



Appeal Decision

Site visit made on 3 October 2023

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 April 2024

Appeal Ref: APP/A4710/D/23/3322726

**The Stables, 21 Hob Lane, Ripponden, Sowerby Bridge, Calderdale
HX6 4LU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Alan Walker against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref is 23/00111/HSE.
 - The development proposed is single storey extension of existing kitchen-diner at rear of dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The decision notice was issued omitting the reason for refusal. The Council has confirmed that this was an error and that the reason for refusal is set out in the Officer's report. The appellant has referred to this in his appeal statement so I am satisfied that the reason for refusal is clear.
3. A revised version of the National Planning Policy Framework (the Framework) was published in December 2023 and is a material consideration in this appeal. Having considered the revisions to the Framework, as well as the principles of natural justice, together with the nature of the determining issues in this appeal it is clear to me that there are no material changes in the revised Framework relevant to the substance of this appeal. Therefore, I do not consider it necessary, in this instance, to invite any submissions from the parties on the revised Framework.

Main Issues

4. The main issues are: -
 - whether the proposal constitutes inappropriate development in the Green Belt;
 - the effect of the proposal on openness; and
 - 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 development.

Reasons

Green Belt

5. The existing three bedroom dwelling was formerly stables and planning permission for their enlargement and conversion was granted in 2016¹. There is dispute amongst the parties about the size of the extensions that resulted in this conversion in terms of the volume increase to the building. However, although no plans are submitted for the original stable building, the alterations and extensions to it are described (by the Council) as a two storey extension to the front and side and alterations to the roof height/pitch.
6. The Framework explains that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. The Framework makes it clear that the construction of new buildings is considered inappropriate unless it satisfies one of the exceptions cited in paragraph 154. These exceptions are also referred to in Policy GB1 of the Calderdale Local Plan². One such exception 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.
7. Neither the Framework nor Policy GB1 define disproportionate or give a figure that assists in such an assessment. However, even taking the lower of the figures submitted by the parties, the original building would be enlarged by 57% including the proposed extension. This volume increase is substantial and given that the works to convert the original building included altering the roof and a two-storey extension, a further single storey extension would incrementally enlarge the building to an extent which would be disproportionate. This would therefore conflict with the Framework and Policy GB1. The Framework requires that harm caused by inappropriateness carries substantial weight.

Openness

8. The Framework sets out that the essential characteristics of Green Belts are their openness and their permanence. The extension would increase the size of the dwelling in terms of its footprint and its bulk as set out above. In spatial terms therefore, the proposal would lessen the openness of the Green Belt. Furthermore, whilst the extension would be to the rear of the property, the proposal would have an impact on the visual openness of the Green Belt for the following reasons.
9. The land is higher at the front of the property than at the rear and a patio at the rear of the house is at a higher level than its rear garden. Therefore, although the extension would be single storey, the drop in land levels at the rear of the appeal site accentuates the height of the house. The roof of the proposed extension would almost extend to the cill height of the upper floor windows and the extension would be wide in proportion to the width of the existing house. These elements increase the bulk and massing of the house.
10. Consequently, the increase in the size of the building would have a detrimental impact on the openness of the Green Belt. This would conflict with the Framework and carries significant weight.

¹Planning Application Ref: 16/00964/FUL)

² Calderdale Local Plan 2018/19 – 2032/33 Written Statement, Adopted March 2023.

Other Considerations

11. The appellant explains that additional space is required to meet his family's requirements especially for family gatherings. He also compares the size of the dwelling with an average three-bedroom detached house and states that in floor area, the appeal house is smaller.
12. Whilst I appreciate that there would be direct benefits to the appellant's family by enlarging this property, this does not justify allowing development contrary to the development plan and the Framework. Furthermore, although the property is not particularly large it is a conversion of a smaller rural building and the design of such conversions are inevitably influenced by the original building. Such conversions are not therefore comparable with a standard modern dwelling. There is no suggestion that the accommodation provided is substandard in relation to any national or locally published standards. These matters therefore carry limited weight.

Other Matters

13. The appellant has drawn my attention to the informative on the decision notice stating that the Council has endeavoured to work with the applicant/agent to secure development that positively contributes to the economic, social and environmental well being of Calderdale. I appreciate that the lack of communication from the Council during the course of the planning application is frustrating and unhelpful in advancing the possibility of an acceptable alternative but this is not a matter that affects my determination of this appeal.

Conclusion

14. The Framework makes it clear that inappropriate development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the harm, by reason of inappropriateness and any other harm, is clearly outweighed by other circumstances.
15. The proposed dwelling would be inappropriate development and I have found that the openness of the Green Belt would be harmed. This carries substantial weight. The other considerations raised carry only limited weight.
16. I therefore conclude that the proposal would be inappropriate development in the Green Belt and the very special circumstances required to clearly outweigh the harm caused by inappropriateness do not exist. The scheme would conflict with the Framework and Local Plan Policy GB1.
17. For the reasons given above I conclude that the appeal should be dismissed.

J D Clark

INSPECTOR