



Appeal Decision

Site visit made on 21 February 2023

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2023

Appeal Ref: APP/E2734/W/22/3312997

**Land adjacent to Forest Moor farm, Forest Moor Road, Knaresborough
HG5 8LT**

- 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 Howard against the decision of Harrogate Borough Council.
 - The application Ref 22/00983/FUL, dated 7 March 2022, was refused by notice dated 7 September 2022.
 - The development proposed is Change of use from stables/ store/ hardstanding into 1No. 2 bedroom house.
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Decision

1. The appeal is dismissed.

Background and Preliminary Matters

2. In March 2021 planning permission for "Erection of single storey L shaped stable block and associated hardstanding to form parking using existing field access" was granted through planning permission reference 20/04018/FUL. The appellant subsequently applied to change the use of the stables building through planning application 22/00983/FUL, which was refused by the Council and is the subject of this appeal.
3. The appellant's submissions include an existing plans and elevations drawing which shows a stable building. It appears to be broadly reflective of one that has been built on site. However, the stable building on this plan differs from the proposed plan and elevations of stables drawing which was previously approved by the Council. The appellant contends that the discrepancies are minor, and could be rectified, but no such application appears to have been made or granted permission. Therefore, I have no substantive evidence that the stable building shown on the appellant's existing plan and built at the site has planning permission or any reason to conclude that it does not require planning permission.
4. The appellant's submissions include a site location plan (referenced 3720/01/000) which the Council have confirmed was not before them when they determined the planning application. The red line boundary depicted on that location plan encompasses a larger parcel of land than that shown on the plans which the Council have confirmed they determined. I have no substantive evidence before me that plan 3720/01/000 was submitted with the planning application whilst at the time of application to the Council, the appellant must make land ownership certifications and declarations in regard to agricultural land. Given these necessary processes and given the difference in the site

boundaries between the plans, third parties could be prejudiced by the change. Therefore, I have determined the appeal without regard to plan 3720/01/000. Irrespective, this matter has very limited bearing on the main issues for determination.

5. Finally, and for the avoidance of doubt, given that the appeal scheme seeks to change the use of the stable building, I have assessed the proposal on the basis of the effects that would be wrought by the change from the stable building as approved under planning permission 20/04018/FUL to the 2 bedroom house as shown on the proposed plans and elevations submitted as a part of application 22/00983/FUL, the subject of this appeal.

Main Issues

6. The main issues are:

- Whether the development amounts to inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies and any effects upon openness;
- 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

7. Policy GS4 of the Harrogate District Local Plan 2014-2035, adopted 2020 (LP), relates to the Green Belt and states that proposals for development within it will be determined in accordance with relevant national policy. 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.
8. 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. The appellant submits that, fundamentally, the proposal is not a new building but that the building on site is an established feature within the Green Belt and previously developed land. The appellant therefore submits that the proposal should be assessed against the advice at paragraph 150 d) of the Framework, which relates to the re-use of buildings.
9. Paragraph 150 d) effectively sets out 3 tests which must be met in order for the proposed re-use of buildings to not constitute inappropriate development. These are:
 - i) the buildings are of permanent and substantial construction;
 - ii) the development would preserve the openness of the Green Belt; and;

- iii) it would not conflict with the purposes of including land in the Green Belt.
10. Although a building is on site, and it may be structurally sound, it differs from the stable building as approved. In the absence of any planning permission, or reason to conclude it does not require planning permission, it has not been shown to me that the building on site is of permanent construction. In finding that the building on site and sought for conversion is not of permanent construction, the proposed re-use of the building would not meet all of the tests necessary to constitute the exception set out at paragraph 150 d) of the Framework. It follows that the development would constitute inappropriate development in the Green Belt.
11. The appellant submits that the only external works necessary in order to convert the building on site would be minor with no increase in its size, thereby preserving the openness of the Green Belt. As set out within my preliminary matters, I have assessed the proposal on the basis of the effects that would be wrought by the change from the approved stable building. The Council submit that in comparison to the approved stables, the building on site is over 3m wider and 10m longer, though from the range of plans before me and my site visit, such a difference in the size of the building appears inaccurate.
12. Despite this, I have no conclusive evidence before me that the building which has been constructed is not larger than the approved stables and from the plans it would appear to have a higher finished floor level, greater height, greater depth and a greater roof span. Therefore, the change wrought by the approved stable building being converted to the house proposed would be likely to result in some loss of openness by reason of the building's greater size, albeit, the extent of this loss would be only slight. Some domestic paraphernalia may accompany the use of the building as a house, however, other paraphernalia could equally accompany a stable use and, therefore, the potential for such paraphernalia I find would be unlikely to bring about any additional effects upon openness.
13. That said, the evidence before me in respect of the precise size of the building on site in comparison to the stable previously approved is not conclusive. Therefore, if I were to set to one side that the proposed house would likely be larger and accept that the conversion would preserve the openness of the Green Belt, it would not alter my finding that the building on site has not been shown to be of permanent construction. In constituting inappropriate development, the development would, by definition, be harmful to the Green Belt even if no further harm were to arise by reason of loss of openness.
14. Irrespective of whether the change from the approved stables to the house proposed results in a larger building, I find that the development would not cause sprawl, would not result in Harrogate and Knaresborough merging nor harm their setting or character as historic towns, nor would the proposal result in encroachment into the countryside to any degree of significance. The proposed development would also not hinder urban regeneration. Accordingly, the proposed development would not conflict with the 5 purposes of including land within the Green Belt.
15. Therefore, given the evidence before me, I have found that the effects of the proposed development upon the openness of the Green Belt to be inconclusive but, regardless, it has not been shown to me that the building on site is of

permanent construction. The proposed development therefore does not meet the exception set out at paragraph 150 d) of the Framework and constitutes inappropriate development in the Green Belt.

Other considerations

16. Aside from being within the Green Belt, the LP may not allocate the appeal site for any particular purpose and the proposal may constitute a windfall development, support for which is contained within the Framework, and one that would make a contribution to housing supply. However, in providing only a single dwelling, this contribution would be very modest. Furthermore, there is no disagreement between the parties that the Council can demonstrate in excess of 7 years housing supply, and I have no reason to disagree. Therefore, I attribute only limited weight to the boost to housing supply that the development would bring.
17. The appellant also makes a reference to the contribution that windfall sites can make in meeting the demand from self-builders and I note that a self-build Community Infrastructure Levy exemption claim was made to the Council. I also note that the validity of this exemption is disputed by the Council. In considering whether a home is a self-build home, I must be satisfied that primary input into the homes' final design and layout comes from the initial owner of the home. I have no substantive evidence before me that this is the case. Even if the development did constitute a self-build home, no mechanism has been put before me that would secure it. For these reasons I cannot attribute any meaningful weight to the appellant's submission that the proposal is for a self-build home.
18. The appellant submits that, being situated close to both Knaresborough and Harrogate and well linked to them, that the site is "highly sustainable". Given that the appeal site is located within the countryside between the towns rather than part and parcel of either of them, the site is some distance from many of the services and facilities within them. Therefore, I cannot agree that the site is within a highly accessible location but I do accept that the site has reasonable access to services and facilities. I also note that the Council have raised no objection to the development on the grounds that the site is inaccessible but, nevertheless, this is a neutral factor in my determination.
19. It is put to me that the building is no longer required for the appellant's equestrian purposes and the appellant can no longer continue to fund the families' equestrian hobbies but, I have little substantive evidence in this regard and, it has not been shown to me that conversion for residential occupation is the only option for the building's future.
20. The appellant submits that the design of the proposed house would be appropriate, including through its retention of a rural character befitting of the location and landscape and, although I have separately identified that there would be harm to the Green Belt, I have no reason to disagree. The development may also cause no adverse effects upon the living conditions of neighbouring occupiers and provide acceptable living conditions for prospective occupiers whilst it may also cause no ecological harm or adverse effects upon highway safety. However, the absence of harm in relation to these matters is neutral in the planning balance.

21. Given my reasoning within the main issue, whether or not the building on site has ever been used for the purposes of stabling horses is not a determinative factor in my decision.

Conclusion

22. 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.
23. As set out above, the development constitutes inappropriate development. This harm receives substantial weight and does so irrespective of the effects of the development upon the openness of the Green Belt and, irrespective of my findings that the development would not conflict with the purposes of including land within the Green Belt.
24. The other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal therefore conflicts with policy GS4 of the LP which states that development proposals within the Green Belt will be determined in accordance with relevant national policy.
25. Despite the proposal according with some LP policies, the development conflicts with the development plan as a whole. Although the appellant indicates that paragraph 11 d) of the Framework applies, I find that there are relevant development plan policies applicable to the proposal, whilst I have no reason to conclude that those policies which are most important in determining the appeal are out-of-date. Therefore, paragraph 11 d) does not apply.
26. There are no material considerations of sufficient weight to indicate a decision other than one in accordance with the development plan and, therefore, the appeal is dismissed.

H Jones

INSPECTOR