



Appeal Decision

Site visit made on 9 September 2025

by **L N Hughes BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 September 2025

Appeal Ref: APP/X4725/W/25/3367725

61 Newmarket Lane, Methley, Leeds LS26 9DN

- 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 Jason Watson against the decision of Wakefield Council.
 - The application Ref is 24/00129/FUL.
 - The development proposed is the demolition of existing garage and shed and replacement garage.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing garage and shed and replacement garage, at 61 Newmarket Lane, Methley, Leeds, LS26 9DN, in accordance with the terms of the application, Ref 24/00129/FUL, and the plans submitted with it, subject to the following conditions:
 - (1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - (2) The development hereby permitted shall be carried out in accordance with the following approved plans;
Location Plan / Proposed Site/Block Plan 24-08(03)01 Rev P05
Proposed Plans and Elevations 24-08 (03)02 Rev P03.

Preliminary Matters

2. The application form cites the description of development as 'new garage to rear garden of existing dwelling'. The decision notice description provides more accuracy as it includes demolition of the existing outbuildings, so I have used that for the description above.

Main Issues

3. The main issues are:
 - whether the proposed development would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework ('the Framework') (2024) and any relevant development plan policies;
 - the effect of the development on the openness of the Green Belt;
 - the effect of the proposed development on the character and appearance of the area; and
 - whether other considerations clearly outweigh the harm to the Green Belt and any other harm so as to amount to very special circumstances.

Reasons

Inappropriate Development in the Green Belt

4. The appeal site comprises an irregular shaped plot of land in use as a driveway and garden area, plus a shared access road. In the same ownership lies the dwelling of 61 Newmarket Lane to the north, and a lawned area to the south. The proposal would demolish the existing garage and shed, which the Council confirms are lawful through the passage of time, and erect a single garage in the same area.
5. The existing buildings are physically separated from the rear access road. Due to this separation, the Council considers the land does not lie within its residential curtilage. The 2 rows of terraced dwellings containing the appeal site are similarly separated from their rear plots, which in combination form a triangle of land with a large field wrapping around it.
6. The site is on land defined as Green Belt by the Wakefield District Local Plan 2036 (LP). The Framework establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings in the Green Belt should be regarded as inappropriate, subject to several exceptions. The LP Policies SP3(f) and SP5(f) reiterate that development in the Green Belt will confirm to local and national Green Belt planning policy.
7. The relevant potential exception falls under the Framework paragraph 154(d), being the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. The LP Policy LP62(2)(b) takes a similar approach to replacement buildings, provided that they remain in the same use and are not materially larger than the ones replaced. The new garage would be wider, higher, and longer in combination than the existing buildings. It would have a footprint increase of 74%, and a volume increase of 113%. As such, I find this would be materially larger, albeit on a small domestic scale, and therefore the proposal would be inappropriate development in the Green Belt. It would result in conflict with the LP Policy LP62(2)(b), and Section 13 of the Framework.

Openness

8. The Framework paragraph 142 identifies that the essential characteristics of Green Belts are their openness and their permanence. Openness has spatial and visual aspects, and is a matter of planning judgement. As outlined above, the garage would result in additional volumetric massing in spatial terms. As a small-scale domestic structure, I find this a minor harmful loss of openness in spatial terms.
9. Visually, the Green Belt openness is not especially evident immediately around the site, due to the mass and position of the existing buildings blocking more than short range views. The current streetscene is somewhat cluttered, with an eclectic mix of outbuildings. Although the Council highlights that many do not benefit from planning permission, many have been present for many years, with no suggestion before me of any forthcoming enforcement action. These buildings thus form part of the established character. Even with the increased height and massing of the proposed garage compared to the site's existing structures, its single storey scale and materials would be appropriate and not especially prominent within this context, including due to being set back from the road and behind another garage building. It would maintain the domestic character of this stretch of land.

10. The existing garage is utilitarian and of no particular visual merit, and is juxtaposed alongside the shed at a somewhat awkward angle due to the plot confines. As such, the new garage would somewhat consolidate the existing combined footprints within the plot, despite its size increase. It would also comprise a more modern and higher quality finish. It would be lower than the garage in the western part of the plot, so would not dwarf its surroundings. Taking these factors together, I find the proposed size increase would cause only a very limited harmful visual impact on openness.
11. For these reasons, the proposal would have a slightly greater impact on the openness of the Green Belt than the existing development. It would thus be inappropriate development in the Green Belt, which is, by definition, harmful. Although this would be minor in extent, the Framework requires that I give this harm substantial weight. It would therefore conflict with Section 13 of the Framework, and thus also with the LP Policies SP3(f) and SP5(f).
12. The Framework also identifies five essential purposes of the Green Belt at paragraph 143. The Council considers the proposal would result in encroachment into the countryside under (c), and affords this substantial weight. However, the amount of additional built form would be small-scale, and would be contained closely within the existing plot boundaries and adjacent built form. The long open garden area would remain to the south. Overall, I find there would be no obvious encroachment perception, and thus no conflict with any of the Green Belt purposes.

Character and Appearance

13. The LP Policy LP62(2)(c) identifies that the scale, materials and general design of replacement buildings in the Green Belt are to be in keeping with the character of the buildings and their surroundings. The reason for refusal identifies no other design related policies, but the Officer Report also discusses the LP Policies SP23 and LP56. Together and amongst other matters, these state that buildings will be of high quality design which are appropriate to their location in terms of scale, and protect and enhance local character and distinctiveness. Proposals will respect the character, function, and overall quality of the locality in terms of design, scale, massing, height, layout, materials and colour.
14. The visual factors discussed above in relation to the openness of the Green Belt are similarly relevant to the consideration of character. In isolation the design of the garage is acceptable, and within the wider site context the increased massing of the new garage would not be untoward. Altogether, I therefore find that the proposal would not harm the character and appearance of the area, and so in this regard would not conflict with the LP Policies LP62(2)(c), SP23, and LP56.

Other Considerations

15. The appellant disputes that the site does not lie within the residential curtilage, in part because the layout has remained the same since the houses were built 125 years ago. However, their evidence on matter this is very limited. Establishing curtilage can be complex, and in this instance there is insufficient evidence before me for me to find anything other than in accordance with the Council that the land does not form part of the residential curtilage.
16. As such, there appear to be no permitted development rights for the appeal site, such that this provides no realistic fallback position. Nonetheless, I do take account that had the plot not been separated from the dwelling by the access road, then

such rights would likely exist. The land has been used over many years for ancillary domestic purposes, including as garden land. As such, it appears to me to be reasonable for the homeowner of No. 61 to be able to enjoy to a limited extent, ancillary outbuildings of a type which may otherwise be permitted development. Furthermore, these Newmarket Lane dwellings and their separated rear plots as a whole, appear to be very unusual within the wider area of Green Belt, and are constrained in extent.

17. The proposal would also slightly modernise and rationalise the existing layout of outbuildings. Specifically, the width is required in order to gain sufficient vehicle access into the garage, due to the constrained plot shape at this point. Although this does not account for the proposed height or length, this falls in its favour.

Conditions

18. I have imposed the statutory condition to limit the lifespan of the planning permission, and specified the approved plans to provide clarity for its terms. The Council did not suggest any conditions. As the plans clearly show all the proposed external details, including materials, I did not find it necessary to seek clarification from the main parties as to whether to impose any further conditions.

Planning Balance

19. In summary, the proposal would be inappropriate development in the Green Belt in the terms set out by the Framework. Paragraph 153 requires that substantial weight should be given to any harm to the Green Belt, albeit in this instance I find the harm to be minor, and that inappropriate development should not be approved except in very special circumstances. It further explains that very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
20. The absence of harm to the character and appearance of the area, and to any of the essential purposes of the Green Belt, are material considerations adding weight to the case in this instance. These lie alongside the need for sufficient garage width, the unusual site layout, and the historical use as garden land which would otherwise infer some permitted development rights for new outbuildings. Overall, although individually very small-scale factors, I find in combination that these other considerations clearly outweigh the harm to the Green Belt. As such, they comprise very special circumstances, which justify the proposal in this instance.

Conclusion

21. In conclusion therefore, the proposed development would be in some conflict with the development plan with respect to harm to the Green Belt. However other material considerations, including the Framework and the very special circumstances cited in this case, indicate that permission should be granted. I therefore allow the appeal.

L N Hughes

INSPECTOR