



Appeal Decision

Site visit made on 11 August 2025

by **David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 August 2025

Appeal Ref: APP/U2750/W/25/3365725

Lady Flat Farm, Lady Flat Lane, Colton, Tadcaster LS24 8ES

- 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 F Pears & Son against the decision of North Yorkshire Council.
 - The application Ref is ZG2024/0841/FUL.
 - The development proposed is conversion of existing buildings into two dwellings.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt, including with regard to:
 - the re-use of buildings;
 - the development of grey belt land (with due regard to whether the site is in a sustainable location);
 - Biodiversity Net Gain; and
 - Would any harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Green Belt – Re-Use of Buildings

3. The appeal site is within the Green Belt. Paragraph 154 of the National Planning Policy Framework (the Framework) sets out that development within the Green Belt is inappropriate, subject to a number of exceptions. One exception is Paragraph 154(h)(iv) which relates to the re-use of buildings provided that the buildings are of permanent and substantial construction.
4. The appellant has submitted a Structural Survey¹ which concludes that the building, in overall terms, is considered to be in a relatively good condition with no significant structural defects being noted.

¹ Visual Structural Survey of a Former Livestock Barn at Lady Lane Farm, Colton, Tadcaster (06 February 2024)

5. However, the proposed plans include significant works to the building, and the Council sets out that this means that the roof and wall materials would be removed in their entirety and replaced with new materials. Also, that the internal concrete floor slab would be removed and replaced. Although the plans indicate that the steel frame would be retained and repainted, the appeal proposal would involve significant works to the building. Based on the evidence before me, this would go beyond what could reasonably be considered a re-use of the building and in effect it would represent a rebuild.
6. The proposal would therefore not represent a re-use of the building and would not fall within the exception to inappropriate development of Paragraph 154(h)(iv) of the Framework.

Green Belt – Grey Belt

7. Paragraph 155 of the Framework sets out that the development of homes in the Green Belt should not be regarded as inappropriate where a number of criteria apply.
8. Under the criterion of Paragraph 155(a), the Council accepts that the appeal site can be considered as Grey Belt land which would not fundamentally undermine the purposes of the Green Belt. The area in which the appeal site is located has a 2.6 year housing land supply, and the proposal would therefore also comply with the requirements of paragraph 155(b) of the NPPF with regards to unmet need.
9. Paragraph 155(c) states that the development should be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework. Paragraph 110 encourages the management of patterns of growth to support the objectives of promoting sustainable transport. Paragraph 115 requires that in assessing sites, it should be ensured that sustainable transport modes are prioritised taking account of the type of development and its location amongst other things. The criteria relating to sustainable location reflects the Council's second reason for refusal.
10. The appeal site is in a relatively isolated location in the countryside, located some distance from the nearest village of Colton. Although the walking distance to the village would not be excessive, access is along an unlit country road with no demarcated footway. The nature of this route would be likely to deter pedestrian and cycling access to the village, particularly in the evenings and during the winter months. The appellant refers to the proximity of public footpaths to the appeal site, but it has not been demonstrated that these would provide safe or suitable access in terms of lighting and surfacing.
11. Moreover, although Colton has a public house, the facilities in the village are very limited and would not meet the day to day needs of residents of the proposal. There is a bus service between Colton and York, but I saw that this was relatively infrequent and would not provide a significant alternative to a reliance on the private car due to relative convenience.
12. On balance, the proposed development would not be located where future occupiers would be able to rely on accessible local services and facilities to serve their everyday needs without having to travel some distance and in all likelihood by car.

13. The proposal is not a significant development and Paragraph 110 of the Framework states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, this does not negate the requirement to actively manage patterns of growth in the interests of promoting sustainable transport, or ensure that safe and suitable access to the site can be achieved for all users as required by Paragraph 115. Consequently, the proposed dwellings would not be in a sustainable location and would not accord with Paragraph 155(c) of the Framework.
14. The proposal is not a major development and therefore the criteria of Paragraph 155(d) of the Framework do not apply.
15. Drawing the above together, the proposal would not be in a sustainable location and would therefore not comply with the exception regarding the development of Grey Belt land. The proposal would also conflict with Policies SP1 and SP2 of the Selby District Core Strategy 2013 (the Core Strategy) with regard to the sustainable location of development. The proposal would also be contrary to the Framework in respect of promoting sustainable transport.

Biodiversity Net Gain (BNG)

16. The appellant submits that the development would not impact on any priority habitat and would impact on less than 25m² of on-site habitat given that it would not change the existing external areas round the building.
17. However, the submitted plans indicate that some form of landscaping or other treatment would be undertaken around the building to provide for each of the dwellings. Although an extent of mown grass may be retained, the proposal may lead to the removal of rough grassland that I observed around the building. The colouring of the proposed site plan also indicates different treatments of the proposed amenity areas around the building. These areas are likely to exceed the 25m² threshold and an assessment of the habitats affected has not been provided.
18. Based on what I have seen and read, insufficient evidence has been provided to demonstrate that the proposal meets the de-minimis exception in respect of BNG. The proposal would therefore be contrary to the Framework with regard to conserving and enhancing the natural environment as well as the Planning Practice Guidance with regard to demonstrating that the development is exempt from BNG.

Other Considerations

19. I have had regard to the benefits of the proposal. It would bring a vacant building back into a productive use and would contribute to the supply and mix of dwellings in the area. Although the number of dwellings proposed is limited, given the Council's housing land supply position these benefits carry moderate weight.

Planning Balance and Conclusion

20. The appellant considers that the appeal proposal is not inappropriate development in the Green Belt and that no very special circumstances are required.
21. However, I have found that the proposal would not meet the exceptions regarding the re-use of buildings in the Green Belt or the development of Grey Belt land, and indeed would not meet any of the other exceptions to development in the Green Belt set out in the Framework. The proposal is therefore inappropriate development

in the Green Belt and very special circumstances therefore need to be demonstrated.

22. The other considerations arising from the proposal would carry no more than moderate weight in favour of the appeal. The Framework requires that inappropriate development in the Green Belt should not be approved except in very special circumstances. The other considerations in respect of this appeal do not clearly outweigh the substantial weight to be given to the harm to the Green Belt that would arise from the development as well as the significant harm arising from the poor sustainability of the location and the lack of evidence in respect of BNG. On that basis, very special circumstances to justify the proposal do not exist.
23. The proposal would therefore be contrary to Policies SP2 and SP3 of the Core Strategy with regards to development in the Green Belt. The proposal would also be contrary to the Framework in respect of protecting Green Belt land.
24. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be dismissed.

David Cross

INSPECTOR