



Appeal Decision

Site visit made on 17 September 2019 by L Wilson BA (Hons) MA

Decision by A U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 October 2019

Appeal Ref: APP/C2741/D/19/3230287

Rufforth Hall, Wetherby Road, Rufforth, York, YO23 3QH

- 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 and Mrs M O'Neill against the decision of City of York Council.
 - The application Ref 18/01044/FUL, dated 11 May 2018, was refused by notice dated 9 May 2019.
 - The development proposed is a new vehicular crossover and access drive.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The reasons for refusal relate to Policies within the Publication Draft City of York Local Plan 2018 and to the City of York Draft Development Control Local Plan 2005, which has been approved by the Council for development control purposes. As neither of these plans have been formally adopted, I have given them limited weight. I will apply national planning policy.

Main Issues

4. These are as follows: (1) whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the 'Framework'), (2) the effect on the character and appearance of the area, and (3) if the development would be inappropriate, 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 for the Recommendation

5. The proposed development includes the formation of a dropped kerb together with vehicular access and erection of timber gates. The driveway and gates would have a width of approximately 3 metres. The gates would be approximately 1.8m in height with oak gate posts of approximately 2m in height.

Inappropriate Development

6. Paragraph 146 of the Framework sets out types of development that may be permitted in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Within the list is engineering operations. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
7. The proposed development amounts to substantial engineering operations to form a new access drive. Along Mill Lane there are currently a limited number of access points. The proposed development would be visible from the highway. The new access would result in the removal of mature trees, the grass verge and part of the garden. The development would cause spatial and visual harm to the openness of the Green Belt.
8. Consequently, the proposal would not preserve the openness of the Green Belt and would represent encroachment of development into the countryside, which is contrary to the third purposes of including land within the Green Belt as set out at paragraph 134 of the Framework. The proposed development would therefore be inappropriate development. Accordingly, the proposal would conflict with the Framework.

Character and Appearance

9. The proposed gate would constitute two solid panels. The impact of the gates upon the character and appearance of the area would be limited as they would be stepped in from the boundary. The gates would be largely screened by the existing tree belt. Consequently, the gates would not be a prominent feature within the streetscene.
10. The proposed development would result in a break in the tree belt. The Councils Landscape Architect considers that the trees proposed to be removed are of less significance compared to other trees within the tree belt as they are of a lower quality. Whilst the removal of the trees is regrettable, the loss of the trees would not have a detrimental visual impact upon the character and appearance of the area. The number of trees to be removed would be relatively small in comparison to the rest of the tree belt.
11. The proposed development would therefore accord with the Framework in this respect.

Other Considerations

12. Substantial weight should be given to any harm to the Green Belt. Development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. The appellant has provided photographs of other accesses and consider it is not uncommon for residences similar to Rufforth Hall to have two entrances. The circumstances of these cases and residences are unknown because specific evidence has not been provided. In any event, it appears these accesses are not located on Mill Lane and therefore cannot be directly compared.
13. I note the appellant's long connection with the dwelling, wish to reduce the associated grounds, solid gates would provide more privacy and failure of the existing electric gates. However, personal circumstances rarely outweigh

general planning considerations as the occupants of a dwelling can change whereas the development would be permanent.

14. I acknowledge the appellant has difficulty exiting and accessing the Hall when there is an increase in traffic on Wetherby Road, particularly when the car boot sale is on. The evidence submitted suggests that this is not a regular occurrence nor a highway safety issue.
15. Whilst I sympathise with the appellant's frustration with the Council and acknowledge new trees and shrubs have been planted in and around the grounds of Rufforth Hall over the years; these matters have little bearing on the planning merits of the case.

Conclusion and Recommendation

16. The development constitutes inappropriate development. This is a matter to which substantial weight is given. As cited above, there is conflict with national planning policy.
17. The proposals lack of harm to the character and appearance of the area carries neutral weight in that it neither weighs in favour or against. Minimal weight is given to both the personal circumstances presented and photographs of other accesses. The arguments relating to difficulty exiting and accessing the Hall, frustrations with the Council, other similar residences having two entrances and the planting of trees and shrubs are given limited weight. The advanced considerations in support of the appeal whether taken individually or cumulatively, do not, on balance clearly outweigh the conflict with planning policies that seek to protect the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist.
18. For the reasons given above, I conclude that the appeal should be dismissed.

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree that the appeal should be dismissed.

A U Ghafoor

INSPECTOR