



Appeal Decision

Site visit made on 25 July 2024

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2024

Appeal Ref: APP/C2741/D/24/3340479

Berkshire, 3 Newsham House Barns, Main Street, Holtby, York, YO19 5UD

- 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 M Atkins against the decision of City of York Council.
 - The application Ref is 23/01702/FUL.
 - The development proposed is the erection of a detached single-storey garage.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached single-storey garage at Berkshire, 3 Newsham House Barns, Holtby, York, YO19 5UD, in accordance with the terms of the application, Ref 23/01702/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing number 3-015 Rev 5.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling on the site, as detailed on drawing number 3-015 Rev 5.

Main Issue

2. The main issue is whether the proposal would be inappropriate development in the Green Belt.

Reasons

3. Paragraph 154 of the National Planning Policy Framework (the Framework) makes clear that the construction of new buildings should be regarded as inappropriate in the Green Belt except where, amongst other things, they comprise the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building.
4. Although the proposal in this case relates to a detached outbuilding, it would be positioned close to the dwelling, within its domestic curtilage and would be used for purposes incidental to it. Given that the proposed development would relate both physically and functionally to the existing dwelling, I am satisfied

that it can reasonably be treated as an extension to it. This view is consistent with established case law¹.

5. The proposed single storey garage would be much smaller in footprint, height and volume, than the existing dwelling it would be related to. I am advised that the proposal would increase the footprint of the dwelling by approximately 20%. I am therefore satisfied that the proposal would not result in disproportionate additions over and above the size of the original building.
6. The hardstanding to serve the garage already exists in part and could be increased further under permitted development rights. The increase in hardstanding would be limited to a small area directly in front of the proposed garage, which would not be significant or visible outside of the site.
7. I therefore conclude that the proposal would not represent inappropriate development in the Green Belt and as such, it would accord with the Framework. In reaching this view I have noted concerns raised regarding the effect of the development on the open character of the Green Belt in visual and spatial terms. However, as I have concluded the proposal would not be inappropriate development in the Green Belt it is implicit that it would not harm either its openness or the purposes for including land within it. For the same reason it is not necessary for me to consider whether there are any special circumstances.
8. The City of York Local Plan – Publication Draft (February 2018) has not yet been adopted and I am advised that Policy GB1 is subject to main modifications to ensure consistency with the Framework. I therefore afford this draft policy very limited weight. However, based upon my findings, the proposal would accord with draft Policy GB1 and the modifications to it that have been brought to my attention.

Conditions

9. The conditions imposed are those which have been suggested by the Council. In addition to the standard time limit condition, a condition specifying the approved drawing number is necessary to provide certainty and flexibility via the minor amendment process. I have also imposed a condition regarding external materials in the interests of safeguarding the character and appearance of the site and its immediate surroundings.

Conclusion

10. For the reasons given above the appeal is allowed.

R Bartlett

INSPECTOR

¹ Warwick District Council v Secretary of State for Levelling Up Housing & Communities [2022] EWHC 2145 (Admin) and Sevenoaks District Council v Secretary of State for the Environment and Dawe [1997] EWHC Admin 1012