



Appeal Decision

Site visit made on 25 October 2022

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2022

Appeal Ref: APP/C2741/W/22/3299412

Mapplefields, 5 Laburnum Farm Close, Hessay, York YO26 8LG

- 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 Andrew Tullie against the decision of City of York Council.
 - The application Ref 21/02005/FUL, dated 26 August 2021, was refused by notice dated 21 December 2021.
 - The development proposed is new stables.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Andrew Tullie against City of York Council. This is the subject of a separate Decision.

Preliminary Matters

3. The Council's reason for refusal refers to the City of York Local Plan, publication draft, 2018 (YLP). This is an emerging local plan, currently undergoing examination, and therefore does not form part of the statutory development plan for the purposes of S38 of the Planning and Compulsory Purchase Act 2004. I have attributed it limited weight and it does not have a significant bearing on my Decision. I attribute far greater weight to the content the National Planning Policy Framework (the Framework) where it advises upon development within the Green Belt.

Main Issues

4. The main issues are:
 - Whether the development amounts to inappropriate development in the Green Belt having regard to the Framework and any effects upon openness; and
 - Whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether the development amounts to inappropriate development in the Green Belt and effects upon openness

5. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their 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. 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.
6. One such exception, at paragraph 149 b), includes the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor recreation as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The stables proposed would comprise of a building providing appropriate facilities for outdoor recreation. Planning permission for the new stable building would carry with it permission for the use of the building for the stabling for which it was designed. Therefore, the appropriate category of exceptional development against which the proposal should be assessed is that of an outdoor recreational facility building rather than the material change of use of land, the latter of which paragraph 150 of the Framework relates. Although, regardless, even if the development were to be considered as a material change of use of land rather than the construction of a building, to not constitute inappropriate development, the same requirements of preserving the openness of the Green Belt and not conflicting with the purposes of including land within it apply.
7. To the rear of Mapplefields there is a garden area, which is clearly delineated and bounded by fencing and hedgerow. Beyond this garden, and beyond a grass access route, is a larger grassed area containing trees enclosed by further fencing. It is akin to a paddock albeit at the time of my visit there were no horses within it. Similar arrangements exist at neighbouring land, where there are smaller and clearly defined garden areas, some containing outbuildings, and, beyond, further and larger enclosed fields/paddocks. The effect is that in this part of Hessay, the clearly defined backs of gardens provide a settlement edge.
8. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. In visual terms the stables would be viewed from neighbouring properties though they would be farther from and more screened from roads and footpaths. Nevertheless, the stables would occupy an otherwise undeveloped area. The size of the building is quite significant both in terms of its floor area and thereby land-take but also its mass. Situated within the paddock area the stable building would be separated from the dwelling, set away from existing built development, beyond the backs of gardens and intrude into open countryside land. The development would therefore lead to a loss of openness of the Green Belt, particularly in spatial terms. One of the five purposes of Green Belt designation is to safeguard the countryside from encroachment. Further to my findings on openness, the proposal would conflict with this purpose.
9. I have assessed the appeal on the basis of the plans submitted which do not show the likes of further accesses, turning areas, fencing or external lighting being proposed. Therefore, in my assessment of the effects upon openness, I have not attributed any weight to the potential for such elements being sought.

10. Therefore, whilst stables per se do not necessarily effect the openness of the Green Belt, I have found that those proposed in this case would, and, coupled with the harmful encroachment into the countryside, it follows that the development would constitute inappropriate development in the Green Belt, failing to meet any of the forms of exceptional development listed at paragraphs 149 or 150 of the Framework.
11. It is therefore necessary for me to consider whether any other harm would be caused by the proposal, and then balance the other considerations against the totality of that harm in order to determine whether very special circumstances exist.

Other considerations

12. I appreciate that the appellant may be having to rent horses and livery facilities elsewhere and travel to and from those sites. However, these are largely personal circumstances and I only attribute limited weight to the greater convenience that the proposed arrangement would bring.
13. I accept that the stables would not be a commercial venture, but this has little bearing on the effects of the development upon the Green Belt.
14. Neither do I find whether the land on which the stables would be sited constitutes residential curtilage or not is determinative in this case.
15. The proposed stables may have reduced in size from an earlier rendition of the scheme, but they remain of a scale and position that nevertheless effects the openness of the Green Belt and results in an encroachment into the countryside. I have no objections to the external materials proposed, but the use of appropriate materials is a necessary requirement in achieving an acceptable design standard and is a neutral factor in my determination.
16. I note that the appellant submits that the stables could not be sited in another location. However, I have no substantive evidence to demonstrate that this is the case with no alternatives presented or discounted. Irrespective, I must consider this case on the basis of the plans submitted.

Conclusion

17. The Framework, at paragraph 147, states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 explains that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm arising from the proposal, is clearly outweighed by other considerations.
18. As set out above, the development constitutes inappropriate development and, furthermore, causes harm to the openness of the Green Belt. This harm receives substantial weight. The other considerations in this case do not clearly outweigh the totality of the harm that I have identified. Consequently, the very special circumstances necessary to justify the development, and as referred to within the Framework, do not exist.
19. Policies YH9 and Y1 of the Regional Spatial Strategy for Yorkshire and Humber (RSS) relate to the Green Belt around York. However, the content of the policies relates to requirements to further define the Green Belt boundaries and

to protect and enhance the nationally significant historical and environmental character of York, neither of which I find to be relevant to the specific harm I have identified. As a result, I do not find that the development would conflict with Policies YH9 or Y1 of the RSS.

20. Therefore, for the reasons given above and taking into account all other matters raised, the appeal is dismissed.

H Jones

INSPECTOR