The Planning Inspectorate

Appeal Decision

Site visit made on 20 June 2023

by A Caines BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 July 2023

Appeal Ref: APP/N4720/D/23/3318026
Green Acres, Moor Road, Bramhope, Leeds LS16 9HJ

- 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 Roy Harding against the decision of Leeds City Council.
- The application Ref 22/07284/FU, dated 30 October 2022, was refused by notice dated 6 January 2023.
- The development proposed is described as 'retrospective application for outbuilding addition to existing detached dwelling & associated works'.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposed development was in place at the time of my site visit, and it is clear that the application was made to retain the development as constructed (the proposal). I have determined the appeal on that basis.

3. The main parties were given the opportunity to comment on the implications of a previous appeal decision at the site, ref: APP/N4720/C/04/1144551 (the previous appeal). I have taken the responses into account in reaching my Decision.

Main Issues

4. The main issues in this appeal are:

    - Whether the proposal amounts to inappropriate development in the Green Belt for the purposes of the development plan and the National Planning Policy Framework (the Framework).
    - The effect on the openness of the Green Belt; and
    - If the proposal is inappropriate development, whether any 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 proposal.

Reasons

Inappropriateness

5. The appeal property is a large two-storey detached house on the edge of the village, and is identified as being within the Green Belt.

6. Paragraph 149 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt, unless it falls within any of the listed exceptions. Saved Policy N33 of the Leeds City Council Unitary Development Plan (Review 2006) (UDP) broadly reflects this approach.

7. The appellant suggests that the proposal constitutes an essential facility for outdoor recreation as it functions as a garden shelter. However, the existing use of the land is residential and any recreational activities are in conjunction with the residential use. Thus, the outdoor recreation exception under paragraph 149 b) of the Framework and Policy N33 of the UDP does not apply in this case.

8. Paragraph 149 c) of the Framework relates to 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. The Framework does not define what constitutes a disproportionate addition. Policy N33 of the UDP refers to limited extension. Policy HDG3 of the Council's Householder Design Guide Supplementary Planning Document 2012 (SPD) states that in order to be considered limited development, all existing and proposed extensions should not exceed a 30% increase over and above the original house volume. It adds that although the 30% figure is not definitive it will inform the majority of decisions involving Green Belt applications.

9. The appellant considers that the proposal should be treated as an outbuilding rather than an extension. However, it is attached to the side of the house, and so, constitutes an extension or alteration of the building in physical terms. In any event, case law has established that an outbuilding may be considered as an extension to the house, even when it is not physically connected. It is therefore entirely appropriate to consider the proposal under paragraph 149 c) of the Framework and the relevant terms of Policy N33 of the UDP.

10. The planning history of the site indicates that the original building was a bungalow and that it has subsequently been extended well beyond the 30% threshold in its transformation into a two-storey house. I have not been provided with any up-to-date measurements, but figures quoted in the previous appeal decision suggest a volume increase of 140% at the time. The proposal itself is of some size and has added further bulk and massing at the side of the house, notwithstanding it is open on one side.

11. I note the appellant's suggestion that the proposal does not conflict with the purposes of the Green Belt. However, an assessment of the proposal against the five purposes of the Green Belt is not a matter that affects the consideration as to whether it is inappropriate or not.

12. Thus, on the evidence before me, in considering the overall increase in the size of the original building, the proposal is more than a limited extension and is clearly disproportionate to the original. Accordingly, I conclude that the proposal is inappropriate development which is, by definition, harmful and therefore contrary to national and local policy to protect the Green Belt.

Openness

13. Paragraph 137 of the Framework states that 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. Openness has both spatial and visual aspects.

14. The appellant has provided photographs dating from 1999 showing various farm and equestrian buildings on and around the site. However, it appears that these buildings were removed many years prior to the appeal proposal taking place, and so, their removal cannot be used to offset the effect on openness in this case. Indeed, more recent photos show only a patio and low stone wall where the proposal now stands.

15. In visual terms, the site is well screened from public vantage points. Even so, the proposal has resulted in an overall greater volume and spread of development on the site. This has an effect on reducing the openness of this part of the site in spatial terms, irrespective of any obtainable views.

16. Therefore, there would be some harm to the openness of the Green Belt, in conflict with the Framework.

Other considerations

17. As part of the appeal, the appellant sought to demonstrate that a larger outbuilding could be constructed at the site using Class E permitted development rights (PD). However, in allowing the previous appeal, the Inspector imposed a condition which specifically removes Class E PD rights at the property. The appellant now accepts that the claimed fallback scheme could not be constructed using PD rights. I therefore afford no weight to this matter.

18. The appellant states that the land was assessed through the Council's Strategic Housing Land Availability Assessment (SHLAA) as being suitable for housing development. However, the SHLAA is not a statement of Policy, and in any event, the land was not later removed from the Green Belt through an allocation in the development plan. Accordingly, this matter has no bearing on my assessment.

19. The private benefits that the proposal brings to the occupiers of the property are noted, but can only be afforded limited weight in support of the proposal.

Conclusion

20. I have found that the proposal is inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. I have also found some harm to the openness of the Green Belt. The Framework is clear that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the harm to the Green Belt is clearly outweighed by other considerations.

21. On analysis of all the above, there are no other considerations in this case that clearly outweigh the Green Belt harm I have identified. Consequently, the very special circumstances necessary to justify the proposal do not exist. The proposal is therefore contrary to the Framework and saved UDP Policy N33.

22. For the reasons set out above, I conclude that the appeal should be dismissed.

A Caines

INSPECTOR