



Appeal Decision

Site visit made on 24 June 2025

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

an Inspector appointed by the Secretary of State

Decision date: 07 July 2025

Appeal Ref: APP/C2741/D/25/3364675

The Old School House, Shirbutt 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 & Mrs M Cooper against the decision of the City of York Council.
 - The application reference is 25/00003/FUL.
 - The development proposed is the demolition of the existing conservatory and construction of oak framed garden room; internal alterations; and the installation of four roof lights.
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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 proposal would result in a rear extension to this dwelling that would be larger than the conservatory that it would replace. The property lies within the Green Belt. Policy GB1 of the Local Plan 2025 (LP) sets out that the construction of new buildings is inappropriate development unless it falls within a specified exception. Of particular relevance is exception (iii), 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.
4. The parties agree that the property was converted to a dwelling around 1960. The garage side extension was added around 1970, with the first floor extended and conservatory around 2000. A further side extension and alterations to the rear dormer were added around 2010. The previous extensions represent a 51% increase in footprint from the original building. In addition to the permitted extensions, a large gazebo, which I understand did not require formal consent, was added within the rear garden in 2023. It is separate from but closely associated to the house and would fall to be considered as an increase to the scale of the building in these circumstances.
5. The LP does not specify a figure as to what represents a disproportionate addition. In the circumstances of this case, a 51% increase in footprint represents a

significant addition over and above the size of the original building and this does not include the further increase resulting from the gazebo. The LP policy does not refer to footprint specifically. A figure in relation to volume would assist in this regard. However, having considered the increase in the scale of development, taking into account the three dimensional increases of the previous and proposed extensions, excluding the extension now to be removed, I conclude that in combination, the extensions would represent disproportionate additions over and above the size of the original building. This would be the case without the addition of the gazebo, the size of which adds to my concern in this regard.

6. The proposal does not therefore fall within any of the exceptions with regard to extensions in the Green Belt that are set out in the LP. It therefore represents inappropriate development in the Green Belt. Policy GB1 is clear that inappropriate development will not be approved except in very special circumstances.
7. The proposal would increase the spread of development and its greater scale would reduce openness. Although limited, this would result in further harm to the Green Belt. The design of the proposal would be of a high quality and as such there would be no further harm in that respect.

Other considerations

8. Although not accepting that the development is inappropriate, the appellants have put forward a number of considerations. It is suggested that the extension would be subservient to the main building and more suitable than the existing structure which it would replace in design terms. It would not be publically visible and would in any event, be an improvement over the existing extension taking into consideration local context and character. It would not result in any harm to the amenities of neighbours or generate light pollution or disturbance.
9. The appellants are of the view that the property represents previously developed land as it lies outside the built-up area of a settlement and that this should be considered in relation to the assessment against the requirements of the National Planning Policy Framework. It is also suggested that as a result of the recent Green Belt policy revisions to the Framework, that the LP is not fully up to date and compliant with the Framework and should therefore not be afforded full weight.
10. Reference is made to paragraph 153 of the Framework which advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. In relation to this sentence, footnote 55 states that 'Other than in the case of development on previously developed land or grey belt land, where development is not inappropriate'. The site can be considered as previously developed land. However, the proposal does not fall to be considered under paragraph 154(g) of the Framework in relation to partial or complete redevelopment of previously developed land or other exceptions with regard to previously developed land or grey belt. Paragraph 153 does not therefore indicate that this development is not inappropriate as suggested by the appellants. Nor does it suggest that substantial weight should not be given to the harm from inappropriateness.
11. The proposal is accepted as being of a high standard of design and would offer a slight improvement to the existing conservatory in terms of design and materials. It would also require significant investment which would add to the local economy.

However, the harm from inappropriateness and the harm from the reduction in openness would not be clearly outweighed by other considerations and as such, they do not represent the very special circumstances that would be necessary to satisfy policy GB1. The proposal therefore conflicts with the Green Belt policy of the development plan.

12. The proposal also conflicts with the similar Green Belt policies of the Framework. I am satisfied that the development plan policies remain consistent with the Framework and can be afforded full weight in relation to this particular matter.

Conclusions

13. The development plan and the Framework establish that inappropriate development is, by definition, harmful to the Green Belt and substantial weight should be given to that harm. Policy GB1 advises that approval for inappropriate development will not be given, except in very special circumstances. The Framework includes similar guidance and 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.
14. I have had regard to all of the considerations put forward. I do not find that they would clearly outweigh the harm from inappropriateness. The considerations do not therefore represent the very special circumstances that are necessary to justify the development. Although there is some policy support for the design quality in both the LP and the Framework, the proposal would be contrary to the development plan when considered as a whole and would also conflict with the specific policies of the Framework, relating to the Green Belt, that indicate that the development should not be approved. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR