



Appeal Decisions

Site visit made on 25 June 2025

by **C Rafferty LLB(Hons), Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 03 July 2025

Appeal A Ref: APP/N4720/C/24/3353264

Land at The Manor House, Barwick Road, Garforth, Leeds LS25 2DN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr C Best against an enforcement notice issued by Leeds City Council.
 - The notice was issued on 9 September 2024.
 - The breach of planning control as alleged in the notice is without planning permission the erection of a single storey side extension and front boundary walls, brick piers and gates adjacent to the highway.
 - The requirements of the notice are to:
 1. Demolish the single storey side extension;
 2. Demolish the front boundary wall, brick piers and remove the metal gates;
 3. Remove all debris and detritus from the property
 - The period for compliance with the requirements is 6 months,
 - The appeal is proceeding on the grounds set out in section 174(2) (b), (f), (g) of the Town and Country Planning Act 1990 (as amended).
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Appeal B Ref: APP/N4720/D/24/3353261

The Manor House, Barwick Road, Garforth, Leeds LS25 2DN

- 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 Best against the decision of Leeds City Council.
 - The application Ref is 23/04101/FU.
 - The development proposed is retrospective application for alterations including single storey side extension with new front entrance door with steps and balustrade above; new front boundary wall with brick piers and metal gates.
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Decision - Appeal A

1. It is directed that the enforcement notice is corrected by:
 - the deletion of the words “side extension” in sections 3, 4, and 5 of the notice, and their substitution with the words “front extension”;
 - the addition of the words “resulting from compliance with Steps 1 and 2 above” after the words “remove all debris and detritus from the property” in section 5 of the notice; and
 - the deletion of the word “property” from section 5 of the notice and its substitution with the word “Land”.
2. Subject to the corrections the appeal is dismissed and the enforcement notice is upheld.

Decision - Appeal B

3. The appeal is dismissed.

The Enforcement Notice

4. The enforcement notice defines the land at The Manor House, Barwick Road, Garforth, Leeds LS25 2DN as “the Land”. However, in setting out the steps required to be taken, section 5 of the notice refers to the “property” rather than the defined term. I can correct section 5 of the notice to refer to the Land without injustice to the appellant or the Council.

Preliminary Matters

5. In respect of Appeal A, an appeal on ground (a) was also made. However, where an enforcement notice has been issued after 25 April 2024, ground (a) is barred if the requirements of s174(2A) of the 1990 Act are met. Namely, if the enforcement notice was issued: during the time allowed for determining a related retrospective planning application; or within two years of the date on which the related application ceased to be under consideration. The requirements of s174(2A) of the 1990 Act have been met. Appeal A has proceeded on grounds (b), (f), and (g) only.

APPEAL B

Main Issues

6. The main issues are:
 - (i) Whether the development would constitute inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and the effect of the development on the openness of the Green Belt;
 - (ii) The effect of the development on the character and appearance of the area; and
 - (iii) If found to be inappropriate development, 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 necessary to justify the development.

Reasons

Whether Inappropriate Development

7. The appeal site comprises a detached dwelling located in the Green Belt. A single storey extension has been erected, along with areas of hardstanding, a boundary wall with brick piers, and gates. Permission is sought in respect of these additions.
8. Policy N33 of the Leeds Unitary Development Plan 2006 (the UDP) sets out the Council’s approach to development in the Green Belt. It explains that except in very special circumstances approval will only be given for, amongst other things, the limited extension of existing dwellings. For this appeal, this somewhat reflects the approach of the Framework, which finds that development in the Green Belt is inappropriate unless one of a number of exceptions applies. This includes, at paragraph 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.
9. The ‘original building’ is defined as that which existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. There is nothing substantive

before me to suggest that the 'original building' in this case is anything other than the main, two-storey element of the appeal property.

10. With regard to the extension that forms part of the development, although single storey, it has a sizeable footprint. As such, even noting the overall dimensions of the site and the use of largely matching external materials, this extension reads as a prominent addition to the original building. It alters the otherwise largely simple proportions of the property and dominates the ground floor level.
11. "Disproportionate addition" is not defined in the Framework. However, HDG3 of the 'Householder Design Guide' Supplementary Planning Document (the SPD) suggests a 30% guideline. This appears to be reasonable and in keeping with the spirit of paragraph 154(c) of the Framework. The main parties agree the extension represents a 39% increase in volume to the original building. Taken together with my findings above, this indicates that the extension is a disproportionate addition over and above the size of the original building. As such, the extension does not fall within the exception listed at paragraph 154(c) of the Framework.
12. The 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. Openness has spatial and visual aspects. The extension has introduced a vertical element of built form at a part of the site previously free from such development, experienced both from within the site and the adjacent highway, even noting existing planting. This has a greater impact on the spatial and visual openness of this part of the Green Belt than the previous situation.
13. As the development also includes hardstanding, a boundary wall with brick piers, and gates, reference has also been made to the exception at paragraph 154(h)(ii). This relates to engineering operations provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
14. Submitted evidence shows that a low level, slatted fence with hedging behind previously existed at the front of the appeal site. This has now been replaced with the solid built form of the wall, which has a notable height. Combined with the extensive hardstanding that has been introduced, this has a clear urbanising effect. While long distance views of these elements may not be possible, they are readily experienced within the site itself and from the adjacent highway, even noting existing planting. In particular, the wall is also visible to occupiers of neighbouring dwellings. Overall, these elements have a greater impact on the spatial and visual openness of this section of the Green Belt than the previous situation.
15. The Framework states that Green Belt serves five purposes, one of which is to assist in safeguarding the countryside from encroachment, a clear purpose of the land as per the Green Belt Assessment. Even acknowledging the residential nature of the site, due to the increase in built form the proposal would amount to an encroachment into the countryside, conflicting with the purposes of including the appeal site within the Green Belt. As such, the development does not fall within the exception listed at paragraph 154(h)(ii) of the Framework.
16. For the reasons set out above, the development constitutes inappropriate development in the Green Belt having regard to the Framework, and fails to comply with Policy GB20 of the UDP and the SPD.

Character and appearance

17. The appeal property sits in notably rural surrounds, and the main dwelling has an overall traditional appearance and character that assimilate within these settings. It features a hipped gable end roof with catslide slope and appears to retain sash windows. The addition of the extension is at odds with this. Its flat roof, sizeable projection, expansive glazing and different fenestration design, and raised platform and balustrades appear as overtly modern. While they do not remove the traditional features of the main dwelling, they fail to reflect or respect their character. Even noting its single storey nature, the large footprint of the extension ensures that it does not read as subservient and creates an incongruous addition.
18. The boundary wall and hardstanding serve to further dilute the rural appearance of the site. While they may be features that generally appear within the area, the scale and solid built form of the wall, and the extensive nature of the hardstanding, have a clear urbanising effect. This sits uncomfortably in the immediate surrounds, particularly when experienced alongside immediately neighbouring residential development that largely retains and reflects a more rural nature. Taken together, the various aspects of the development overall appear dominant and out of place.
19. For the reasons given, the development has a significant adverse effect on the character and appearance of the dwelling and area. As such, it fails to comply with Policies GP5, BD6, LD1 and N25 of the UDP, Policies P10 and P12 of the Core Strategy Leeds Local Plan 2014, Policies BE1 and LE1 of the Barwick and Scholes Neighbourhood Plan and the SPD insofar as they seek to ensure developments, including extensions and boundary features, appropriate in terms of location, scale, function, and conserve the existing rural character.

Other Considerations

20. The appellant has highlighted that the entrance gates and boundary wall are necessary for safety and security purposes. However, I am not convinced that similar benefits could not be secured by a development that complies with local and national planning policy., As such, this carries little weight.
21. While raised as part of the ground (f) enforcement appeal, the appellant highlights a fallback position of a boundary wall that complies with permitted development rights. However, while limited details are provided, this too would have an impact on openness. In any event, there is nothing before me to suggest that there is a greater than theoretical possibility of this occurring, such that it carries little weight.

Conclusion

22. The proposal would result in inappropriate development in the Green Belt. This would be harmful to the Green Belt and the Framework indicates that such harm should be given substantial weight. I have also found harm with regard to character and appearance. I find that the other considerations in this case when taken together do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
23. For the reasons given, I therefore conclude that the appeal should be dismissed.

APPEAL A

Appeal on ground (b)

24. An appeal on ground (b) is brought on the basis that the alleged breach of planning control stated in the notice has not occurred as a matter of fact. The breach of planning control outlined in the enforcement notice is, without planning permission, the erection of a single storey side extension and front boundary walls, brick piers and gates adjacent to the highway. The appellant states that no such side extension exists at the appeal property.
25. When viewing the appeal property from the entrance gates, the development reads as a side extension. However, submitted plans suggest it is located on the front elevation of the dwelling. Nevertheless, it remains that there is only one single storey extension at the site. Notwithstanding the differing views of the main parties regarding its orientation, it is this extension that both parties have referred to in their evidence. Accordingly, it is a matter of fact that this single storey extension existed at the site at the time the notice was issued.
26. In order to ensure the notice accurately reflects the alleged breach of planning control, I can correct it to refer to the development as a front extension. Given the nature of the evidence submitted by both main parties, I can do so without injustice to either the appellant or the Council.
27. For the reasons given, the appeal on ground (b) fails.

Appeal on ground (f)

28. An appeal on ground (f) is made on the basis that the requirements of the notice exceed what is necessary. Section 173(4) of the 1990 Act sets out the purposes which an enforcement notice may seek to achieve. They are either (a) remedying of the breach of planning control or (b) remedying any injury to amenity which has been caused by the breach.
29. The notice requires the removal of all works that have formed the breach of planning control alleged in the notice. Its purpose is therefore to remedy the breach of planning control to return the appeal site to its condition prior to the breach taking place. Consequently, the requirements of the notice do not exceed what is necessary and there are no lesser steps that would remedy the alleged breach.
30. The appellant alleges that requirements of the notice exceed what is necessary due to there being no side extension at the site. However, this has been addressed by my findings on the ground (b) appeal, and the corrections made to the notice.
31. Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) grants planning permission for those classes of development defined as 'permitted development' in Schedule 2. Class A of Part 2 of Schedule 2 sets out the circumstances in which the erection of a gate, fence, wall or other means of enclosure may be classified as permitted development and thus benefit from planning permission.
32. The appellant's position is the height of the wall and gates forming part of the development could be reduced to be in line with permitted development rights. Permitted development rights cannot be applied retrospectively to the development carried out. However, I accept that following removal of the wall and gates in line

with the requirements of the notice, the appellant could reconstruct similar features in line with permitted development rights.

33. Nevertheless, it was not readily apparent on my visit that the wall and gates forming part of the development could be altered or cut to size to reduce their height within permitted development limits. There is also nothing substantive either before me or observed on site to suggest a reasonable prospect of the appellant reconstructing a wall and set of gates of a similar design but lower height following demolition in line with the requirements of the notice. As a result, I am not satisfied that there is an obvious alternative to the removal of the development.
34. The third requirement of the notice is to remove all debris and detritus from the property. The appellant indicates that they may wish to recycle building materials resulting from demolition. However, retaining such material at the appeal site for this purpose would not remedy the breach of planning control, which can only be achieved by the removal of such materials.
35. Nevertheless, it remains necessary that the “debris and detritus” referred to in the notice, relates only to that debris and detritus resulting from the other steps required to be taken. This would provide certainty that the requirements relate to remedying the breach of planning control and do not exceed what is necessary. I can correct the notice as such, without injustice to the appellant or the Council.
36. For the reasons given, the appeal on ground (f) succeeds to a very limited extent.

Appeal on ground (g)

37. An appeal on ground (g) is brought on the basis that the time period for compliance in the notice falls short of what should reasonably be allowed.
38. The enforcement notice gives six months for compliance. In arguing that this is unreasonable, the appellant alleges the need for a period of nine months to contact tradespeople and arrange quotations. There is nothing compelling to suggest tradespeople could not be readily found and instructed, and the required works carried out, within the six month period specified. This would ensure that the identified planning harm is dealt with in the necessary expedient manner.
39. For the reasons given, the appeal on ground (g) fails.

Conclusion

40. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with corrections.

Overall Conclusions

41. For the reasons given above, I conclude that the Appeal A should not succeed. I shall uphold the enforcement notice with corrections.
42. For the reasons given above, I conclude that Appeal B is dismissed.

C Rafferty

INSPECTOR

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/N4720/C/24/3353264	Mr C Best
Appeal B	APP/N4720/D/24/3353261	Mr C Best