



Appeal Decision

Site visit made on 12 September 2023 by Andreea Spataru BA (Hons) MA MRTPI

Decision by S. Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd October 2023

Appeal Ref: APP/R4408/W/23/3321681

9 Tenter Hill, Thurlstone, Barnsley S36 9RG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Andy Platt against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2022/1295, dated 17 December 2022, was refused by notice dated 29 March 2023.
 - The development proposed is for the erection of detached outbuilding (garden room).
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Decision

1. The appeal is allowed and planning permission is granted for the erection of detached outbuilding (garden room) at 9 Tenter Hill, Thurlstone, Barnsley S36 9RG in accordance with the terms of application Ref 2022/1295, dated 17 December 2022, and 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 plan; rear elevation; side elevation; proposed site front and side elevations.
 3. No development shall take place above ground level until details of the proposed external colour of the outbuilding (garden room) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary matter

3. The description of the development above has been taken from the Council's decision notice, as it is more concise than that outlined within the application form.

Main Issue

4. The main issue is whether the proposed development would be inappropriate development in the Green Belt.
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Reasons for the Recommendation

Whether inappropriate development in the Green Belt

5. The appeal property, which is an end-of-terrace dwelling, forms part of a grade II listed building (nos 1-9 Tenter Hill), within the Thurlstone Conservation Area. The rear garden of the appeal dwelling, where an existing extension sits, lies within the Green Belt.
6. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 149 of the National Planning Policy Framework 2021 (the Framework) lists the types of development that are not considered inappropriate in the Green Belt. These include, for the purposes of the appeal, the extension or alteration of a building provided it does not result in a disproportionate addition over and above the size of the original building.
7. Policy GB1 of the Barnsley Local Plan 2019 (LP) states that Green Belt will be protected from inappropriate development in accordance with national planning policy. Policy GB2 of the LP refers specifically to the replacement, extension and alteration of existing buildings in the Green Belt and allows for the extension or alteration of a building where the total size of the proposed and previous extensions does not exceed the size of the original building.
8. The proposed garden room would be located next to the rear boundary of the appeal site. Whilst the proposal is not an extension of the building's fabric, it is an extension of the residential use, providing an incidental function within its curtilage, and it would sit in proximity of the host dwelling. It is reasonable therefore to consider the appeal scheme as an exception under paragraph 149 (c) of the Framework.
9. The Council referred to the footprint of the original dwelling and that of the existing extension in their assessment and concluded that the existing extension represents approximately a 91% increase in the footprint of the original dwelling. The proposed extension would add to that footprint such that cumulatively the existing and proposed extensions would increase the footprint of the original building by over 100%. However, there are other approaches to determining what might be considered a disproportionate addition and the supporting text for Policy GB2 of the LP informs that the sizes of a building as existing and proposed will be compared by reference to their gross floorspace.
10. The original dwelling is a three-storey building of considerable scale. The existing extension is a single storey structure with a lean-to-roof, which extends to the rear/side of the host dwelling. In terms of both floorspace and volume, the existing extension is significantly smaller than the original dwelling. The proposed garden room would have a height between 2.05m-2.2m. Given the modest size of the proposal, when taken cumulatively with the existing extension, the additions would not exceed the size of the original dwelling in terms of floorspace and volume.
11. Accordingly, whilst the totality of the extensions would slightly exceed 100% of the existing footprint, its overall scale, when taken cumulatively with that of the existing extension, would be considerably smaller than the scale of the original dwelling. As such, the effect of the garden room on the host dwelling would be limited and even when taken cumulatively with the previous extension would

not, in visual terms, result in a disproportionate addition over and above the size of the original building particularly given its physical separation from the original dwelling and its modest size.

12. Consequently, I find that the proposal would not be inappropriate development in the Green Belt and would accord with LP Policies GB1 and GB2 and the provisions of the Framework.
13. With respect to openness and the purposes of the Green Belt, given my findings, the proposal would, by definition, not have an adverse impact on the openness of the Green Belt or the purposes of including land within in. As the proposal does not amount to inappropriate development, very special circumstances are not required to justify the proposal.

Other matter

14. The Council found that the proposal would not have a harmful impact on the Conservation Area or the setting of the listed building. Given the scale and siting of the proposal, I am satisfied from all I have seen and read that it would have a neutral impact on the significance of these heritage assets. Accordingly, it would meet the requirements of S66 (1) and S72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which require me to pay special attention to the desirability of preserving the character or appearance of the conservation area and preserving the listed building and its setting.

Conditions and Recommendation

15. I have had regard to the Council's suggested conditions, in the event of the appeal being allowed, and I have considered them against the six tests, as outlined within the Framework and the advice in the Planning Practice Guidance (PPG), revising the Council's suggested wording where necessary to better reflect the requirements of the PPG.
16. In the interest of proper planning and to provide certainty I have recommended the standard time limit condition and specified that the development should be carried out in accordance with the approved plans.
17. I have also included a condition that requires the submission of details of the colour scheme of the appeal proposal in the interest of protecting the character and appearance of the conservation area and the setting of the listed building. However, it is not essential for such details to be submitted prior to commencement of development, and so I have altered the suggested condition accordingly.
18. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed subject to these conditions.

Andreea Spataru APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is allowed subject to conditions.

S Ashworth INSPECTOR