



Appeal Decision

Site visit made on 15 May 2025

by **C Skelly BA (Hons) MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2 July 2025

Appeal Ref: APP/Z4718/W/24/3358237

4, The Lodge, Paul Lane, Flockton Moor, Wakefield WF4 4BP

- 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 Bob Kershaw against the decision of Kirklees Metropolitan Council.
 - The application Ref is 2024/62/91585/E.
 - The development proposed is a single storey side extension and change of use of land.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the National Planning Policy Framework (the Framework);
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the host property and surrounding area;
 - the effect of the proposal on the economic function of the neighbouring business; and
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations amounting to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

3. The appeal site is a former stone built agricultural building which was converted into a dwelling in 2005. As part of the conversion of the building a cat slide roof and extension were added, which extends the rear elevation beyond that of the adjoining property. To the rear of the building there is a garden, which overlooks open countryside.
4. The host property is one of a group of buildings which includes a farm site, gallery and restaurant, which is currently closed. The appeal site adjoins the restaurant. The area of land to the rear of the restaurant, previously in agricultural use was

purchased by the appellant in 2018. Part of this land has been used as a hard standing since 2009, which is not a matter disputed by the main parties. Beyond this area, there is a large agricultural barn. The group of buildings are in a rural location, surrounded by countryside.

5. The site is within the Green Belt. Policy LP57 of the Kirklees Local Plan (2019) (LP) states that extensions to buildings in the Green Belt will normally be acceptable provided they meet certain criteria. Of particular relevance to the appeal, part (a) requires that the original building remains the dominant element both in terms of size and overall appearance. Policy LP58 of the LP relates to proposals to change the use of land in the Green Belt to domestic gardens and states that they will not normally be permitted unless very special circumstances exist that would warrant allowing the proposal.
6. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 153 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
7. It also states, at paragraph 154, that development in the Green Belt is inappropriate unless one of various exceptions apply. One such example c), is 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. The Framework does not define a figure which represents disproportionate additions. In relation to the change of use of the land, the Framework also states at paragraph 154 h) (v) that material changes in the use of land (such as for outdoor sport or recreation, or for cemeteries and burial grounds) in the Green Belt may also be not inappropriate where they preserve its openness and do not conflict with the purposes of including land within it.
8. The proposed extension would have external dimensions of approximately 7.2m x 4.3m and a ridge height of approximately 4.3m. The Framework states that the definition of the original building is as it existed on 1 July 1948. Whilst I note that the dwelling was converted to this use in 2005, the original building was already extended as part of the 2005 development. The overall floorspace of the proposed extension would thereby be considerable in comparison with the existing footprint of the original building. Furthermore, as the extension would be set to the side of the host property, on existing agricultural land, it would extend well beyond the existing footprint creating a sprawled form of development and encroaching into the countryside. Therefore, due to its position, stretched form and scale, the proposed extension amounts to a substantial addition, and one I find to be disproportionate over and above the size and form of the original building. Thereby, the proposed extension is inappropriate development in the Green Belt.
9. Although the existing area of agricultural land has been used as an area of hardstanding there are no buildings on this land and therefore it remains visually open in character. The openness of the agricultural land would be harmed by the more intensive use of the site as part of the domestic curtilage, including parking and domestic outdoor paraphernalia. Therefore, the change of use of the land would comprise inappropriate development in the Green Belt and cause moderate harm to its visual openness.

10. Consequently, the proposal overall would comprise inappropriate development within the Green Belt contrary to the above-mentioned policies.

Openness

11. A fundamental aim of Green Belt policy, as set out in paragraph 142 of the Framework, is to prevent urban sprawl by keeping land permanently open. The openness of the Green Belt has a spatial aspect as well as a visual aspect.
12. Notwithstanding the proximity of properties within the vicinity of the appeal site, it is bounded by open countryside to the rear and therefore the openness of the Green Belt is clearly evident. The proposal would extend the built form into an area of land where there is presently none. Therefore, the footprint and height of the proposed extension would lead to moderate loss in the spatial and visual openness of the Green Belt.
13. Accordingly, the proposal would cause moderate harm to the visual and spatial openness of the Green Belt, contrary to the aims of the Green Belt policies set out in Policies LP57 and LP58 of the LP and the Framework.

Character and appearance

14. The ridge height of the proposed extension would be lower than that of the host property, however it would have a similar height to the catslide extension element. Although the pitched roof of the proposed extension would follow a similar angle due to its offset position from the side and rear elevations of the host property it would read as a separate building. The side elevation of the proposal would be much wider than the rear elevation of the existing extension and visually compete with its scale and form, which would be accentuated by its offset position. The proposal would therefore dominate the appearance of the rear of the host property, thereby harming its character and appearance.
15. The existing dwelling was extended as part of its conversion and therefore it already has a stepped rear elevation. The proposed extension would project beyond this extension creating a further stepped effect to its rear, which would appear at odds with the existing built form of the wider group of buildings. Moreover, the extension would be located approximately 1.5 m from the rear elevation of the restaurant building, which would leave a long, narrow gap between the buildings resulting in an awkward visual relationship between the host building and restaurant.
16. The proposal would harm the character and appearance of the host property and surrounding area. It thereby conflicts with Policy LP24 (a, c and d) which seek amongst other things to ensure that the form, scale, layout and details of development respects the character of the townscape and that extensions are subservient to the original building.

Effect on neighbouring business

17. I observed that the restaurant is not currently in use and appears to have been recently refurbished. The long thin, window on the rear elevation of the property, shown on the submitted Design Statement, has been replaced with a larger window which faces onto the appeal site. The proposed extension would run directly in front of this window with a gap of approximately 1.5m between the two buildings.

18. At the time of my site visit the property was advertised as being available to let for office accommodation and restaurant/café premises. The height of the proposed extension would restrict outlook almost entirely from the ground floor window, which serves a kitchen area. The kitchen window provides the only outlook from this room. The proposal would therefore provide a poor working environment for future staff, which would harm the economic function of the business.
19. The proposal would harm the economic function of the neighbouring business. It thereby conflicts with Policy LP10 of the LP which amongst other things seeks to improve the economic performance of the rural economy through supporting the needs of small and medium sized enterprises.

Other considerations

20. The proposal would provide additional living space for the appellant and wheelchair access to all areas of the house. Although the submitted plans show that the additional living space provided by the extension would be accessible via a wheelchair it does not specify the proposed use or why it is necessary. Furthermore, no specific details of the appellant's requirements or why they cannot be met by other means without causing the above-mentioned harms have been submitted. Therefore, this benefit provides modest weight in favour of the appeal.

Whether very special circumstances exist

21. The proposal would be inappropriate development within the Green Belt. In accordance with the Framework, substantial weight should be given to any harm to the Green Belt. There would also be harm to the character and appearance of the host property and surrounding area and the economic function of the neighbouring business which carries significant weight. The other considerations put forward provide modest support for the proposal. Therefore, the benefits do not clearly outweigh the harms which would be caused to the Green Belt, the character and appearance of the area and the adjoining business. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

22. The proposal conflicts with the development plan as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it.
23. For the reasons given above the appeal should be dismissed.

C Skelly

INSPECTOR