
Appeal Decision

Site visit made on 28 January 2020

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2020

Appeal Ref: APP/C2741/W/19/3240801

Carlton Cottage, Old Carlton Farm, Warthill, York YO19 5XS

- 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 Julian Dalby against the decision of City of York Council.
 - The application Ref 19/00486/FUL, dated 14 February 2019, was refused by notice dated 8 May 2019.
 - The development proposed is erection of sectional timber stables for private use only.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. 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, in which the appeal site is located. The reason for refusal refers to policies within the City of York Draft Local Plan Incorporating the Fourth Set of Changes; Development Control Local Plan (DCLP) and the emerging Local Plan. The former was approved by the Council for development control purposes in April 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.
3. In its reason for refusal, the Council refers to Policy GB1 of the DCLP and Policy GB1 of the emerging Local Plan. Whilst there are minor inconsistencies with the wording of the Framework, I find that the aims of Policy GB1 of the DCLP to be in accordance with those of the Framework and therefore give it moderate weight in the appeal. Similarly, despite not being adopted, I find that there is sufficient accordance between the aims of Policy GB1 of the emerging Local Plan and those of the Framework for it to be given moderate weight in the appeal.

Main Issues

4. The main issues are 1) whether the proposal would be inappropriate development in the Green Belt having regard to the Framework including the effect on openness and 2) If the development is inappropriate, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by

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

other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal would be inappropriate development in the Green Belt including the effect upon openness

5. The appeal site is situated in the Green Belt. The Government attaches great importance to Green Belts. 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. Paragraph 145 of the Framework indicates that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt.
6. One of the listed exceptions in Paragraph 145(b) is the provision of appropriate facilities for outdoor sport and recreation, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
7. The appeal site is located within a field in an isolated position relative to Carlton Cottage. Despite the presence of trees and hedges the stables would be visible from the driveway. They would be visible above the hedge from viewpoints along the driveway and from the rear when approaching Carlton Cottage, particularly during autumn and winter months when the trees would not be in leaf.
8. The appellant refers to the lack of visibility of the proposal from any public vantage point, with the appeal site being approximately 300m from the nearest public highway. On my site visit I noted signage indicating that the access also forms a public footpath. In any event, openness is not solely related to visibility.
9. The stables would be a significant structure measuring some 9x11m with a height of some 2.4m. It would be clearly seen from within and outside of the field and would stand in isolation from other buildings. Given its size, visibility and its siting on currently open land, it would not preserve the openness of the Green Belt.
10. Therefore, the proposed stables would represent inappropriate development which by definition would be harmful to the Green Belt and be contrary to the Framework.
11. The proposed stables would also be contrary to Policy GB1 of the DCLP (2005) and Policy GB1 of the York Local Plan (Publication Draft) (2018) as they would detract from the openness of the Green Belt and represent inappropriate development.

Other Considerations

12. The stables would contribute to outdoor recreation by providing shelter for horses but as these are small scale private facilities I give this factor limited weight.
13. The appellant's agent has referred to planning consents he has obtained for stables within the Green Belt in different authority areas in support of the

appeal but I do not have details of these cases before me and therefore I attach minimal weight to these references.

14. I note that the occupants of nearby Ivy Cottage have commented that they have no objection to the proposal, however a lack of objection is a neutral factor in the balance.

Other Matters

15. The appellant has referred to their correspondences and frustration in dealing with the Council. These are not relevant matters for the appeal process and in determining the appeal I have only had regard to the planning merits of the proposal.

Green Belt Balance and Conclusion

16. The proposal would amount to inappropriate development in the Green Belt to which substantial weight is given. The combined weight of the other considerations in the case do not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist.
17. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal be dismissed.

A M Nilsson

INSPECTOR