



Appeal Decision

Site visit made on 15 July 2024

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 September 2024

Appeal Ref: APP/C2741/D/24/3345717

The Grange, Foss Bank Farm, Strensall Road, Earswick, York YO32 9SW

- 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 Tony Murphy against the decision of the City of York Council.
 - The application reference is 23/01988/FUL.
 - The development proposed is an outbuilding to provide covered parking with EV charging point and secure store for garden maintenance equipment, cycles and wood store.
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Decision

1. The appeal is allowed and planning permission is granted for an outbuilding to provide covered parking with EV charging point and secure store for garden maintenance equipment, cycles and wood store at The Grange, Foss Bank Farm, Strensall Road, Earswick, York in accordance with the terms of the application, reference 23/01988/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: OS Site Plan; Drawing Sp1 - Proposed Site Plan 1:1250; Proposed Site Plan 1:100 including Methodology for Proposed Foundations; Drawing TM/01 – Elevations; and Drawing TM/002 - Floor Plan.

Main Issues

2. These main issues are whether the outbuilding would represent inappropriate development in the Green Belt; and the effect of the building on the character and appearance of the area.

Reasons

3. The proposal would result in a single storey, three bay building that could accommodate two cars in the open fronted bays and a storage area in the third, similarly sized, enclosed bay. The associated five-bedroom house was
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granted consent following an application in 2018 which permitted four, two storey dwellings. It is not disputed that the site lies within the Green Belt.

Whether inappropriate development

4. The council have assessed the proposal on the basis that it would result in a new building in the Green Belt and would not fall within the exceptions set out in policy GB1 of the emerging City of York Local Plan; or the exceptions set out in paragraph 154 of the National Planning Policy Framework 2023 (Framework). The appellant is of the view that the proposal can reasonably be considered to represent an extension and should therefore be considered within the exception set out in the Framework at paragraph 154c, which accepts 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.
5. The emerging local plan has not been adopted. Policy GB1 was amended by the Publication Draft (February 2018) and re-produced in the Consolidated Main Modifications document January 2023. It is now consistent with and uses the same wording as the previous version of the Framework with regard to exceptions and extensions. As it remains consistent with the updated Framework in this regard, it can be afforded considerable weight. Neither document provides guidance as to what would represent an extension.
6. The appellant's view that the structure would represent an extension is supported by the judgement in *Warwick DC v SSLUHC, Mr J Storer & Mrs A Lowe* [2022] EWHC 2145 (Admin). The judge found that with regard to the exceptions included in government guidance at that time, an extension can include structures which are physically detached from the building of which they are an extension. That judgement related to a smaller building than currently proposed that was to be located a greater distance from the associated dwelling; and the demolition of an existing smaller structure. Although there are differences with regard to the details of these cases, the principle established remains applicable. Government guidance, although updated, has not changed in this regard, since that judgement.
7. The garden of this property is clearly defined. The building would be located adjacent to the driveway parking area which adjoins the house. It would therefore be very closely associated with the dwelling. The intended use of the building is for domestic storage associated with the house and garden. Given these circumstances and in light of the judgement above, I agree with the appellant that the building can be considered as an extension for the purposes of the Framework. In the absence of any further guidance within the emerging local plan, this interpretation can also be applied to its Green Belt policy.
8. The Framework and the emerging local plan do not specify a figure with regard to what represents disproportionate additions. Figures have not been provided by either party with regard to the percentage increase in the scale of development that would result. The appellant advises that the house has a footprint of just over 141m². The proposed building would have a footprint of just under 50m². The house is two storey's high and has a ridge height of 6.5m. The ridge of the single storey outbuilding would be just less than 4m high. This is a large five-bedroom house and although the new building would

be of a size equivalent to a triple garage, it would not represent disproportionate additions over and above the size of the original building.

9. The proposal falls to be considered under the exceptions provided by paragraph 154c of the Framework and policy GB1c of the emerging local plan. As it does not result in disproportionate additions to the original building, it does not represent inappropriate development within the Green Belt.

Character and appearance

10. The appeal property is part of a clearly defined rectangle of development which includes the original farmhouse and four newer dwellings. The new building would be situated between two of these houses. It would result in a minor consolidation of development but it would be set within an already established, tightly defined, area of buildings. It would be subservient in scale to both adjacent dwellings and it would not appear cramped in this setting, being set in from the boundary and following the edge of the existing driveway. The use of clay pantiles to match the house would ensure that it would have a satisfactory and complementary appearance. The proposal would not result in harm to the character or appearance of the area.
11. There would be no conflict with the design expectations of policy D1 of the emerging local plan. The council's Draft House Extensions and Alterations Supplementary Planning Document 2012 provides guidance with regard to detached garages and other outbuildings. As this proposal would reflect the shape and roofing materials of the much larger dwelling, would have three defined separate bays and would sit comfortably within the garden of the property, it would generally accord with this guidance. There would similarly be no conflict with the design expectations of the Framework. As the council's design policies accord with the expectations of the Framework, they can be afforded considerable weight.

Conclusions

12. The proposal falls to be considered within the exceptions provided by paragraph 154c of the Framework and policy GB1 of the emerging local plan. As it would not result in disproportionate additions to the original building, it would not be inappropriate development within the Green Belt. It would not therefore, be harmful to openness or to any of the purposes of the Green Belt. Its position, design and materials ensure that it would sit comfortably alongside the dwelling, without harm to the character or appearance of the area. As there are no matters that weigh significantly against the proposal, I allow the appeal.
13. The conditions set out, relate to the commencement of development and the details of the approved plans for the avoidance of doubt and in the interests of proper planning. As the plans set out the details of the materials and foundations to be used, further conditions are unnecessary.

Peter Eggleton

INSPECTOR