



Appeal Decision

Hearing held on 8 October 2019

Site visit made on 8 October 2019

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 November 2019

Appeal Ref: APP/N2739/W/19/3227044

Roebuck Barracks, Green Lane, Appleton Roebuck, Selby YO23 7DS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr T Evans, Lightaway Ltd and Mr and Mrs Evans against the decision of Selby District Council.
 - The application Ref 2018/0270/OUTM, dated 8 March 2018, was refused by notice dated 7 November 2018.
 - The development proposed is described as "demolition of buildings and erection of five dwellings (Class C3) and access within land edged in red and demolition of all buildings on the land edged in blue".
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Decision

1. The appeal is dismissed

Procedural Matters

2. The application is in outline form with details of access to be considered at this stage. Other detailed matters are reserved for subsequent consideration. I have treated the submitted drawings showing the layout of the proposed houses as for illustrative purposes only.
3. A number of documents were submitted at the Hearing including an updated list of suggested conditions and a legal agreement, signed by both parties. Details of a demolition consent, granted in the week preceding the Hearing relating to the remaining buildings on the site, was submitted by the appellant along with an Ecology Report. The Council submitted an up to date list of saved local plan policies. All parties had the opportunity to comment on the submitted documents.

Main Issues

4. The main issues in this case are:
 - a) 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;
 - b) The effect of the proposed development on the openness of the Green Belt;
 - c) Whether the appeal site would provide a suitable location for the proposed dwellings, having regard to the Framework and any relevant development plan policies; and,

- d) If the proposal is inappropriate development in the Green Belt, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

5. The appeal site is part of the former Roebuck Barracks complex of approximately 44 low level buildings. The site is 2.1 ha in size and the remainder of the barracks site, identified on the Site Location Plan¹ being edged in blue, is 4.3 ha. The site is accessed via Green Lane and is bound by tall mature hedges that form an effective barrier to the surrounding area with the exception of the south which is open to the adjacent agricultural fields. The site is located in the Green Belt.
6. The Council's decision notice refers to the Selby District Core Strategy (the CS) Policy SP3 – Green Belt, that largely echoes the provisions of the Framework, and Policy SP2 – Spatial Development Strategy, that identifies the settlement of Appleton Roebuck as a Designated Service Village that "has some scope for additional residential and small scale employment growth to support rural sustainability". The site also lies within the area covered by the Appleton Roebuck and Acaster Selby Neighbourhood Development Plan.

Whether inappropriate development

7. Paragraph 145 of the Framework identifies a number of exceptions to the general presumption against the construction of new buildings in the Green Belt. These include, under criterion (g), the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development".
8. The appeal site has a complex history resulting from the development of the buildings on the site as barracks and associated buildings in relation to the nearby, now disused, airfield and later developments including purpose-built agricultural buildings and the conversion of a number of the existing buildings to agricultural use.
9. Annex 2 of the Framework defines Previously Developed Land (PDL) and specifically excludes land that is or was last occupied by agricultural or forestry buildings.
10. From the evidence before me and my observations at the site visit, it is apparent that the majority of buildings on the site, while not built for that purpose, were last used for agriculture and as such do not fall within the definition of PDL.
11. A number of buildings, including the existing dwellings, domestic garage and those barrack-related buildings that have not been used for agriculture would meet the definition of PDL. There is no clearly defined curtilage around these buildings and therefore the extent of PDL within the appeal site is of a limited extent. Nonetheless development on this small part of the appeal site would

¹ Location Plan: 2015-156-020-C

not be inappropriate development having regard to paragraph 145(g) of the Framework.

12. However, the remainder and the notably greater proportion of the appeal site, is not PDL and as such development across the majority of the appeal site would be inappropriate development in the Green Belt.
13. As a result of the significantly greater proportion of the appeal site that, as detailed above, does not meet the definition of PDL, I find that, on balance, the proposed development does not benefit from exemption (g) set out in paragraph 145 of the Framework, and as such is inappropriate development in the Green Belt.
14. I therefore conclude on this main issue that the proposal would amount to inappropriate development in the Green Belt.

Effect on openness

15. The illustrative plan shows the construction of 5 dwellings, with garages and driveways set out in a broadly linear fashion. The buildings are described in the submitted Design and Access Statement as being "two storey 4+ bedroom dwellings with a maximum floorspace of 400sqm each and being of average height" replacing the existing buildings on the site.
16. Paragraph 133 of the Framework states that 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.
17. The existing topography, boundary trees and hedges effectively screen large portions of the appeal site and would afford a high degree of containment to the proposed development. However, the openness of the Green Belt has a spatial aspect as well as a visual aspect. Therefore, the absence of visual intrusion, or limited visual intrusion, does not in itself mean that there is no impact on the openness of the Green Belt as a result.
18. The appellant details that the proposed development would introduce approximately 2,000m² (floorspace) of new built development, in addition to access roads, gardens and associated residential paraphernalia. As such, would harm the openness of the Green Belt.
19. I note that the proposed development would result in the demolition of the existing buildings and many internal roads and areas of hardstanding, resulting in a significant net reduction of built development on the site, identified by the appellant as being an approximately 87% reduction. However, the impact of a building on openness is not only related to its size but also to its purpose. By virtue of their last use being agricultural, the existing buildings on the site are not inappropriate development within the Green Belt.
20. Therefore, while the demolition of the existing buildings on the site would reduce the quantum and visual impact of built development on the site, nonetheless the demolition of these buildings that are appropriate development in the Green Belt, despite their dilapidated appearance, alter my view that there would be a significant loss of openness of the Green Belt. This adds to the harm arising from inappropriateness.

Whether a Suitable Location

21. The appeal site is located within the countryside. The appellant identifies that the closest services and facilities are located in Appleton Roebuck, approximately 2 km away and Copenthorpe approximately 3.2 km away. However, there are a number of other dwellings and commercial premises in the area around the appeal site. Therefore, while the appeal site is situated away from service and facilities, I do not find that the appeal site is isolated for the purposes of Framework paragraph 79.
22. Paragraph 103 of the Framework recognises that opportunities to maximise sustainable transport solutions vary between rural and urban locations; its overall aim however is to reduce reliance on the private car as a mode of transport.
23. Given the acknowledged separation from services and the limited public transport options accessible from the appeal site, it would be highly likely that the majority of future occupiers of the proposed dwellings would access services by private car. This would not achieve the social and environmental sustainability objective set out in the Framework.
24. Paragraph 78 of the Framework promotes sustainable development in rural areas where it will enhance or maintain the vitality of rural communities. I note the appellant's points regarding the support that future residents could provide to services and facilities in nearby settlements, in particular Appleton Roebuck as a Service Centre. However, the level of support provided by the occupiers of the proposed 5 dwellings is likely to be limited.
25. Consequently, taking into account all of the factors discussed above, I am not satisfied that the appeal site is a suitable location for the development proposed. I therefore conclude that the proposed development would conflict with Framework insofar as it promotes sustainable development in rural areas.

Other considerations

Environmental Improvements

26. The appeal scheme includes a number of environmental improvements detailed in a Landscape Masterplan, Remediation Strategy and Ecological Mitigation & Enhancement Plan; the implementation of these plans is secured in a signed Legal Agreement submitted at the hearing.
27. The proposed development would result in the creation of approximately 4.3 ha of permanently open space. While the land would not be open to the public, it would be managed under a 30-year plan to protect and enhance the biodiversity of the site. Furthermore, a landscaping scheme for the garden areas for the new dwellings is proposed.
28. The existing buildings, detailed in the appellant's statement as amounting to approximately 9,302 m² of built footprint, that are currently of a very delapidated appearance, would be demolished along with the foundations and areas of hardstanding. However, as detailed previously the existing boundary treatment around site provides effective containment of the existing development, limiting the visual impact of the existing buildings.

29. The Geoenvironmental Appraisal by Lithos Consulting – February 2014 identifies some contamination on the site, a remediation strategy and the implementation of the strategy could be controlled by a condition placed upon any permission resulting from this appeal.
30. These are material considerations that weigh in favour of the proposed development. As such, I give these matters some weight in the determination of the appeal.

Fallback position

31. The appellant has outlined a scheme utilising Schedule 2, Part 3, Classes Q and R of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, that could result in the development of a further 3 dwellings on site and a single commercial unit. At the hearing, the appellant stressed that under such a scheme the demolition of the remaining buildings and wider environmental improvements would not take place and could not be subject of a condition on the consents.
32. No application for a determination on the need for prior approval under Class Q and/or Class R has been submitted. Nevertheless, based on the very limited evidence before me in this regard I find that there is a greater than theoretical possibility that the development as outlined by the appellant might take place. The fallback scheme would add a further 3 dwellings to the 2 existing on site and would, as detailed on the appellants statement of case, result in a total residential footprint of approximately 1349 m² compared the 1200 m² of the appeal scheme plus an additional approximately 445 m² of commercial footprint.
33. However, in the absence of detailed scheme for the fallback position I have no substantive evidence before me to enable me to determine whether or not this fallback scheme as outlined would have similar or worse effect than the appeal proposal. As such, I afford this fallback scheme very little weight.

Housing land supply

34. The proposed development would deliver 5 new homes and it would thus make a modest contribution to the housing land supply in the area. Furthermore, I acknowledge that some of the land upon which the 5 new homes would be built meets the definition of PDL. I therefore give this public benefit some weight.

Green Belt balancing exercise

35. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition, there are adverse impacts on the openness of the Green Belt and I have found that the site is not a suitable location for the proposed development.
36. The factors identified in support of the scheme, even when taken together, do not clearly outweigh the totality of the harm to the Green Belt and other harm. The very special circumstances necessary to justify the development do not exist. The proposal is therefore contrary to the Framework and policies SP2 and SP3 of the CS which seek to protect the Green Belt.

Conclusion

37. For the reasons given above I conclude that the appeal should be dismissed.

Mark Brooker

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Miss Beverley-Smith	Agent
Mr Andrew Williamson	Walker Morris LLP
Mr Evans	Appellant
Mrs Evans	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mrs Yvonne Naylor
Mr Bob Pritchard
Mr John Wainwright
Mrs Julia Casterton

INTERESTED PERSONS:

Cllr. Les Rayment	Appleton Roebuck & Acaster Selby Parish Council
Stuart Vendy	

DOCUMENTS SUBMITTED AT THE HEARING:

- 1 Signed legal agreement
- 2 Updated and agreed list of suggested conditions
- 3 Ecology Report
- 4 Details of demolition consent
- 5 Saved Policies