Planning Inspectorate

Appeal Decision

Site visit made on 1 July 2025

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 July 2025

Appeal Ref: APP/N4720/D/25/3364887
Craven Bank, Harewood Road, Collingham, Wetherby, Leeds LS17 9HL

- 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 Parmar against the decision of Leeds City Council.
- The application Ref is 24/07184/FU.
- The development proposed is construction of a detached garage, a car parking bay, and widening of existing steps.

Decision

1. The appeal is allowed and planning permission is granted for construction of a detached garage, a car parking bay, and widening of existing steps at Craven Bank, Harewood Road, Collingham, Wetherby LS17 9HL in accordance with the terms of the application, Ref 24/07184/FU, subject to the following conditions:

   1) The development hereby permitted shall begin no later than three years from the date of this decision.

   2) The development hereby permitted shall be carried out in accordance with the following drawing numbers:

      - PP-13631190v1 (Location Plan)
      - 2452-01A (Proposed Garage Site Plans)
      - 2452-02A (Proposed Garage Elevations)

   3) The external surfaces of the development hereby permitted shall be constructed in the materials listed on the application form.

Preliminary Matters

2. The appeal has been accompanied by a set of amended plans. These amended plans do not change the proposed scheme, but relate to an error in the scale of the drawings which was raised by the Council during the application stage. The Council note that ordinarily, revisions would have been sought from the appellant. However, due to the issues raised, this was not undertaken. In following the Procedural Guide: Planning Appeals – England, the submission of these plans would not evolve the scheme. These plans are essentially the same scheme that was considered by the Council and by interested parties at the application stage. Each party has had the opportunity to comment on this matter during the appeal. I have therefore accepted these plans and assessed them as part of this appeal.

Main Issues

- The main issue is whether the proposal is inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any development plan policies, including any relevant effects on the openness of the Green Belt.

Reasons

Whether it is inappropriate development in the Green Belt

3. The appeal site is within the Green Belt. The proposal contains two distinctive elements. These are the erection of a garage structure and several engineering operations. I have addressed these elements of the scheme individually to each other.

4. Policy N33 of the Leeds Unitary Development Plan Review (2006) (UDP) seeks to protect the Leeds Green Belt. In that respect, its aims are broadly consistent with the Framework. It outlines that only certain types of development would be acceptable within the Green Belt except in very special circumstances. However, this policy does not specifically identify engineering operations and therefore, it is out of step with the Framework. I therefore afford substantial weight to the Framework with regard to this main issue.

Paragraph 154 (c) of the Framework

5. Paragraph 154 of the Framework notes that the construction of new buildings in the Green Belt should be regarded as inappropriate. Several exceptions are listed in Paragraph 154. The appellant suggests that the appeal proposal would meet the exception in Paragraph 154 (c) of the Framework, with specific regard to the garage element of this proposal. This exception is concerned with 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.

6. The appellant refers to a High Court Judgment[1] with regard to the provision of outbuildings within the Green Belt. In that case, the court agreed with the findings of the Planning Inspector in that a building would be an extension, despite the structure not being physically attached to another building. The proposed building would be located a short distance from Craven Bank. It would have a clear relationship with the host residential unit by reason of its proximity and use as an ancillary building. It would therefore be reasonable to treat this building as a normal domestic adjunct to Craven Bank, without its physical attachment.

7. I now turn to the matter of whether the building would result in disproportionate additions over and above the size of the original building. Policy HDG3 of the Householder Design Guide Supplementary Planning Document 2012 (SPD) notes that extensions, additions and alterations to dwellings within the Green Belt should represent limited development and should not harm the character, appearance and openness of the Green Belt. To be considered as limited development, extensions should not exceed 30% of the original house volume and should not harm the character, appearance or openness of the Green Belt.

[1] Warwick DC v SSLUHC [2022] EWHC 2145 (Admin).

8. The appellant suggests that the SPD is out of date as it predates the Framework. However, Paragraph 232 of the Framework states that existing policies should not be considered out-of-date simply because they were adopted or made prior to its publication. This policy forms a part of the SPD. The SPD provides further guidance on how such a development can be assessed in this particular context.

9. The Framework defines the term 'original building' as "a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally". Craven Bank has been subject to several changes through its history since 1 July 1948, most notably, two extensions to its rear. The most recent of these extensions was granted consent in 2016, with the Council contending that before this particular application, the property had already extended beyond the 30% limit as set out in Policy HDG3 of the SPD. A different conclusion has been reached by the appellant.

10. Nevertheless, in my assessment, in total, all of the extensions combined, including the development proposed in this appeal, and the elements which appear to have been previously removed, would significantly exceed 30% of the original dwelling size. This would amount to a disproportionate extension to Craven Bank when taking the original property size and all of its previous extensions into account in purely spatial terms.

11. However, the assessment on whether a development would result in a disproportionate addition should not solely rest on a numerical calculation. The design of the appeal proposal would create a building in which the visible elements would largely consist of its roof and front door, with much of its form hidden by the surrounding topography. As such, this would reduce its visual overall scale. It would also be in an area of the appeal site which has a heavily engineered appearance due to the formation of its driveway and the siting of its retaining and boundary walls.

12. In taking the wider context into account, the appeal site is also located next to significant neighbouring developments. It would therefore be viewed in a context where land is not free from development. Furthermore, this area of Harewood Road is a location where there are limited opportunities to stop and observe the appeal site. As such, the visibility of the development would not only be limited by its design, but would also be momentary.

13. Therefore, when all of these matters, on this specific site and in this particular context are taken into account, this proposed development would have a very limited visual impact. It would not therefore result in a disproportionate addition over and above the size of the original building when a visual assessment is undertaken. To conclude, the proposal would not represent inappropriate development in the Green Belt. It would therefore accord with Paragraph 154(c) of the Framework.

<u>Paragraph 154 (h) of the Framework</u>

14. The proposed development would also provide a new parking bay, additional hardstanding and would widen the existing access steps from the parking area to Craven Bank. As is relevant to the second element of the proposed development, Paragraph 154 (h) (ii) advises that certain forms of development, including engineering operations, are not inappropriate in the Green Belt provided that they

preserve its openness and do not conflict with the purposes of including land within it.

15. The elements proposed would be engineering operations. This is not contested by the Council. I now move to the matter of openness. These engineering operations would be located close to the host property of Craven Bank which is not free from existing engineering operations. These include the provision of access steps and the hardstanding towards the front of and up to the host property. The proposed works would also be in a position between the proposed garage building and the host property. Therefore, they would be contained between the footprint of these two buildings and would not sprawl further into the Green Belt.

16. As such, this would not have a greater effect on openness than what is currently experienced and therefore, the openness of the Green Belt would be preserved, and it would not conflict with the purposes of including land within it. To conclude, it would therefore accord with Paragraph 154 (h) (ii) of the Framework.

Conditions

17. The Council noted in their appeal questionnaire which conditions they considered to be necessary in the event that the appeal was allowed. Whilst these conditions were indicated, no wording was provided. As such, I have formulated a set of conditions based on the suggested conditions by the Council. I have subsequently requested comment from both parties on these conditions and taken any comments received into account.

18. In addition to the statutory time condition [1], I have a attached a condition which specifies the approved plans [2] and a condition which specifies that the materials to be used must be those which are listed on the application form [3]. These conditions are necessary in the interests of certainty.

Conclusion

19. For the reasons given above and in taking all material considerations into account, the appeal should be allowed.

J Smith

INSPECTOR