



Appeal Decision

Site visit made on 23 July 2024

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2024

Appeal Ref: APP/N4720/D/24/3343673

The Cottages, Moor Road, Bramhope, Leeds LS16 9HH

- 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 Richard Garford against the decision of Leeds City Council.
 - The application Ref is 24/00135/FU.
 - The development proposed is described as the 'construction of garage.'
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in respect of this appeal are;
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the proposed development on the openness of the Green Belt; and
 - whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate Development

3. Paragraph 154 of the Framework indicates, that other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. 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, is one of the exceptions (154c).
4. Similarly, Policy N33 of the Leeds City Council Unitary Development Plan (UDP) (Review 2006) refers to the limited extension of existing dwellings. To be considered as limited extension, Policy HDG3 of the Council's Householder Design Guide Supplementary Planning Document (SPD) 2012, states that all existing and proposed extensions should not exceed a 30% increase over and above the original house volume. It explains that although this figure is not definitive, it will inform the majority of decisions involving Green Belt applications. Despite some differences in the terminology used, I find the

overall aims of Policy N33 and SPD guidance to be broadly consistent with the Framework, such that they are afforded significant weight.

5. I consider it reasonable that the proposed garage be considered as an extension, given its close relationship and clear ancillary purpose to the host dwelling.
6. The Council indicates that the host dwelling has already benefitted from substantial previous extensions and I observed that large additions have been added to both the side and the rear. Although the extent of previous volume increases has not been quantified, the Council suggests that they would be well beyond the guideline set out in Policy HDG3 of the SPD. This is not disputed by the appellant who confirms that the proposal results in additions to the original dwelling over the 30% guideline¹.
7. Despite having an incidental function to a larger dwelling and the use of appropriate materials, these factors would not offset or justify a development that fails to comply with the SPD. 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. The proposal would not meet the exception in Framework paragraph 154c) and UDP Policy N33. It would therefore be inappropriate development, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness

8. Openness is an essential characteristic of the Green Belt, with a key objective being to keep land permanently open². Openness has a visual and spatial dimension³.
9. Sited to the side of the host dwelling, the proposed development would be visible in very limited views from Moor Road, across the vehicular access to the appeal site. The erection of a substantial 3-bay garage with raised eaves height where no building currently exists, in combination with the bulk and scale of previous extensions to the dwelling, would result in a loss of openness. Whilst the reduction in openness to the Green Belt as a whole would be modest and localised, harm to the Green Belt would nevertheless result.
10. The proposal would result in this part of the Green Belt being less open than it is at present, both spatially and visually, and I find conflict with paragraph 142 of the Framework.

Other Considerations

11. The appellant suggests that the host dwelling occupies extensive grounds that require larger than average machinery to maintain. Such characteristics are likely to be common for dwellings within the Green Belt and therefore not particularly unique.
12. It is not unreasonable for some secure outdoor storage to serve a dwelling. However, the proposed garage would be of a significant size and scale. At the time of my visit no large equipment was stored on the land. Whilst housing vehicles in a garage may be preferable, they can be parked outside without

¹ Paragraph 6.10 of the appellant's appeal statement.

² Paragraph 142 of the Framework.

³ As set out in the Planning Practice Guidance paragraph: 001 Reference ID: 64-001-20190722.

detriment to their condition. Irrespective, these would be mainly private benefits that do not present compelling reasons to justify new development in the Green Belt, where the starting point is no new buildings.

13. The provision of solar panels is commendable but no evidence has been presented to indicate that they have to be sited on the proposed building. Indeed, the host dwelling benefits from a number of south-facing roof slopes and has extensive land on which it may be possible to site such equipment, subject to any necessary permissions. The weight I attach to these benefits in combination is therefore limited.
14. Whether or not the previous owners used a shipping container for storage at the appeal site, it no longer exists. The Council did not in any case raise any concerns with the appearance of the proposed development.
15. The appellant has questioned the reasonableness of a condition attached to a previous planning permission removing permitted development (PD) rights for the erection of buildings incidental to the enjoyment of the dwellinghouse⁴. The proposal before me does not seek to remove this condition. Even if it did not exist, the height of the proposed garage would prevent it from being permitted development, such that this is a moot point⁵. Given that PD rights for outbuildings do not exist, there is no fallback position of an alternative scheme.

Planning Balance and Conclusion

16. The Framework establishes that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless harm to the Green Belt is clearly outweighed by other considerations.
17. The proposal would amount to inappropriate development in the Green Belt resulting in a moderate loss of openness. There are no matters individually or cumulatively that provide anything other than limited weight in favour of the proposal. These other considerations do not outweigh the substantial weight that I must give to Green Belt harms. The very special circumstances necessary to justify the proposal do not exist. Accordingly, the appeal is dismissed.

M Clowes

INSPECTOR

⁴ Planning application 08/03002/FU.

⁵ Paragraph 6.4 of the appellant's appeal statement.