



Appeal Decisions

Site visit made on 18 April 2019

by **D Child BA BPL MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 August 2019

Appeal Ref: APP/C2741/W/19/3220409 (Appeal A) **Park Cottage, Jacksons Walk, Askham Richard, York YO23 3QP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Craig Russell against City of York Council.
 - The application Ref 18/00712/FUL, is dated 27 March 2018.
 - The development proposed is erection of a stable block and construction of a manège and access track.
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Appeal Ref: APP/C2741/W/19/3220411 (Appeal B) **Askham Park, Park Cottage, Jacksons Walk, Askham Richard, York YO23 3QP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Craig Russell against City of York Council.
 - The application Ref 18/01877/FUL is dated 08 August 2018.
 - The development proposed is erection of stable block and yard.
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Decisions

Appeal A: APP/C2741/W/19/3220409

1. The appeal is dismissed, and planning permission is refused for the erection of a stable block and construction of a manège and access track.

Appeal B: APP/C2741/W/19/3220411

2. The appeal is dismissed, and planning permission is refused for the erection of a stable block and yard.

Procedural Matters – Appeal A and B

3. Since there are common issues arising in both Appeal A and B, I shall evaluate them together. I have taken the addresses above from the respective application forms. Although they differ slightly, both applications propose equestrian development for private use by the occupants of Park Cottage at Askham Park.
4. The Council has supplied delegated reports which set out putative reasons for refusal, referring to the National Planning Policy Framework published in 2018. Although the Framework was revised in February 2019, the policies that are material to this case did not change fundamentally. My determination of the appeals has therefore had regard to the revised Framework.

5. While there is no development plan for York, saved Policies YH9(C) and Y1 of the Yorkshire and Humber Regional Spatial Strategy (RSS)¹ relate to York's Greenbelt, which extends about 6 miles from the city centre, taking in the appeal sites. The reasons for refusal refer to policies within the City of York Draft Local Plan Incorporating the Fourth Set of Changes; Development Control Local Plan (DCLP) and the emerging Local Plan. The former was approved by the Council for development control purposes in April 2005, and the emerging plan is currently going through the examination process. Although the DCLP does not form part of the statutory development plan for the purposes of S38 (6) of the Planning and Compensation Act 2004, it is a material consideration in determining planning applications.
6. In its putative reasons for refusal, the Council refers to Policy GB1 of the DCLP and Policy GB1 of the emerging Local Plan. The wording of the former is not consistent with the Framework. In any event, because the latter has yet to be formerly adopted and may change, I attach it limited weight in the context of these appeals.
7. I acknowledge the appellants' concerns over the Council's handling of the applications. However, these are not relevant matters for the appeal process and in determining the appeals I have only had regard to the planning merits of the proposals.

Main Issues – Appeal A and B

8. The main issues in both appeals are:
 - Whether the proposal would be inappropriate development in the Green Belt for the purposes of the Framework;
 - The effect of the proposal on the character and appearance of the area and the landscape setting of Askham Park; and
 - If the proposed development constitutes inappropriate development in the Green Belt, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

9. The location of the appeal sites within the general extent of the York Green Belt is not in dispute. The Framework establishes at Paragraph 143 that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reasons of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations (Paragraph 144).

Appeal A

Whether inappropriate development

10. The application is for a rectangular shaped timber stable block, and an unfenced manège with a silica and rubber surface which would be retained by

¹ The Yorkshire and Humber Plan Regional Spatial Strategy to 2026, May 2008

- timber boarding. A small section of access track would be constructed between existing driveways, close to the southern boundaries of residential properties.
11. The Framework establishes (paragraph 145) that new buildings within the Green Belt are inappropriate. Exceptions to this include the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, and outdoor recreation, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Subject to the same caveats, paragraph 146 of the Framework establishes that certain other forms of development are not necessarily inappropriate development within the Green Belt, including engineering operations.
 12. Since the stable block would provide appropriate facilities for outdoor sport or recreation, and as the manège and section of access track could be considered to be engineering operations, the proposal would not necessarily be inappropriate development under the Framework. However, it is necessary to consider whether it would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it.
 13. The stable block, manège and track would be located within an existing paddock to the south of Park Cottage, with hedgerow planting to its boundaries that would offer a degree of screening. The proposed scheme would be too large to fit within the host property's garden and there is no policy requirement for it to be located as such. However, the extent of development at Askham Park is very well-defined and contained by existing boundaries.
 14. The appeal site can be seen on approach from the southwest, from neighbouring dwellings, and from a footpath albeit at a distance. Spatially, the siting proposed would be beyond existing boundaries; the proposal would introduce development into the paddock, where, except for a low ha-ha, development is absent.
 15. A fundamental aim of Green Belt policy is to keep land permanently open as defined in the Framework. While the manège would be unfenced and only slightly raised above the surrounding land, its silica and rubber surface would nevertheless be apparent. Although relatively short the access track would increase the visual impact, and the stable would not be an insubstantial structure. Cumulatively, the scheme would have an adverse impact on, and fail to preserve openness.
 16. The five purposes of the Green Belt include to assist in safeguarding the countryside from encroachment. Given the proximity of the proposed development to Park Cottage, the degree of encroachment would be small. Nevertheless, the proposal would still conflict with one of the purposes of including land within the Green Belt.
 17. For all of the above reasons, I find that the proposed development would constitute inappropriate development in the Green Belt.

Character and appearance and landscape setting

18. Askham Park is set within an attractive landscape setting. Appeal site A is located to the south of the host dwelling, within a patchwork of fields. The stable block would not be remote from Park Cottage, which would remain more visually dominant, and it would be constructed in appropriate materials.

Nevertheless, the section of new track would run the full length of the southern boundary of the host dwelling and the adjoining property, and the stable block and manège would be located outside the clearly defined boundaries of existing development.

19. The stable block would be seen on approach to Askham Park from the southwest, and from neighbouring dwellings. Notwithstanding the fact that the proposal would be seen in some views with a backdrop of other buildings, in these views the proposed scheme would be conspicuous in the undeveloped countryside. Although land in the area is put to use for the keeping of horses and some fields have been subdivided into paddocks, development of the kind the application proposes is not a feature of the landscape in this location.
20. Concern has been expressed that the proposal would increase traffic movements associated with the stables, detracting from the Green Belt. However, given that the proposal is for private use and is small in scale, such movements would not be significant or have any appreciable effect.
21. I have considered imposing conditions. For example, to require a landscaping scheme that would address soft landscaping. Such a condition would not however overcome the harm I have identified above, given the location, siting, and layout of the development.
22. For the above reasons, I find that the development would have a harmful effect on the character and appearance of the area and the landscape setting of Askham Park. Accordingly, the proposed development would conflict with Policy GP1 of the DCLP and it would be at odds with Policies D1 and D2 of the emerging Local Plan. The proposal would conflict with Paragraph 127(c) of the Framework, which, amongst other things, requires that planning decisions are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Other considerations

23. The host dwelling was formed through the conversion of earlier equestrian facilities. The proposed stable block and manège would therefore allow the appellant to shelter their horses from the noise of shooting activities in the area and inclement weather and provide an all-weather surface on which to exercise them. I give some weight to these benefits to the appellant.
24. In the interests of animal welfare, the appellant has provided temporary accommodation on the appeal site. I saw at my visit that a stable building on skids with a towing hook was placed on the land. While I do not have the full details, the structure is intended to be temporary. It does not require an access track and there is no associated manège. It does not therefore result in the same level of permanent harm to the Green Belt as would arise from the appeal scheme. I therefore give the fallback position limited weight.
25. My attention has been drawn to a similarly designed stable block and manège nearby that were recently approved and which I saw on the site visit². However, I do not have full details of the circumstances that led to this scheme being approved, and, because the locational context is different, it is not therefore directly comparable. In any event, each case must be considered on its own individual merits.

² LPA Reference 15/00716/FULL

Conclusion

26. The proposal would amount to inappropriate development in the Green Belt to which substantial weight is given. Additional weight is given to the findings on character and appearance. The combined weight of the fallback position and the benefits to the appellants cited in the scheme's favour do not clearly outweigh the totality of the identified harm. Consequently, the very special circumstances necessary to justify the development do not exist.
27. For these reasons, the scheme is contrary to the Green Belt policies of the Framework. Accordingly, Appeal A should be dismissed, and planning permission should be refused.

Appeal B

Whether inappropriate development

28. The application is for a less intensive form of development than Appeal A; a rectangular shaped timber stable block containing three stalls would be set within a yard. No access track is required and no manège is proposed. The stable block and yard would be located to the edge of a paddock, adjacent to the fence line, within a group of mature trees to the west of Park Cottage.
29. For the same national policy reasons given above, the proposal would not necessarily be inappropriate development, provided that the scheme would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it.
30. The stable and yard would be located next to the western access road serving Askham Park, close to a formal gated entrance. From the road, views across the appeal site of the adjacent paddock can be derived beneath the canopy of trees and in the gaps between them. Although in a less isolated and more visually contained location than Appeal A, both spatially and visually, the proposed development would be conspicuously sited.
31. While the paddock contains a number of existing stables, they appear to be much smaller and do not have any yard associated with them, and they are located to the far side of the paddock well away from the road, adjacent to a mature hedgerow. As a result, the proposal would not have the same visual or spatial impact on the Green Belt.
32. Traffic movements associated with the development would not be significant, given that it is for private use and is small in scale. However, the scheme would introduce development within an area of the woodland, which, save for a smaller and more centrally located timber bin store, is largely undeveloped. As a result, there would be a loss of openness which would result in harm to the Green Belt in this location.
33. For all of the above reasons, I find that the proposed development would constitute inappropriate development in the Green Belt.

Character and appearance and landscape setting

34. On the approach road from the west woodland forms an important component of the landscape setting of Askham Park. Although siting within the woodland would reduce the scheme's wider visual impact, because the proposal would be located at the side of the access road, it would have a harmful visual impact on

the landscape setting. While the stable block is appropriately designed for its intended use, it would be an incongruous addition at the roadside.

35. The proposed development would be beneath the canopies of adjacent trees. As a consequence, the Council is concerned about the impact of excavation works and subsequent ground compaction on their health. Paragraph 170(b) of the Framework requires, amongst other things, that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services, including the economic and other benefits of trees and woodland.
36. I have considered imposing conditions, for example, to require an arboricultural method statement and construction management plan to protect adjacent trees. However, while the stable block would not have foundations, in the absence of an arboricultural impact assessment I cannot be certain to what extent the proposal would impact on root protection areas, or that the proposal as a whole would not be harmful to adjacent trees. In any event, such a condition would not be capable of overcoming the harm identified above given the siting of the development.
37. For these reasons, I find that the development would have a harmful effect on the character and appearance of the area and the landscape setting of Askham Park. Accordingly, the proposed development would conflict with the environmental and landscape protection aims of Policies GP1 and NE1 of the DCLP, and, it would be at odds with Policies D1 and D2 of the emerging Local Plan. The proposal would also be contrary to Paragraphs 127(c) and 170(b) of the Framework.

Other considerations

38. The proposed stable block and yard would allow the appellant to shelter their horses from the noise of shooting activities in the area and from inclement weather. I give some weight to these benefits to the appellants.
39. Temporary accommodation has been provided on the site of Appeal A. However, it is sited in a different location, away from mature trees, and does not have a yard associated with it. Because of this and as it is intended to be temporary, it does not result in the same harmful effects. I therefore give the fallback position limited weight.
40. An appeal decision relating to equestrian development in the Green Belt and the Chilterns Area of Outstanding Natural Beauty has been supplied in support of the appeal³. However, the proposal was located behind an electricity sub-station, mature landscaping and a line of trees, and so it is not directly comparable. I have, in any case, reached my own conclusions on the proposal on the basis of the evidence before me.

Conclusion

41. The proposal would amount to inappropriate development in the Green Belt to which substantial weight is given. Significant weight is given to the findings on character and appearance. The fallback position and the benefits to the appellants cited in the scheme's favour do not clearly outweigh the totality of

³ Appeal Ref: APP/X0415/W/18/3197409

the identified harm. Consequently, the very special circumstances necessary to justify the development do not exist.

42. Accordingly, the proposal is contrary to the Green Belt Policies of the Framework. I therefore conclude that Appeal B should be dismissed, and planning permission should be refused.

Overall Conclusion – Appeal A and B

43. For the above reasons, Appeal A and B should be dismissed, and planning permission is refused for both applications.

D Child

INSPECTOR