



Appeal Decision

Site visit made on 11 April 2023

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 April 2023

Appeal Ref: APP/H1033/D/22/3313417

Hurstfield House, Hague Bar Road, New Mills, High Peak SK22 3AT

- 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 Bob Wood against the decision of High Peak Borough Council.
 - The application Ref HPK/2022/0215, dated 15 April 2022, was refused by notice dated 14 October 2022.
 - The development proposed is a detached 2 storey garage building. Parking at road level. Garden/sun room at lower garden level.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt;
 - The effect of the proposal on the openness of the Green Belt; and
 - If found to be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations and if so, whether this amounts to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

3. The appeal site forms part of the large garden of Hurstfield House, which is set significantly below the level of the highway. The proposed development would be two storey and sited in a similar position to a former public house, the partial remnants of which are visible from within the rear garden.
4. Policy EQ 4 of the High Peak Local Plan (April 2016) (the HPLP) states that within the Green Belt planning permission will not be granted for development unless it is in accordance with national planning policy. The National Planning Policy Framework (the Framework) makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate development in the Green Belt subject to a number of exceptions as set out in paragraph 149 of the Framework.

5. One such exception, at paragraph 149 c), is 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. This matter is the main point of contention between the parties, with the Council finding that, as the proposal is for a detached outbuilding, it is not therefore an extension.
6. The proposal would be used as a garage and domestic workshop at street level and a garden room with storage area at the lower, garden level. It would be sited relatively close to the main dwelling within its garden area and, when viewed from public vantage points, would largely have a subservient appearance to the property. Therefore, the proposal would comprise a normal domestic adjunct to the host dwelling and, in this instance, it can be considered an extension under paragraph 149 c) of the Framework.
7. Turning now to the matter of whether or not the proposal would result in a disproportionate addition, the Framework does not define what a disproportionate addition means, and my attention has not been drawn to any other guidance or figure on this matter.
8. However, taking the figure provided by the appellant into account, the proposal would result in a considerable increase in floorspace. This would be spread across two storeys thus the proposal would also have a significant bulk and massing. This leads me to find that the proposal would undoubtedly result in a disproportionate addition to the original building and thus would fail to meet exception 149 c) of the Framework.
9. The appellant also considers the proposal to be determined against the exception at paragraph 149 g) of the Framework. In so far as it relates to this appeal, this exception concerns the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings).
10. I note the public house history of the part of the appeal site where the development is proposed and its limited foundations which remain. However, the definition of previously developed land (PDL) as set out in the Framework excludes land in built-up areas such as residential gardens and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.
11. The remnants of the former public house are very minimal and have blended into the landscape. Moreover, the site forms part of the residential garden of the main dwelling, which is located within a built-up area due to the ribbon form of surrounding development. Accordingly, this proposal cannot be considered against paragraph 149 g) of the Framework as the site does not meet the definition of PDL.
12. Taking all the above into consideration, the proposed development constitutes inappropriate development in the Green Belt.

Openness of the Green Belt

13. Paragraph 137 of the Framework states that a 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. When applying the concept of openness to the particular facts of

a case, a number of factors are capable of being relevant. For the purposes of this appeal, I have considered both the visual and spatial aspects of openness.

14. The proposal would be a large, bulky addition which would be sited in a part of the garden which is currently free from built form. It would be readily apparent from the public realm. The very limited remains of the foundations of the former public house currently do little to detract from the openness of this part of the Green Belt. Therefore, in visual and spatial terms the proposal would result in harm to the openness of the Green Belt, in that it would be reduced.

Other Considerations

15. My attention has been drawn to Policy EQ 3 of the HPLP however I have not been provided with a copy. Nevertheless, it seems to me that this policy concerns rural development and may provide support for extensions to dwellings. However, the evidence also indicates that this is subject to them being subsidiary to the building. My findings above indicate that the proposal would fail to be a subservient extension.
16. Moreover, Policy EQ 4 is relevant to development in the Green Belt and directs one to the Framework, which sets out the clear stipulations for development in the Green Belt, which this proposal should adhere to. Therefore, the other decisions referred to by the appellant are not directly comparable as they do not concern development in the Green Belt, rather the rural area.
17. My findings above that the proposal would be a disproportionate addition to the main dwelling, and thus not subservient, also lead me to find that the proposal would conflict with similar guidance set out in the Residential Design Supplementary Planning Document SPD 2 (December 2005).

Whether very special circumstances exist

18. Paragraph 148 of the Framework states that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.
19. The proposal would constitute inappropriate development in the Green Belt and would cause moderate harm to its openness. In accordance with the Framework, I afford this Green Belt harm substantial weight. Therefore, the other considerations advanced in support of the appeal do not clearly outweigh the harm I have identified.
20. Consequently, the very special circumstances necessary to justify the proposal do not exist thus it would fail to accord with the Green Belt aims set out in Policy EQ 4 of the HPLP and the Framework.

Conclusion

21. The proposal conflicts with the development plan taken as a whole and there are no material considerations, including the Framework, that indicate a decision should be made other than in accordance with it. Therefore, the appeal should be dismissed.

H Ellison
INSPECTOR