

Appeal Decision

Site visit made on 17 January 2017

by Siobhan Watson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 January 2017

Appeal Ref: APP/N2739/W/16/3159934

Bilbrough Manor, Main Street, Bilbrough, York, YO23 3PH

- 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 Mrs Angela Green against the decision of Selby District Council.
 - The application Ref 2016/0756/FUL, dated 22 June 2016, was refused by notice dated 28 September 2016.
 - The development proposed is a "Cobwood garden room which has a soft natural look that blends in with nature. Not for habitation or accommodation".
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Decision

1. The appeal is dismissed.

Main Issues

2. The appeal site is in the Green Belt so the main issues are:
 - Whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework;
 - The effect of the proposal upon the openness of the Green Belt;
 - If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether or not it would be inappropriate

3. 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; the essential characteristics of Green Belts are their openness and their permanence. Selby District Core Strategy Policy SP3 indicates that planning permission will not be granted for inappropriate development in the Green Belt unless the applicant has demonstrated that very special circumstances exist to justify why permission should be granted.
 4. The proposed outbuilding would be located alongside a wooded area which lies between the formal gardens to the manor house and the paddock to the rear. Paragraph 89 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt, unless they fall within various exceptions. The Council says that it does not fall within any of these exceptions and this is not disputed by the appellant.
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5. The building would therefore be inappropriate development which is, by definition, harmful to the Green Belt. Paragraph 88 of the Framework says that substantial weight should be given to any harm to the Green Belt.

Openness

6. Openness is a lack of built development. A lack of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt. However, as the building would be fairly small and constructed of natural materials with a living roof, there would only be limited harm to openness.

Other Considerations

7. Bilbrough Manor is a Grade II Listed Building but as the "Cobwood room" would be a substantial distance from the building and would be separated from it by trees, I consider that the setting of the Listed Building would be unaffected. The site is also within the Bilbrough Conservation Area but, given the natural style of the building I consider it would preserve the character and appearance of the conservation area.
8. I understand that the appellant has 2 rescue horses and intends to rescue more. The building would be a warm and dry space close to the horses where volunteers could meet. It could also be used to meet with conservation experts and it would be a peaceful place for other activities such as meditation.

The Green Belt Balance

9. The proposal would constitute inappropriate development in the Green Belt. As such, the Framework requires that the harm by reason of inappropriateness be given substantial weight and that inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
13. The building would provide a facility for activities on the land but as I have very scant details in respect of the animal rescue and nature conservation activities, I can give the provision of the facility only limited weight in favour of the proposal. The lack of harm to heritage assets is a neutral consideration in the balance.
14. In conclusion, all these other considerations do not clearly outweigh the totality of substantial harm that arises as a result of the development's inappropriateness and its impact upon the openness of the Green Belt. The very special circumstances necessary to justify the proposal do not therefore exist. The proposal would therefore conflict with the Framework and Core Strategy Policy SP3.

Conclusion

15. For the reasons set out above the appeal is dismissed.

Siobhan Watson

INSPECTOR