



Appeal Decision

Site visit made on 25 July 2023

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 September 2023

Appeal Ref: APP/E2734/D/23/3319378

Ling Park Barn, Hardings Lane, Middleton, North Yorkshire LS29 0EG

- 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 Freeley against the decision of Harrogate Borough Council.
- The application Ref 22/04600/FUL, dated 30 November 2022, was refused by notice dated 8 February 2023.
- The development proposed is extension of converted barn to the rear at first floor level (above an existing ground floor extension) and erection of infill single storey link partially subterranean extension.

Decision

1. The appeal is allowed and planning permission is granted for extension of converted barn to the rear at first floor level (above an existing ground floor extension) and erection of infill single storey link partially subterranean extension at Ling Park Barn, Hardings Lane, Middleton, North Yorkshire LS29 0EG in accordance with the terms of the application, Ref 22/04600/FUL, dated 30 November 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan 397-NDA-XX-00-DR-A-(PA)-001 REV P01, Proposed External Views 397-NDA-XX-00-DR-A-(PA)-015 REV P03, Proposed First Floor Plan 397-NDA-XX-00-DR-A-(PA)-012 REV P03, Proposed Ground Floor Plan 397-NDA-XX-00-DR-A-(PA)-011 REV P03, Proposed Site Layout Plan 397-NDA-XX-00-DR-A-(PA)-010 REV P03, Proposed Elevations 1 of 2 397-NDA-XX-00-DR-A-(PA)-013 REV P03, Proposed Elevations 2 of 2 397-NDA-XX-00-DR-A-(PA)-014 REV P03, Parapet Section With Minimum Height and Section of Home Office.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issues are:
 - whether or not the appeal scheme is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and

- the effect of the proposal on the character and appearance of the area, including the appeal property and the Nidderdale Area of Outstanding Natural Beauty (AONB).

Reasons

Green Belt

3. The appeal site accommodates a dwelling that has previously been extended and a detached garage and is located within the Green Belt. The Framework in Paragraph 137 identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions. One such exception of relevance to this case is at Paragraph 149 c), with regard 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.
4. Policy GS4 of the Harrogate District Local Plan 2014-2035 (2020) (HDLP) states that proposals for development in the Green Belt will be determined in accordance with the relevant national policy.
5. The Framework does not provide a definition of 'disproportionate additions' and therefore an assessment of whether a proposal would amount to a disproportionate addition over and above the size of the original building is a matter of planning judgement. The House Extensions and Garages Design Guide Supplementary Planning Document (2005) (SPD) advises that house extensions in the Green Belt that extend the ground floor area of the original house by more than 50% will not normally be permitted.
6. It is not in dispute that the proposal and the previous extension, would result in an increase in floor area of 85.47 square metres and an increase in volume of 330.6 cubic metres, over and above the original building size. It is also not in dispute that this would represent approximately a 46% increase in floor area and 36% increase in volume. Consequently, when assessed against the guidance contained within the SPD, the proposal would be within the 50% threshold.
7. The Council however indicate that the figures are for illustrative purposes only and consider the additional built form to impact on the openness of the Green Belt and to represent disproportionate additions to the original building. I acknowledge that a reasonable and objective assessment of the collective increase in the size of the original building should be undertaken rather than a purely numerical calculation. This objective assessment should also not be conflated with other discrete exercises such as evaluating the visual impact of the proposal or any effects on the openness of the Green Belt.
8. The extension of the appeal property would comprise a modest single storey infill addition and the single storey link between the house and the garage would be partially subterranean owing to the topography of the site. A cumulative increase in the floor space of 46% and an increase in the volume of the original building of 36% would not be appreciable. As such, it is my planning judgement that the proposal would not result in disproportionate additions over and above the size of the original building.

9. Therefore, I conclude that the proposal would comply with the exception included in Paragraph 149c) of the Framework. It would not be inappropriate development in the Green Belt and would not conflict with Policy GS4 of the HDLP. It follows that the proposal would not be harmful to the openness of the Green Belt or to the purposes of including land within it. A case for very special circumstances is not therefore required.

Character and Appearance

10. The appeal site is a spacious triangular shaped plot which accommodates a converted barn in residential use, there are garden areas to the sides and a detached garage to the front with a large driveway. The appeal property is relatively wide and deep resulting in a generous scale and massing and it is attached at the rear to a group of converted agricultural buildings also in residential use. The site is surrounded by open countryside to the north, west and south and the area has a rural character. It falls within the Nidderdale AONB, characterised by its rolling pastoral landscape, sporadic farmsteads and traditional dwellings.
11. The proposal includes an infill first floor extension on top of the existing side extension. While the proposed extension would have the same ridge height as the existing property, owing to the modest additional width relative to the existing large built form of the property, it's agricultural character would not be significantly diminished. Moreover, given the context of the group of converted agricultural buildings as a whole, the single storey addition would not be significant or detrimental to the relationship between the appeal property and the rest of the group.
12. The appeal property lies above Hardings Lane which runs along its southern edge and from where views of the proposed extension would be limited given that the infill extension would be on the side of the house furthest away from this section of the road and would be difficult to detect given the distance from the vantage points owing to the siting of the dwelling centrally within the spacious plot. Moreover, established boundary vegetation largely screens the appeal property on approach from the south east. Hardings Lane continues to the north and north west. The sloping topography means that only the roof of the appeal property is visible and similarly, the modest extension to the property would not be discernible in these longer range views.
13. While larger than the existing windows on the northern elevation, the proposed glazed doors and window would be comfortably accommodated within the elevation and would not detract from the agricultural character of the building. The full extent of the proposed fenestration would not be readily seen in views from the north owing to the local topography, which would result in only the top of the proposed glazed doors being visible.
14. The garage is located directly in front of the appeal property, consequently the proposed ground floor link would not be obvious when standing centrally in front of the appeal property and from a number of vantages from the road to the west and north west. There would be glimpsed views of the proposed link from the south, and while the cladding on top of the glazed doors would add a degree of visual bulk to the link, given the scale, location and ground levels it would not be visually incongruous or unacceptably harmful to the appeal property, the wider group of buildings or the rural landscaped setting.

15. In considering the appeal scheme, I have had regard to the purpose of conserving and enhancing the natural beauty of the AONB as set out in Section 85 of the Countryside and Rights of Way Act 2000. I have also taken into account paragraph 176 of the Framework which requires that great weight is given to conserving and enhancing the landscape and scenic beauty of the AONB. Overall, the proposal would not significantly contribute to the built development on the site and the scale and massing of the extensions would not be visually dominant in the landscape. It would therefore conserve and enhance the natural beauty of the AONB.
16. The proposal would not be unduly harmful to the character and appearance of the area, including the appeal property and the AONB and accords with policies GS6, HP3, and HS8 of the HDLP. Amongst other things, these policies require development to conserve and enhance the beauty and special qualities of the Nidderdale AONB, enhance or reinforce local distinctiveness, and extensions to dwellings to have no adverse impact on the character or appearance of the dwelling or the surrounding area.
17. The Council also alleges a conflict with Policy HS6 of the HDLP. This policy refers to the conversion and/or re-use of existing rural buildings to residential use from other uses. The proposal does not involve the change of use and my attention has not been drawn to any words in this policy that are relevant to this main issue, and as such, has not therefore been determinative in my decision.

Conditions

18. In addition to the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans to provide clarity. A condition requiring external materials to match the existing building is reasonable and necessary to protect the character and appearance of the area.

Conclusion

19. For the reasons set out above, having taken account of the development plan as a whole, the approach in the Framework, along with all other relevant material considerations, I conclude that the appeal is allowed.

F Harrison

INSPECTOR