



Appeal Decision

Site visit made on 13 December 2022

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2023

Appeal Ref: APP/N2739/W/22/3304188

Adamson House, Hall Garth, Osgodby, Selby YO8 5SR

- 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 A Usher against the decision of Selby District Council.
 - The application Ref 2021/1321/FUL, dated 6 December 2021, was refused by notice dated 1 February 2022.
 - The development described as: 'erection of a detached garage (part retrospective) for domestic use'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the address from the appeal form as it is more accurate than that on the application form.
3. On the site visit I saw that the framework of a structure had been constructed on the appeal site. Notwithstanding this, I have determined the appeal on the basis of the plans before me. This appeal follows two earlier refusals of applications for similar buildings on or close to the appeal site. The appeal proposal represents a reduction in scale when compared to those schemes.
4. An application for a certificate of lawful use¹ was also recently determined by the Council. This sought to demonstrate that the whole of the grassed area, of which the appeal site forms part, was in residential use in association with Adamson House.
5. The appellant's evidence at that application included numerous signed letters from local residents confirming that they had witnessed the site being used in this way. Nevertheless, the Council determined that the evidence supplied was insufficient to demonstrate that, on the balance of probability, the whole of the site had been in continuous use for residential purposes for a period of ten years or more. It therefore refused the application. I have taken this into account in my decision.

Main Issue

6. The main issue is whether the appeal site is an acceptable location for the proposed development having regard to the development plan policies and the effect on the character and appearance of the area.

¹ Ref 2021/1194/CPE.

Reasons

7. The appeal site is part of a large open grassed area located adjacent to Hall Garth on the fringes of Osgodby. The grassed area lies between open agricultural land and an access road linking some of the dwellings at Hall Garth, including Adamson House. Whilst I saw that it included a set of rugby posts and a trampoline, the grassed area, alongside the adjacent farmland, forms an attractive setting to the built form and contributes to the rural character of the area. Reflective of that character, some of the dwellings at Hall Garth comprise of dwellings converted from traditional buildings associated with Osgodby Hall.
8. Much of Hall Garth, including the appeal site, is located outside of the development limits of Osgodby and consequently lies within the open countryside for the purposes of Policy SP2 of the Selby Core Strategy Local Plan (2013) (the CS). Within the countryside area, development is limited to that meeting certain criteria including extension/alteration of existing buildings, replacement buildings, conversion of buildings and economic development. There are no specific provisions for a new garage/garden store within the open countryside.
9. The proposal would introduce a large detached domestic outbuilding in a prominent position within the grassed area. Owing to its massing arising from its shallow roof and wide gable and its siting within an attractive open setting, away from existing buildings, it would appear as an incongruous and prominent form of development. As a result of its siting, it would be somewhat detached from Hall Garth and at odds with the existing rural character. The wide gable of the building would become a prominent structure in views of the site from Moor Road, where it would be seen extending the built form of Hall Garth to the west.
10. The proposal would disrupt views of the farmland from the access road within Hall Garth and would obstruct open views from the access with South Duffield Road. Moreover, notwithstanding the Council's decision with regard to the certificate of lawful use, the proposal would be likely to lead to additional domestic paraphernalia stored around it or vehicles parked in front of it. This would cumulatively further erode the rural character and restrict open views towards the farmland.
11. I accept that the land comprising the appeal site includes an existing building, however this is a much smaller shed located in the far north western corner. Consequently, it has not significantly altered the character of the land and does not constitute justification for the appeal proposal.
12. For the above reasons the appeal site is not an acceptable location for the proposed development, and it would be harmful to the character and appearance of the area. It would therefore conflict with Policies SP2 and SP19 of the CS and Saved Policy ENV1 of the Selby Local Plan (2005) which together, and amongst other things, seek to ensure new development is appropriately located, preserves character and appearance, and protects the open countryside.

Other Matters

13. I accept that the proposal would benefit the appellant and that it would allow for the storage of a works van as well as all the equipment necessary for him

to carry out his work. It would also allow for storage of a lawnmower to help maintain the grass. However, whilst I have taken these matters into account these are essentially personal benefits as opposed to the public harm which I have identified above. Moreover, it is not clear that a building fulfilling this need must be sited in the precise location sought and take the form that is before me. These matters do not outweigh my above concerns.

Conclusion

14. For the above reasons, having taken account of the development plan as a whole, the approach in the Framework, and with regard to all other relevant material considerations, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR