



Appeal Decision

Site visit made on 21 July 2025

by **P Eggleton BSc(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 August 2025

Appeal Ref: APP/Z4718/D/25/3367337

998 New Hey Road, Outlane, Huddersfield HD3 3FJ

- 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 A Pearce against the decision of Kirklees Council.
 - The application reference is 2025/62/90797/W.
 - The development proposed is demolition of existing garage and store and erection of new garage and store.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal would amount to inappropriate development within the Green Belt; whether there would be any other harm to the Green Belt; the effect on the character and appearance of the area; and 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

3. The proposal would result in the replacement of the existing building with a larger building to be similarly used for domestic storage purposes including vehicle parking. The plans are incorrect in that the height of the side elevations proposed appear to exceed the height of the front and rear elevations, even when considering the level changes.

Whether inappropriate development in the Green Belt

4. Regardless of which of the overall height measures are used, the building proposed would be larger than the building it would replace in terms of footprint, volume and overall height. Policy LP57b or the Kirklees Local Plan 2019 (LP) refers to the replacement of existing buildings in the Green Belt and I consider this to be the appropriate basis for an assessment in these particular circumstances. It requires that a new building is not materially larger than the building it is replacing. Although calculations of the relative volumes and areas have not been provided, based on the plans, the proposal would undoubtedly be materially larger. It would therefore conflict with policy LP57b and would represent inappropriate development in the Green Belt when assessed against the development plan. With regard to the National Planning Policy Framework, this includes similar requirements and the

proposed outbuilding would not satisfy its exception relating to replacement buildings.

Any other harm

5. The proposal would not result in a greater extent of hardstanding or changes to the access or the enclosures that form this particular area of the property. It would therefore accord with policy LP57c. However, the greater scale and footprint of the building would result in a reduction in the openness of the Green Belt contrary to one of the fundamental aims of Green Belt policy, set out in the Framework, which is to prevent urban sprawl by keeping land permanently open. It is acknowledged that this reduction in openness would be limited in scale given the size of the building and the layout and details of the property.
6. The scale of the building and its form would be at odds with the form of the adjacent dwelling. As a functional building, designed for modern requirements, including the keeping of larger vehicles, it would not be unreasonable to expect some departure from the design and proportions of the house. The existing building is not a positive feature on the approach to these dwellings and whilst the proposed materials would improve upon those currently used, the existing building has a more limited impact due to its lesser height and scale. Despite the set-back from the road, beyond the building line of the dwelling, the proposal would be more apparent given its increased height and size when approaching from the west. Despite the improved materials, its increased scale and overall height, particularly as shown on the two side elevation drawings, would result in additional harm to the character and appearance of the area.
7. Although of a simple design and improved materials, it would not satisfy the design expectations of LP policy LP24a as its form and scale would not respect or enhances the character of the landscape. As it would detract from its Green Belt setting, it would conflict with part d) of policy LP57. Reference is made to the council's House Extensions and Alterations Supplementary Planning Document 2021. It would retain the existing private amenity space and it would be set back as required, although this would not prevent the impact on the street scene. However, it would be a large prominent feature that would be dominant when viewing the property. It would not appear as subservient in footprint or scale to the original building and its garden. It would therefore be at odds with the council's guidance.

Other considerations

8. The building would not encroach into open countryside and would utilise an existing enclosed area that is already surfaced and bounded by the garden wall. The length of the building proposed has been reduced to lessen its scale. The area is not open as it is always occupied by vehicles which could be housed in the new garage. The building would remain distinct and separate from the house. Reference is made to the free standing garage of the attached property but I am unclear as to the history associated with that building.

Conclusions

9. The proposal does not satisfy LP policy LP57b and would also represent inappropriate development in the Green Belt with regard to the Framework. The proposal would also reduce the openness of the Green Belt to a limited extent and would result in some harm to the character and appearance of the area.

10. Inappropriate development is, by definition, harmful to the Green Belt. The Framework is clear that substantial weight should be given to any harm to the Green Belt. Inappropriate development should not be approved except in very special circumstances and these will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.
11. The considerations put forward do not clearly outweigh the harm to the Green Belt and they do not therefore represent the very special circumstances that are necessary to justify the development. The proposal would conflict with the specific policies of the LP and the Framework that relate to the Green Belt. These indicate that the development should not be approved. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR