

Appeal Decision

Site visit made on 8 May 2017

by Y Wright BSc (Hons) DipTP MSc DMS MRTPI

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

Decision date: 24 May 2017

Appeal Ref: APP/N2739/D/17/3170389

Glebe Cottage, York Road, Escrick, Selby YO19 6LN

- 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 Dr Glen Hopkinson against the decision of Selby District Council.
 - The application Ref 2016/1506/HPA, dated 23 December 2016, was refused by notice dated 17 February 2017.
 - The development proposed is described as 'Proposed new outbuildings including a new Greenhouse and Summer House on land at Glebe Cottage, Escrick, York YO19 6LN.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The site visit had been arranged on an 'access required' basis. In the event, no-one was at home when I arrived at around 1045. Nevertheless I was able to conduct the visit on my own and I consider that no interests are materially prejudiced by me carrying out an unaccompanied site visit in these circumstances.
3. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and my subsequent request for clarification from the main parties, that the development comprises only one outbuilding, the greenhouse. Whilst the description of development was not amended the Council dealt with the proposal on this basis and so shall I.
4. The description of development on the application form includes the site address. I do not include it within the description set out above as it is superfluous.

Main Issues

5. As the appeal site is within the Green Belt the main issues are:
 - Whether the proposal is inappropriate development for the purposes of the National Planning Policy Framework and development plan policy;
 - The effect of the proposal on the openness of the Green Belt; and
 - If it is 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 the development.
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Reasons

Whether inappropriate development

6. Section 9 of the National Planning Policy Framework (the Framework) attaches great importance to the Green Belt, the essential characteristics of which are its openness and permanence. It goes on to state that inappropriate development is by definition harmful and should not be approved except in very special circumstances. Except for a small number of exceptions set out under paragraphs 89 and 90, development within the Green Belt should be regarded as inappropriate.
7. Paragraph 89 of the Framework refers to the construction of new buildings within the Green Belt. I note that the list of exceptions does not specifically refer to outbuildings. Even so, case law confirms that an outbuilding is capable of potentially being regarded as an extension to a building under certain circumstances. However, in this instance, whilst I acknowledge that the building would be used for ancillary purposes to the use of the host dwelling, I find that due to its proposed size, siting to the front of the appeal site and its significant distance from the house, it would not constitute an extension to the property.
8. Furthermore whilst the Appellant has advised that greenhouses have previously been situated within the appeal site, I saw on my site visit that these no longer exist. The proposal would therefore not be considered as a replacement building under paragraph 89 of the Framework.
9. Policy SP3 B of the Selby District Core Strategy Local Plan (2013) (CS) advocates that planning permission for inappropriate development will not be granted unless very special circumstances have been demonstrated. This is in accordance with the Framework.
10. Taking the above factors into account I consequently conclude that the proposal would amount to inappropriate development in the Green Belt which would be contrary to the Framework and CS Policy SP3 B. This would, by definition, be harmful to the Green Belt and should not be approved except in very special circumstances. I regard this harm as substantial.

Openness of the Green Belt

11. Openness is an essential characteristic of the Green Belt. The proposal would result in the introduction of additional built form into an undeveloped part of the garden, which in spatial terms would inevitably reduce openness to some extent. I note that the greenhouse would be located between other existing outbuildings to the north of the host dwelling and would comprise of substantial amounts of glazing. Whilst this would lessen its visual impact within the site the development would still be visible from the adjacent lane.
12. Taking the above factors into account I find that the proposal would result in modest harm to openness overall. In accordance with the Framework I regard this harm as substantial.

Other considerations

13. I have taken account of the benefits of the proposal highlighted by the Appellant. This includes the desire to grow vegetables and reduce his carbon

footprint. However I can only give these personal benefits little weight, since it would be likely that the new development would be in place long after the personal circumstances have ceased to apply.

14. The existence of a greenhouse at the neighbouring property would not set a precedent as each case must be determined on its own merits. In addition whilst greenhouses have previously been located within the site they are no longer present.
15. I note that the occupiers of Glebe Farm do not object to the proposal. Nevertheless this would not justify harmful development in the Green Belt.

Planning Balance

16. I have found that the development is inappropriate resulting in substantial harm and that the harm to openness would be modest. In accordance with paragraph 88 of the Framework I give substantial weight to any harm to the Green Belt. In terms of other considerations, even taken together these carry little weight.
17. I therefore conclude that the harm by reason of inappropriateness and the effect on openness would not be clearly outweighed and therefore very special circumstances do not exist to justify inappropriate development in the Green Belt. The development is therefore contrary to the Framework and the development plan when considered as a whole.

Conclusion

18. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be dismissed.

Y. Wright

INSPECTOR