
Appeal Decision

Site visit made on 4 July 2017

by Elizabeth Pleasant DipTP MRTPI

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

Decision date: 27 July 2017

Appeal Ref: APP/C2741/W/16/3158773

Country Park Caravan Site, Land to rear of Park House Farm, Pottery Lane, Strensall, York, North Yorkshire YO32 5TJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Miss R Nelson against City of York Council.
 - The application Ref 16/01113/FUL, is dated 24 April 2016.
 - The development the subject of this appeal is described on the planning application form as retention of 'as built' manager's lodge and laundry building.
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Decision

1. The appeal is allowed and planning permission is granted for a manager's lodge at Country Park Caravan Site, Land to rear of Park House Farm, Pottery Lane, Strensall, York, North Yorkshire YO32 5TJ in accordance with the terms of the application, Ref 16/01113/FUL dated 24 April 2016, and subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Scale 1:25,000; The New England Lodge, Block Plan; and Floor Plans and Elevations, Drawing No 1 dated April 2016.
 - 2) Notwithstanding the details shown on approved Drawing No 1, dated April 2016, this permission relates solely to the floor plans and elevations of the manager's lodge and does not grant planning permission for the details of the laundry building shown on this drawing.
 - 3) The lodge hereby permitted shall be solely used to provide residential accommodation for the site manager of the associated caravan site and for no other purpose including any other within Class C3 of the Town and Country Planning (Use Classes) Order, 1987 (as amended).
 - 4) In the event that the lodge hereby permitted is no longer required for occupation by the caravan site manager, it shall be removed, together with its base, and the site reinstated to its previous condition within three months of occupation ceasing.

Application for costs

2. An application for costs was made by City of York Council against Miss R Nelson. That application is the subject of a separate Decision.

Background and Procedural Matters

3. During the course of the appeal process the appellant has demolished the laundry building and confirmed that it no longer forms part of the appeal proposal. Furthermore, notwithstanding the description as set out in the header above, retention is not an act of development. I have, therefore, dealt with this appeal as relating to an application for a manager's lodge.
4. Country Park Caravan Site is a touring caravan site which has been in existence since 2004. The Council granted planning permission¹ for the siting of a mobile home for use as a warden's lodge in 2013. Despite that grant of planning permission being described as the siting of a mobile home, it is clear from the planning officer's report² that the warden's lodge that was granted planning permission was a timber chalet style portal framed building which the Council considered to be a building operation. The timber chalet that has been constructed, although sited in the same location and built in accordance with the approved construction materials is larger than the manager's lodge approved in 2013. It is the details of the manager's lodge that has been constructed on site that is now the subject of this appeal and I too shall consider the lodge as a building operation.
5. Since the appeal has been made, the Council has advised that had they been in a position to determine the planning application for the manager's lodge only, they would have approved the application.

Main Issues

6. The main issues in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt and, if so, the effect on openness.
 - If the proposal 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 it.

Reasons

Inappropriate development

7. Paragraph 89 of the National Planning Policy Framework (the Framework), states that new buildings should be regarded as inappropriate development in the Green Belt subject to a number of exceptions. Policy GB1 of the City of York Development Control Local Plan, April 2005 (Local Plan) relates to development in the Green Belt. It states that planning permission for development will be granted in the Green Belt provided it is for one of a number of listed purposes, and where, amongst other criteria, the scale, location and design of such development would not detract from the open

¹ Application Reference: 13/00761/FUL

² Appellant's Full Statement of Case, Appendix 3.

character of the Green Belt. Although this Local Plan Policy predates the Framework, it is consistent with it in regard to the appeal proposal.

8. The appeal proposal is for a manager's lodge to provide permanent residential accommodation for the manager of Country Park Caravan Site. It is not for a development listed as an exception in paragraph 89 of the Framework, and nor is it for any of the purposes set out in Policy GB1. Accordingly, the manager's lodge is inappropriate development which the Framework advises is, by definition, harmful to the Green Belt and substantial weight must be given to that harm. Furthermore, the manager's lodge would result in a built development where there was previously none. Although the building is well related to the landscaped boundary of the site and lies close to existing agricultural and storage buildings, it is a substantial building which has a significant and harmful effect on the openness of the Green Belt. There is therefore conflict with the relevant policies of the development plan and Framework set out above.

Other Considerations

9. I have found that the warden's lodge comprises inappropriate development, which is, by definition, harmful to the Green Belt. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
10. In essence, the proposal is for an increase in the size of an already approved manager's lodge. The lodge as constructed and the subject of this appeal is 3.4metres longer than the 2013 permission, although its width has been slightly reduced. Furthermore, it incorporates an extension of approximately 33 square metres to the front of the building. The height of the lodge is unaltered, and the lodge has the same portal framed construction and is clad and finished in accordance with the details and materials approved under a condition of the 2013 permission.
11. The increase in the footprint and mass of the building would lead to some reduction in the openness of the Green Belt. However, there would be no increase in the overall height of the lodge, and taking into account the position of the lodge set within a large defined domestic curtilage, and close to mature landscaped boundaries and other buildings on the site, I agree with the Council that the increase in size of the lodge's footprint would not have a materially greater impact on the openness of the Green Belt. There are limited views of the lodge from the surrounding area due to the landscape's flat terrain, its single storey height, and the presence of mature landscaping. Only glimpses of the lodge's roof can be seen from Pottery Lane. Accordingly, I am satisfied that the appeal proposal has a similar effect to that of the approved scheme. I recognise third party concerns regarding lighting on the access road; however those lights do not form part of this appeal and are not therefore a matter for my consideration.

Overall Planning Balance and Conclusion

12. Having regard to the development plan and national planning policy, the proposed manager's lodge would comprise inappropriate development in the Green Belt. There would also be some harm to the openness of this part of the Green Belt. However, the extant permission in this case is a material

consideration to which I afford considerable weight. Given that the impact in terms of openness to the Green Belt would be comparable to that of the approved scheme, I consider the extant permission to be an other consideration of sufficient weight to clearly outweigh the substantial harm to Green Belt by reason of inappropriateness. Thus very special circumstances necessary to justify the development proposed have been demonstrated. Accordingly, whilst there would be conflict with the development plan, the balance of planning considerations in this case lead me to the view that the appeal should succeed.

Conditions

13. The Council has advised that had they been in a position to determine the application for the manager's lodge only, they would have imposed the conditions which were imposed on the 2013 permission.
14. I have considered the suggested conditions against the Framework and Planning Practice Guide. Because the development is in place, the usual condition requiring the commencement of development does not apply. However, I have imposed conditions specifying the approved plans as this provides certainty.
15. The other conditions, in so far as they are still needed, are carried forward from the extant permission for the reasons given in that permission and in so far as they are still relevant, namely to safeguard the open character and purposes of the York Green Belt.

Conclusion

16. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be allowed and planning permission granted.

Elizabeth Pleasant

INSPECTOR