



Appeal Decision

Site visit made on 20 October 2025

by **E Heron MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7th November 2025

Appeal Ref: APP/N4720/W/25/3370973

1-3 South View Cottages, Hobberley Lane, Shadwell, Leeds LS17 8JJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Robert Garvey against the decision of Leeds City Council.
 - The application Ref 24/02743/FU was approved on 4 June 2025 and planning permission was granted subject to conditions.
 - The development permitted is Demolition of existing single storey rear extension and greenhouses, erection of a part single storey part two storey extension to new side, fenestration alterations to all sides and new windows throughout, canopy porch to new front, hard landscaping works.
 - The condition in dispute is No 8 which states that: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Orders revoking or re-enacting that Order with or without modification) planning permission shall be obtained before any development within Schedule 2, Part 1, Classes A, B, D or E is carried out.
 - The reason given for the condition is: In the interest of the protection of the Green Belt from inappropriate development.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. 1-3 South View Cottages lies in the Leeds Green Belt. It is a detached two-storey dwelling, sited perpendicular to the lane. Vehicular access is taken from the southern end of the garden. The site is in an area of rural character and is one of only two dwellings on the eastern side of Hobberley Lane.
3. Planning permission was granted, Ref 24/02743/FU for a single storey family room, and an adjoining, partially set down, two storey extension, alongside various alterations including a porch canopy, and the removal of an existing extension and greenhouses. The Council concluded that the development would not result in a disproportionately larger dwelling and was not considered to constitute inappropriate development in the Green Belt (amongst other matters). Consequently the development was considered to comply with Policy N33 of the Leeds Unitary Development Plan (Review 2006), Volume 1: Written Statement (Unitary Development Plan), and the National Planning Policy Framework (Framework).
4. The permission included a condition removing permitted development rights stipulated in the Town and Country Planning (General Permitted Development) Order 2015, and as amended (the GPDO), for future enlargement, improvement or other alterations (Class A), additions and alterations to its roof (Class B), porches (Class D), and buildings etc within its curtilage incidental to the enjoyment of the

dwelling (Class E). The Council's reason for imposing the condition refers to the protection of the Green Belt from inappropriate development.

5. The appellant seeks the removal of this condition. They consider that there is no justification for it, having regard to the reasonableness and necessity tests set out in paragraph 57 of the Framework.
6. Taking the above background into account the main issue is whether the condition is reasonable or necessary in the interests of the protection of the Green Belt from inappropriate development.

Reasons

7. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Green Belt purposes include assisting in safeguarding the countryside from encroachment.
8. Permitted development rights to extend dwellings and construct domestic outbuildings apply in the Green Belt. Had the Government wanted to withdraw or restrict permitted development rights in the Green Belt it could have done so, as it has with other locations such as Conservation Areas and Protected Landscapes. The fact that it has not, indicates that it considers the implementation of permitted development rights to be acceptable in a Green Belt location in principle.
9. Paragraph 55 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. The Planning Practice Guidance (PPG) states that restricting the future use of permitted development rights may not pass the tests of reasonableness or necessity. Such conditions should be precisely defined by reference to the GPDO¹.
10. The condition imposed by the Council restricts only those permitted development rights that would add volume to the dwelling and its curtilage and explains that this is in the interests of protecting the Green Belt. Accordingly, it is precisely defined.
11. Policy HDG3 of the Householder Design Guide, Leeds Local Development Framework, Supplementary Planning Document (SPD), states that extensions, additions and alterations to dwellings within the Green Belt should represent 'limited development', which is development not exceeding a 30% volumetric increase over and above the original. It goes on to state that development that exceeds 30%, or which harms the character, appearance or openness of the Green Belt, is considered to be inappropriate development. The supporting information advises that although the 30% figure is not definitive, it will inform the majority of decisions involving Green Belt applications.
12. There appears to be no dispute that the development approved by the Council, taking account of the structures to be removed, would result in a volumetric increase of approximately 29.7%; marginally under the 30% volume. It has not been evidenced that the additional volume capable of being utilised under the disputed permitted development rights would not exceed the 30% volume or result in disproportionate additions over and above the size of the original building.

¹ PPG: Paragraph: 017 Reference ID: 21a-017-20190723

13. It is also not clear to me that additional volume allowed under permitted development rights would not harm the openness of the Green Belt. For example, the site is positioned adjacent to open fields, there are gaps in the garden enclosure through the vehicular access and areas of hedge, and there is openness around the upper part of the dwelling. Moreover, the officer report elaborates on the reason for the condition, explaining that it is common to remove permitted development rights when the 30% volume increase limit is near being reached.
14. Taking these factors together, I consider that the condition has been clearly justified.
15. The appellant has referred in particular to a need for outdoor storage solutions. The condition does not prevent development. It allows the Council to retain control over future development in the interests of protecting the Green Belt, taking account of any specific case relating to a need.
16. The appellant also refers to two examples of appeal decisions in support of their stance². I do not have the evidence presented to the relevant Inspectors or the site context before me, which limits the weight I attribute to these decisions. I note for example that in the case of Summerhill House, the Inspector's reasoning related to the specific site circumstances, and 515 Leeds Road was found to be a suburban residential plot with a small garden.
17. I have considered the appellant's alternative condition, limiting development to the rear or side garden. However such a condition would still relate to additional volume within the dwelling's curtilage, and there is no evidence before me to demonstrate that such development would not harm the openness of the Green Belt.

Other Matters

18. The site is not within a Conservation Area, nor is it designated in some manner for biodiversity. Nevertheless, the condition clearly refers specifically to the Green Belt, and as such this is a neutral matter that does not weigh in favour of allowing the appeal.

Conclusion

19. I conclude that the condition is reasonable and necessary and meets the tests of the Framework. The appeal is therefore dismissed.

E Heron

INSPECTOR

² APP/P1940/W/21/3275230 (Summer Hill House); APP/N4720/W/24/3342168 (515 Leeds Road)