



Appeal Decision

Site visit made on 4 April 2024

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 9th May 2024

Appeal Ref: APP/E2340/W/23/3330700

2 Holme End, Brierfield, Lancashire BB12 9NR

- 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 Sam Boden against the decision of Pendle Borough Council.
 - The application Ref is 23/0500/FUL.
 - The development proposed is change of use of land to garden curtilage and erection of green house and replacement of car port to side of existing garage building.
-

Decision

1. The appeal is allowed, and planning permission is granted for change of use of land to garden curtilage and erection of green house and replacement of car port to side of existing garage building at 2 Holme End, Brierfield, Lancashire BB12 9NR in accordance with the terms of application Ref 23/0500/FUL, dated 31 May, 2023, and the plans numbered 00, 01, 03, 05 and subject to the following condition:
 - 1) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no fences, gates or walls, outbuildings or other structures shall be erected, other than those expressly authorised by this permission on the land changed to garden curtilage.

Preliminary Matters

2. The proposed development including the greenhouse and paved area with surrounding walls and car port had been constructed at the time of my site visit.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies, and whether it would affect the openness of the Green Belt; and
 - The effect of the proposal on the character and appearance of the area.

Reasons

Whether inappropriate development

4. The Government attaches great importance to Green Belts, with the National Planning Policy Framework (the Framework) identifying that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.
5. The construction of new buildings is inappropriate in the Green Belt unless it satisfies one of a number of exceptions listed in the Framework. This includes at paragraph 154 c) the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building.
6. The appeal site is a two-storey, semi-detached dwelling, with a single storey, side extension and a rear enclosed garden area. Next to the garden boundary is an access track which leads to other dwellings, as well as providing access to the garage and car port at 2 Holme End.
7. As the two proposed buildings are located close to the house, the appellant contends that they can be regarded as an extension to the dwelling and therefore assessed under paragraph 154 c) of the Framework. Based on the proximity of the buildings to the host dwelling, I have no reason to disagree with this.
8. The existing side extension on the house has planning permission¹. There is no evidence of the date of the garage, but the existing plans and a photograph show the single garage attached to a car port with a slight slope to the roof. This has been replaced by a car port which is 925mm higher than the previous structure, to house a caravan, and extends 1688mm to the rear of the garage. The two sides are finished in close boarded timber with the roof rising over one side of the garage roof. Despite the increase in size, it does not, on its own, result in a disproportionate addition over and above the size of the original garage and car port in this location.
9. The greenhouse is located adjacent to the lane leading to the properties at Holme End. It is narrow at one end, widening at the opposite side where the door is located. It has a pitched roof and is on a raised patio area, located between the boundary wall and a small stream.
10. The appellant has provided various volumetric calculations including that of the existing dwelling, the approved extension, the greenhouse, and the car port. Together these extensions would result in an increase of 33.4% in volume of the original dwellinghouse. The Council has not contested these figures and I have no reason to dispute them.
11. The Council's Design Principles² Supplementary Planning Document (SPD) states that extensions that exceed the volume of the original dwelling by 25% or more would be disproportionate and that for this purpose garages and other outbuildings should not be included in the calculation unless they are attached or integral to the original house. However, the SPD predates the Framework

¹ 13/98/0627P

² Local Development Framework for Pendle, Design Principles, Supplementary Planning Document, 2009

and caselaw has found that it would be unlawful to find that an outbuilding cannot be treated as an extension in terms of paragraph 154 c) on the basis that it is not attached to another building.

12. Paragraph 155 of the Framework states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes at 155 e) material changes in the use of land.
13. The land where a change of use is proposed is a long, narrow strip that runs from where the greenhouse is located to beyond the car port, with the stream on one side and some stone walling separating it from the access track on the other side. Part of it had cars parked on it at the time of my visit.
14. Beyond the car port I noted some three stone built garages, likely connected to the housing located between No 2 Holme End and the adjoining motorway. The site is also located next to the stream and adjacent to a copse of trees, subject to a Tree Preservation Order (TPO)³. Therefore, the car port does not appear separate from the surrounding built form around the site. Instead, it is integrated into the buildings and land that is part of Holme End.
15. No evidence has been submitted as to how the land looked prior to the application for the change of use, neither has any evidence been provided to suggest that the land as it appears on site would change further. Therefore, there would be no spatial impact from the proposed development and based on the characteristics of the site and its surroundings, there would be no visual impact. The buffer provided with the adjacent TPO trees would be retained and the openness of the Green Belt would be preserved. The change of use of this land would, therefore, not be inappropriate.
16. Whilst the car port and greenhouse are also on this area of land, I have already found that these are not inappropriate under paragraph 154 c) of the Framework.
17. Therefore, based on the evidence before me, the construction of the car port and green house would not be inappropriate in the Green Belt as they would satisfy the exception set out in paragraph 154 c) of the Framework, whilst the change of use of the land would satisfy the exception set out in paragraph 155 e).
18. To conclude, the proposal would therefore not be inappropriate development in the Green Belt and would accord with paragraph 154 and 155 of the Framework.

Character and appearance

19. The appeal site is in a cluster of dwellings and buildings in the countryside. Despite the closeness of the site to the adjoining motorway, it has a rural character from the style of buildings, the copse of trees and a stream running through the site.
20. The Council's SPD advises that in rural areas sheds and outbuildings should be located within the curtilage of the property and not in an isolated position. The greenhouse is on a raised area of land forward of the front of No 2. As it is

³ Tree Preservation Order No 5 1982 Holme End, Reedley.

located behind a group of trees and in the corner of the site, it is not visible until almost reaching the properties at Holme End. The greenhouse is a muted blue/green colour and whilst it is quite tall, it is not a large structure, and is set beside the wall running along the stream that separates the site from the woodland on the other side. Next to this are several raised beds located on an area of natural stone paving with a wooden archway. Whilst there is no evidence as to why the greenhouse was built in this location, it is small and well designed.

21. The car port has been built adjacent to the existing garage and replaces a previous car port on this site. Whilst these are separated from the rest of the appeal site, they are in a group of buildings with other properties and garages at Holme End. Therefore, they are not viewed in isolation. The car port is simply designed and constructed of timber with a roof of profiled sheet cladding. It appears muted in this location and whilst visible by neighbouring properties and those passing along the adjacent lane, the size and scale of the building does not appear overly large or unsympathetic to the site.
22. Therefore, to conclude, the proposed development would not harm the character and appearance of the area.
23. It would accord with Policy ENV 2 of the Pendle Local Plan Part 1: Core Strategy, 2011-2030, adopted 2015, which amongst other things requires new design to use materials appropriate to the setting, to contribute to the sense of place and to protect or enhance the natural environment. It would also not conflict with the SPD.

Other considerations

24. The existing garage has been converted for storage, however, there is adequate parking available on the site and the Highway Authority had no objection.
25. The proposed site is in flood zone 2 and a Flood Risk Assessment (FRA) was submitted. The Planning Practice Guidance (PPG) advises that a pragmatic approach should be taken to the scope and level of detail of the assessment for minor developments involving comparatively small buildings and extensions. The proposal consists of two buildings with a footprint of less than 250 square metres and is 'less vulnerable' development. As these have been built in connection with the dwelling at No 2, there are no alternative sites outside flood zone 2. Therefore, based on the circumstances of the case, it has met the sequential test.
26. The greenhouse is located on a raised patio area and is above the predicted flood level. The car port is open fronted with narrow timber panelling which would allow water to flow through it. Neither building contains electrical connections or any form of heating. Therefore, the buildings do not require flood resilient measures. The FRA shows that the proposed development would be safe for its users for the intended lifetime of the development, without increasing flood risk elsewhere, and be sufficiently flood resistant and resilient to the level and nature of the flood risk. Therefore, based on the information submitted the development would be acceptable within flood zone 2.

Conditions

27. I have considered conditions with reference to the Framework and the PPG and have consulted the parties regarding the proposed condition. As the site is in the Green Belt, any structures or buildings constructed on the area of land subject to the change of use would affect the openness of the Green Belt. Therefore, the condition is necessary and reasonable.

Conclusion

28. For the reasons set out above and having had regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be allowed.

M J Francis

INSPECTOR