



Appeal Decision

Site visit made on 15 September 2022

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 October 2022

Appeal Ref: APP/C2741/W/22/3300906

**Highthorn Farm Buildings, Stamford Bridge Road, Dunnington, York
YO19 5LN**

- 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 J Waudby against the decision of City of York Council.
 - The application Ref 20/02245/FUL, dated 17 November 2020, was refused by notice dated 24 December 2021.
 - The development proposed is conversion of the existing agricultural building (located in field to the north east of Highthorn) to form 1no. dwelling with associated works and infrastructure; and change of use agricultural land to domestic curtilage. Alteration and widening of the vehicle access from Stamford Bridge Road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development provided on the planning application form has been replaced by an amended version on the decision notice and in subsequent appeal documents. I consider that subsequent description accurately represents the proposal and I have therefore used it within this decision.
3. The Council cite policies contained in the Draft Development Control Local Plan 2005 (the DCLP), which has been approved by the Council for development control purposes. It also refers to policies in the emerging Publication Draft York Local Plan 2018 (the PDLP), although I am not aware of the extent of any unresolved objections to the policies of this document. Neither of these plans have been formally adopted as part of the statutory development plan. On that basis I have given these policies only limited weight in accordance with paragraph 48 of the National Planning Policy Framework (the Framework).

Main Issues

4. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt, the effect on the openness of the Green Belt and the purposes of including land within it;
 - The effect on the character and appearance of the area;

- Whether sufficient information has been submitted in respect of climate change; and
- If the 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 development.

Reasons

Whether Inappropriate Development

5. It is common ground that the site is located within the general extent of the Green Belt.
6. Paragraph 149 of the Framework states that the construction of new buildings in the Green Belt would be inappropriate development, subject to a number of exceptions.
7. The appellant submits that the proposal is for the conversion of an existing agricultural building rather than a new building, and has submitted a Structural Report which concludes that the building and superstructure is capable of supporting the imposed loads from the proposed new enclosing materials for the roof and walls. However, the proposal would involve extensive works, including recladding, reroofing with a new finish, a new external frame to provide for the cladding, and a new internal steel structure to support a mezzanine. Even given the conclusions of the appellant's Structural Report, these operations would amount to either a complete or substantial re-build of the pre-existing building, in effect leading to the creation of a new building.
8. As a new building, the proposal would not fall within any of the exceptions of Paragraph 149 of the Framework and would therefore represent inappropriate development.
9. However, if I were to conclude that the proposal is for a conversion of an existing building, Paragraph 150 of the Framework sets out the categories of development which may be regarded as not inappropriate in the Green Belt, including the re-use of buildings provided that the buildings are of permanent and substantial construction. This is provided that the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
10. With regards to openness, the appellant refers to the movement of silage bales adjacent to the building which they consider will improve the openness of the Green Belt. However, the storage of these bales would be intermittent, and it is likely that they would simply be located elsewhere within the Green Belt. On that basis, the removal of silage bales from the site would not be a material enhancement in respect of openness.
11. There is also an extent of demolition rubble which would be removed. However, this is at a low level, and due to its overgrown nature it has largely blended into the landscape. The removal of this rubble would have no more than a limited benefit in respect of openness. Reference is also made to the removal of a water tank, although given the scale of this structure its removal would be of very limited benefit to openness.

12. In comparison, the proposal would include an extensive domestic curtilage. The appellant submits that this represents the curtilage of the existing building. However, the lack of enclosure around the building and the nature of features such as silage storage and rubble mean that the use of the surrounding land is not so intimately related to the use of the appeal building so as to represent its curtilage. On that basis, the extensive curtilage proposed would represent the obvious enclosure of this area of land, with great harm to the openness of this area of the Green Belt. This would be the case even if permitted development rights were withdrawn for structures within the curtilage of the proposal, as the domestication of this extent of land would still be apparent.
13. The enclosure of the access track and the change in the extent of hardstanding at the site entrance would also be detrimental to the openness of the agricultural field. As would the increase in vehicle movements along the track.
14. With regards to the Green Belt purposes, the appellant refers to policy SS2 of the PDLP which sets out that the primary purpose of the Green Belt is to safeguard the setting and special character of York. This reflects paragraph 138 of the Framework which specifies that one of the purposes of the Green Belt is to preserve the setting and special character of historic towns. However, based on what I have seen and read, it has not been demonstrated that the area of the appeal site makes a particular contribution to the historic character and setting of York.
15. That said, the other Green Belt purposes should also be considered, including to safeguard the countryside from encroachment. The design of the proposal and the extent of curtilage and other features would lead to the domestication of this agricultural building and land. This would represent encroachment into the countryside, and the proposal would therefore conflict with that Green Belt purpose.
16. Drawing the above together, I conclude that the proposal would result in a new building and would be inappropriate development in the Green Belt. Even if I was to conclude that the proposal would represent the re-use of a building of permanent and substantial construction, for the reasons stated the proposal would not preserve the openness of the Green Belt and would conflict with a purpose of including land within it, and would therefore be inappropriate development in the Green Belt.

Character and Appearance

17. The appeal site is located in a relatively prominent position on the edge of an open field and near to the top of a gently rising slope. The site is readily visible in views from the surrounding area, including the busy road of the A166. Although the building is relatively unkempt, it is representative of utilitarian buildings within the countryside and does not appear as an incongruous feature within the area. Although there is an extent of demolition rubble near to the building, this is not widely visible and due to its overgrown nature this has effectively blended into the landscape.
18. For the reasons stated previously, the proposal would result in the domestication of this utilitarian agricultural building. The introduction of a relatively large extent of residential curtilage would also detract from the agricultural character of the building, as would changes to the access road and

junction including an increase in the extent of means of enclosure and hardstanding.

19. The proposal would therefore appear as an incongruous and freestanding dwelling within the countryside, with significant harm to the character and appearance of the area. The retention of the scale and massing of the building and the proposed use of materials would do little to mitigate that harm.
20. I conclude that due to its siting and design, that the proposal would lead to significant harm to the character and appearance of the area. The proposal would therefore be contrary to policy GP1 of the DCLP, and policies D1 and D2 of the PDLP which together seek to ensure that development proposals respect or enhance the local environment and prevent damage to the character and quality of the landscape.

Climate Change

21. The Council refers to policy CC1 of the PDLP which requires that new buildings must achieve a reasonable reduction in carbon emissions and that proposals for how this would be achieved should be set out in an energy statement. Policy CC2 of the PDLP also relates to the conversion of buildings and states that residential proposals should achieve a BREEAM domestic refurbishment standard of 'very good'. The Council's reason for refusal on this issue refers to a lack of evidence to demonstrate compliance with these policies.
22. However, due to the scale and nature of the proposal, evidence in respect of carbon emissions and BREEAM ratings could be required by condition. Although the Council considers that that would not be appropriate without further information, it has not supported this by demonstrating that such evidence is essential as part of this planning application for minor development. Although the policies of the PDLP refer to the submission of evidence, these policies are in an emerging plan and may therefore be subject to change. I am also not aware of the extent of any unresolved objections to these policies.
23. On the basis of the limited weight I give to the policies of the PDLP, and subject to a condition requiring details on the matters of carbon emissions and sustainable design, I conclude that the proposal would not conflict with the aims of policies CC1 and CC2 of the PDLP or the Framework in respect of mitigating and adapting to climate change.

Other Considerations

24. The appellant refers to the potential to convert this agricultural building under Class Q of the General Permitted Development Order. However, given the form of development proposed including the extent of rebuilding works and curtilage, I am not persuaded that a conversion of the building under Class Q would represent similar impacts as those arising from the proposal. This fallback therefore carries limited weight in favour of the appeal.
25. The proposal would tidy up what is otherwise an unkempt site. However, as stated previously, the appeal site is characteristic of utilitarian rural buildings and does not appear as an incongruous feature in this area of countryside.
26. The use of materials, design of means of enclosure and removal of permitted development rights would not satisfactorily mitigate the residential character of the development and its incongruous appearance in this countryside location.

27. The proposal would add to the supply and mix of housing in this area, but the benefits arising from a single dwelling would be very limited.

Overall Balance and Conclusion

28. Notwithstanding my conclusions in respect of climate change, the proposal would lead to significant harm to the character and appearance of the area and it would be inappropriate development within the Green Belt. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to any harm. I have also found that the proposal would not preserve the openness of the Green Belt and would conflict with the purposes of including land within it. The Framework requires that inappropriate development should not be approved except in very special circumstances. Considered individually and cumulatively, the other considerations in respect of this appeal do not clearly outweigh the substantial harm that would arise from the development. Therefore, very special circumstances to justify the proposal do not exist.
29. The proposal would therefore conflict with policy GB1 of the DCLP and policy GB1 of the PDLP which seek to manage development in the Green Belt. Although I have given those policies limited weight, the proposal would also be contrary to the Framework in respect of protecting Green Belt land, and which requires that substantial weight is given to any harm to the Green Belt.
30. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR