
Appeal Decision

Site visit made on 19 July 2023

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 August 2023

Appeal Ref: APP/W4705/D/23/3321972

Kirklands, Outside Lane, Oxenhope, Keighley BD22 8QW

- 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 and Mrs J Heaton against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 22/05158/HOU, dated 6 December 2022, was refused by notice dated 1 March 2023.
 - The development proposed is single storey sunroom extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Policy SC7 of the Bradford Core Strategy (2017) deals with the Green Belt and seeks to protect it. However, it relates to the strategic approach to the Green Belt and lacks detail on the approach to decision making on proposals such as that before me. I have therefore afforded significant weight to the requirements of the Framework¹ with regard to the Green Belt approach.

Main Issues

3. The main issues are:
 - i. whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - ii. the effect of the proposal on the openness of the Green Belt; and
 - iii. if the proposal 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 & openness

4. The Framework at paragraph 149 establishes that the construction of new buildings within the Green Belt should be regarded as inappropriate unless they are a type of building identified under a list of exceptions.

¹ National Planning Policy Framework 2021.

5. One such exception at c) 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.
6. The evidence indicates that SPD guidance suggests that extensions in the Green Belt which result in an addition of over 30% of the original cubic volume are likely to be considered disproportionate.
7. The evidence indicates that this figure has long since been reached and passed in relation to the original building which appears to have been provided with previous additions including a side extension, conservatory to rear and extension to the garage.
8. The evidence therefore indicates that the original building has been increased in size through the provision of previous extensions and that these were of substance.
9. As a result, the further extension, when considering those previously constructed would form a disproportionate addition over and above the size of the original building regardless of any SPD guidance. The development is therefore inappropriate development within the Green Belt under the terms of paragraph 149 of the Framework.

Openness of the Green Belt

10. 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. The assessment of openness requires a consideration of both spatial and visual aspects.
11. The extension would add bulk and volume to the property to the north-east side. Given that the land rises upwards in a south westerly direction, this side of the property is prominent within the reasonably open landscape and is visible in views from Outside Lane.
12. Consequently, there would be a harmful loss of openness of the Green Belt. While the loss would be small in the context of the Green Belt as a whole, the Framework is clear that substantial weight should be given to any harm to the Green Belt.

Other considerations

13. My attention has been drawn to a fall back position involving the provision of an extension of similar proportions on the other side of the building through utilising permitted development rights.
14. However, the south-western side of the property is far less prominent in visual terms and is partially enclosed by the garage, hedging and other boundary treatment. The provision of a similar extension on this side of the property would have a far lesser impact on the openness of the Green Belt. I therefore afford this matter limited weight.

Conclusion

15. I have found that the development would be inappropriate development within the Green Belt and would be harmful to Green Belt openness. It therefore should not be approved except in very special circumstances. I must attach

substantial weight to the harm to the Green Belt and as such, the harm I have identified is clearly not outweighed by the other considerations. Consequently, the very special circumstances necessary to justify the development do not exist.

16. For the reasons set out above, and having regard to all other matters, the appeal should be dismissed.

T J Burnham

INSPECTOR