



Appeal Decision

Site visit made on 9 April 2024

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th April 2024

Appeal Ref: APP/C2741/W/23/3332637

Home Lea, Elvington Lane, Elvington, York YO41 4AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Shaun Thomas of Elvington Residential Park against the decision of City of York Council.
 - The application Ref is 23/01164/FUL.
 - The development proposed is formation of access road to caravan site to rear of Home Lea and planting of trees and hedges along east and southern boundaries.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by the Council against Mr Shaun Thomas of Elvington Residential Park. This application is the subject of a separate decision.

Preliminary Matters

3. The National Planning Policy Framework (the Framework) was amended in December 2023. I am satisfied that the amendments made have not had a material bearing on how the appeal proposal is considered. References in the decision are to the December 2023 Framework.
4. The emerging Local Plan has not been adopted, and so while it appears to be at an advanced stage of preparation, I cannot yet accord it full weight. When referring to the emerging Local Plan policies, I have referred to the City of York Local Plan Publication Draft 2018 (the PDLP) as referred to in the Council's reason for refusal.

Main Issues

5. The main issues are whether the proposal would be inappropriate development in the Green Belt; and whether any 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 proposal would comprise a new vehicle access road to serve a site which the Council states has been used lawfully since 2022 as a residential park home

for 20 units. It is not disputed that the proposal would be an engineering operation. I have no reason to disagree. Paragraph 155 b) of the Framework states that engineering operations are a form of development not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.

7. Policy GB1 of the PDLP sets out the circumstances in which planning permission will be granted for development in the Green Belt. This includes where the scale, location and design of development would not detract from the openness of the Green Belt, and it would not conflict with the purposes of including land within it. The development would also have to be for one of the listed purposes, which includes essential engineering operations.
8. The proposed access road would be constructed from road plannings. There is nothing in the submitted plans to suggest that it would project markedly above surrounding land levels.
9. I am mindful of the 2021 appeal decision¹ which, based on the submitted evidence, was for a very similar development in the same general location as the current proposal. In that case, the Inspector concluded that while the access road would have a limited above ground presence such that the openness of the Green Belt would be maintained, the vehicle movements on the access road would nonetheless reduce openness, even if only for limited periods.
10. The current proposal is supported by a Transport Note² which predicts that the 20 units would generate around 34 daily vehicle trips. I appreciate that this information was not available to the previous Inspector. Nonetheless, they came to their conclusion about the effect on openness notwithstanding what traffic levels would occur, as vehicles would be travelling across an area of land previously free from such vehicular activity. This would also be the case with the current proposal, notwithstanding that vehicle movements would be relatively limited. Consequently, in spatial terms, the proposal would diminish the openness of the Green Belt.
11. Intervening vegetation and built development would provide some screening of the proposed access road and vehicles using it from much of the surrounding area to the north and west. However, the access road and the vehicles using it would be clearly noticeable in views from the east, southeast and south, including from Elvington Lane, despite the partial screening that would be provided by roadside vegetation when in leaf.
12. The appellant's Landscape and Visual Appraisal³ (LVA) includes mitigation in the form of a hedge and tree line along the eastern side of the proposed access road and to the south. This would include locally prevalent species. The submitted evidence indicates that the provision of landscaping to the field side of the access road was also proposed as part of the development that was before the previous Inspector, but they found that this would not outweigh the harm to openness.
13. Any planting would likely take some time to reach the height and thickness required to provide effective screening. Given the species proposed, the

¹ Appeal reference APP/C2741/C/20/3260883

² Prepared by Local Transport Projects, November 2021

³ Prepared by 2B Landscape Consultancy Ltd

planting would be less effective during winter months when not in leaf. Furthermore, the planting would not endure forever.

14. Even if the hedge and trees were to endure, there would still be some, albeit modest, visibility of the development from certain public vantage points in the area. Consequently, there would be some limited impact on the visual aspect of openness, despite the relatively limited adverse landscape and visual effects assessed in the LVA.
15. Overall, the additional information submitted in support of the proposal is not sufficient to overcome the concerns identified by the previous Inspector. In my view, the proposal would result in a greater impact on the openness of the Green Belt than the existing use of the field and would have something of an encroaching, urbanising effect such that it would not safeguard the countryside from encroachment.
16. The proposal would not preserve the openness of the Green Belt and would conflict with one of the Green Belt purposes. Accordingly, it does not benefit from the exception in paragraph 155 b) of the Framework. As such, I conclude that the proposal would be inappropriate development in the Green Belt and would be inherently harmful to it.

Other Considerations

17. The appellant contends that the proposal would facilitate a safe and secure private garden for residents of the bungalow by diverting the access road to the caravan site further to the east. However, there is no clear evidence before me to show that highway safety is an issue at the site. I give this matter limited weight.
18. As with the previous appeal decision, it is the traffic using the access road, rather than the access road itself that would harm openness, and this would differ between an agricultural use and residential park home. Consequently, I attribute limited weight to the appellant's argument that the access road would be permitted development if it was serving the agricultural land.
19. It is argued that the proposal would help to screen the caravan park. However, as noted above, the proposed planting would not provide complete screening.

Planning Balance and Conclusion

20. The proposal would be inappropriate development in the Green Belt. I attribute substantial adverse weight to this matter. I conclude that the harm by reason of inappropriateness in the Green Belt would not be clearly outweighed by the other identified considerations so as to amount to the very special circumstances required to justify the proposal. The proposed development would therefore conflict with the requirements of chapter 13 of the Framework and Policy GB1 of the PDLP as summarised above.
21. Accordingly, I conclude that the appeal should be dismissed.

F Wilkinson

INSPECTOR