



Appeal Decision

Site visit made on 24 April 2023

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 May 2023

Appeal Ref: APP/W4705/D/23/3319292

Overgate Croft Cottage, Cocking Lane, Addingham LS29 0QG

- 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 Luke Winterburn of Winterburn Holdings against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 22/05289/HOU, dated 19 January 2023, was refused by notice dated 20 February 2023.
 - The development proposed is replace existing garden room with new timber clad garden room.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the development plan and the National Planning Policy Framework (the Framework); 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

Whether inappropriate development

3. The appeal site relates to an existing timber structure described as a "garden room" which is located in a field to the east of Overgate Croft Cottage within the countryside and the Green Belt.
4. The Framework states that the essential characteristics of Green Belts are their openness and permanence. Paragraph 145 of the Framework sets out exceptions for new buildings in the Green Belt, including limited infilling or the partial or complete redevelopment of previously developed land, which would not have a greater impact on the openness of the Green Belt than the existing development. There are also exceptions for extensions and alterations to existing buildings which would not amount to disproportionate additions to the original, and replacement buildings where the replacement would be in the same use as, and not materially larger than the original.

5. The existing structure consists of an octagonal building which is shown on the 2009 aerial photograph provided by the appellant; and a rectangular, flat roof extension which was added relatively recently. There is no dispute between the parties that the extension is unauthorised. Therefore, I consider that it should not be included for the purposes of calculating the footprint and volume of the existing building.
6. The appellant has provided figures comparing the proposal's height, footprint and volume to the existing octagonal structure. These indicate that, although the proposed building would be lower in height than the existing octagonal building, its footprint and overall volume would be greater. In my assessment, the proposal would be a bulkier structure which would be materially larger than the existing building.
7. The Council says that the existing building is outside of the residential curtilage of the property. That is confirmed by the appellant's site location plan which shows that the existing structure is outside the defined residential curtilage. At the time of my site visit, the building appeared to be used for storage rather than as a garden room. The evidence before me is not sufficiently clear in relation to its lawful use. However, even if I were to conclude that the replacement building was in the same use as the one it would replace, I would consider the proposal to be materially larger. It would introduce additional built form resulting in some loss of spatial and visual openness.
8. With regard to the other exceptions set out in Paragraph 145 of the Framework, the garden room would be a significant distance from the host dwelling and would not fall under the exception for the extension or alteration of a building.
9. A further exception relates to limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use. However, this exception requires that such development should not have a greater impact on the openness of the Green Belt than the existing development. I have already concluded that the proposed development would have a greater impact on openness than the existing development.
10. There are no other exceptions in paragraph 149 and 150 of the Framework which apply to the proposal. Therefore, I conclude that the proposal would be inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful and is contrary to the guidance in paragraphs 147 and 149 of the Framework. It would conflict with the purposes of including land within the Green Belt set out in paragraph 138 of the Framework, which include safeguarding the countryside from encroachment. The proposal would also conflict with Policy SC7 of the Local Plan for Bradford District: Core Strategy Development Plan Document 2017. The resultant harm should be given substantial weight in determining the appeal.

Other considerations

11. The Framework is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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. The appellant argues that the appeal proposal would provide a visual improvement over what currently

exists. I am not convinced that the proposal is the sole means of achieving this benefit. I give this matter little weight in favour of the proposed development.

Conclusion

12. In conclusion, I have found that the proposal would be inappropriate development in the Green Belt. It would also harm the openness of the Green Belt. Having regard to the reasons I have set out, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, there are not the very special circumstances necessary to justify inappropriate development in the Green Belt. For the above reasons, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

M Ollerenshaw

INSPECTOR