



Appeal Decision

Site visit made on 5 January 2022

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 February 2022

Appeal Ref: APP/C2741/W/21/3283872

2 Scoreby Lane, Scoreby, York YO41 1NW

- 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 Mrs N Mandle against the decision of City of York Council.
 - The application Ref 21/00612/FUL, dated 11 March 2021, was refused by notice dated 16 June 2021.
 - The development proposed is described on the application form as: 'proposed stable block, associated yard area and twin stone access track'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. York's development plan, in part, comprises of saved policies within the Yorkshire and Humber Regional Spatial Strategy (RSS)¹. Policies YH9(C) and Y1 of the RSS relate to York's Green Belt. That the site is within the Green Belt is not in dispute between the parties.
3. In addition to the RSS policies, the Council's reasons for refusal refer to the City of York Draft Local Plan Incorporating the Fourth Set of Changes - Development Control Local Plan (2005) (DCLP) and the emerging Local Plan which is currently undergoing examination. 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.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies, including the effect upon the openness of the Green Belt; and
 - whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

¹ 1 The Yorkshire and Humber Plan Regional Spatial Strategy to 2026 (2008)

Reasons

Whether Inappropriate Development

5. 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 openness and 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 circumstances.
6. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 149. Exceptions include: 149. b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; 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 council has questioned the existing use of the land, given that the application does include not change of use of the land. In this regard I have not been provided with a Certificate of Lawful Use of the land and I note that the stables do not lie within any residential curtilage. Nonetheless I saw that horses were being grazed on the land on my site visit and in the event of a successful appeal the appellant would be open to submit an application for a change of use if necessary. I am satisfied that the stables would be facilities for outdoor recreation. I therefore turn to the effect on openness.
8. The appeal site is situated on the edge of an open field that lies adjacent to No 2 Scoreby Lane. The proposed stable block would be a reasonably substantial structure of some 10.8 metres² in length with adjacent hardstanding and access provided by a twin tyre track. It would be constructed close to the field's northern boundary which is formed by a wire fence and tree planting with regular gaps, allowing views through to the A166 road which is located a short distance to the north in a slightly elevated position. The north elevation of the proposed stables would be visible in views from the A166. Whilst visibility would be at its highest when the trees are not in leaf, the stables would be visible through the gaps between them at other times.
9. Similarly, owing to the reasonably open boundaries in adjacent fields, the stables, hardstanding and track would be visible at a distance on the approach towards the site from the south along Scoreby Lane. Being a substantial structure within what is presently an open field, the proposal would inevitably reduce openness. This is despite it only occupying a reasonably small percentage of the area of the field. This reduced openness would be clearly evident in the aforementioned public views of the site and the field would be less open than it is at present.
10. Whilst an appeal should not be used to evolve a proposal, rationally the appellant has submitted revised plans (which externally show double doors in place of a window and a door). However, even were I to accept those plans which the Council has told me they have not seen, they would not overcome the foregoing harm because the siting and massing of the building would remain the same, adversely affecting openness.

² Based on the measurement in the Council's Delegated Report.

11. For the above reasons, I conclude that the proposal would not preserve the openness of the Green Belt and would fail to safeguard the countryside from encroachment. The proposal therefore does not fall within the forms of development at paragraph 149 of the Framework and as such is inappropriate development in the Green Belt.
12. The proposal would also be contrary to Policy GB1 of the DCLP (2005) and Policy GB1 of the York Local Plan (Publication Draft) (2018) as it would detract from the openness of the Green Belt and represent inappropriate development.

Other Considerations

13. Given its siting, the proposal would be seen in the context of the existing buildings and garden structures associated with No 2. The low roof of the building would help to limit its dominance on its surroundings. Appropriate external lighting operating on a sensor basis could be secured by a planning condition in the event of an approval. As such I am satisfied that the proposal would not have a harmful effect on the character and appearance of the area. However, the lack of harm to character and appearance is a neutral factor in my determination, neither weighing for or against the appeal.
14. I accept that there are benefits to animal welfare and in terms of providing outdoor recreation facilities. However, given that these are small scale private facilities I give these benefits limited weight.
15. Similarly, there would be clear benefits to the appellants in terms of meeting the need for the proposed building, however these would be essentially private benefits to which I can consequently only attribute limited weight.
16. I note the letters of support for the proposal from local residents, whilst my attention has been drawn to other stable blocks including those present along Scoreby Lane. However, I do not have full details of the circumstances that led to these schemes being approved, and, because the locational context and effect on openness is different, they are not therefore directly comparable. In any event, each case must be considered on its own individual merits.

Planning Balance and Conclusion

17. The proposed development would be inappropriate development in the Green Belt and would harm openness. The Framework establishes that substantial weight should 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 are clearly outweighed by other considerations.
18. Given the substantial weight to be given to Green Belt harm combined, relative to the modest benefits of the proposed scheme, the harm that would arise would not be clearly outweighed by the other considerations. Therefore, the very special circumstances necessary to justify the proposal do not exist, such that the appeal should be dismissed.
19. I have considered all other matters raised but none outweigh the conclusions I have reached. For the reasons set out above, I dismiss the appeal.

Paul Martinson
INSPECTOR