
Appeal Decision

Site visit made on 22 September 2025

by **C Harding BA (Hons) PGCert PGDip MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4th November 2025

Appeal Ref: APP/U2750/W/25/3365123

Oxmoor Barn, Oxmoor Lane, Church Fenton, Tadcaster LS24 9RW

- 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 James Baker against the decision of North Yorkshire Council.
 - The application Ref is ZG2024/1310/HPA.
 - The development proposed is single storey extension to northern elevation of existing property, to create two additional bedrooms with en-suite bathrooms, double garage and carport.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for full costs has been made by Mr James Baker against North Yorkshire Council. This is the subject of a separate decision.

Preliminary Matters

3. I am considering a separate appeal¹ relating to another building in the vicinity of the appeal site, however it differs in nature and procedure. Accordingly, this will also be subject of a separate decision.
4. I have been provided with plans relating to an amended scheme which was provided to, but not considered by, the Council in reaching its decision. These plans included amendments to the overall scale of the proposal, including roof heights. Although the general form of the proposal remains similar to that originally proposed, there are material differences.
5. As the Council did not consider the revised plans, it follows that they were not subject to any form of consultation exercise. Having regard to the principles of transparency and fairness, I am mindful that interested parties would not be aware of the amended scheme, and for this reason I consider that they would be potentially prejudiced if I determined the appeal on the basis of the amended drawings. Accordingly, I have determined the appeal on the basis of the plans originally submitted with the planning application and on which the Council made its decision.
6. I have, however, taken account of the drawing "Volume Calculations (Application Scheme) 3354-PB-XX – XX – D – A010160" which was provided to the Council during the consideration of the proposal. This drawing does not seek to amend the

¹ APP/U2750/W/25/3363986

scheme, but provides clarification on calculated volumes and has been referred to by both of the main parties in their evidence. No party would be prejudiced by me taking account of it, so I have proceeded to do so.

Main Issue

7. The main issue is the effect of the proposal upon the character and appearance of the host dwelling and surrounding countryside.

Reasons

8. The appeal property is a former agricultural building, now occupied as a single dwelling, set within a group of other dwellings, some also converted from agricultural buildings. The appeal property is elongated, with a pitched roof and is of a simple form and design which clearly reflects its former use.
9. The proposal would amount to a single storey extension at the northern elevation of the building, running perpendicular to it. Together, the elements would form an “L-shaped” structure.
10. Policy H14 of the Selby District Local Plan (SDLP) relates to extensions in the open countryside. The policy allows for such extensions where, among other factors, the proposal would not result in a disproportionate addition over and above the size of the original dwelling and would not dominate it visually.
11. I have been provided evidence in relation to floor areas, internal volumes and external volumes, with the appellant indicating a preference towards the use of floorspace and internal volumes in terms of considering matters of scale, and the Council a preference towards externally measured volumes. Given that the consideration of scale includes external factors, such as massing and cumulative visual effects, I consider that the most appropriate measurement to adopt in this case would be external volume, rather than internal volumes or floorspace.
12. There is some difference between the parties in terms of the calculated external volumes of both the existing building, and the proposed extension and car port, with the appellant indicating that the existing building is somewhat larger than calculated by the Council, and the extension somewhat smaller. Taking account of these variances, the Council consider that the proposal would amount to an increase in the existing external volume of around 82%, with the appellant adopting a figure of around 77% including the proposed car port, or around 59% without.
13. The carport, although not a solid structure, would nevertheless have a degree of additional bulk and massing, and would utilise the same roof plane as the remainder of the proposal. Consequently, while it would not have the visual solidity of the rest of the proposal, it would nevertheless have some visual effect and bulk. In doing so, it would accentuate the overall scale of the scheme.
14. In volumetric terms therefore, the total discounting of the car port would not be a true reflection of the scale of the proposal in comparison to the original dwelling. However, neither would its total inclusion. It therefore follows that a more accurate reflection of the visual effects of the proposal, in its entirety, in terms of visual bulk, in a best-case scenario, is likely to be somewhere between the 59% and 77% figures provided by the appellant.

15. The Council has cited a figure of around 50% as representing the point at which an extension to a dwelling might be considered to become “disproportionate” for the purposes of SDLP Policy H14. While the concept of disproportionate additions might most commonly be encountered in relation to developments within the Green Belt, it is notable in this instance that SDLP Policy H14 makes specific reference to it.
16. The Council's use of a 50% limit does not appear to be based upon any specific policy or adopted guidance. This limits the weight that I can afford to it. However, it is a reasonable position to adopt as a starting point for assessing proportionality, albeit it is possible that a larger addition could remain proportionate, or a smaller be disproportionate depending on site specific circumstances and the design approach of any particular scheme.
17. Even in applying such flexibility, the provided figures suggest that an extension of the scale proposed would, objectively, represent a significant and disproportionate addition to the original dwelling. The appeal proposal would form a disproportionate addition to the property. In design terms, the proposed extension, being located at the point at which the building would be approached from the road, would visually dominate the otherwise simple and clearly agricultural form of the original dwelling, and would not appear as a secondary addition, instead competing with the restrained agricultural form of the original dwelling. In doing so, the proposal would harm the character and appearance of the host dwelling and the countryside within which it is located.
18. I understand that other agricultural buildings existed at one time in locations around the existing dwelling, and may have been orientated in a similar fashion to the proposed extension. However, these buildings have since been removed, with the immediate surroundings of the host property now being more open. Moreover, the provided photographs suggest a collection of individual buildings, rather than a single large “L-shaped” building, as would result from the proposal. Given the limited evidence and the change in context that has occurred since these buildings were removed, this factor does not lead me to a different conclusion.
19. The proposal would harm the character and appearance of the host dwelling and surrounding countryside. It would conflict with SDLP Policies ENV1 and H14, and Policy SP19 of the Selby District Core Strategy. Together, and among other factors, these policies state that extensions should be of a high quality of design and have regard to local character and context, and not result in a disproportionate addition over and above the size of the original dwelling.

Other Matters

20. I have been presented with a fallback position, which comprises taking account of the fact that the Council found a 22% increase in volume at a neighbouring property to be acceptable, along with taking account of any permitted development rights that could be exercised at the appeal site. It is stated that together, the use of such rights, along with a smaller extension could result in a level of development that would exceed that proposed in this appeal.
21. There is some dispute as to the extent of development that could be achieved through the exercising of permitted development rights. It is not within the scope of this appeal to determine what, if any, extensions could be achieved by this means and no certificate of lawfulness has been provided. In any event, no alternative

detailed scheme of development has been put before me, and there is no other evidence before me to indicate that the cited fallback position would be any more than theoretical. I therefore afford it little weight in my considerations.

22. Even if I were to agree that the proposal would be acceptable in terms of the materials used, and its effect upon the living conditions of nearby residents, these are neutral factors that would not weigh in favour of the proposal.
23. It is stated that the provision of dedicated parking spaces as a result of the proposal would reduce pressure on communal areas, however there is no evidence before me which would demonstrate that there are particular pressures at present, or that any harm is resulting from the use of these areas for parking purposes. Therefore, I afford this consideration modest weight as a benefit of the proposal.
24. The proposal would incorporate renewable energy measures, this is a further benefit of the scheme to which I attached modest weight.

Conclusion

25. The proposal conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
26. I therefore conclude that the appeal should be dismissed.

C Harding

INSPECTOR