



Appeal Decisions

Site visit made on 22 June 2020

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 22 September 2020

Appeal A Ref: APP/C2741/W/20/3245063

The Limes, Main Street, Holtby, York YO19 5UD

- 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 Mr & Mrs M Bellwood against City of York Council.
 - The application Ref: 19/001163/FUL, is dated 5 June 2019.
 - The development proposed is described as 'conversion of attached stable/store to habitable space, internal reconfiguration of staircase, first floor extension over apple loft/store and demolition of existing dilapidated outbuilding and construction of new double garage with studio space.'
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Appeal B Ref: APP/C2741/Y/20/3245064

The Limes, Main Street, Holtby, York YO19 5UD

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Mr & Mrs M Bellwood against City of York Council.
 - The application Ref: 19/001164/LBC is dated 5 June 2019.
 - The works proposed are described as 'conversion of attached stable/store to habitable space, internal reconfiguration of staircase, first floor extension over apple loft/store and demolition of existing dilapidated outbuilding and construction of new double garage with studio space.'
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Decisions

1. **Appeal A** – the appeal is dismissed and planning permission is refused.
2. **Appeal B** – the appeal is dismissed and listed building consent is refused.

Procedural Matters

3. The appeals were submitted on the basis of the failure of the Council to determine the applications within the prescribed timescale. The Council has submitted a statement of case which sets out its main concerns and what would have been its reasons for refusal if it had determined the applications. These will therefore form the basis of the main issues of the appeals.
4. These decisions address both planning and listed building consent appeals for the same site and for the same scheme. The remit of both regimes is different, and the main issues identified below relate to either the planning appeal (Appeal A), the listed building appeal (Appeal B), or both. In order to reduce repetition and for the avoidance of doubt, I have dealt with both appeals together within a single decision letter.

5. There is no development plan for York, except for the Saved Policies YH9(C) and Y1(C1 and C2) of the Yorkshire and Humber Plan Regional Spatial Strategy to 2026, published May 2008 (the RSS)¹. The saved policies relate to York's Green Belt which extends about 6 miles from the city centre, encompassing the appeal site. The Council's statement of case refers to policies in the City of York Development Control Local Plan (the DCLP), which was approved for development control purposes in April 2005 and the City of York Local Plan – Publication Draft (the PDLP) 2018, which was submitted for examination on 25 May 2018. As neither of these plans have been formally adopted, I have given them weight only insofar as they are consistent with the National Planning Policy Framework (the Framework).
6. The Council recently refused an application for planning permission for the erection of a dwelling with associated access and store to the north west of the appeal property². This land is included within the red line boundary of the appeals before me. However, I have not been provided with any substantive details of the application and do not consider it determinative. I have therefore determined the appeals on their own planning merits.
7. The address of the appeal site as stated in the application form and the Listed Building description is The Limes, Main Street. However, The Limes fronts Holtby Lane. For the avoidance of doubt, I have determined the appeals on that basis.

Main Issues

8. The main issues in appeal A are:
 - a) Whether the proposed development would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - b) The effect of the proposed development on the openness of the Green Belt; and,
 - c) If it is inappropriate development, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposed development
9. In addition, a further main issue in Appeal A and the main issue of Appeal B is whether the proposal would preserve the Grade II listed building, The Limes, including its setting or any features of special architectural or historic interest that it possesses.

Reasons

10. The appeal site is located in the Village of Holtby, approximately five miles outside of York, and within the general extent of the York Green Belt.
11. The appeal building, The Limes, is a two-storey house with an attached stable/store. It fronts, but is set back from and slightly above, Holtby Lane. To the rear of The Limes and within its residential curtilage is a dilapidated, detached, single-storey outbuilding.

¹ Saved under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013.

² Application Ref: 19/02722/FUL.

12. The proposed development and works to The Limes comprise a first floor extension over what is referred to as the apple loft/store, the conversion of the stable/store into a habitable space and internal alterations, including the relocation of the staircase and resultant internal reconfiguration. The proposal also includes the demolition of the existing outbuilding and the construction of a detached, double garage with office accommodation above.

Whether inappropriate development in the Green Belt

13. The Framework identifies 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. 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 circumstances³.
14. The Framework states that the construction of new buildings should be regarded as inappropriate development in the Green Belt, subject to a number of exceptions⁴. Whilst the appellants have not explicitly referred to the proposal meeting any of the specified exceptions, the following are the most relevant to Appeal A: 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; e) limited infilling in villages; and g) limited infilling or 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.
15. While Policy GB1 of the DCLP and Policy GB1 of the PDLP share some elements of Green Belt policy within the Framework, the exception criteria within them are not entirely consistent with National Planning Policy. As a result, I attach limited weight to these policies and have assessed the appeals primarily against the Framework.
16. With regard to the proposed development and exception c), the Council consider that the appeal building appears to be as it was on 1 July 1948 (the original building as defined by the Framework) and there is no reason for me to disagree. The proposed extension to The Limes, of itself, would be relatively minimal in both floor area and volume. It would also be under the benchmark of a 25% increase which the Council use to assess whether a proposed addition would be 'disproportionate'.
17. However, were I to include the proposed adjacent freestanding garage/office as an addition to the property as a planning unit, I consider that the resultant increase in footprint and volume would significantly exceed the indicative 25% and represent a disproportionate addition over and above the size of the original building when taking all elements of new build into account. On this basis, the proposed additions would not meet exception c) and would constitute inappropriate development in the Green Belt.
18. In relation to the proposed garage/office and exception e), the appeal site is clearly located within a village and so meets this requirement of the exception. The terms 'limited' and 'infilling' are not defined in the Framework but, in considering this exception, it is logical to have regard to the nature and size of

³ Paragraphs 133 and 143 of the National Planning Policy Framework.

⁴ Paragraph 145 of the National Planning Policy Framework.

the proposed development, the location of the appeal site and its relationship to other existing development adjoining and adjacent to it.

19. The substantial size, scale and massing of the proposed garage/office could not reasonably be deemed to be 'limited'. Moreover, its disconnected relationship with the adjacent and surrounding residential development means that it would not fill a gap within a built-up frontage and could not credibly be considered to be 'infill'. In these respects, the proposed garage/office would not meet exception e) and would be inappropriate development in the Green Belt.
20. With regard to the proposed garage/office and exception g), the appellants make reference to the site being Brownfield Land. However, as defined within the Framework, this excludes 'land in built-up areas such as residential gardens'. The location of the appeal site within the Village could reasonably be concluded to be in a 'built-up area', albeit of low density residential development, and is within a residential garden. Therefore, it is not appropriate to consider the proposed garage/office against exception g).
21. Drawing the points above together, in not meeting any of the relevant exceptions, I conclude that the proposed development would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies. As such, it would not comply with Paragraph 145 of the Framework. It would also conflict with Saved Policy YH9(C) of the RSS relating to the boundary of the York Green Belt. It would also not accord with Policy GB1 of the DCLP and Policy GB1 of the PDLP insofar as they seek to manage development in the Green Belt.

Openness of the Green Belt

22. Openness is an essential characteristic of the Green Belt that has visual as well as spatial aspects. The wider pastoral setting of Holtby Village has considerable openness. However, the location of the appeal site within the Village and its enclosure by boundary treatment along with adjoining and adjacent built form, inevitably has an impact on its openness.
23. The appeal site is located on a prominent corner plot at the junction of Holtby Lane and Hillcrest. It is bordered at the front by low iron railings and enclosed at the sides and rear by a combination of timber fences, mixed hedgerow and medium/low height trees. The boundary treatment provides some screening of the appeal site, but it is deficient at points along Hillcrest, allowing both clear views and glimpses into the garden space.
24. The relatively enclosed situation of the appeal site combined with the location and modest size of the proposed extension to The Limes, would mean that, of itself, its visual impact would be limited. Even so, it would still reduce the spatial aspect of openness which is not necessarily dependent on visibility.
25. Whilst the existing screening would go some way to limit the visual impact of the proposed garage/office, given its substantial height and depth, the structure would be unduly conspicuous in views from public routes adjacent to the appeal site. As such, it would harm the visual appearance of openness of the Green Belt. Furthermore, although it would be replacing an existing structure to some extent, the proposed increase in floor area and volume would mean that it would introduce a much greater magnitude of built form into an

area where currently there is none. Consequently, it would also harmfully reduce the spatial openness of the Green Belt.

26. Accordingly, I conclude on this issue that, taken as a whole, the proposed development would not preserve and would have a harmful effect on the openness of the Green Belt. As such, it would conflict with the provisions within the Framework which aim to protect the openness of the Green Belt. It would also not accord with Policy GB1 of the DCLP and Policy GB1 of the PDLP insofar as they seek to ensure that development would not detract from the openness of the Green Belt.

Other considerations

27. The appellants cite the public benefits of the refurbishment and reuse of the listed building and enhancement of its setting which I have outlined below and given weight in favour of the appeals.
28. The appellants also highlight that the proposal would result in more effective and efficient reuse of the site as a brownfield land resource. However, given that I have previously concluded that the site is not Brownfield Land or Previously Developed Land, this weighs neutrally.
29. I have had regard to the letter of support for the proposal; that there were no objections from neighbours and Holtby Parish Council; and that Historic England referred any comments to the Council's specialist officers. I am also aware that the Council had no concerns in relation to the proposal's impact on the living conditions of neighbours; and that, subject to the imposition of conditions, no technical concerns were raised in relation to archaeology, ecology, flood risk and highways. However, these matters and the absence of harm in these respects weigh neutrally and do not amount to considerations in support of the appeals.
30. Although there is no adopted development plan for York, the application of Framework policies that protect areas of particular importance, namely the Green Belt and Designated Heritage Assets in this case, provide a clear reason for refusing the development. Consequently, Paragraph 11 of the Framework does not direct that permission should be granted.

Very special circumstances

31. In summary, the proposed development would represent inappropriate development in the Green Belt that would reduce openness. Inappropriate development is by definition harmful and should not be approved except in very special circumstances. In addition, openness is an essential characteristic of Green Belts so a reduction in that quality would also be harmful.
32. Substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
33. Having regard to the other considerations cited in support of the proposal, I consider that, either individually or collectively, they do not clearly outweigh the substantial weight which must be given to Green Belt harm and any other harm, and so are not sufficient to amount to the very special circumstances required to justify the proposed development.

34. I now turn to whether the proposal would preserve the listed building, including its setting or any features of special architectural or historic interest that it possesses, the conclusion of which is directly related to the weight I have attached to any Green Belt benefit of the proposed works.

Listed building

35. The Limes dates from the late 18th century and is Grade II listed. It is a modest, two-storey building in an L-shaped plan constructed of red brick with a dual pitch pantile roof. It incorporates an apple loft/store which is two floors and one bay deep with a cat slide roof. Also attached is a stable/store. The property is currently vacant and in a state of disrepair. Adjoining The Limes is Beech Tree Cottage which dates from the early 19th century and is also Grade II listed.
36. The Framework requires that the significance of a heritage asset, including any contribution made by its setting, should be established to a level of detail proportionate to the asset's importance⁵. A Design and Heritage Statement was submitted with the application. However, this does not include an assessment of the listed building's significance or any contribution to that significance made by its setting. In this respect, it falls short of that which is sufficient to satisfactorily understand the potential impact of the proposal and fails to comply with the Framework.
37. From the limited evidence available to me and with reference to the Planning Practice Guidance (the Guidance), I consider that the significance of the listed building to be largely derived from a combination of its historic interest (illustrative), architectural interest (fortuitous) and potential archaeological interest as a late 18th century domestic property associated with the surrounding rural landscape⁶. It is also derived from its group value with the adjoining Beech Tree Cottage.
38. The appeal building's age, pleasing form and design, use of traditional materials, along with surviving features of special architectural and historic interest, including sliding sash windows, doors, fireplaces and a cobbled floor, all make important contributions to its special interest and significance. In addition, the dwelling's immediate setting at the side and rear, although compromised to some degree by the existing dilapidated outbuilding and overgrown appearance of the land, makes a positive contribution to its significance.
39. Paragraph 193 of the Framework advises that when considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 194 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.
40. The demolition of the catslide roof would result in the harmful loss of historic fabric. Furthermore, although subordinate in size and scale and of matching materials to The Limes, the proposed gable extension and associated internal works would destructively alter the building's historic plan-form, detract from its modest character and erode its historic and architectural integrity.

⁵ Paragraph 189 of the National Planning Policy Framework.

⁶ Planning Practice Guidance, Paragraph: 006 Reference ID: 18a-006-20190723.

41. I recognise that the listing description does not refer to the catslide roof or the internal staircase and no evidence has been submitted which confirms that the catslide roof is an original feature or that the staircase is in its original location. Nonetheless, listings are primarily for identification purposes and do not provide an exhaustive or complete description of the building's special interest. Therefore, it does not follow that these elements are not of historic value in the development of The Limes and not worthy of retention.
42. Furthermore, even though public views of the proposed alterations to The Limes would be limited, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building or certain parts of it can be gained.
43. The reuse of the stable/store for habitable purposes and installation of rooflights on the rear pitch of the roof, subject to detail, would not harm the special interest of the building. However, the partial reopening of a blocked up doorway fronting Holtby Lane of the form and style proposed would be a pastiche intervention into the building's principal elevation that would be readily apparent and undermine its symmetry and form.
44. Conservation is an active process of maintenance and managing change and heritage assets should be conserved in a manner appropriate to their significance. Overall, the proposed development and works to The Limes would result in the damaging alteration of the building's humble form and simplicity through an intensification of use which would not be compensated for, or justified by, the recording of the building prior to the scheme being commenced. I acknowledge the intention of the appellants to retain and restore features of special architectural or historic interest, the detail of which the appellants declare could be controlled via conditions. However, given the sensitivity of the building and lack of information regarding the basic detail of the works, I cannot be sure that any conditions would be effective and capable of implementation.
45. Turning to the proposed garage/office, the structure would be of such a sizeable footprint, height and depth that it would compete with and detract from The Limes. Although it replaces an existing building to some degree, its undue prominence within the garden and conspicuous form in views from public routes adjacent to the appeal site would result in it having a negative impact on the listed building's setting and the positive contribution that this makes to its significance.
46. Consequently, the proposal would fail to preserve the Grade II listed building, The Limes, including its setting or any features of special architectural or historic interest that it possesses. In doing so, it would harm the significance of this designated heritage asset.
47. With reference to Paragraphs 195 and 196 of the Framework, in finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. Given the relatively localised nature of the proposed development and works, I find the harm to the listed building and its setting to be 'less than substantial' in this instance but, nevertheless, of considerable importance and weight. Under such circumstances, Paragraph 196 advises that this harm should be weighed against the public benefits of the proposal, which includes securing the building's optimum viable use.

48. The appellants assert that the proposal would result in the repair and refurbishment of a vacant listed building that would secure its long-term viable use and the enhancement of the site. Although the building is not designated as being 'at risk', it is vulnerable to further deterioration. Therefore, this would be a public benefit which weighs in favour of the appeals. Nevertheless, I am not persuaded that the proposal is necessary to secure the optimum viable use of the building as a residential property, or that the same public benefit could not be achieved by a more sympathetic scheme that would sustain and better reveal the significance of the heritage asset. Therefore, I conclude that there would be insufficient public benefits to outweigh the identified harm.
49. Given the above and in the absence of sufficient public benefits that would outweigh the harm found, I conclude that the proposal would fail to preserve the Grade II listed building, The Limes, including its setting or any features of special architectural or historic interest that it possesses. Overall, the proposal would be contrary to the clear expectations of Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the provisions within the Framework which seek to conserve and enhance the historic environment.
50. It would also conflict with Policies D5 and D11 of the PDLP insofar as they seek to preserve, enhance or better reveal those elements which contribute to the significance of the listed building or its setting; and require extensions and alterations to listed buildings to sustain the significance of a heritage asset and/or its setting. As a result, the proposal would not be in accordance with the development plan.
51. It would also conflict with the Holtby Village Design Statement which was accepted as draft Supplementary Planning Guidance in April 2005, insofar as any new buildings or extensions should be sympathetic to location and overall village character; and that new garages should be sympathetic in terms of design, scale and materials to the main dwelling and locality of the development.

Other Matters

52. The appellants have made no formal application for costs but highlight that an Inspector may, on their own initiative, make an award of costs if they consider that a party has behaved unreasonably resulting in unnecessary expense⁷. The appellants make reference to the Council's unreasonable behaviour in relation to its failure to determine the applications within target timescales and to deal with the applications in a positive and proactive way.
53. I accept that the applications were not determined within the statutory timescales and recognise that the protracted assessment of the development and works may have been frustrating for the appellants. However, from the evidence before me, it appears that the Council had valid reasons for delaying the determination of the applications and engaged with the appellants in an open manner.
54. Furthermore, in line with the Guidance, during the appeal process, the Council has explained its reasons for not reaching a decision within the relevant time

⁷ Planning Practice Guidance, Paragraph: 029 Reference ID: 16-029-20140306.

limit, and why planning permission and listed building consent would not have been granted had the applications been determined within the relevant period⁸.

55. On this basis, the Council did not behave unreasonably and I do not intend to initiate an award of costs in favour of the appellants. In any event, had the appellants wished to pursue a costs claim in detail they were at liberty to do so within the prescribed time limits of the regime.

Conclusion - both appeals

56. I have found that the proposed development would represent inappropriate development in the Green Belt that would reduce openness. Furthermore, the other considerations cited in support of the proposal do not clearly outweigh the substantial weight which must be given to Green Belt harm and any other harm, and so are not sufficient to amount to the very special circumstances required to justify the proposed development.
57. The proposal, as a whole, would also fail to preserve the Grade II listed building, The Limes, including its setting or any features of special architectural or historic interest that it possesses. In doing so it would harm the building's significance and the contribution that its setting makes to that significance. This harm would be less than substantial, but still of considerable importance and weight, which I find would not be outweighed by the public benefits cited in favour of the scheme.
58. The Green Belt matters are determinative in their own right. Moreover, had this not been a site within the Green Belt the harm which I have identified to the listed building and its setting would, in itself, also be determinative.
59. Thus, for the reasons given above, I conclude Appeals A and B are dismissed.

F Cullen

INSPECTOR

⁸ Planning Practice Guidance, Paragraph: 048 Reference ID: 16-048-20140306.