



Appeal Decision

Site visit made on 11 April 2024

by **Peter D Biggers BSc Hons MRTPI**

an Inspector appointed by the Secretary of State

Decision date: **13th April 2024**

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Appeal Ref: APP/U2750/D/24/3338291

Hillside Farm, Wetherby Road, Long Marston, North Yorkshire YO26 7NG.

- 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 Mik Ostapjuk against the decision of North Yorkshire Council. The application Ref ZC23/03995/FUL, dated 1 November 2023, was refused by notice dated 13 December 2023.
- The development is a domestic outbuilding and demolition of dutch barn.

Decision

1. The appeal is dismissed.

Procedural Matters

2. In the period since the appeal was submitted the Government has published the revised *National Planning Policy Framework* (the Framework) December 2023 which, for the purposes of determining this appeal, takes immediate effect. As the appellant has referred to the Framework I have taken into consideration where necessary the current Framework policies that mirror the paragraphs of the old Framework referred to.
3. The application was submitted on a part retrospective basis and I saw on the site visit that works have been undertaken to erect the steel frame of the proposed outbuilding.

Main Issues

4. The main issues are:
 - Whether the proposal is inappropriate development in the Green Belt for the purposes of the Framework and development plan policy;
 - The effect of the development on the openness of the Green Belt and
 - In the event that the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

5. The appeal site is located within the Green Belt, as defined by Policy GB1 of the Harrogate District Local Plan (HDLP). It is a former farm steading now comprising a large, detached, two storey farmhouse and an outbuilding in use as a garage / store on the south side of the courtyard. Brick walling on the north, east and south of the farmhouse together with the outbuilding establishes

a courtyard beyond which private amenity space extends to the east, west and south, including the garden land where the appeal proposal would be sited. The Dutch barn which is included in the application stands to the east of the house and east of a field access lane and has the feel of a structure detached from all the other domestic buildings.

6. The proposal involves the erection of an outbuilding which would be attached to the south-facing elevation of the existing garage / store to the rear of the farmhouse and the demolition of the Dutch barn.

Whether the proposal would be inappropriate development in the Green Belt

7. The Framework establishes that the construction of new buildings in the Green Belt would be inappropriate development other than in a number of circumstances set out in Paragraph 154. Policy GS4 of the HDLP simply states that development in the Green Belt will be determined in accordance with national policy.
8. I have been referred to the fact that Hillside Farm in the past had a considerably more extensive range of buildings than is the case now, including a former stables on the site of the appeal proposal, the foundation and floor to which remain. However, no standing walls of the building remain and according to the appeal documentation this and other farm buildings were removed some time ago. Therefore, in respect of paragraph 154d of the Framework, the proposal cannot be considered as a replacement of a building.
9. Paragraph 154c of the Framework states that the extension or alteration of an existing building, providing the extension would not result in disproportionate additions over and above the size of the original building, would not be inappropriate development in the Green Belt.
10. The appeal parties are in disagreement about whether the development would be within the curtilage of the property and whether the proposal can be considered to be an extension, given its distance from the house and I have been referred to case law pertinent to the matter - (*Sevenoaks District Council v Dawe 1997 EWHC 1012*) and (*Warwick District Council v Secretary of State 2022 EWHC 2145*). In the Sevenoaks case the Court found that an existing detached domestic outbuilding could be regarded as part of the dwelling and, therefore, that an extension to the outbuilding could be regarded as an extension to the house in some circumstances. Ultimately it is a matter of planning judgement on the individual merits of a case.
11. However, the location of the appeal proposal would be approximately 19 metres from the house in this case and outside the area enclosed by the boundary walling and the existing outbuilding referred to above, to the rear of the outbuilding and in the wider garden of the property. I am not therefore persuaded by the argument that this can be considered an extension to the house.
12. Consequently, I consider the development as an extension to the outbuilding, rather than to the main dwelling. In that context I am in agreement with the Inspector in the appeal on the same site (Ref APP/E2734/W/3182631). She took the view that, in the context of the Framework, the 'original building' in this case from which to form the baseline against which subsequent extensions and alterations should be measured would be the existing garage and store building. The design of the proposal, inasmuch as it physically adjoins the existing outbuilding, means it can be taken to be an extension of it although the

structural elements of the frame (already constructed) are independent, and there would be no internal link between the two buildings shown in the submitted plans.

13. On the basis that the proposal can be considered an extension to the existing outbuilding in terms of the Framework at paragraph 154c it is then necessary to establish whether it is proportionate to the existing outbuilding in its original form.
14. The Framework does not set a limit on the scale of extension, leaving it to the decision maker to determine whether the extension would be a disproportionate addition over and above the size of the original building. Similarly, Policy GS4 of the HDLP gives no guidance. Although the *House Extensions and Garages Design Guide Supplementary Planning Document* (SPD), advises that normally extensions in the Green Belt should not exceed a 50% increase in the ground floor area this is in relation to direct extensions to the main house.
15. The proposal would amount to almost a doubling of the floor area of the existing outbuilding and a structure that would be slightly higher than it and structurally independent. The scale, height and mass of the extended outbuilding compared to the existing would constitute a disproportionate addition over and above the size of the original building.
16. On that basis, I conclude that it would be inappropriate development in the Green Belt and therefore by definition harmful, contrary to the Framework at paragraph 154c and Policy GS4 of the HDLP.

The Effect on Openness

17. One of the essential characteristics of Green Belts is their openness.
18. The proposal, given the scale, mass and height of the extension to the outbuilding in this plot adjoining open countryside, would by definition result in both a spatial loss of openness and modest visual loss of openness to the detriment of the Green Belt.
19. I acknowledge that the proposal to demolish the Dutch barn adjacent to the site would result in a gain in openness. Although the footprint of the barn is larger than the proposed outbuilding, as it is an entirely open-bayed, metal-framed structure the gain in terms of openness from its removal would be less significant than had it been a solid structure. Nevertheless, I accept that the net effect of the barn's removal would result in any adverse effect on openness in respect of the extended outbuilding being minimal.

Other Considerations

20. A number of other considerations have been put to me which the appellant argues amount to very special circumstances to justify the development.
21. I have been invited to conclude that, as a similar sized building under permitted development rights (PD) could be constructed, this is a material consideration. Whilst it is true that under Class E of Part 1 to Schedule 2 of the *General Permitted Development Order* an outbuilding could be constructed in this location as permitted development, the height limits in Class E would mean that anything built would be substantially smaller than that proposed. The current proposal is 5.18 metres in height and with an eaves level at 3 metres compared to PD limits of 4 metres and 2.5 metres respectively. I am not therefore persuaded that what could be built as permitted development would have a

more harmful effect on the Green Belt than the current development and I attach limited weight to it.

22. It has also been put to me that the provision of renewable energy installations on the building to secure sustainable energy operation at the property and additional ecology gains would constitute significant benefits. However, whilst these are commendable aspects of the design, such provision is simply an aspect of good planning that should be expected in any development and is therefore neutral in the balance.
23. I note that the appellant is looking to secure home office space in the outbuilding. However as it would be possible to have achieved this in a way which was not a disproportionate extension to an existing building this would not weigh significantly in the balance.

Conclusions

24. I have concluded that the proposal would be inappropriate development in the Green Belt and, by definition, harmful. It would also harm openness. Substantial weight should be given to any harm to the Green Belt. I have considered the other considerations set out above but, taken together, they would not clearly outweigh the harms to the Green Belt. As such, the very special circumstances necessary to warrant the development do not exist.
25. For the reasons given above, the development would conflict with the development plan taken as a whole. Therefore I conclude the appeal should be dismissed.

P. D. Biggers

INSPECTOR