



Appeal Decision

Site visit made on 2 August 2021

by C Coyne BA (Hons) DipTP DipERM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th August 2021

Appeal Ref: APP/C2741/D/21/3274754

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 A Morgan against the decision of City of York Council.
 - The application Ref 20/02496/FUL, dated 18 December 2020, was refused by notice dated 16 February 2021.
 - The development proposed is first floor side extension and external alterations to existing building.
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Decision

1. The appeal is dismissed.

Procedural and Preliminary Matters

2. On 20 July 2021 a revised version of the National Planning Policy Framework (the Framework) was published. Apart from changes to paragraph numbering and one minor amendment, no major changes have been made to the Framework in relation to national Green Belt policy. As a result, given the nature of the refusal reasons and the main issues, on this occasion I consider that the publication of the revised Framework does not directly alter the assessment of this appeal. The relevant updated paragraph numbers have been used in my reasoning below.
3. There is no development plan for York, except for the saved policies YH9(C) and Y1(C1 and C2) of the Yorkshire and Humber Regional Spatial Strategy (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 approved the Development Control Local Plan (DCLP) for development management purposes in April 2005. This document and its policies do not form part of a statutory development plan for the purposes of S38(6) of the Planning and Compulsory Purchase Act 2004, but can form material considerations, albeit of limited weight. The Council refers to DCLP policies GB1 and GB4 in relation to the Green Belt. They also refer to policy GP1 of the DCLP.
4. In addition, the Council refers to Policies GB1 and D1 of the City of York Publication Draft Local Plan 2018 (PDLP), which was submitted for examination on 25 May 2018. Given its stage of preparation, I also afford limited weight to these emerging policies. The Council's approved draft Supplementary Planning Document for House Extensions and Alterations (SPD) is also referred to. Similarly, given that this has not been formally adopted I afford the SPD limited weight.

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

5. When on my site visit, I observed that construction work was already underway at the appeal property including on what appeared to be a partially completed two storey rear extension. However, notwithstanding this work being underway and the partial construction being in place, I have considered the appeal based on the plans originally submitted to and considered by the Council, which form the basis of the scheme that is before me.
6. In their statement the appellant has highlighted that they would be agreeable to revise the scheme so that the extension would be of a lower height and width meaning that it would likely represent much less of a potential increase in terms of its volume and a reduction of its footprint. However, Annex M of the Planning Appeals Procedural Guide – England advises that the appeal process should not be used to evolve a scheme. It is important that what I consider is essentially what was considered by the local planning authority and on what interested people's views were sought. If I were to determine the appeal on the basis of the revised plans it is possible that the interests of parties who might wish to comment would be prejudiced. Consequently, for the avoidance of doubt, I have therefore determined the appeal based on the plans which were before the Council when it made its decision.

Main Issues

7. The main issues are:
 - whether the proposal would represent inappropriate development in the Green Belt;
 - the effect of the proposed development on the openness of the Green Belt and the purposes of including land within it;
 - the effect of the proposed development on the character and appearance of the area; and
 - if the proposed development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

8. The appeal property is a two-storey dwelling with a red-brick façade. The property has an existing single storey side extension and store with one having a wooden exterior finish and a corrugated metal roof and the other being externally finished in its entirety with corrugated metal sheeting. The appeal property and its extensions are located within a cluster of agricultural buildings set within a wider holding at the end of Moor Lane. This cluster of buildings and the holding are surrounded by more open agricultural land.

Whether inappropriate development

9. National Planning Policy 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.
10. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings is regarded as inappropriate in the Green Belt save for several specified exceptions as set out under paragraph 149. One such exception is the extension or alteration of a building if it does not result in disproportionate additions over and above the size of the original building. The

Framework does not specify what might be a disproportionate addition over and above the size of the original building.

11. According to the appellant's statement the footprint of the original building measures approximately 62 square metres (sqm) with its volume being approximately 391 cubic metres. They also estimate the footprint of the existing extensions to be around 52 sqm with their volume measuring about 122 cubic metres. It is also estimated that in total the footprint of the original building plus the existing and proposed extensions would measure approximately 114 sqm with the estimated volume being around 630 cubic metres. According to the Council's officer report they estimate the footprint of the original building to be approximately 62 sqm with the existing building, including the current extensions estimated as having a footprint of around 119 sqm. They do not provide any estimates of the existing building or the proposal in terms of their volume.
12. Both parties agree that the footprint of the original building is about 62 sqm. They also state that the footprint of the proposal would be either 114 or 119 sqm. If I take the higher estimate the existing extensions plus the proposed extension would represent an increase of approximately 92% with the lower estimate being an increase of around 84%. Similarly, in terms of their volume according to the appellant's evidence the existing plus proposed extensions would represent an increase of approximately 61%. Consequently, even if I took the lower estimate in terms of the proposal's increase in the footprint of the original building, this combined with the proposed increase in terms of volume of just over three fifths of that of the original building, means that it would, to my mind, represent a disproportionate addition over and above the size of the original building, nonetheless.
13. I therefore conclude that the proposed development would represent inappropriate development in the Green Belt in conflict with the aims of the Framework. It would also conflict with the aims of policies GB1 and GB4 of the DCLP and Policy GB1 of the PDLP in this regard.

Openness and Green Belt Purposes

14. As set out in the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open as set out in Paragraph 137. Given the small scale of the proposal I do not consider that it would have a significant adverse impact on the Green Belt purpose of assisting in safeguarding the countryside from encroachment. However, the increase in height of the existing side extension and store would spatially reduce openness thereby harming it. Additionally, the proposal would also have an adverse visual impact thereby similarly reducing and harming openness in this regard. However, given its location and distance from the highway and other public vantage points this visual harm to the openness of the Green Belt would be limited.
15. Consequently, I conclude that the proposal would not preserve the openness of the Green Belt in conflict with paragraph 137 of the Framework. The proposal would therefore also conflict with Policy GB1 of the DCLP and Policy GB1 of the PDLP which aim to ensure that development proposals are not inappropriate in the Green Belt.

Character and Appearance

16. The proposal would increase the height of the existing side extension and store to a height just below that of the original building meaning that its overall bulk, scale, and massing would increase. However, even so, given its lower height in relation to the original building, the fact that its materials would be sympathetic, and that its

design would be representative of the local vernacular style, I find that it would appear subservient to the original building and consequently that it would not have an adverse visual impact.

17. Therefore, while I note that there would be a technical conflict with the SPD, I conclude that the proposed development would not materially harm the character and appearance of the area thereby meeting the requirements of policies GB4 and GP1 of the DCLP and policy D1 of the PDLP in this regard.

Other considerations

18. The appellant has stated that the proposal would support and sustain an established rural enterprise thereby creating a potential benefit. However, given the scale of the proposal this benefit would be limited. As a result, I afford this consideration limited weight.
19. The appellant has cited two potential permitted development 'fallback' positions that they could pursue should the appeal be dismissed which are: two single story side extensions; and one single storey side extension. However, whilst these options could be pursued, even though the first option would represent a larger increase in the footprint of the original building than the proposal it would nevertheless represent a lesser increase in terms of its volume and the second option would represent a lesser increase both in terms of its likely footprint and volume. Consequently, I consider that neither option would be more harmful than if the appeal scheme itself were permitted in conflict with national Green Belt policy. Accordingly, I afford this consideration limited weight.
20. The appellant has also cited the fact that no objections have been received in relation to the proposal. However, this is not of sufficient weight to outweigh the substantial harm I have identified above. I therefore afford this consideration limited weight.

Planning balance and conclusion

21. Paragraphs 147 and 149 of the Framework indicate that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances as do policies GB1 of the DCLP and policy GB1 of the PDLP. Paragraph 148 of the Framework also sets out that any harm to the Green Belt should be afforded substantial weight.
22. In the context of the above, very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations. Consequently, other considerations weighing in favour of the development must clearly outweigh any harm. I have given limited weight to the other considerations cited in favour of the development. In my view, these would not clearly outweigh the substantial harm to the Green Belt even though I have found no harm to the character and appearance of the area. The very special circumstances necessary to justify the development do not therefore exist.
23. Accordingly, the proposal would conflict with paragraphs 147 and 149 of the Framework and policies GB1 and GB4 of the DCLP and policy GB1 of the PDLP. For these reasons and having regard to all relevant matters I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR