part of the built environment outside of the Green Belt. The location of this built environment, or the lack of encroachment into the countryside beyond the site boundaries, does not alter my findings in relation to the minor loss of openness that has ensued.
11. I therefore conclude that the development has led to a loss of Green Belt openness and impacts on the purposes of including the land within the Green Belt, albeit to a minor degree. Therefore, it is contrary to the relevant Green Belt guidance within the Framework, Policy N33 of the UDP and Policy HDG3 of the HDG, when taken together and insofar as they relate to this matter.

Other considerations

12. The Framework states 'very special circumstances' will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the development, is clearly outweighed by other considerations.
13. I understand that the garage might meet the appellant's needs. However, personal circumstances will seldom outweigh more general planning concerns. As such, I afford this consideration only limited weight within the decision.

14. Openness is a separate issue from the effect of a development on the character and appearance of an area. In this regard, the absence of harm in relation to such other considerations, are neutral matters that weigh neither for nor against the development.
15. From the evidence before me, permitted development rights were removed when approval was granted for a previous extension to the property. As such, there is no substantive evidence that a realistic fallback position exists for a repositioned garage as suggested by the appellant.

Conclusion

16. The development is inappropriate development in the Green Belt and results in a minor loss of openness. Paragraph 148 of the Framework requires decision makers to ensure that substantial weight is given to any harm to the Green Belt. This is a high hurdle for a development proposal to overcome. Other considerations in favour of the development must clearly outweigh the harm.
17. In this instance I cannot be satisfied that the overall benefits clearly outweigh the substantial weight given to the harm to the Green Belt by reason of inappropriateness. Therefore, the harm to the Green Belt is not clearly outweighed by any other considerations and the very special circumstances necessary to justify the development do not exist.
18. To conclude, the development conflicts with the development plan when read as a whole and there are no material considerations that outweigh that conflict.
19. For the reasons given above, the appeal is dismissed.

Mr R Walker

INSPECTOR