
Appeal Decision

Site visit made on 19 September 2019

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2019

Appeal Ref: APP/C2741/W/19/3229825

Managers Building, Country Park, Pottery Lane, York YO32 5TW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Miss Raquel Nelson against City of York Council.
 - The application Ref 19/00613/FUL, is dated 25 March 2019.
 - The development proposed is described as "a conservatory and front entrance storm porch".
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Decision

1. The appeal is allowed and planning permission is granted for a conservatory and front entrance storm porch at Managers Building, Country Park, Pottery Lane, York YO32 5TW in accordance with the terms of the application, Ref 19/00613/FUL, dated 25 March 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: A1904-01 Proposed Elevations - dated 19.03.19; A1904-02 Proposed Floor Plan - dated 20.03.19; A1904-03 Site Plan – dated 21.03.19; 2100-09 Rev B As-built Survey – dated 04.10.03.
 - 3) The materials to be used externally shall match those of the existing buildings in colour, size, shape and texture.
 - 4) The extensions hereby permitted shall be solely used to provide residential accommodation for the site manager of the associated caravan site and for no other purpose including any other within Class C3 of the Town and Country Planning (Use Classes) Order, 1987 (as amended).
 - 5) In the event that the extensions hereby permitted, and the manager's lodge to which they are attached, are no longer required for occupation by the caravan site manager, they shall be removed, together with any associated foundations, and the site reinstated to its previous condition within three months of occupation ceasing.

Preliminary Matters

2. The appeal is made following the failure of the Council to determine the planning application. A statement has been provided detailing the Council's

objections to the application. These relate to the incremental increase in the size of the structure over and above the planning permission for a dwelling on the site granted in 2013¹ (the 2013 permission) which the Council says would harm the openness of the Green Belt and for which very special circumstances do not exist.

3. York City Council does not have a formally adopted Local Plan. The City of York Publication Draft Local Plan 2018 (the emerging LP) has been submitted for Examination but is not yet adopted and as such I afford it limited weight. Policy GB1 of the emerging LP sets out restrictions on development in the Green Belt that are similar to those of the National Planning Policy Framework (the Framework).
4. In this instance the development plan consists of saved policies of the relevant Regional Spatial Strategy (RSS) that define the general extent of the Green Belt. The Framework is a material consideration in the determination of this appeal.

Main Issue

5. The main issue is whether or not the proposed development is inappropriate development in the Green Belt.

Reasons

6. The appeal site lies within the Green Belt. The proposed development relates to two extensions, a porch and a conservatory, to an existing dwelling. Paragraph 145 of the National Planning Policy Framework (the Framework), states that new buildings should be regarded as inappropriate development in the Green Belt subject to a number of exceptions, including "c) 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"
7. Based on the evidence before me I understand that the 2013 permission was not implemented and a different, larger dwelling was constructed. Consent for this dwelling, the appeal property, was granted on appeal² after the dwelling had been constructed. Therefore, for the purposes of paragraph 145 of the Framework I consider the "original dwelling" to be that granted consent at appeal.
8. The Appellant details that the combined floor space of the proposed porch and conservatory would be around 18 m² and the Council confirms that the building, as built, is approximately 224 m². The submitted plans show that the proposed extensions are of a typical domestic appearance and of a size and design that is in keeping with the scale and appearance of the existing building.
9. On the basis of the evidence before me I do not find that the proposed extensions would result in disproportionate additions over and above the size of the original building. Therefore, the proposed development benefits from exception c of paragraph 145 of the Framework and is not inappropriate development in the Green Belt and does not conflict with emerging LP policy GB1 or the saved policies of the RSS.

Other Matters and Conditions

¹ 13/00761/FUL

² APP/C2741/W/16/3158773 - 4 July 2017

10. The appeal property is screened by existing hedges and trees to the boundaries of the caravan site. I note the comments of objectors with regard the reduced effectiveness of this screening during the winter months, but I do not find that the modest extensions would increase the prominence of the dwelling. As such, the reduced effectiveness of the existing screening during the winter does not weigh against the proposed development.
11. A number of local residents, the Foss Internal Drainage Board and the Strensall and Towthorpe Parish Council have raised concerns with regards surface water and/or foul water disposal. However, the proposed development is for modest extensions to the existing dwelling and I have no substantive evidence before me to show that the proposed development would substantially impact upon these issues and I therefore find that the proposed development would not detrimentally effect surface water run-off from the site or impact upon foul water disposal. As such, I find that these matters are outside of the scope of this appeal.
12. I have considered the Council's suggested conditions in accordance with the Planning Practice Guidance. In addition to the standard implementation condition it is necessary to define the approved plans in the interest of certainty. In the interests of the appearance of the proposed development it is necessary to attach a condition required that the materials of the extensions match those of the existing building.
13. A condition placed on both the 2013 permission and the earlier appeal decision require the removal of the dwelling should the need for occupation by the caravan site manager cease. The Council and a number of objectors have raised concern that the appeal scheme would add to the permanency of the dwelling and reduce the likelihood of its removal should the use cease. However, I note the Appellant's submissions in respect of the timber frame construction and the modest scale of the proposed extensions.
14. As such, I find that the appeal scheme does not conflict with the conditions placed on the earlier appeal decision. For the avoidance of doubt and in to protect the open character of the Green Belt, a condition requiring the removal of the extensions should the occupation of the dwelling by a manager of the caravan site cease is necessary. Furthermore, for the avoidance of doubt I have included a condition to restrict the occupation of the extensions to a site manager of the associated caravan site as per the earlier decision.

Conclusion

15. For the reasons given above I conclude that the appeal should be allowed.

Mark Brooker

INSPECTOR