



Appeal Decision

Site visit made on 13 November 2019

by D Child BA BPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 January 2020

Appeal Ref: APP/C2741/D/19/3236164

Martin Hill Farm, Moor Lane, Haxby, York YO32 2QW

- 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 Andrew Morgan against the decision of City of York Council.
 - The application Ref 19/00495/FUL, dated 12 March 2019, was refused by notice dated 21 May 2019.
 - The development proposed is a two-storey side extension and alterations.
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Decision

1. The appeal is dismissed.

Procedural and Preliminary Matters

2. Although 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 Green Belt, which extends about 6 miles from the city centre. It is common ground that the appeal site is located within the general extent of the York Green Belt.
3. The Council's reasons for refusal refer to policies within the City of York Draft Local Plan Incorporating the Fourth Set of Changes; Development Control Local Plan (the DCLP), and the emerging Local Plan. The former was approved by the Council for development control purposes in 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.
4. In its 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 National Planning Policy Framework 2019 (the Framework). I therefore attach very limited weight to it, and it is not determinative. Because the latter has yet to be formally adopted and may change, I attach it limited weight in the context of the appeal.
5. The appellant has expressed concern over the handling of the application. However, notwithstanding any merits of the points raised, this does not alter or outweigh my findings in respect of the main issues, and I have only had regard to the planning merits of the proposal. I have considered the appeal on the basis of the plans supplied with the application.

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

Main Issues

6. The main issues are:

- Whether the proposal would be inappropriate development for the purposes of the development plan and the Framework;
- The effects of the proposal on the openness of the Green Belt and the character and appearance of the area; 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

Whether inappropriate development

7. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (Paragraph 143). In addition, new buildings within the Green Belt should be regarded as inappropriate.
8. Exceptions to this presumption set out in Paragraph 145 of the Framework include 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. Annex 2 of the Framework defines 'original building' as being as it existed on 1 July 1948, or, if constructed after that date, as it was built.
9. Policy GB4 c) of the DCLP states that extensions and alteration of dwellings in the Green Belt and open countryside will be permitted, providing that the proposal is small scale compared to the original dwelling. The associated text explains that a figure of 25% of the original footprint is proposed as a guide for the purposes of assessing planning applications. Policy GB1 of the emerging Local Plan, amongst other things, states that permission will only be granted where the scale, location and design of development would not detract from the open character of the Green Belt.
10. The farmhouse appears on a map of 1911, and side extensions to it on a map of 1969-74. However, the Council asserts that it is unlikely the side extensions would have been in situ in 1948, and that a conservatory to the south would appear to have been built after this date. On this basis, the Council's evidence advises that the proposed extension would represent a 140% increase in footprint, and a 135.8% increase in cubic content, over and above the original building. In contrast, the appellant argues, taking account of earlier extensions which would be demolished, the footprint of the dwelling would increase by 25%, making it 3m longer.
11. On the evidence before me, I cannot be certain that the earlier extensions existed on the relevant date, in order to be considered part of the original building. That being so, from the appeal plans I see no reason to disagree with the Council's assessment that the proposal would more than double the footprint and volume of the original building.

12. The scheme is designed to imitate a terrace of workers cottages. Because of this, the north and south elevations of the proposed extension would be wider than the farmhouse. Even if I were to consider the existing extensions to be part of the original building, and make a generous allowance for them, the proposal would still result in significant additional height and mass. The scheme would be large-scale compared to the farmhouse and it would be a disproportionate addition.
13. It has been put to me that the proposal represents partial infilling on previously developed land. Paragraph 145 e) of the Framework allows for limited infilling within villages, whereas Paragraph 145 g) allows for the limited infilling or the partial or complete redevelopment of previously developed land, provided that it would not have a greater impact on openness of the Green Belt than the existing development. However, in relation to the former, the proposal is not for infilling and it is not located within a village. In relation to the latter, the proposal would have a greater impact on openness than the existing development. The development proposed would not therefore fall within the ambit of either exception.
14. I have considered the use of conditions, for example, to require a landscaping scheme. However, this would not overcome the disproportionate scale of the proposed extension.
15. For the above reasons, I find that the development proposed would constitute inappropriate development in the Green Belt. Accordingly, the proposal would conflict with Policy GB4 c) of the DCLP, Policy GB1 of the emerging Local Plan, and Paragraphs 143, 144 and 145 of the Framework. As such, it would also be contrary to the Green Belt advice within the Council's House Extensions and Alterations Supplementary Planning Document 2012 (the SPD).

Openness of the Green Belt

16. The Framework states that the essential characteristics of Green Belts are their openness and their permanence. Notwithstanding the farm buildings on 3 sides, from the south the openness of the Green Belt is clearly apparent in the space around the farmhouse and above the existing side extensions.
17. The proposal would not create urban sprawl, or involve a change of use of land, and the fabric of the farmhouse would be retained in its historic farmyard setting. Furthermore, in views from the south the proposal would partly reduce the visibility of less attractive farm buildings. Nevertheless, for the reasons outlined above, the development proposed would be disproportionate relative to the original building. While the extension would broadly follow the footprint of earlier side extensions and avoid any overlap with the access or buildings to the north, the significant additional mass would result in a small but significant loss of openness.

Character and Appearance

18. I note the Council's evidence that the proposed extension would lack subservience, and thereby dominate the host dwelling. However, the ridge of the extension would be lower than the original farmhouse. Although smaller in footprint and volume than the proposed extension, the original farmhouse would therefore remain the dominant architectural element. Furthermore, design cues would be taken from the farmhouse and follow the local

vernacular. Alterations to the farmhouse would be minor, and use matching reclaimed materials. Although relatively wide and large in scale, the detailing and layout of the extension would respect the host dwelling.

19. As a result, while it would technically conflict with Paragraph 12.4 of the SPD, I find that the proposal would be appropriate, in character and appearance terms, to its rural context. While I have found that it would be inappropriate development in the Green Belt, and harm openness, I therefore conclude that it would not harm the character and appearance of the area.
20. Accordingly, the proposal would accord with the design aims of Policy GP1 of the DCLP, and Policy D1 of the emerging Local Plan. It would not be at odds with Paragraph 130 of the Framework, which, amongst other things, states that where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

Other considerations

21. The farmhouse requires modernisation, and the proposed scheme would provide the appellant and their family with a modern family residence. However, because these are primarily private benefits, I give them very limited weight.
22. Although the appellant refers to the refurbishment and extension of dwellings elsewhere in the locality, the full details and circumstances are not before me, and so I give this little weight. In any event, each case must be considered on its individual merits and I have reached my own conclusions on the basis of the evidence before me.
23. The scheme proposes demolition of the side extensions within the residential curtilage, and some agricultural buildings to the north. However, although dilapidated in appearance the existing extensions are low lying. Their visual impact and impact on openness is therefore limited, and there is no mechanism before me to secure removal of the agricultural structures. Moreover, according to the Framework, agricultural buildings are not inappropriate development. I therefore give the removal of existing extensions and the identified farm buildings little weight.
24. It has been put to me that the proposal would support the continuance of a farmed landscape, because it would support an agricultural operation, and that the proposal would have less impact than a replacement or new dwelling. However, there are no details of any alternative proposals before me. Furthermore, there is no evidence of an essential need for the development, for example, to house additional farm workers, or that were the appeal to fail agricultural operations on the farm unit would cease. I therefore give these considerations little weight.
25. The appellant refers to a lack of a 5-year housing land supply in the area and states that the proposal would free up housing elsewhere. However, the proposal is not for a new residential unit, and there is no evidence that it would free up housing elsewhere. I do not therefore attach weight to these arguments. In any case, the identified harm to the Green Belt provides a clear reason for refusing the proposed development in the context of Paragraph 11 of the Framework.

26. While the host dwelling has no documented planning history and there are no objections to the application from statutory bodies, these are neutral factors.

Conclusions

27. While I have found that the proposal would not be harmful to the character and appearance of the area, it would amount to inappropriate development in the Green Belt and result in a harmful loss of openness. Substantial weight is attached to the identified harm to the Green Belt.
28. On the other hand, the proposal would provide the appellant and their family with a modernised family dwelling, to which very limited weight is attached. Little weight is attached to the extension of other dwellings in the locality and to the removal of existing extensions and agricultural buildings. The combined weight of these considerations would not therefore be significant or present a unique situation.
29. For the reasons outline above, other considerations do not clearly outweigh the identified harm. Consequently, I conclude that the very special circumstances necessary to justify the proposal do not exist. The appeal should therefore be dismissed.

D Child

INSPECTOR