



Appeal Decision

Site visit made on 20 June 2025

by N Duff BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd September 2025

Appeal Ref: APP/A4710/W/25/3360046

Brook House, Hey Lane, Outlane, Elland, Calderdale HD3 3HP

- 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 Jamie Moody against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref is 24/00844/HSE.
 - The development proposed is retrospective application for a garden room.
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Decision

1. The appeal is allowed and planning permission is granted for a garden room at Brook House, Hey Lane, Outlane, Elland, Calderdale HD3 3HP in accordance with the terms of the application, Ref 24/00844/HSE, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the approved drawing 2100-24-001.
 - 2) The facing materials of the outbuilding hereby approved shall be retained as such for the lifetime of the development.
 - 3) The outbuilding hereby permitted shall not be occupied at any time other than for the purposes ancillary to the residential use of the dwelling known as Brook House as shown on approved plan 2100-24-001 and shall at no time be severed from the main house by being sold or let as a separate unit of accommodation.

Preliminary Matters

2. The first reason for refusal states that the site sits outside of the residential curtilage and therefore could not be dealt with by way of a householder planning application. Notwithstanding this, the Council validated and determined the application. The appeal is being dealt with as a standard Section 78 of the Town and Country Planning Act 1990 appeal and not a householder appeal, thereby permitting additional submissions. I am satisfied that sufficient information has been provided to proceed to a decision, and I consider that determining the extent of the property's curtilage is not a matter for this appeal to determine.
3. The Council in their submissions have referenced engineering works around the site. For the avoidance of doubt, I have determined the appeal based on the plans before me and following my observations on site there was nothing that I observed that has warranted a different approach.

4. I have amended the description of the development in the formal decision to remove reference to retrospective as this is not an act of development.

Main Issues

5. The main issues of the appeal are:
 - Whether or not the development would be inappropriate development in the Green Belt.
 - The effect of the development on the character and appearance of the area, with particular regard to the Special Landscape Area.

Reasons

6. The appeal site is a dwelling located off Hey Lane and is part of a cluster of individual dwellings in Outlane, a small settlement with undulating topography. The site has a large dwelling, set in sizable grounds with a small stream running through the garden, and is contained by the natural topography of the area and trees. The site is located within the Green Belt and Special Landscape Area.
7. The proposal is for a detached domestic outbuilding which is already in situ, which the evidence shows appears to have replaced a stable building. The building is large and has a predominantly glazed frontage constructed from stone, it is located facing the rear of the host property across the small stream, but nevertheless, within close proximity to the dwellinghouse. The building is partially built into a small hillside, with exposed rock facing the main dwelling, with the roof of the building connected to land at a higher level and utilised as a roof terrace area accessed by a track.

Whether the proposal is inappropriate development in the Green Belt

8. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 of the Framework sets out exceptions whereby development would not be inappropriate.
9. The evidence within the appellant's statement of case refers to exception c) of paragraph 154 the National Planning Policy Framework (the Framework) which states *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*.
10. The Council contends that the site lies outside the residential curtilage and therefore the proposal cannot be considered an extension of the original building. However, this is not a requirement of exception c) of paragraph 154 of the Framework nor of Policy GB1 of the Calderdale Local Plan and as stated above the matter of curtilage is not for me to determine here. Notwithstanding this, I am satisfied that due to the appeal building's proximity to the main dwelling, together with my observations from my site visit, which to my mind reinforce its physical and visual association with the host building, for the purposes of exception c) of paragraph 154 of the Framework I would consider the appeal building to be an extension to the building.
11. The host dwelling is large, and the Council has stated that it appears to have been extended beyond its original form. However, based on the available evidence including historic mapping provided from between 1934-1948, a plan from 1997

and aerial imagery that show a similar footprint and outline to that as existing, even if the property has been extended, I do not have sufficient evidence before me to determine the extent, timing or nature of previous extensions. Nevertheless, the host building is large and its span across the site appears to have been this way for many years. The building extends over two to three storeys with rooms in the roof, and has a substantial floor area, bulk and massing.

12. Therefore, the outbuilding, although of a reasonable size, is modest by comparison to the host dwelling and is partially built into the embankment and, to my mind, would appear subservient to the greater massing, height and prominence of the host building. I find that the appeal building would not result in a disproportionate addition over and above the size of the original building and would therefore fall within the exception at paragraph 154 c) of the Framework. For these reasons, the outbuilding would not constitute inappropriate development within the Green Belt.
13. In these circumstances, there is no requirement for a specific assessment of the effects on openness or to consider very special circumstances, and considering other exceptions drawn to my attention serves no purpose.
14. For the reasons set out above, I conclude that the proposal would not be inappropriate development within the Green Belt as it would not constitute a disproportionate addition to the original building. It would therefore accord with Calderdale Local Plan (CLP) Policy GB1 which states that development of new buildings is inappropriate development except 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.

Character and appearance

15. As previously described, whilst part of the building is visible from the main public vantage point of Hey Lane, it is mainly self-contained by the dwellinghouse, exposed rock and grass banking, and landscaping, including woodland within the site. Therefore, it is relatively well screened from public vantage points.
16. The site is within a Special Landscape Area (SLA) where policy GN4 of the CLP states that development within its setting should be carefully designed. The outbuilding is single storey with a flat roof and has a predominantly glazed frontage, the walls that are exposed are constructed from large stone to complement the colour and texture of the stone found locally. The roof of the building has a glazed balustrade around it enclosing a roof lawn and garden area. I find that the materials are in keeping with those used in the surrounding buildings, especially the use of natural stone. The predominantly glazed frontage gives a subtlety to the massing of the building helping it to assimilate into its surroundings.
17. Due to the design of the building and its subservience to the host dwelling, together with natural screening and the banking behind the building, the development does not appear incongruous in its surroundings. I am satisfied that the proposal does not affect important and distinctive views due to its well screened position within the landscape.
18. For the reasons set out above, I conclude that the building does not harm the character and appearance of the area with particular regard to the SLA. The development therefore accords with Policies GN4 and BT1 of the CLP only insofar as they relate to this main issue, which between them require developments to be

carefully designed to ensure that they are in keeping with their location in the SLA and are of a high quality, inclusive design.

Conditions

19. The Council has suggested conditions that both parties have had the opportunity to comment upon and which I have considered against advice in the Framework and Planning Practice Guidance (PPG). As a result, I have made some amendments for consistency and clarity purposes. Given the retrospective nature of the appeal building, I have not included a time limit condition as this is not considered to be necessary.
20. In my judgement, conditions are necessary to confirm the approved plans to provide certainty. A condition is necessary to ensure that the facing materials are retained as existing to maintain the character and appearance of the area.
21. Due to the size of the outbuilding and its juxtaposition in relation to the host dwelling a condition is necessary to ensure that the appeal building remains ancillary to the host dwelling, Brook House, and is not sold or let separately in the future, in the interests of living conditions of existing and future occupiers.

Conclusion

22. For the reasons set out above and having regard to the development plan as a whole and all other matters raised, the appeal is allowed.

N Duff

INSPECTOR