



Appeal Decision

Site visit made on 15 July 2025

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 August 2025

Appeal Ref: APP/C2741/W/25/3364002 Stud Farm, Moorlands, Haxby YO32 2RE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr David Rhodes against the decision of City of York Council.
 - The application Ref is 24/02336/FUL.
 - The application sought planning permission for change of use, alteration and extension of agricultural buildings to form 3 dwellings with garages without complying with conditions attached to planning permission Ref 3/121/101A/FA, dated 15 November 1990.
 - The conditions in dispute are Nos 2, 4 and 6 which state that:
Condition No 2: Notwithstanding the provisions of the Town & Country General Development Order, 1988 (as amended), the dwellinghouse hereby approved shall not be extended or altered externally in any manner other than as may be approved in writing by the Local Planning Authority.
Condition No 4: Notwithstanding the provisions of the Town & Country Planning General Development Order, 1988 (as amended), no private garage or car port shall be erected other than as expressly authorised by the permission or as may be otherwise approved by the Local Planning Authority following specific application in that respect.
Condition No 6: Notwithstanding the provisions of the Town & Country Planning General Development Order 1988 no sheds, greenhouses, summerhouses or other ancillary domestic buildings or structures shall be erected, placed or sited anywhere within the site.
 - The reasons given for the conditions are:
Reason No 2: To ensure that the appearance of the area is not prejudiced by the introduction of inappropriate materials and/or structures of an unacceptable nature.
Reason No 4: To ensure that the appearance of the area is not prejudiced by the introduction of unacceptable materials and/or structures.
Reason No 6: In the interests of visual amenity.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Both the Council and appellant have referred to application reference "3/121/101A/PA" as the original planning permission which the appeal scheme is seeking to amend. However, the copy of the original planning permission before me is referenced "3/121/101A/FA". This appears to be a typographical error and so in the banner heading above I have referred to the correct reference number, taken from the original decision notice.

Background and Main Issue

3. Planning permission was granted in November 1990 for change of use, alteration and extension of agricultural buildings to form 3 dwellings with garages. The appeal proposal seeks to remove several of the planning conditions attached to

the original planning permission pertaining to the removal of permitted development (PD) rights (condition Nos 2, 4 and 6) pursuant to the Town & Country Planning General Development Order 1988 (the 1988 Order).

4. The appellant considers the conditions to be unduly restrictive, whereas the Council contend that removal of the conditions would have a material impact on the openness of the Green Belt, and harm the rural character and setting of the converted buildings.
5. The main issue is therefore whether the conditions are necessary and reasonable having regard to local and national policies protecting the openness of the Green Belt and the effect of their removal on the character and appearance of the appeal site and surrounding area.

Reasons

6. Paragraph 55 of the National Planning Policy Framework (the Framework) states that planning conditions should not be used to restrict national PD rights unless there is clear justification to do so. Likewise, the Planning Practice Guidance (PPG) advises that blanket removal of freedoms to carry out small scale domestic alterations are unlikely to meet the tests of reasonableness and necessity¹. PD rights should thus not be removed without clear justification to do so, having regard to the particular circumstances of a case.
7. The site includes an 'L' shaped former stable building along with 2 other buildings that have been converted to residential use. The stable building is long and narrow, finished with a traditional red brick, with perpendicular dual pitched roofs, end gables and traditional red roof tiles. It features olive green windows and door frames and a modest chimney stack at the intersection of the two roof structures. The proportions and position of fenestration is characteristic of a stable building.
8. The stable plot is well sized with external amenity spaces and car parking around the building. For the most part, it is enclosed by relatively low fencing, albeit there is hedgerow along its southern boundary and dense woodland to the north and east providing considerable screening. The western boundary is more open however, with partial views across the surrounding countryside.
9. The appeal seeks changes to the original planning permission and thus would apply to all 3 plots in the wider site. The other 2 dwellings sit in smaller plots, and benefit from screening from woodland to the east and other buildings to the west. All 3 dwellings remain relatively consistent with one another in terms of materiality, while their form, position and appearance are sympathetic to the rural character of the area and the site's history. While long distance views into the site are somewhat limited, there is intervisibility between properties in the immediate area.
10. The site otherwise sits in open countryside, surrounded by agricultural fields and woodland. It is also located within the Green Belt. 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.
11. Since the original planning permission was granted there have been several iterations of the development order that grants PD rights to a dwellinghouse. The current order is the Town and Country Planning (General Permitted Development)

¹ Paragraph: 017 Reference ID: 21a-017-20190723

(England) Order 2015 (as amended) (GPDO). Equivalent classes in the GPDO that pertain to the PD rights removed in condition Nos 2, 4 and 6 include Schedule 2 Part 1 Classes A, AA, B, C, D, E, G and H. Other classes of development precluded by the conditions include those in Part 14 of the GPDO relating to renewable energy.

12. The GPDO places no restrictions on development within the curtilage of a dwelling in the Green Belt, unlike in other protected areas. Small-scale additions pursuant to the provisions of the GPDO would thus not generally conflict with the purposes of the Green Belt or the essential characteristics of openness and permanence.
13. Nevertheless, paragraph 10.4 of the explanation to Policy GB1 of the City of York Local Plan Adopted 27 February 2025 (the Local Plan) advises that when granting permission for residential development in the Green Belt, conditions will normally be attached to remove permitted development rights from the application site. This will ensure that the visual openness of the countryside is protected from obtrusive domestic development.
14. Classes A to D, G and H permit various forms of enlargement, improvement or other alteration of a dwellinghouse, not all of which would be harmful to the openness of the Green Belt. External alterations to the façade of the buildings permitted by Class A would not harm the openness of the Green Belt in visual or spatial terms. Classes B, C, G and H relate to additions and alterations to the roof of a dwellinghouse, chimneys, flues etc., and microwave antenna. Given the nature of such development and the limitations inherent within the GPDO, such work would not detract from the existing openness of the site and its surroundings.
15. Nevertheless, more significant extensions, such as those permitted by Classes A and AA have the potential to cause harm to the openness of the Green Belt in both visual and spatial terms. Moreover, extensions to the buildings could significantly alter their traditional form, while additions and alterations to the roofs, façade and fenestration will require careful consideration to ensure they do not unduly detract from the buildings' prevailing rural character and the contribution this makes to the character and appearance of the surrounding countryside.
16. Class E permits buildings etc incidental to the enjoyment of a dwellinghouse. Given the size of the stable plot in particular and the scope for new buildings to be added by virtue of the GPDO, reinstating Class E PD rights has the potential to allow for the proliferation of larger detached outbuildings in this area, which would undoubtedly be harmful to the openness of the Green Belt and erode the prevailing rural character and appearance of the site and surrounding area.
17. While the conditions may also preclude domestic renewable energy development typically permitted without planning permission by Part 14 of the GPDO, the size and siting of such installations may have a harmful effect on the rural character and appearance of the site and surrounding area and so should be carefully considered through the planning application process.
18. I recognise that other conditions within the original permission require any new development to use reclaimed bricks and clay tiles, and for windows to have minimum reveals and a traditional appearance. Likewise, conditions in the GPDO itself require Class A development to use similar materials. This alone does not however preclude extensions or alterations that may have a harmful effect on the traditional form and appearance of the buildings.

19. My attention has been drawn to several recent appeal decisions, though full details of each case are not before me. Nevertheless, all are within different local planning authority areas, where the circumstances and site context are unlikely to be directly comparable to the appeal scheme, and where different local planning policies apply. These do not lead me to a different conclusion on the main issue.
20. It is thus reasonable that the Council may wish to retain control over the forms of development described in conditions 2, 4 and 6, to ensure the positive contribution that the site and buildings make to the character and appearance of the surrounding area is maintained and the openness of the Green Belt in this location is not eroded. Given the scope of the PD rights and the characteristics of the site, I am satisfied that such preclusions are necessary in this instance.
21. The conditions are thus necessary and reasonable having regard to local and national policies protecting the openness of the Green Belt and their removal would have a harmful effect on the character and appearance of the appeal site and surrounding area.
22. The conditions accord with Policies GB1, D1 and D11 of the Local Plan and the provisions of the Framework. These policies, among other provisions, seek to protect the Green Belt from inappropriate development and ensure that developments do not cause damage to the character and quality of an area and extensions and alterations to existing buildings are of a high quality.

Conclusion

23. The proposal to remove the conditions conflicts with the development plan, taken as a whole. I have found no material considerations that indicate the appeal should be determined other than in accordance with the development plan. Consequently, I conclude that the appeal is dismissed.

Ryan Cowley

INSPECTOR