



Appeal Decision

Site visit made on 27 May 2025

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 June 2025

Appeal Ref: APP/N4720/D/25/3360121

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 under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr & Mrs Garford against the decision of Leeds City Council.
 - The application Ref is 24/05450/FU.
 - The application sought planning permission for part two storey, part first floor side extension, part two storey, party first floor rear extension without complying with a condition attached to planning permission Ref P/08/03002/FU, dated 29 September 2008.
 - The condition in dispute is No 6 which states that: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) planning permission shall be obtained before any development contained in Class E of Part 1 of Schedule 2 of that Order is carried out.
 - The reason given for the condition is: As the Local Planning Authority wish to keep control over the erection of these buildings in this Green Belt location.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published in December 2024. While there have been some amendments to Green Belt policy since the Council's decision, in so far as it relates to this appeal, there have been no substantive changes to the wording of relevant paragraphs. I have had regard to the most recent version of the Framework in this decision.

Background and Main Issue

3. Planning permission was granted in 2008 for extensions to the host dwelling¹. Condition No 6 of the permission removed permitted development rights (PDR), pursuant to Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (since superseded by The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO)). The PDR would otherwise have permitted the erection of buildings etc incidental to the enjoyment of the dwellinghouse without requiring the express planning permission of the Local Planning Authority.
4. The application to which the appeal relates² sought the removal of condition No 6, as the appellant considers it to be neither necessary nor reasonable. The Council

¹ Council Ref P/08/03002/FU

² Council Ref 24/05450/FU

however refused this application, contending that the addition of further substantial outbuildings to the property allowed under Class E of the GPDO is likely to result in harm to the openness of the Green Belt. The main issue is therefore whether condition No 6 is necessary and reasonable with regard to local and national policy protecting the openness of the Green Belt.

Reasons

5. Paragraph 57 of the Framework states that planning conditions should be kept to a minimum and only imposed where they are necessary and reasonable, among other requirements (the 6 tests). The Planning Practice Guidance (PPG) advises that conditions restricting the future use of PDR may not pass the test of reasonableness or necessity, and that the scope of such conditions needs to be precisely defined. Area-wide or blanket removal of freedoms to carry out small-scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet these tests³.
6. 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. However, the GPDO places no additional restrictions on development within the curtilage of a dwelling in the Green Belt, unlike other protected areas. Accordingly, no tests of inappropriateness or effect on openness are applicable to permitted development and it is reasonable to assume that some loss of openness is anticipated by this legislation, albeit limited to the scale permitted. In line with the PPG, PDR should therefore not be removed for sites in the Green Belt without clear justification.
7. The appeal site comprises a large, detached dwelling and its associated curtilage to the west of Moor Road. The dwelling is only modestly set back from the highway verge, however the plot is generously sized overall, with an extensive 'L' shaped rear garden area that extends to the rear of the neighbouring plot. The garden features several mature trees and is flanked by hedgerows to either side. To the rear however there is a more open lawned area and a low post and rail timber fence along the rear boundary, with a large paddock and the wider open countryside beyond. The size, openness and predominantly undeveloped nature of the rear garden contributes to the openness of the Green Belt in this location.
8. The Council's Householder Design Guide Supplementary Planning Document (SPD) April 2012 seeks to prevent harm to the character, appearance and openness of the Green Belt. Guidance in HDG3 advises that extensions, additions and alterations to dwellings within the Green Belt should represent limited development and, to be considered as such, should not exceed a 30 percent increase over and above the original house volume.
9. The evidence indicates that the building has already been appreciably extended in the past, including through the 2008 permission to which this appeal relates, and a later single storey rear extension⁴. The Council contend that cumulatively this represents a greater than 30 percent increase in volume over that of the original building, which does not appear to be disputed by the appellant.

³ Paragraph: 017 Reference ID: 21a-017-20190723

⁴ Council Ref 22/05130/FU

10. Other than height, there are few restrictions on the dimensions or number of buildings permitted by Class E of Part 1 of Schedule 2 of the GPDO. While I have no reason to suspect that PDR would be utilised to their maximum, the size of the rear garden area means it could accommodate several large outbuildings. Given the existing characteristics of the site, its contribution to the openness of the Green Belt, and taken cumulatively with previous extensions, there is considerable risk that harm could be caused to the spatial and visual aspects of openness of the Green Belt through further development within the curtilage of the host dwelling. It is therefore important that the details of any such proposal can be carefully assessed through the planning application process by the Council.
11. Notably, the appellant recently sought planning permission for the construction of a detached garage to the rear⁵. This was refused by the Council due to the harm to the openness of the Green Belt, and that decision was subsequently upheld at appeal⁶. The Inspector in that case found that, in combination with the bulk and scale of previous extensions to the dwelling, such a proposal would result in a loss of openness. While that proposal would not have benefitted from the provisions of the GPDO due to its height, there remains a realistic prospect that a proposal of similar proportions would be developed in the absence of condition No 6, resulting in comparable harm to the openness of the Green Belt.
12. The appellant contends that the property is at a disadvantage compared to neighbouring properties, which retain Class E PDR. Little substantive evidence in respect of this has been provided, though notably Bramhope Parish Council have highlighted that there are several local dwellings that have also had PDR removed. Irrespective, site context differs by case, and each must be considered on its individual merits. This does not therefore lead me to a different conclusion.
13. My attention has been drawn to an appeal decision from 2021⁷ in which the Inspector found the removal of PDR would not meet the tests of necessity or reasonableness. The full details of that case are not before me, and so it is difficult to draw any meaningful comparison to the circumstances in this appeal. Nevertheless, I note that it was at a different site in a different local authority area, with differing local circumstances and policy context. The Inspector found no justification in that case to remove PDR, and no indication that further works were intended. This is materially different to the circumstances before me in this case.
14. I therefore conclude that condition No 6 is necessary and reasonable having regard to local and national policy protecting the openness of the Green Belt. The condition aligns with the aims of Policy N33 of the Leeds Unitary Development Plan (Review 2006) which seeks to ensure that approval will only be given in the Leeds Green Belt for limited extension, alteration or replacement of existing dwellings. This remains broadly consistent with Paragraph 154 of the Framework.

Conclusion

15. For the reasons given above, I conclude that the appeal is dismissed.

Ryan Cowley

INSPECTOR

⁵ Council Ref 24/00135/FU

⁶ Appeal Ref APP/N4720/D/24/3343673

⁷ Appeal Ref APP/N2739/D/21/3266739