



Appeal Decision

Site visit made on 16 August 2022

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2022

Appeal Ref: APP/C2741/W/22/3298124

**Land adjacent to Weir Pond Nurseries, Main Street, Holtby, York
YO19 5UD**

- 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 York Holiday & Cycle Stop against the decision of City of York Council.
 - The application Ref 21/02019/FUL, dated 31 August 2021, was refused by notice dated 31 January 2022.
 - The development proposed is Change of use of land to form 25 pitch touring caravan and motorhome site with associated works including site office and facilities buildings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the address from the application form.
3. The application was originally submitted as a hybrid proposal involving components submitted for full planning permission and components submitted for outline planning permission. However detailed drawings of the facilities building were provided during the application and therefore the application was determined as a 'full' application. I have treated the proposal the same as the Council, on the basis of the plans upon which the Council made its decision.
4. 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 (the emerging LP) 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. I have given both the DCLP and the emerging LP weight in so far as they are consistent with the National Planning Policy Framework (the Framework).

Main Issues

5. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to 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.

Reasons

Whether Inappropriate Development

6. 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.
7. 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.
8. Paragraph 150 lists other forms of development that are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include at 150. d) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).
9. Broadly consistent with the Framework, both Policy GB1 of the DCLP and Policy GB1 of the emerging LP allow development of appropriate facilities for outdoor sport and outdoor recreation; or cemeteries providing that the scale, location and design of development would not detract from the openness of the Green Belt. Openness has both spatial and visual aspects.
10. The site includes two stable buildings to its edge. It is otherwise a large open field used for grazing horses. It is enclosed by hedgerows which are tallest along the boundary with the adjacent highway, Holtby Lane. Nonetheless fleeting views through the boundary from the road are still possible and visibility is likely to increase when the hedge is not in leaf. The proposed facilities building would occupy a similar footprint to the combined footprints of the existing stable buildings however on the basis of the information before me it would appear to be taller and have at least a marginally greater volume than the existing buildings.
11. The 25 pitches proposed would be installed on land that is currently open. Each pitch would involve the installation of a gravelled surface with low level dividing hedge between each. A circular gravelled access road would extend across the site providing access to each pitch. The pitches and associated road would occupy the majority of the existing field. The area around the proposed facilities building would be enclosed by a hedge and partially hardsurfaced area and used for storage of refuse and recycling bins. The resulting enclosure, surfacing and storage would adversely impact upon spatial and visual openness compared to the existing situation. This would be viewed through the hedge, as described above, with visibility increasing when it is not in leaf. It would also be evident in views from the site access.

12. I have had regard to the transient nature of the pitches, and I accept that there will be occasions when they are not occupied by caravans and campervans, notwithstanding the effect from hardsurfacing and enclosures described above. It is also unlikely that the site will be fully occupied throughout the year. However, a transient reduction of openness is still a loss of openness when compared to the existing situation, a predominantly open field. Associated awnings and domestic paraphernalia would also contribute to this loss of openness as would the significantly more intensive use of the site.
13. The proposed development would lead to a significant reduction of openness compared to the existing situation and would conflict with the fundamental aim of keeping land permanently open. As a result, I am not convinced that this could be satisfactorily mitigated by the landscaping proposed, which consists primarily of enhancing the existing hedgerow boundaries.
14. The appellant has referred to the erection of four dwellings nearby. However, I note that these replaced agricultural buildings and therefore, notwithstanding the difference in terms of what is proposed, the circumstances do not represent a parallel with the appeal proposal. Moreover, I would note that evidence of existing harm is rarely justification for additional harm.
15. That there is limited land that is not designated as Green Belt within the Council area does not indicate that harm to openness is acceptable or that other policies in relation to caravan sites carry greater weight. Indeed I note that criterion f) of Policy V5 requires that: 'there is no adverse effect on the openness of the Green Belt'.
16. 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 paragraphs 149 or 150 of the Framework and as such is inappropriate development in the Green Belt.
17. The proposal would also be contrary to Policy GB1 of the DCLP and Policy GB1 of the emerging LP as it would detract from the openness of the Green Belt and represent inappropriate development.

Other Matters

18. I accept that the proposal would support local tourism and could support the appellant's existing cyclist camping pod site. Economic benefits to the local area through local expenditure, including at a nearby public house, would consequently result. Furthermore, minor employment benefits would also arise from the construction and operation of the site. Taken together these economic and employment benefits would constitute a moderate benefit to the proposal.

Planning Balance and Conclusion

19. 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.
20. Given the substantial weight to be given to Green Belt harm, relative to the moderate 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.

21. 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