

Appeal Decision

Site visit made on 13 August 2024

by A Veevers BA(Hons) PGDipBCon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th August 2024

Appeal Ref: APP/A4710/D/24/3340825

Boxer Cottage, Cote Road, Ripponden, Sowerby Bridge HX6 4LT

- 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 C Lassey against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref is 23/01009/HSE.
 - The development proposed is a detached garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues 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 proposal on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the area; and,
 - If the development is inappropriate, 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

3. Paragraph 154 of the Framework states that the construction of new buildings is inappropriate in the Green Belt, but it sets out a number of exceptions. This includes at 154(c) 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. Policy GB1 of the Calderdale Local Plan 2018/19 – 2023/33, March 2023 (CLP) sets out the types of development

that would not be inappropriate development in the Green Belt, and these reflect those set out in the Framework.

4. Caselaw¹ has established that the extension exception provision is capable of being applicable to structures which are physically detached from the main building. In this case, in view of its intended use for domestic purposes and its siting in close proximity to the main dwelling, I assess that the proposed building can be treated as a domestic adjunct, and that paragraph 154(c) is applicable. That leads to the consideration of whether it would meet the test of not resulting in disproportionate additions over and above the size of the original building.
5. The Framework does not define what constitutes a disproportionate addition and the development plan does not provide any specific size criteria in this regard. The Council refers to a 46% volumetric increase over and above the size of the original dwelling, which, from the evidence, was granted planning permission as a conversion of a former stable building². However, the use of a numerical measure alone would be an over prescriptive approach to matters of proportionality. Accordingly, a conclusion on this matter cannot be arrived at purely on a mathematical calculation as a single factor as the test is primarily an objective one based on size, as referenced by the Framework. This is therefore ultimately a matter for the decision maker, with much depending on the individual circumstances of the proposal.
6. The proposed garage would be positioned between the front elevation of the dwelling and Cote Road. It would incorporate space for two vehicles and a small store. Although the proposed building would be shorter in length than the main building, it would be a similar width and height. Thus, it would be a wide, tall and bulky addition in the context of the existing relatively compact building. The proposal would significantly extend the built form of the dwelling, demonstrably increasing its size from its original modest proportions as a former stable building. Consequently, the proposal would represent a disproportionate addition to the original building.
7. The proposal would not fall into any of the exceptions listed in Policy GB1 of the CLP or paragraph 154 of the Framework, as such, it would be inappropriate development in the Green Belt.

Openness

8. A fundamental aim of Green Belt policy, as set out by the Framework, is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Openness in Green Belt terms, has both a spatial and visual dimension.
9. The proposed building would have a spatial impact because of the increase in built development on the site where the garden is currently undeveloped. It would add to the cumulative bulk, scale, and massing of the dwelling.
10. While the appeal site would be screened from some public views by existing buildings to the rear and sides, the proposal would be visible in views taken from the public footpath along Cote Road. However, due to the site's location

¹ Warwick District Council v SSHCLG [2022] EWHC 2145 (Admin)

² LPA ref: 20/00716/FUL

within a group of buildings, I accept that the overall effect on visual openness would be limited.

11. Nonetheless, the proposal would give rise to a loss of both spatial and visual openness. The Framework requires that substantial weight is given to that harm to the Green Belt.

Character and appearance

12. The Council identify that the site is located within the Blackwood Common Landscape Character Area. Policy GN4 of the CLP sets out that development within Landscape Character Areas should, amongst other things, be designed in a way that is sensitive to its landscape setting, reflect and enhance local distinctiveness and the character and qualities of the area through appropriate design.
13. The proposal would introduce a predominantly timber building within an existing group of residential and commercial buildings. Although the building would be located in front of Boxer Cottage, it would be no higher than the adjacent garage building and would not project beyond the building line of existing buildings located to each side. Consequently, it would not project closer towards Cote Road or the open countryside than surrounding buildings. In addition, the building would be simple in form. The use of timber boards and natural slate roof would provide an unfussy finish to the building which would complement its rural location. As such, the proposal would not appear incongruous or out of character within its immediate or rural context.
14. I therefore conclude that the proposal would be sensitive to its immediate landscape setting and would not harm the character or appearance of the area. It would therefore accord with Policies BT1 and GN4 of the CLP. Together, these policies seek, in part, to ensure that new development is of high quality design that respects the character and appearance of its surroundings.
15. The proposal would also comply with paragraph 135 of the Framework as it seeks those aims through well-designed places and developments that are sympathetic to local character.

Other considerations

16. The proposed development would provide two covered off street parking spaces. Nonetheless, there is no substantive evidence before me to suggest why, in the face of harm to the Green Belt, the refusal of planning permission in this case would prejudice the ability to accommodate parking on the site otherwise. Accordingly, the personal preference for a garage, which would be outlasted by the permanent nature of the proposed development, is not a strong justification for setting aside national and local policies with the legitimate aim of protecting the essential characteristics of the Green Belt in the public interest. I therefore attach this matter limited weight in favour of the proposal.

Other Matters

17. I recognise that the building would be sympathetically designed in terms of its materials and external appearance. However, any new development would be expected to be well designed in order to comply with local and national planning policy. Therefore, that the proposal would not harm the character and appearance of the area in this regards is a neutral matter.
18. The appellant has drawn my attention to a detached garage recently granted permission at the neighbouring property, 'The Barn'. Limited details of the circumstances of this case have been provided. However, I saw that garage at my site visit and noted that The Barn is a significantly larger building than Boxer Cottage. Therefore, proportionately larger extensions are likely to be considered not disproportionate. While consistency in decision making is important, the existence of development elsewhere, whether it be adjacent to the appeal site or elsewhere, does not represent an appropriate reason to find in favour of a proposal that would cause harm in this case, a case I have considered on its own merits.

Planning Balance and Conclusion

19. The proposal would be inappropriate development in the Green Belt and would cause harm to its spatial and visual openness. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to that and any other harm to it.
20. The considerations presented by the appellant do not clearly outweigh the totality of the harm that I have identified. Consequently, other considerations amounting to very special circumstances sufficient to outweigh the harm to the Green Belt do not exist.
21. The proposal would conflict with the development plan taken as a whole, the Framework, and all other relevant material considerations. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

A Veevers

INSPECTOR