



Appeal Decision

Site visit made on 7 April 2025

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st May 2025

Appeal Ref: APP/C2741/W/25/3360696

Land To South of Low Moor Lane, Hessay, York YO26 8JT

- 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 J Ward against the decision of City of York Council.
 - The application Ref is 24/00415/FUL.
 - The development proposed is proposed replacement dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal, the City of York Local Plan 2025 has been adopted. The policies of the new local plan are afforded full weight.
3. The appellant has secured a change of use of agricultural building to a dwelling house under Class Q Part 3 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.¹ From what I could see on site, no works had commenced under the extant approval.
4. The appellant now wishes to demolish the existing agricultural building. This would facilitate their intention to erect a self-build new dwelling on the same site and in the same location as the existing agricultural building.
5. The appeal site is located outside the village of Hessay and within the York Green Belt.

Main Issues

6. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt;
 - The effect of the proposed development on the openness of the Green Belt;
 - The effect of the proposal on placemaking and landscaping; 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.

¹ Application reference 23/00537/ABC3

Reasons

Whether or not inappropriate development

7. Paragraph 143 of the National Planning Policy Framework (the Framework) states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The Framework at paragraph 153 is explicit as it states that 'substantial weight is given to any harm to the Green Belt, including harm to its openness.' Paragraph 154 of the Framework explains that development in the Green Belt is inappropriate unless specific exceptions apply. This is also consistent with the Council's local plan Policy GB1 to resist development in the Green Belt unless exceptions apply.
8. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
9. This proposal does not meet the exceptions of development within the Green Belt in accordance with local and national policy and is therefore considered to be inappropriate development within the Green Belt.

Effect on openness of Green Belt

10. The Green Belt is multifaceted and as well as a visual aspect, has a spatial dimension.
11. A dwelling on this site is intended to resemble the agricultural building it would replace with the footprint, size and volume the same, and designed to follow a traditional palette of materials by way of the use of blockwork and timber cladding.
12. The appellant wants to enlarge the curtilage of the plot with mature hedge lines further extending land-take to the north and west of the building. These landscaped gardens, ordered hardstanding and the domestication effects associated with a dwelling would create a domestic character to this rural and agricultural environment that is conveyed here. The effect would be of an urbanising one in this agricultural part of the Green Belt.
13. Spatially the building would be set amongst a context of undeveloped flat, open and large agricultural fields. There are limited agricultural buildings and dwellings scattered around. A new dwelling here would not be absorbed into any other buildings and as a standalone dwelling in this context, would be spatially separate. Therefore, the openness of the Green Belt would be reduced.
14. There would be artificial light spill emitted from the site. Given the level land topography and position set well back from the lane with wide exposure of the site across the surrounding level ground, and little in the way of substantial landscape screening, would further emphasise it as a residential building. It would not preserve the openness of the Green Belt.
15. Therefore, due to its visual and spatial effects, the openness of the Green Belt would not be preserved. The essential characteristics of Green Belts are their openness and their permanence.

Effect on placemaking and landscaping

16. The character of the local area consists of large and open agricultural fields with sporadic built development outside the village of Hessay and conveys a rural environment. Its landscape is required to be protected in accordance with local plan policy requirements, as well as successful placemaking
17. A new dwelling would incorporate suitable building materials for its context and the size of which would correspond with the building on site. However, it would be distinguished in this location as a dwelling that includes its domestic paraphernalia. It would result in a change in character made more severe by the visually exposed location that would not be screened by landscaping, even if the appellant supports this as a planning condition. Nor would it amount to acceptable placemaking in this sensitive location.
18. Overall, it would erode the character of the landscape and would not result in good placemaking. Therefore, it would fail to meet the objectives of policy D1 and D2 of the City of York Local Plan.

Whether or not very special circumstances exists

19. The Framework is decisive in that inappropriate development is, by definition, harmful to the Green Belt and should not be approved unless in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations.
20. The appellant has secured an alternative fall-back position to which they can implement an extant permission granted by the Council through Class Q. The fall-back position is a real prospect to the appellant and a material consideration I must take into account as part of my assessment.
21. Class Q is a different planning regime with its own special set of criteria to accord with. The change of use that was approved by the Council would have a neutral effect upon the openness of the Green Belt.
22. Even if it would follow the same design principles as the Class Q approval, it would not be a change of use with minimal conversion required, but instead the wholesale demolition of the agricultural building and replacement through physical works to build a permanent dwelling. There would also be additional land required to support the dwelling. These things are separate to the Class Q requirements.
23. They comment on the outlook for occupants and better layout it would bring. They would be satisfied with a planning condition to provide landscaping within the site and comply with any necessary ecological and biodiversity conditions. There would be highway improvements and less agricultural traffic as a result. These would however be modest benefits the scheme would bring.

Planning balance – very special circumstances

24. Bringing these considerations together, I have concluded that the proposal amounts to inappropriate development within the Green Belt as it would harm its openness. This harm is given substantial weight in the words of the Framework. Only where very special circumstances exist should this harm to the openness of the Green Belt be clearly outweighed by other considerations. The fact that there is

an extant permission for a change of use of agricultural building to a dwelling under a different planning regime and taken with the benefits of the other considerations before me to consider, does not amount to very special circumstances for the reasons I have given.

25. Therefore, the proposal would conflict with the Green Belt safeguarding aims of policy GB1 of the City of York Local Plan and the National Planning Policy Framework.

Other Matters

26. The appellant points to a solar farm and its associated development granted permission on an adjacent site and this changes the character of the area. There are no details before me to comment upon. In any case, from my assessment, the character of the area is substantially agricultural.

Overall Conclusion

27. The proposal would harm landscape character and placemaking. It would not preserve the openness of the Green Belt. I conclude that the proposal would conflict with the development plan as a whole and there are no other material considerations which lead me to determine the appeal otherwise than in accordance with it. Therefore, for the reasons given, the appeal is dismissed.

Alison Scott

INSPECTOR