



Appeal Decision

Site visit made on 11 August 2025

by **M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 August 2025

Appeal Ref: APP/A4710/D/25/3367455

**The Mistle, Firth House Barn, Scammonden Road, Barkisland, Sowerby Bridge
HX4 0EL**

- 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 K Johnson against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref is 24/01148/HSE.
 - The development proposed is the construction of a detached outbuilding comprised of a garage.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The spelling of the property name in the banner heading above is taken from the name plaque viewed within the boundary walling I observed during my visit. The description of development is taken from the planning application form with the exception of the references to retrospective and a previous application, neither of which are acts of development.
3. A detached garage with a dual pitched roof has been constructed at the appeal site without planning permission¹. It differs in form and height to the garage that is now proposed. Given that the existing building is unauthorised and the description of development refers to the construction of a new building, I have considered the appeal on this basis.

Main Issues

4. The main issues of this appeal are;
 - i) Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and development plan policies;
 - ii) The effect of the proposal on the character and appearance of the area; and
 - iii) Whether any 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 required to justify the proposal.

Reasons

Inappropriate Development

¹As explained within the appellant's statement of case and with reference to the planning history of the site as set out in the Council's officer report.

5. Policy GB1 of the Calderdale Local Plan (CLP) 2023, gives priority to the protection of the Green Belt, stating that the construction of new buildings should be regarded as inappropriate in the Green Belt. It reiterates the closed list of exceptions for new buildings set out within the Framework.
6. The exception at I(c) of Policy GB1 of the CLP and paragraph 154(c) of the Framework allow the extension or alteration of a building providing that it does not result in disproportionate additions over and above the size of the original building. In this instance the original building is the section of barn that formed the separate planning unit of The Mistle. Neither the Framework nor Policy GB1 provide a definition of what would constitute a 'disproportionate addition.' It is therefore a matter of planning judgement.
7. The garage building would be located within the curtilage of dwelling². It would be used for the parking of vehicles and other storage purposes in connection with the occupation of the dwelling. In this regard, despite being detached, the garage would amount to a normal domestic adjunct.
8. The Council is clear that the existing dwelling has been extended on a number of occasions³ which has resulted in a total increase in volume of 65% over and above the original. I was able to observe these extensions during my site visit which were distinguishable by the change in colour to the stonework and pointing.
9. The Council advises that the proposed garage would result in a cumulative increase of 96% when added to the volume of the existing extensions. The appellant has not provided me with his own calculations, nor sought to dispute the Council's position regarding the volume increase. No information has therefore been presented, that would lead me to disagree with these figures.
10. Visually the extensions have already significantly increased the size of the original dwelling. Even with a flat roof, the proposed garage would have a large size and scale, such that I am not satisfied that the original dwelling would in visual terms, remain the dominant element within the appeal site. It is my view that the resultant cumulative increase in volume and size would amount to disproportionate additions to the original dwelling.
11. The exception specified in paragraph 154(c) of the Framework makes no mention of Green Belt openness, unlike other Green Belt exceptions. Openness is not therefore relevant, when determining whether the proposal would amount to a disproportionate addition and I am not required to consider this further.
12. For the reasons given, the proposal would be inappropriate development in the Green Belt which is, by definition harmful, and should not be approved except in very special circumstances. It would therefore conflict with Policy GB1 of the CLP and paragraph 154(c) of the Framework as set out above.

Character and Appearance

13. The appeal site comprises a dwelling formed through the subdivision and conversion of a traditional former agricultural barn. The Council has advised that the appeal site lies within a special landscape area (SLA) although I have not been referred to a specific one, nor a landscape character assessment. It seems to me from my site visit that the character of the landscape surrounding the appeal site is

² As confirmed through the granting of a lawful development certificate reference 21/00408/191.

³ With reference to planning application references 18/00510/HSE for a first-floor side extension and 22/00948/HSE for a single storey side extension (retrospective).

formed predominantly by the pattern of upland pastures enclosed by drystone walls with occasional bands of woodland planting. Buildings typically include scattered farmsteads or isolated dwellings with a strong vernacular of local natural stone and dual-pitched slate roofs.

14. The appeal property has been altered and extended such that its former agricultural character has been somewhat diminished. Nonetheless, as part of a group of buildings that make up a former traditional farm steading in a predominantly rural location, it contributes positively to the character and appearance of the area.
15. The proposed garage would be single storey and of stone construction with a flat roof. I understand that the design of the building has evolved in an attempt to address the Council's concerns regarding size and volume. Nonetheless, the limited height and flat roof design combined with the extensive width of the garage and wide garage door would result in a building with an unusually squat appearance and large scale. As such, the form of the garage would contrast with and detract from the local vernacular architecture where dual-pitched roofs predominate.
16. As the proposed garage would face the lane that carries a public right of way, the garage would be highly visible from a public vantage point, albeit at close quarters due to the alignment of the route and the presence of mature landscaping along it. Notwithstanding its single storey height and lack of wider visibility, the form of the proposed garage would appear inharmonious in such views. In this regard, the proposal would not make a positive contribution to the quality and distinctiveness of the existing environment or wider landscape.
17. Whilst the design of the proposed garage would be incongruous in its immediate context, it could in no way be considered to be dominant and prominent in the landscape. Given the screening afforded by nearby planting, the proposal would not have an overbearing influence on the landscape as a whole.
18. I find that the proposal would harm the character and appearance of the area. It would conflict with Policies BT1 and GN4 of the CLP which amongst other things, require new development to be of a high quality that respects or enhances the character and appearance of existing buildings and surroundings, including its location within a special landscape area.

Other Considerations

19. Paragraph 153 of the Framework states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
20. The appellant contends that the proposed garage is required for the secure storage of his vehicles. Whilst understanding this concern, I have not been presented with any substantive evidence that crime is a significant problem in the area, such that the fear of it could be considered as a material consideration. Neither has it been demonstrated to me that other crime prevention measures could not be implemented. This attracts limited weight.
21. I am aware that the appellant has applied for various retrospective planning permissions for a garage in this location since 2022 but the specific details of those refusals are not before me. Be that as it may, and whilst understanding the

stressful implications of the refusals, it does not justify permitting inappropriate development in the Green Belt. Whether any alternative proposal could be considered acceptable would be a matter for the Council.

22. The acceptability of the scheme in respect of the effect on the living conditions of the host occupiers and neighbouring residents with regard to the provision of garden space and outlook respectively, are neutral matters that weigh neither for, nor against, the proposal.

Green Belt Balance and Conclusion

23. The proposal would amount to inappropriate development in the Green Belt which is, by definition, harmful and should not be approved except in very special circumstances. The Framework establishes that substantial weight should be given to any Green Belt harm. Very special circumstances will not exist unless harm to the Green Belt is clearly outweighed by other considerations.
24. In light of the substantial weight to be given to Green Belt harm, combined with the other identified harm to the character and appearance of the area, and the limited weight to be attached to other considerations, the harm would not be clearly outweighed. The very special circumstances necessary to justify the proposal do not exist. Accordingly, the appeal is dismissed.

M Clowes

INSPECTOR