



Appeal Decision

Site visit made on 9 November 2023

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 February 2024

Appeal Ref: APP/N2739/D/23/3322648

Station House, Wetherby Road, Newton Kyme, Tadcaster LS24 9LT

- 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 and Mrs Dexter against the decision of Selby District Council.
 - The application Ref 2022/0102/HPA, dated 27 January 2022, was refused by notice dated 8 March 2023.
 - The development proposed is described as: 'Erection of 2 storey outbuilding to front of dwellinghouse to act as garages and storage'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 1 April 2023, Selby District Council merged with several councils to form North Yorkshire Council. The development plans for the merged local planning authorities will remain in place for the area within the new authority until such time as they are revoked or replaced. I have determined the appeal on this basis.
3. I have taken into account the revised National Planning Policy Framework (the Framework) as published on 19 December 2023. Any reference to the Framework below is consequently a reference to this latest revised version.

Applications for costs

4. An application for costs has been received from Mr and Mrs Dexter against North Yorkshire Council. That is the subject of a separate decision.

Main Issues

5. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and the development plan policies;
 - the effect of the proposal upon the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the area, with particular regard to the traditional character of the dwelling; 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 appeal property is a large, detached stone dwelling with a slate roof. The site was formerly the Station House that served Newton Kyme and backs onto the line of the former railway which is now open fields. The railway is understood to have been closed in the 1960s at which time the property became a family dwelling. The dwelling is located on a roughly triangular plot with the bulk of the garden area to the east and west. A large contemporary extension exists to the west of the original building.
7. The proposed development is a double garage with a rear lean-to and first floor office within the roof space which includes two dormer windows. The garage would be sited in the east of the dwelling in the garden to the narrowest part of the appeal site.
8. Paragraph 152 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. Policy SP3 of the Selby District Core Strategy (2013) (the CS) follows the same principles. Framework Paragraph 154 makes it clear that, other than in specified circumstances, new buildings are inappropriate development.
9. One of the exceptions at 154. c) permits the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Nonetheless, the appellants' statement acknowledges that, as a matter of fact and degree, the proposed development is inappropriate development in the Green Belt, and that combined with the newly constructed extension, the increase is over 50% of that of the original dwelling. Based on the scale of the existing extension and that of the appeal proposal, I see no reason to disagree.
10. On this basis, the proposal would amount to a substantial addition to the property, and one which I find to be disproportionate over and above the size of the original building. Consequently, the proposal would be inappropriate development that is, by definition, harmful to the Green Belt. In accordance with paragraph 153 of the Framework, this is a matter to which I attach substantial weight.

Openness

11. Paragraph 137 of the Framework states 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 their openness and their permanence.
12. The appeal property backs onto open fields and is set away from other development within open, rolling countryside along Wetherby Road designated as a Locally Important Landscape Area (LILA) within the Selby District Local Plan (2005) (the LP). The openness of the Green Belt is therefore highly evident around the appeal site.
13. There is limited boundary treatment between the southern boundary and the adjacent field and the garden areas within the dwelling are predominantly open

with some trees. The open, undeveloped nature of the gardens within this triangular plot contribute to the general openness of the area.

14. The boundary of the appeal site with the road is formed by a high conifer hedge, with an open gated access to the driveway allowing views of the dwelling from the road. Wetherby Road slopes down from west to east towards the appeal site and consequently the upper parts of the dwelling are visible above hedgerow trees for some distance on the approach towards the property when descending the hill. The opposite side of the road to the appeal site is more elevated and includes a public right of way running roughly north south. The appeal property is visible across the open fields from the more elevated sections of this right of way.
15. The proposed garage would have a large footprint and would extend to six metres in height. It would occupy the majority of the space within the triangular portion of land to the east of the dwelling. Whilst not shown on the proposed plans, much of the remaining space would require some form of hardsurfacing to allow vehicles to access the garage.
16. Although less prominent than the dwelling, but still of a significant mass and height, the proposed building would likely be seen in views from the access, from Wetherby Road and from the elevated land along the public right of way to the north. Its distinctive roof and dormer windows, in particular, are likely to draw attention. Given the open nature of the existing garden area, the bulk and massing of the proposal alongside its extensive footprint would result in a significant loss of both spatial and visual openness which would be evident in these public views.
17. For the above reasons, I conclude that the proposal would result in significant harm to the openness of the Green Belt, contrary to the provisions of the Framework in this regard. The proposal would therefore conflict with Policy SP2 and SP3 of the CS which seek to preserve the openness of Green Belts.

Character and Appearance

18. The appeal property is a distinctive and impressive period property. Its high-quality stonework, stone surrounds and lancet windows contribute significantly to its distinctive traditional character. Furthermore, its narrow, steeply pitched gables with prominent and ornate bargeboards and slate roof with decorative finials are key characteristics that add to its character. These elements are visible from outside of the site. As a relatively isolated and distinctive dwelling by the roadside, it makes a significant contribution to the character and appearance of the area and is sensitive to change.
19. The addition of a substantial garage building of six metres in height in close proximity to the dwelling would intrude into the space around it and diminish its isolated appearance. The design of the garage is described by the appellants as '*chalet style*'. With its wide gable and prominent dormer windows with their dark grey cladding, the proposed garage would have a somewhat suburban appearance that would be at odds with the distinctive style of the existing dwelling. Owing to its considerable bulk, substantial footprint and suburban design, the proposal would become a dominant and incongruous structure within the frontage of the dwelling that would lead to an erosion of its traditional character, to the detriment of the character and appearance of the area.

20. The harm to the traditional character of the existing building would be readily observable from the access where the two structures would be seen side-by-side. The building would also sit forward of the existing building in views on the approach from the west along Wetherby Road where the upper parts of the proposal, are likely to be seen.
21. For the above reasons the proposal would be harmful to the character and appearance of the area. The proposal would therefore be contrary to Policies SP2, SP18 and SP19 of the CS and Policy ENV1 of the LP which together, and amongst other things, seek to ensure new development is of a high-quality design that contributes positively to an area's identity and heritage in terms of scale, density and layout. There would also be conflict with Policy ENV15 which seeks to ensure development proposals minimise the impact and enhance the traditional character of buildings within the LILA.

Other Matters

22. It is argued by the appellants that a fall-back position exists whereby a large single storey double garage and swimming pool building could be constructed in the garden to the east of the dwelling adjacent to the boundary with the road. This is the subject of a Certificate of Lawful Development¹ which I accept demonstrates that there is a reasonable prospect of this being implemented, notwithstanding that the amount of weight attributable to it is inherently a matter of planning judgement. For comprehensiveness I also accept the premise of the appellants' argument that the existence of a realistic fallback position may contribute towards the existence of very special circumstances.
23. The appellants' statement argues that spatially, the proposed development has '*significantly less impact on the Green Belt than the fallback position*'. The statement is supported by volume calculations carried out by the Council. In that regard, adding the gross external volume of the proposed detached garage to the extensions that have been carried out results in an increase over and above the volume of the original dwelling in the region of 69%. The fallback scheme is estimated to result in an increase in the region of 83%. The fallback figure thus exceeds the volume of the appeal proposal by 14%.
24. Nonetheless the assessment of the effect on openness is not simply a mathematical exercise based on the calculation of volumes but requires a planning judgement. The fallback scheme would certainly affect openness, however, owing to its shallow, single storey roof, it would be significantly lower than the appeal proposal. Being lower, it would be better screened by the existing hedge than the appeal proposal. Owing to its siting further away from the access into the site, it would have a less dominant effect on the existing dwelling and would be less visible from the access. It would also be sited away from the traditional part of the building and would instead be constructed in a less sensitive location, adjacent to the contemporary extension.
25. As such, whilst the fallback scheme would have a greater footprint than the appeal scheme, it would have less of a visual impact on openness. It would also result in less harm to the traditional character of the existing dwelling. I am therefore not convinced that the fallback position would have a materially greater effect on openness than the appeal proposal. The weight I can

¹ Ref 2021/1291/CPP.

therefore give to the fallback position in justifying allowing the appeal is therefore limited.

26. The appellants' statement also argues that the fallback position still leaves room for further permitted development within the curtilage. Whilst that may be the case, I have no detail of these additional developments which do not form part of the fallback scheme and therefore I cannot be certain whether there would be a reasonable prospect of these additional schemes being implemented.
27. I have been provided with the Council's report relating to a grant of planning permission at Lead Mill Farm². The Council granted permission for a garage to the front of a dwelling, considering it acceptable in design terms and in terms of the effect on the Green Belt. A photograph shows a pantile roof garage sitting adjacent to the pantile roof of the single storey dwelling, as seen over the top of the boundary hedge. Whilst I am provided with little additional detail, the photograph shows the garage to be located within a group of buildings of a similar style, constructed of similar materials. The scale of the building is difficult to ascertain from the photograph, however this is not a distinctive standalone property such as at the appeal site and therefore, based on what is before me, I am not convinced this represents a parallel with the appeal proposal.

Scheduled Monument

28. The appeal site lies close to the western boundary of the scheduled ancient monument referred to on the National Heritage List as: '*Two Roman forts, two Roman camps, vicus, Iron Age enclosure, Bronze Age barrows and Neolithic henge monument west of Newton Kyme*'. Whilst not forming part of the Council's reason for refusal, as a designated heritage asset of national importance, the proposal's effect on its significance is a relevant consideration. The significance of ancient monuments derives not only from their physical presence, but also from their setting.
29. The monument lies within a complex archaeological landscape laid down over a considerable time range and includes the remains of a Neolithic henge monument and a Roman fort. The Council's Archaeologist sets out that it is likely that archaeological deposits extend outside of the scheduled area, within its setting. This primarily consists of the surrounding agricultural fields. The appeal property can be seen from the public right of way that dissects the central part of the monument. It is the closest building in these views and given that proximity, it lies within the setting of the monument.
30. As a Station House adjacent to the former line of a railway with associated cutting that was present by the 1850s, the appeal site is reflective of the development of the surrounding landscape over time. Nonetheless, it is likely that the construction of the railway and Station House would have negatively impacted upon archaeological remains. The Council's Archaeologist has drawn my attention to the results of a 2018 geophysical survey which took place in the eastern half of the field immediately north of the appeal site. It is stated that this did not reveal any archaeological features. Consequently, having regard to the above, the appeal site makes a negligible contribution to the significance of the monument.

² Ref 2020/0854/HPA.

31. Taking into the above and, given that the proposal would involve the construction of a detached garage building within the garden of the property, I am satisfied that the proposal would not have a harmful impact on archaeological remains and that the scheduled ancient monument's setting would be preserved.

Planning Balance and Conclusion

32. The proposed development would be inappropriate development in the Green Belt and would harm openness. It would also be harmful to the character and appearance of the area. 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. For the reasons I have set out above, the weight I would attach to the other considerations, namely the fallback position would, when taken together, be limited, such that they would not clearly outweigh the harms. The very special circumstances required to justify the proposed development do not therefore exist.
33. The appeal scheme would conflict with the development plan and there are no material considerations, including the approach of the Framework, worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

Paul Martinson

INSPECTOR