



Appeal Decision

Site visit made on 4 June 2024

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th June 2024

Appeal Ref: APP/C2741/W/23/3335577

Country Park, Pottery Lane, Strensall, York, North Yorkshire YO32 5TJ

- 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 S Nelson against the decision of City of York Council.
 - The application reference is 23/00996/FUL.
 - The development proposed is retention of existing hardstanding.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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.
3. 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

4. The main issues are:
 - whether the development is inappropriate development in the Green Belt;
 - whether adequate provision has been made for drainage and flood risk; 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 development.

Reasons

Whether Inappropriate Development

5. It is not a matter of dispute between the main parties that the hardstanding that has been laid is an engineering operation. 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.

6. The hardstanding is at a similar level to that of the ground level of the field that it sits within and the surrounding land. The hardstanding preserves the openness of the Green Belt due to its low profile. However, the hardstanding also enables additional activity to take place on the site. From the submitted evidence, the hardstanding has been formed to facilitate the parking and manoeuvring of plant and machinery. Such activities could be expected to occur on a regular basis. It is reasonable that I do not decouple the engineering operation from its associated use.
7. The site is well screened from public view, including from roads and the Public Right of Way to the west, by vegetation and the building to the north. It is also well screened in views from within the wider site. Given the dense nature of the planting, it is likely to still provide some screening during winter months. The associated use of the hardstanding would therefore not affect the visual aspect of openness. However, it is of note that I cannot be certain that the trees, which make a notable contribution to the screening of the development, will endure forever (they may die, become diseased or be removed). Should this happen, the site would be much more apparent in views from the wider area.
8. The erosion of three-dimensional space arising from the parking and manoeuvring of items on land which was essentially open would result in an erosion of openness in a spatial sense. The increased activity enabled by the hardstanding would urbanise this part of the field, regardless of the planting around it. In this regard, I also find some conflict with one of the purposes of the Green Belt, i.e., safeguarding the countryside from encroachment.
9. The wider site includes a touring caravan site immediately to the west with a restriction over the winter months, what is described in evidence as the keeping of rare breed sheep and some horses at the northern and eastern sections of the site and a building immediately to the north which has recently been granted a prior approval¹ to change its use from agricultural to use class E (commercial, business or service). I appreciate that the hardstanding is a small part of this wider site. Nonetheless, for the reasons given, the development would erode the spatial openness of the Green Belt.
10. Accordingly, I conclude that the development is inappropriate development in the Green Belt and is by definition harmful to it.

Drainage and Flood Risk

11. The appellant's evidence describes the hardstanding as consisting of a layered build-up of stone and gravel over crushed run rubble. The appellant states that it is permeable.
12. However, there is no clear evidence before me to demonstrate that this is the case. For example, the Council's evidence identifies that a type three hardcore would allow surface water to drain freely through it due to its particle size, but a type 1 hardcore would form a solid impenetrable mass under compaction that would prevent free drainage.
13. In the absence of this information, I am unable to determine whether adequate and effective drainage has been provided at the site, and so I cannot be certain that flood risk either on the site or elsewhere would not be increased.

¹ Reference 24/00087/ABFU

14. I therefore conclude that it has not been demonstrated that the development has made satisfactory provision for surface water drainage, and I cannot be certain that flood risk would not be unacceptably increased. In this regard, the development conflicts with the requirements of Policy ENV5 of the PDL where it requires the provision of sustainable drainage including measures to manage surface water runoff.

Other Considerations

15. The appellant identifies that the hardstanding ensures that it is useable all year round for the parking and manoeuvring of plant and machinery. This would provide some benefits for the appellant in terms of how they operate the site to which I afford some limited positive weight.
16. The appellant claims that the hardstanding is immune from enforcement action due to the passage of time. However, it is not for me within the context of an appeal under section 78 of the Town and Country Planning Act 1990 (as amended) to determine whether a development is lawful. As a result, I afford this consideration very limited weight.

Planning Balance and Conclusion

17. The proposal is inappropriate development in the Green Belt. I attribute substantial adverse weight to this matter. Additionally, I cannot be certain that flood risk would not be unacceptably increased.
18. I conclude that the harm by reason of inappropriateness in the Green Belt and the harm regarding flood risk would not be clearly outweighed by the other identified considerations so as to amount to the very special circumstances required to justify the development. It therefore conflicts with the requirements of chapter 13 of the Framework as summarised above.
19. Accordingly, I conclude that the appeal should be dismissed.

F Wilkinson

INSPECTOR