
Appeal Decision

Site visit made on 31 July 2017

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 16 August 2017

Appeal Ref: APP/C2741/W/17/3174277

Knapton Grange, Main Street, Knapton, York YO26 6QG

- 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 John Flynn against the decision of City of York Council.
 - The application Ref 16/02677/FUL, dated 22 November 2016, was refused by notice dated 18 January 2017.
 - The development proposed is two storey garage extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the development above has been taken from the planning application form. In Part E of the appeal form it is stated that the description of development has not changed from that stated on the planning application form but, nevertheless, a different wording has been entered. Neither of the parties has provided written confirmation that a revised description of the development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

3. The main issues in this appeal are:
 - Whether the proposal is inappropriate development in the Green Belt;
 - The effect on the openness of the Green Belt and the purposes of including land within it; and,
 - If the development is inappropriate, 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.

Reasons

Whether Inappropriate Development

4. Paragraph 89 of the National Planning Policy Framework (the Framework) sets out the categories of development which may be regarded as not inappropriate

in the Green Belt, subject to certain conditions. New buildings within the Green Belt are inappropriate unless, amongst other things, they consist of:

- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; and
 - limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
5. The appellant contends that the proposal cannot be considered to be a disproportionate addition. Policy GB4 of the Draft Local Plan¹ (LP) relates to extensions to dwellings within the Green Belt, and the supporting text advises that an increase in floorspace of more than 25% will be resisted. The Council calculate that the proposal would represent an increase of approximately 127% of the floorspace of the original building, taking into account previous extensions to the property. Based on the evidence before me, it is clear that the proposal would represent a disproportionate addition over and above the size of the original building². The proposal would also be materially larger than the building it would replace³.
6. The appellant also states that the site should be considered as Previously Developed Land (PDL). However, notwithstanding the classification (or otherwise) of the land as PDL, paragraph 89 of the Framework states that development in this respect should not have a greater impact on the openness of the Green Belt than the existing development. The proposal would result in built development consisting of a large garage being introduced where there is presently only very limited built development consisting of a much smaller garage. I therefore consider that the development would have a greater impact on the openness of the Green Belt than existing development, and would therefore not fall within the exception stated in the sixth bullet point of paragraph 89.
7. Further to my consideration of the above matters, I am mindful that there is an extant planning permission for a "single storey rear extension to existing double garage"⁴. I have had regard to the plan submitted by the appellant illustrating the relative sizes of the existing and proposed garages⁵. However, when determining whether a proposal is inappropriate development, paragraph 89 makes comparisons to the 'original building'⁶ and the 'existing development'⁷. I saw that the permitted extension to the garage had not been constructed, and the extant planning permission is therefore not material to my consideration of this matter as it is neither 'original' nor 'existing'.

¹ City of York Draft Local Plan Incorporating the 4th Set of Changes, Development Control Local Plan 2005.

² Paragraph 89, bullet point 3.

³ Paragraph 89, bullet point 4.

⁴ Application Ref: 15/02427/FUL approved 26 February 2016.

⁵ Drawing No A378/08.

⁶ Paragraph 89, bullet point 3.

⁷ Paragraph 89, bullet point 6.

Openness and Green Belt Purposes

8. The essential characteristics of Green Belts, as set out in paragraph 79 of the Framework, are their openness and permanence. A fundamental aim of Green Belt policy is to safeguard the countryside from encroachment.
9. The height, footprint and overall increase in the massing of the proposal would represent a significant increase compared to the existing garage and would introduce built development to the rear of the garage where currently no development exists. This would reduce openness and represent encroachment into the countryside. However, the encroachment and loss of openness arising from the proposal would be limited.
10. I have had regard to the case law⁸ referred to by the appellant on the matter of 'openness'. However, this emphasises that it is the introduction of built development which affects the concept of openness rather than visual impact. As stated above, the proposal would extend built development into an area where currently none exists and would therefore harm the openness of the Green Belt.

Other Considerations

11. Notwithstanding my comments above in relation to the permitted extension to the garage and paragraph 89 of the Framework, the extant approval represents a valid 'fallback' position in that it could be constructed should this appeal be dismissed. However, although the appellant contends that the appeal scheme is only marginally different from the approved extension, the proposal would have a significantly larger footprint and massing compared to the extant permission. The fallback scheme of the permitted extension would therefore have significantly less harm on the Green Belt than the proposal, and on this basis the potential fallback scheme does not weigh significantly in favour of the proposal.
12. The appellant states that the garage would provide accommodation for vehicles which would otherwise be stored externally. However, the approved extension to the garage would enable a similar increase in the number of vehicles to be stored in a building. This factor therefore does not weigh in favour of the proposal.
13. The appellant states that the proposal would have little or no visual impact as the site is enclosed by tall landscape boundaries. Based on the evidence before me and my own observations, the roof of the garage would be visible above the hedge line to the south and would also be visible from the highway to the north. However, I note that the Council do not refer to the effect on the character and appearance of the area in their reason for refusal and this matter has not been a determinative issue in my decision.

Other Matters

14. I am mindful that no objections have been received to the proposal, and I note a letter to that effect has been submitted by residents of a dwelling in the area. However, this does not outweigh the harm that I have identified above.

⁸ R (Lee Valley Regional Park Authority) v Epping Forest DC [2016] EWCA Civ 404

15. I also note that the proposal would meet the advice of the Draft House Extensions and Alterations Supplementary Planning Document 2012 (SPD) on matters such as privacy and overshadowing. However, the SPD also refers to the principle of resisting disproportionate additions within the Green Belt as well as the provisions of Policy GB4. In these respects, the proposal would therefore conflict with the advice of the SPD for the reasons stated previously.
16. The appellant states that the land to the south is a draft allocation for housing within the City of York Local Plan housing allocation. However, I note that this is a draft document and the allocation could therefore be amended or removed as the document progresses towards adoption. In any event, this draft allocation does not affect the nature of the proposal or the harm to the Green Belt as it currently exists.

Conclusion

17. The proposal would result in inappropriate development which is, by definition, harmful to the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green Belt. In addition, there would be limited encroachment and loss of openness.
18. I have attached limited weight to the potential for a fallback scheme to be implemented under an extant planning permission. This other consideration does not clearly outweigh the totality of harm which is the test required by the Framework. Consequently, very special circumstances do not exist. The proposal would therefore conflict with Policies GB1 and GB4 of the LP which only permit limited or small scale extensions in comparison to the original building within the Green Belt. The proposal would also conflict with the Framework in respect of protecting Green Belt land.
19. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR