



Appeal Decision

Site visit made on 27 May 2025

by **P Eggleton BSc(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 June 2025

Appeal Ref: APP/U2750/D/25/3361774

Stable Cottage, Butts Lane, Lumby, North Yorkshire LS25 5JA

- 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 Richard Watson against the decision of North Yorkshire Council.
 - The application reference is ZG2025/0007/HPA.
 - The development proposed is single storey detached rear carport.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal would amount to inappropriate development within the Green Belt; whether there would be any other harm to the Green Belt; and whether the 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 necessary to justify the development.

Reasons

3. The dwelling lies within the Green Belt. The proposal is for a large detached carport. The council's concern is that the proposal would represent inappropriate development within the Green Belt. The council's Green Belt policy is set out in policy SP3B of the Selby District Core Strategy 2013 which advises that in accordance with the National Planning Policy Framework, within the defined Green Belt, planning permission will not be granted for inappropriate development unless it has been demonstrated that very special circumstances exist to justify why permission should be granted. The National Planning Policy Framework 2024 advises that new buildings should be regarded as inappropriate unless they fall within a specified exception. The exceptions include 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. There are no exceptions for new buildings such as this, unless it is considered to be an extension.
4. There is dispute between the parties as to whether this building should be considered as an extension. As it is close to the dwelling and for domestic use in association with the dwelling, there is merit to the appellant's claim that the building should be considered as an extension to the building (the dwelling) for the purposes of the Framework's exceptions. The council considered this alternative view in their delegated report.

5. When assessing the new building as an extension, the exception 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. The Framework does not specify a figure as to what represents a disproportionate addition. This is also the case with regard to the development plan.
6. The council state that the original dwelling was first permitted in 2007 and has a volume of 648m³. The plans have not been provided but a two storey rear extension has been built with a small single storey addition. The council report that this resulted in an increase in volume of 211m³, resulting in an overall increase in volume of 32%. The council advise that the carport would result in an additional volume of 145m³. In combination with the rear extension, this would result in a percentage increase of nearly 55% over and above the size of the original dwelling. These figures were included in the council's delegated report and the appellant has not disputed them. I have no reason to doubt their accuracy.
7. This percentage increase does suggest that, taken cumulatively with the extension, the proposal would result in disproportionate additions over and above the size of the original building (the dwelling). I was able to view the dwelling and the rear extension. Although the carport would be of a limited height, it would have a considerable footprint and volume, being designed to accommodate parking for three vehicles. It would, in combination with the existing extension, significantly increase the size of the original dwelling. It would represent a disproportionate addition over and above the size of the original building.
8. As the proposal would not satisfy the exceptions within the Framework, it would represent inappropriate development in the Green Belt. The Framework is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy SP3 is consistent with this.
9. The carport would be well contained within the site, with other development to its rear and side. This would help to limit its impact on openness. However, given its scale and position on open garden land (other than a small shed that would have to be removed), it would reduce openness. Given that the driveway would need to be extended and the proposal would result in a considerable increase in surfaced access, parking and turning areas, on land that is currently laid to grass, this would also increase the scale of development and further reduce openness.
10. The appellant has put forward a number of considerations. The house is within an area of the settlement, at the centre of the village, where there are a range of buildings that are relatively closely related. This would, to some extent, reduce the impact on the openness of the Green Belt. The works would improve the facilities of the property which would be a benefit to the appellant. The construction costs would also add to the local economy.
11. The appellant suggests that the council did not demonstrate a proactive approach, incorrectly assessed the proposal as a new building rather than an extension and did not take into account an adjacent development that has set a precedent. The council did consider alternative approaches, that the carport be assessed as an independent building but also as an extension. They concluded that it would be inappropriate development in both cases. Whilst reference has been made to a carport on a neighbouring site, which I was able to view, I do not have the details of

that decision. It is not clear what the increase in scale was in comparison to the dwelling, how the council judged it or whether the associated buildings had previously been extended. It is not clear therefore that that decision was inconsistent with the current decision. In any event, each proposal must be considered on its own merits. There is no evidence that the council did not take into account all relevant matters in reaching their decision.

12. The Framework is clear that very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. There would be some harm to the openness of the Green Belt and harm from inappropriateness. There would be no other harm as the design and position of the carport would be acceptable in other respects. However, the considerations put forward in support of the carport, when considered as an extension, do not clearly outweigh the harm from inappropriateness and the reduction in openness. The considerations do not therefore represent the very special circumstances that would be necessary to justify the development. The proposal would therefore conflict with the Framework and policy SP3. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR