The Planning Inspectorate

Appeal Decision

Site visit made on 3 September 2019

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2019

Appeal Ref: APP/N2739/W/19/3229546
Pudjiz, Hillam Lane, Burton Salmon, Selby LS25 5JQ

- 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 David Moore against the decision of Selby District Council.
- The application Ref 2018/1147/FUL, dated 5 October 2018, was refused by notice dated 7 December 2018.
- The development proposed is erection of one detached dwelling.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

    - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
    - The effect on the openness of the Green Belt; 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 required to justify the proposal.

Reasons

3. The appeal site is adjacent to 'Pudjiz' and is located outside of the development limits of the village of Burton Salmon which is identified as a Secondary Village in the Selby District Core Strategy (the CS). The appeal site is therefore located within the open countryside and within the Green Belt.

4. The appeal site is currently used for the storage of vehicles, which was approved by Lawful Development Certificate in 2010.

Inappropriate Development

5. Policy SP2 A (d) of the CS states that in the Green Belt, including villages washed over by the Green Belt, development must conform to Policy SP3 and national Green Belt policies. Policy SP3 B states that in accordance with the Framework, within the defined Green Belt, planning permission will not be granted for inappropriate development unless very special circumstances can be demonstrated to justify why permission should be granted.

6. The Framework states that inappropriate development is harmful to the Green Belt. All proposals for development in the Green Belt should be treated as inappropriate, and thus should be approved only if very special circumstances exist, unless they come within one of the categories in the closed list of exceptions in either paragraph 145 or 146 of the Framework

7. It is agreed by the parties that the appeal proposal would not fall into any of the exceptions set out in Paragraph 145 or 146 of the Framework, and I concur with this assessment.

8. As a result, the proposal would be inappropriate development within the Green Belt as set out in the Framework, which states that the Government attaches great importance to Green Belts and the resultant harm should be given substantial weight in determining the appeal. It would also be contrary to Policies SP2 and SP3 of the CS.

Openness

9. Paragraph 133 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and advises that one of the essential characteristics of the Green Belt is its openness.

10. I have noted the comments of the appellant in relation to the existing use, and the land take from that use in comparison with the appeal proposal. I find that the construction of a dwelling would create a structure that would have a significantly greater effect on the locality than the parking of vehicles on site, and with the addition of the normal domestic paraphernalia that accompanies a dwelling, the proposal would, in my view, result in a loss of openness and this harm attracts substantial weight as set out in the Framework.

11. On this issue, I conclude that the harm to the openness of the Green Belt adds to the substantial harm by reason of inappropriateness and the proposal would conflict with Paragraph 133 of the Framework.

Other Considerations

12. The appellant states that amongst other matters, the remediation of the land and the removal of the potential for ground contamination are significant benefits that form the very special circumstances to warrant approval of the proposal.

13. From the evidence in front of me, and having undertaken a site visit, the site is surfaced with a crushed stone, that had previously gained planning consent. This does not constitute despoiled or degraded land and benefits the current use of the land for vehicle storage. I also note that the land screening assessment does not suggest that contamination is an issue on site or that the site requires remediation. As a result, I do not find that the above issues can be assigned anything other than limited weight in support of the proposals.

14. The proposals would offer a new dwelling with the accompanying social and economic benefits of new housing. The dwelling would provide an additional housing unit to meet housing need. These factors do favour the proposal, however, given the size of the contribution (one dwelling), the scale of this benefit would be limited and not be significant

Conclusion

15. The Framework indicates that inappropriate development is, by definition, harmful and should not be approved except in very special circumstances. Although I find that the considerations advanced by the appellant can be given limited weight in favour of the proposal, they do not outweigh the identified harm to the Green Belt and as a result, no very special circumstances exist to justify the development in Green Belt terms.

16. It would conflict with the development plan and the Framework as a whole and there are no other material considerations that warrant determining the appeal otherwise.

17. Therefore, the appeal is dismissed.

Paul Cooper

INSPECTOR