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## Appeal Decision

Site visit made on 27 January 2025

by **L Wilson BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 February 2025

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**Appeal Ref: APP/A4710/D/24/3351630**

**Bold Hall Farm, Greetland Road, Barkisland HX4 0DE**

- 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 M Szemruk against the decision of Calderdale Metropolitan Borough Council.
  - The application Ref is 24/00548/HSE.
  - The development proposed is erection of double garage.
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### Decision

1. The appeal is dismissed.

### Applications for costs

2. An application for costs was made by the appellant against the Council. This application is attached as a separate Decision.

### Preliminary Matters

3. The main parties were given the opportunity to comment on the revised version of the National Planning Policy Framework (the Framework). In reaching my Decision, I have taken into account the comments raised in relation to this matter.

### Main Issues

4. The main issues are:
  - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies, including an assessment of the effect of the proposal on the openness of the Green Belt.
  - Whether any 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

#### *Whether inappropriate development*

5. Paragraph 154 of the Framework states that development in the Green Belt is inappropriate unless one of the listed exceptions applies. One such exception being 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. This exception is also reflected in Policy GB1 of the Calderdale Local Plan 2018/19 – 2032/33 (2023) (LP). Neither the Framework or LP specify what might

be considered a disproportionate addition over and above the size of the original building.

6. The site has a complex planning history. The barn was originally built as a stand alone building, and the exact date it was constructed is unclear. A link extension was granted planning permission between the dwelling (Bold Hall) and barn<sup>1</sup>. The link extension was then granted planning permission to form a separate dwelling<sup>2</sup>. Planning permission was later granted to convert the barn, along with the link accommodation, to form one dwelling<sup>3</sup>.
7. The appellant considers that the proposal should be assessed as an extension to both the original 06/00932 dwelling and the original barn. They state that the proposed development would result in approximately a 32% increase in the volume of the original buildings, including the existing additions of the dormer, porch and the rear conservatory.
8. The Framework defines original building as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. The definition does not state that when there is a change of use or a creation of a new planning unit, a new building is created for the purposes of Green Belt policy. Instead, it simply refers to the building as originally built. Furthermore, whilst email correspondence refers to the GPDO, this does not appear to form part of the Council's reasoning detailed in the Delegated Report. Nonetheless, Section 336 of the Town and Country Planning Act 1990 (as amended) states that a building includes any part of a building.
9. Whilst vehicles currently park in the area where the double garage is proposed, the development would introduce a large, permanent building. Even if I agreed with the appellant's interpretation of the original building, when taking into account the overall size increase in terms of volume, floorspace, footprint and external dimensions, the proposed development, when taken in combination with previous additions, would result in disproportionate additions over and above the size of the original building.
10. Consequently, for the reasons given above, the proposal would not accord with exception c) of Policy GB1 of the LP or exception c) of paragraph 154 of the Framework.
11. The appellant has drawn my attention to the revised wording of exception g) of paragraph 154 of the Framework, in relation to previously developed land and not causing substantial harm to the openness of the Green Belt. A Lawful Development Certificate has confirmed that the subject area has been used for domestic purposes<sup>4</sup>. The Framework provides a definition for previously developed land. Based on the information presented, the site does not accord with the definition. This is because the site is in a built-up area due to the extent of built development nearby towards the south. The development would therefore not accord with exception g) of paragraph 154 of the Framework because the site does not comprise previously developed land.

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<sup>1</sup> 01/01620/FUL

<sup>2</sup> 06/00932/CON

<sup>3</sup> 07/01306/CON and 08/00106/COU

<sup>4</sup> 23/00658/191

12. Paragraph 142 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
13. As stated above, vehicles currently park in the area where the garage is proposed. Nonetheless, the introduction of a permanent building would have a far greater spatial and visual impact on the Green Belt. The development would result in a large building to the front of the dwelling which does not contain a building. It would add to the cumulative bulk, scale and massing of development of the site, and would result in an increase in built development. In terms of visual impact, very limited glimpsed views would be visible from public vantage points including along Greetland Road.
14. Consequently, for the reasons given above, the development would not preserve the openness of the Green Belt, albeit to a very limited degree having regard to its size and location. Nonetheless, the proposal would conflict with the fundamental aim of Green Belt policy, as stated in the Framework, to keep land permanently open.
15. Accordingly, based on the evidence presented, the proposal would not fall under any of the exceptions listed and would be inappropriate development in the Green Belt, having regard to Policy GB1 of the LP and chapter 13 of the Framework.

#### *Other considerations*

16. The appellant states that, whilst the shed is not a permanent and substantial building, they would be amenable to removing it to facilitate the development through a suitably worded condition. I observed on my site visit numerous shed type buildings within the appeal site and it is not wholly clear which shed is being referred to. Nonetheless, the shed like buildings I saw appeared considerably smaller in scale, massing and subservience than the proposed garage. I give this consideration very limited weight.
17. The appellant highlights the proposed garage would not detract from the established character of the site nor the wider area. Such absence of harm and compliance with local and national planning policies does not amount to a positive factor in favour of the scheme. The appellant also highlights their frustrations with the Council, but this is primarily a matter between the Council and appellant, and my Costs Decision assesses whether unreasonable behaviour, as described in the Planning Practice Guidance, has been demonstrated. These matters are given neutral weight.

#### **Conclusion**

18. I have found that the proposal would be inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. It would also cause harm to the openness of the Green Belt, albeit that harm would be very limited. Paragraph 153 of the Framework is clear that substantial weight should be given to any harm to the Green Belt, including harm to its openness, and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

19. I give very limited weight to the suggested condition and the other considerations highlighted are given neutral weight. When drawing this together, the other considerations advanced in support of the appeal do not clearly outweigh the totality of the harm that I have found. Consequently, the very special circumstances necessary to justify the development do not exist. I therefore conclude that the scheme would conflict with Policy GB1 of the LP and chapter 13 of the Framework.
20. For the reasons given above, the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Consequently, the appeal does not succeed.

*L Wilson*

INSPECTOR