



Appeal Decision

Site Visit made on 10 August 2021

by A Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2021

Appeal Ref: APP/G2713/W/21/3274104

The Sidings Hotel & Restaurant, Station Lane, Shipton By Beningbrough, York YO30 1BT

- 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 Messrs Lewis and Pearson (Pinnacle Country Parks) against the decision of Hambleton District Council.
 - The application Ref 20/00848/FUL, dated 28 April 2020, was refused by notice dated 30 October 2020.
 - The development proposed is demolition of existing restaurant and removal of existing railway carriages currently used as bedroom, dining and storage accommodation. Erection of new hotel with car parking, including a bar, restaurant and gym.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. On 20 July 2021, the Government published a revised National Planning Policy Framework (the Framework). Other than a change to the relevant paragraph numbers, the revised Framework does not materially alter the national policy approach in respect of the main issues raised in this appeal and therefore the main parties have not been prejudiced by its publication. I have determined the appeal on the basis of the revised Framework.
3. The emerging Hambleton Local Plan (HLP) has not yet been formally adopted, and whilst reference has been made to it in the various appeal documents, no policies from it are referred to in the Council's decision notice. As I do not know whether the relevant HLP policies will be adopted in their current form, or at all, they carry very limited weight in this appeal. Accordingly, I have considered the appeal against the development plan currently in force.
4. The appellant has questioned whether a 'Green Belt Policy Analysis' included within the appeal statement submitted on behalf of the Council constitutes new evidence as it was not produced at the time of the Council's determination of the appeal planning application. However, this evidence simply supplements the Council's case in relation to matters which formed part of the refusal reasons. Furthermore, the appellant and other interested parties have had the opportunity through the appeal process to consider and comment on the evidence. I have therefore taken this evidence into consideration during the determination of this appeal and I am satisfied no party has been prejudiced.

Main Issues

5. As the site is located within the York Green Belt, the main issues are:
- Whether the proposal amounts to inappropriate development in the Green Belt for the purposes of the Framework and the development plan;
 - The effect of the development on the openness of the Green Belt;
 - The effect of the development on the character and appearance of the area; and
 - If the proposal is inappropriate development, whether 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

Inappropriateness

6. Policy DP9 of the Hambleton Local Development Framework Development Policies 2008 (DP) states that within the York Green Belt only development acceptable within the terms of national policy will be permitted.
7. Paragraph 149 of the Framework outlines that the construction of new buildings should be regarded as inappropriate in the Green Belt, unless it falls within a list of exceptions. My attention has been drawn to the exceptions in sub-paragraphs d) and g).
8. Although the proposed replacement building would be in the same use as the existing, there is no dispute that it would be materially larger, so the exception under sub-paragraph d) of Framework paragraph 149 does not apply.
9. Sub-paragraph g) of Framework paragraph 149 concerns the partial or complete redevelopment of previously developed land, as long as this would not have a greater impact on the openness of the Green Belt than the existing development. There is no disagreement between the parties that the appeal site constitutes previously developed land. Consequently, my conclusion on the next issue below will determine whether the proposal is inappropriate.

Openness

10. The essential characteristics of Green Belt are their openness and their permanence. It has been established that openness has both a spatial and visual aspect.
11. The existing buildings and railway carriages comprising the hotel and restaurant are visible from Station Lane and the A19, but due to their single storey nature, layout within the site, and the partial screening of boundary landscaping, have a relatively understated presence within this open countryside location beyond the village.
12. The replacement two storey building would, because of its increased size, clearly reduce the openness of this part of the Green Belt in relation to the spatial dimension. In addition, due to their scale and location, both the building and parking areas would have a significantly greater visual prominence within the site and from the surrounding area. As a consequence, the proposal would

result in this part of the Green Belt being less open than it is at present, both spatially and visually.

13. The appellant refers to the impact of the industrial estate further to the north, but I am informed by the Council that it does not lie within the Green Belt. In any case, it is not seen in the same context as the appeal site and is not a matter which has any bearing on the proposal's effect on Green Belt openness.
14. I therefore conclude that the proposal would have a greater impact on the openness of the Green Belt. Thus, the exception at sub-paragraph g) of Framework paragraph 149 is not met. Accordingly, the proposal would be inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Furthermore, for the reasons set out above, there would be moderate harm to the openness of the Green Belt, which would be at odds with the fundamental aim of Green Belt policy. The proposal is therefore contrary to Policy DP9 of the DP and the Framework.

Character and appearance

15. The appeal site is visually divorced from the settlement and stands relatively isolated in an open landscape setting between Station Lane and the railway line. As noted above, the existing buildings at the site are visible from the surrounding area, but not prominently so. Other buildings at Mill House are also visible within the immediate context. However, the prevailing character is distinctly rural.
16. The proposed building would be positioned towards the front of the site, very close to the site boundary. Its front elevation featuring a canopy projection would face towards the railway line. The expansive rear elevations facing towards Station Lane would include a large number of windows in a monotonous, functional composition. Those in the section immediately abutting Station Lane would mostly only be at first floor level with service doors below. As a result of this arrangement, the most prominent eastwards facing elevations of the building, particularly the section which would directly face onto Station Lane, would have almost no activity and minimal visual interest, even despite some sections of floor-to-ceiling glazing and variation in materials. The use of green roofs and living walls may assist in softening the appearance of some parts of the building, but overall, the building would have a distinctly urban rather than rural aesthetic, and there is no persuasive evidence that the design of the building reflects or would enhance local distinctiveness.
17. Furthermore, owing to its scale, horizontal massing, and proximity to the eastern boundaries, the building would be unacceptably dominant within the site and from views along Station Lane. It would also be highly prominent when looking across the field from the A19, where its scale and urban aesthetic would appear incongruous within open rural surroundings. The harmful effects of the development would be exacerbated by the extended parking area to the north, which would serve to open up views into the site, and together with the presence of a large number of parked vehicles, would have an intrusive urbanising influence upon this part of Station Lane. The need to achieve unobstructed visibility splays, combined with the proximity of the development to the eastern boundaries, also raises questions over the ability to retain

- existing boundary landscaping, and to introduce any meaningful degree of new planting to screen the development.
18. It is evident that the proposal has been reduced in size from a previously refused scheme and that its design has evolved through protracted discussions with Council officers with a view to finding a solution. However, for the reasons above, the development would give rise to significant adverse visual effects, such that it could fairly be labelled as poor design. Furthermore, while the existing railway carriages may be showing signs of their age, the site is in active use and generally well maintained. In any event, this would not represent a reason to support design that would not be satisfactory in its setting.
19. I therefore conclude that the proposal would cause significant harm to the character and appearance of the area. This is contrary to DP Policies DP30, DP32 and DP33, and Policies CP1, CP4, CP16 and CP17 of Hambleton's Core Strategy 2007 (CS). Taken together, these policies seek, among other matters, to achieve high quality design that respects and enhances local context and distinctiveness, and protects the openness, intrinsic character and qualities of the countryside including the York Green Belt. Despite their age, these policies are consistent with the Framework, which requires that developments are well designed, sympathetic to local character, including the surrounding built environment and landscape setting; and that decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. Accordingly, these policies are not out of date and I attach significant weight to the conflict with them.
20. The Council has also cited conflict with DP Policy DP10, but it does not appear to have relevance to this appeal, and I find no conflict with it. This does not, however, alter my overall conclusion.

Other Considerations

21. Policies CP1, CP4 and CP15 of the CS and DP Policy DP25 provide, in principle, support for economic, community and tourism related development. However, this is largely dependent on satisfying other development plan policies including requirements to achieve high quality design and protection of the natural environment, and Green Belt, which given my findings above is not the case here. Similarly, whilst paragraph 84 of the Framework supports a prosperous rural economy, this is subject to development being well designed and which respects the character of the countryside. Emerging Policies referred to in the submissions include similar requirements of development as the adopted policies in these regards and therefore do not represent a reason to reach an alternative conclusion.
22. The appellant states that a smaller development would be unviable. However, even if that were the case, I have no evidence that the accommodation needs of the area could not be met by a development in another location outside the Green Belt.
23. Nonetheless, paragraph 81 of the Framework states that significant weight should be placed on the need to support economic growth. The existing business is long established at the site and it is clear that the visitor economy is one of the most important sectors in Hambleton. Accordingly, I have had regard to the number of full-time and part-time jobs that the appellant states

would be created during and after construction, the increased spending within the local economy, the increase in the type and availability of visitor accommodation that would result, and the business rates income that would be derived. Despite some dispute over the figures put forward by the appellant, these are nevertheless very meaningful benefits which weigh significantly in favour of the proposal.

24. Although no specific details are provided, the likely improvements to the energy efficiency of buildings at the site weighs positively in favour of the proposal, albeit to a limited extent.
25. The appellant has drawn my attention to other appeal decisions relating to development in the Green Belt where it appears that economic considerations were important factors in the appeals being allowed. However, just as each of those cases turned on their own merits having regard to the unique circumstances presented and an overall balancing exercise specific to those schemes, I must consider the proposal before me on its own merits, and therefore, they have a limited bearing on the outcome of this appeal.

Green Belt Balance

26. The proposal would be inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt. It would also result in a moderate loss of Green Belt openness. Furthermore, there would be significant harm caused to the character and appearance of the area. The proposed development creates a clear conflict with the environmental role of sustainable development.
27. Paragraph 148 of the Framework states that substantial weight is to be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
28. I have considered matters put before me in favour of the scheme including significant economic benefits. However, I conclude that these other considerations taken together do not clearly outweigh the totality of harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

29. The proposal would not accord with the development plan or Framework as a whole and there are no other considerations that outweigh this conflict. These matters provide a clear justification for finding the scheme to be unacceptable and therefore the appeal should be dismissed.

A Caines

INSPECTOR