



Appeal Decision

Site visit made on 23 September 2025

by **Sarah Manchester BSc MSc PhD MEnvSc**

an Inspector appointed by the Secretary of State

Decision date: 12th November 2025

Appeal Ref: APP/U2750/W/25/3370291

Jubilee Farm, Wescoe Hill Lane, Weeton, Leeds, North Yorkshire LS17 0EZ

- 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 Paul O'Brien against the decision of North Yorkshire Council.
- The application Ref is HGTZC25/01018/FUL.
- The development proposed is demolition of agricultural buildings, removal of hardstanding and the erection of two detached dwellings, a detached residential annex and garage and a small agricultural storage barn, with associated landscape enhancements.

Decision

1. The appeal is dismissed.

Preliminary Matters and background

2. There are three large agricultural sheds in this location. Prior approvals¹ have been previously granted for their conversion and change of use to dwelling houses. The permissions have not been implemented, but they provide a fallback position in the event the appeal should fail.
3. I have adopted the description of the development from the Council's decision notice and the appeal form in the banner heading above. However, this varies from the application form which describes the dwellings as self-build. This is a matter that I will return to later in this decision.

Main Issues

4. The main issues are:
 - i) Whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - ii) The effect of the proposal on the openness of the Green Belt;
 - iii) The effect of the proposal on the character and appearance of the area;
 - iv) Whether the proposal would be at risk of flooding or contribute to flood risk;
 - v) Whether the proposal would provide an appropriate mix of housing;
 - vi) Whether the proposal would provide statutory Biodiversity Net Gain; and
 - vii) Whether any 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 required to justify the proposal.

¹ Refs HGTZC24/04097/PBR; HGTZC24/04098/PBR; ZC24/00591/PBR

Reasons

Whether or not inappropriate development

5. The appeal site comprises an area of land with portal frame agricultural buildings and hardstanding enclosed by mature planting. The buildings are set back and accessed from Wescoe Hill Lane. It is in the open countryside and the Green Belt.
6. Policy GS4 of the Harrogate District Local Plan 2014-2035 Adopted March 2020 (the LP) states that proposals for development in the Green Belt will be determined in accordance with relevant national policy. In this regard, the Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and it should not be approved except in very special circumstances. The Framework goes on to set out exceptions to inappropriate development. Of relevance to the appeal are paragraphs 154a) buildings for agriculture and forestry; 154d) the replacement of a building; 154g) limited infilling or the partial or complete redevelopment of previously developed land; and 155 the development of grey belt land.

Buildings for agriculture or forestry

7. The proposed small agricultural storage barn would be used to store vehicles and machinery associated with the management of the adjacent field. It would also serve the larger dwelling, including storage of chopped wood, suggesting a mixed agricultural and domestic use. However, the evidence refers to the cessation of the agricultural use of the land within the appellant's ownership and there is little evidence in relation to an agricultural holding or business or agricultural land use.
8. There is little compelling evidence that the proposed agricultural storage barn would be a building for the purposes of agriculture. As such, it would not demonstrably meet the exception in Framework paragraph 154a).

Replacement buildings

9. The proposed dwelling houses and ancillary buildings would be in residential use whereas the existing buildings are in, albeit redundant from, an agricultural use. The proposed buildings would not be in the same use as the buildings they would replace. Irrespective of whether or not the new buildings would be materially larger, the proposal would not meet the exception in Framework paragraph 154d).
10. I am mindful of the fallback position whereby the agricultural buildings could be converted to residential use. This is a material consideration in the determination of the appeal, but the fallback schemes have not been implemented. The existing buildings are in agricultural use for the purposes of Green Belt assessment.

Previously developed land (PDL)

11. The Framework definition of PDL specifically excludes land that is or was last occupied by agricultural buildings. Therefore, the appeal site is not PDL for the purposes of the Framework. As noted, the fallback position would be a change of use to residential, but the fallback has not been implemented. The appeal site is in agricultural use. Therefore, the proposal would not be the redevelopment of PDL for the purposes of Framework paragraph 154g).

The development of grey belt land

12. Paragraph 155 of the Framework advises the development of homes on grey belt land in the Green Belt should not be regarded as inappropriate where it would not fundamentally undermine the purposes of the remaining Green Belt across the plan area; there is a demonstrable unmet need for the type of development proposed; the location would be sustainable, with particular reference to paragraphs 110 and 115 of the Framework; and, where applicable, the proposal meets the 'golden rules'. This latter does not apply as the proposal would not be major development.
13. The parties agree that the appeal site does not strongly contribute to any of purposes (a), (b) or (d) in paragraph 143 of the Framework and therefore it could be considered as grey belt. The Council further states that the proposal would not fundamentally undermine the purposes of the Green Belt across the plan area. I see no reason to disagree.
14. In terms of a demonstrable unmet need for the type of development proposed, Framework footnote 56 clarifies that, in relation to housing, this includes the lack of a five year supply of deliverable housing sites (5YHLS). As the Council cannot demonstrate a 5YHLS, and irrespective of concerns relating to the mix of housing, there is a demonstrable unmet need for the type of development proposed.
15. Planning Practice Guidance (PPG) advises that where grey belt land is not in a location that is or can be made sustainable, development on this land is inappropriate. Whether locations are sustainable should be determined in light of local context and site or development-specific considerations, taking into account opportunities to maximise sustainable transport solutions.
16. The appeal site is in an area of countryside characterised by scattered dwellings and farmsteads. It is widely separated from the nearest settlement, this being the service village of Huby. Huby provides a basic range of services and community facilities including church, village hall, pre-school and Weeton train station.
17. Future occupiers could reach Huby on foot in around 15 minutes, and quicker by bicycle. However, Wescoe Hill Lane and Castley Lane are narrow rural roads with no footways or street lighting. The busy Harrogate Road has a narrow footway but appears to be unlit. All are subject to the national speed limit. The roads are not conducive to regular walking or cycling particularly during busy times, in the dark or in poor weather and not by more vulnerable persons such as children or the elderly. In any case, Huby would not meet the reasonable daily needs of future occupiers.
18. I am not aware of bus stops within a reasonable walking distance. Weeton train station is around 1.2km away and it offers frequent services to Harrogate. This suggests some access to public transport, but future occupiers would likely drive to it and there is little evidence that sustainable transport modes would contribute to meeting day-to-day needs. Even accepting that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, the location does not offer realistic alternatives to private car travel.
19. The fallback establishes the conversion of the agricultural buildings to residential use. However, the PPG is clear that the permitted development right does not apply a test in relation to the sustainability of the location. This is deliberate because many agricultural buildings will be in locations where planning permission for new

dwelling would not normally be granted. Therefore, the fallback does not establish that the location is sustainable for new residential development.

20. My attention has been drawn to an appeal decision² for residential development on grey belt land in the Green Belt at Copthorne in Surrey. That Inspector found that future occupants would be dependent on private cars to meet day-to-day needs but nevertheless concluded that the location was sustainable. That scheme related to the replacement of an existing dwelling that was part of a linear arrangement of dwellings either side of a highway extending from the village. There was no footway along that particular section, and the road was subject to a 50mph limit, but it was only a short distance from a modern cul-de-sac, a public house and bus stops. There were also several settlements nearby. Taking into account the different local contexts, that scheme is not directly comparable and it does not provide a justification for this appeal.
21. I have found that the appeal is not in a location that is or can be made sustainable. The proposal would not meet the exception in paragraph 155 of the Framework.
22. As the proposal would not meet any of the relevant Framework exceptions, it would be inappropriate development in the Green Belt in conflict with LP policy GS4 and the policies in the Framework that protect the Green Belt.

Openness

23. 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. Case law has established that openness has both spatial and visual aspects.
24. The plans illustrate that there would be a reduction in the footprint and volume of buildings and the extent of hardstanding. However, the proposed buildings would be slightly taller than the existing and there would be a greater spread of development across the appeal site. Consequently, there would be a somewhat neutral impact in terms of spatial openness.
25. The appeal site is in an elevated location in the open countryside. The agricultural buildings are set back from the road and largely screened by mature planting. The tall coniferous boundaries are incongruous and visually obtrusive in the landscape. Nevertheless, the retention and enhancement of the vegetated boundaries could help screen the proposal. However, the Leylandii hedges to the east and south are outside the appeal site and several individual and non-native groups of trees would be removed. Vegetation is in any case temporary and cannot be relied upon to screen development from view. There appears to be little guarantee that effective screening would be retained to the east and south in the longer-term, particularly considering the views in these directions. Even allowing for dense boundaries to the north and west, the proposal would be conspicuous from locations in the wider countryside including the nearby public right of way and Castley Lane.
26. The existing agricultural sheds are bulky but closely spaced with simple form and few openings, typical of a rural agricultural use. In contrast, the more widely spaced residential buildings would have complex forms and numerous glazed openings. By

² Ref APP/M3645/W/24/3347328

virtue of siting, scale, design and the extent of internal and external light spill, the proposal would be considerably more visually prominent than the farmstead group.

27. The agricultural buildings contain the hardstanding yard and open onto it. In contrast, the residential use would be more dispersed, including patio areas and gardens with domestic paraphernalia, parking areas and outbuildings, and associated residential activity. There would be a conspicuous increase in domestic vehicle movements in and around the site both during the day and at night. The parking of 9 cars with vehicle parking and manoeuvring in several locations would result in noise and visual, including headlight, disturbance.
28. Therefore, the proposal would have a far greater visual impact than the existing development, resulting in a moderate visual loss of openness of the Green Belt.

Character and appearance

29. The appeal site is an elevated location on Wescoe Hill in the Wharfedale Valley. This is a gently rolling and hummocky landscape with agricultural grassland fields bounded by hedgerows and fences, with boundary trees but few woodland blocks. By virtue of openness, extensive views and sparsely developed nature, the landscape character area has limited capacity for new built development.
30. The existing building group comprises a simple arrangement of functional agricultural buildings, visually and physically divorced from the former farmhouse. Development in the surrounding area comprises sporadic and irregularly sited farmsteads and occasional dwellings. Some nearby agricultural buildings have been replaced or converted to residential use but the area remains a rural agricultural landscape characterised by working farms and former farmstead building groups. Traditional buildings are finished predominantly in stone and slate, with timber boarding a feature of modern agricultural sheds and outbuildings.
31. The proposal would be a cluster of large bespoke dwellings and buildings. The design takes its cues from the local vernacular and rural built development, including in terms of the palette of natural materials and features such as cat slide roofs and large glazed openings reminiscent of cart doors. However, the dwellings would be complex form with stepped elevations, varied roof and eaves heights, recessed and irregularly sited and sized windows, timber window screens, rooflights and covered balcony. The annex would be a more simple building with a form not dissimilar to a traditional barn. However, its close juxtaposition and orientation relative to the dwellings would mark it out as a residential annex.
32. The evidence refers to a contemporary farmstead aesthetic, but the proposal would neither have the appearance of a collection of converted barns nor of a farmhouse with converted barns. It would not be a collection of historically functionally linked buildings around a yard, rather it would be two separate dwellings with ancillary buildings set in their own large grounds. This would be emphasized by the somewhat suburban subdivision of the site and the creation of new boundaries unrelated to historic field patterns. Irrespective of its design cues, materials, and scale and massing relative to local farmsteads, the complicated and contemporary aesthetic of the proposal would be out of keeping with the local built environment.
33. There would be considerable light spill as a result of the extensive glazing, with large domestic openings including some that would wrap around elevations, rooflights, balcony and external lighting. The extent and pattern of artificial

illumination would render the proposal conspicuous overnight and emphasize the large scale, contemporary residential design. For reasons discussed above, landscape planting could not be relied upon to screen the proposal from view. The proposal would be an incongruous and dominant feature and it would not contribute positively to local distinctiveness or rural sense of place.

34. The existing portal frame buildings are poor quality and not of any architectural significance. Even so, such buildings are commonplace in the countryside and read as functional agricultural buildings. They do not provide a justification for a contemporary residential development.
35. Therefore, I conclude that the proposal would harm the traditional rural character and appearance of the area. It would conflict with LP policies HP3 and NE4. These require, among other things, that proposals reinforce characteristics, qualities and features that contribute to local distinctiveness, taking into account built form and orientation, fenestration, roofscape, and the palette and application of materials.

Flood risk

36. Both LP policy CC1 and the Framework require a sequential risk-based approach to applications in areas at risk from any form of flooding. As part of this, the most vulnerable development should be located in areas of lowest flood risk; the development should be appropriately flood resistant and resilient; and it should incorporate sustainable drainage systems, unless demonstrably inappropriate. Moreover, flood risk should not be increased elsewhere.
37. The appeal site is in flood zone 1, which has a low probability of river or sea flooding and where 'more vulnerable' development, including residential, is appropriate. However, part of the site is lower-lying and at risk of surface water flooding. This flood risk area coincides with part of the garage attached to the annex and part of the driveway that would serve as vehicular and pedestrian, including refuse drag, route to the westernmost dwelling.
38. The Flood Risk Letter (FRL, 3 April 2025) and updated FRL (15 July 2025) are substantially the same. These conclude that the post-construction surface water flood risk should be low across the site. This appears to be in part on the basis that the garage would be elevated and external works would ensure no low spots.
39. However, the proposal fails to demonstrate the need for any part of the proposed development to be located in the area at risk of flooding. No plans have been provided to show existing or proposed ground levels. It is not clear over what area land levels would be raised, by how much or how this would affect site drainage. The Indicative Drainage Proposals plan illustrates surface water drainage runs and soakaway locations, but the FRL refers to stiff dark brown clay and does not demonstrate that the drainage proposals would mitigate the risk of surface water and avoid increasing flood risk elsewhere.
40. In the event the appeal was allowed, the Council suggests a planning condition requiring site section plans showing existing and proposed land levels and an updated flood risk assessment (FRA). However, for reasons set out above and in the absence of substantive evidence to the contrary, I am not satisfied that this is matter that could be satisfactorily left to condition.

41. Therefore, based on the evidence before me, I conclude that the proposal would be at risk from flooding and it would increase flood risk elsewhere. As such, it would conflict with the requirements of LP Policy CC1, including in relation to the sequential approach to development layout, flood risk and sustainable drainage that does not increase the risk of flooding elsewhere.

Housing mix

42. LP policy HS1 aims to deliver a range of house types and sizes that reflect the district's identified housing needs and demands. This approach is consistent with the Framework, which advises that in supporting the Government's objective of significantly boosting the supply of homes, the overall aim should be to meet an area's identified housing need including with an appropriate mix of housing types for the local community.
43. The Council's Housing and Economic Development Needs Assessment indicates that future market housing should focus on delivering 2 and 3 bed homes. The proposal would be a 3-bed dwelling and a 5-bed dwelling with a 1-bed annex. The 3-bed home would be a size of property that reflects the district's housing needs. However, while 1-bed units may be underrepresented in the Harrogate area, the annex would not be an independent residential unit. There is little robust evidence of an identified local housing need for 5-bed dwellings with annexes.
44. Therefore, while the 2 dwellings would vary in the number of beds, the proposal would not deliver a range of house types and sizes that reflect the district's housing needs. Accordingly, it would conflict with LP policy HS1.

Biodiversity Net Gain (BNG)

45. In England, BNG of 10% is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by the Environment Act 2021).
46. The biodiversity metric calculation tool and biodiversity net gain report indicate delivery of 25% BNG onsite, in the form of grassland and woodland enhancement. This would constitute significant enhancements, being habitats of medium or higher distinctiveness and contributing significantly to the proposed development's BNG relative to the biodiversity value before development.
47. Paragraph 9 of Schedule 7A of the Act requires that, where an applicant relies upon a significant increase in onsite habitat biodiversity value, this must be subject to a planning condition, section 106 agreement, or conservation covenant requiring the habitat enhancement to be maintained for at least 30 years after completion of the development. The PPG advises that LPAs will consider the most appropriate mechanism and this will need to be agreed at the planning permission stage.
48. The Council considers, given the complexity involved in creating the habitats, that it merits a legal agreement and monitoring fee for the authority. However, no legal agreement was submitted during the processing of the application or the appeal.
49. Nevertheless, the effect of paragraph 13 of Schedule 7A is that permission granted for the development of land in England is deemed to have been granted subject to the condition ('the biodiversity gain condition') that development may not begin unless a Biodiversity Gain Plan (BGP) has been submitted to and approved by the planning authority. As suggested by the Council, pre-commencement conditions could be imposed requiring submission of a Habitat Management and Monitoring

Plan in accordance with the BGP, implementation and evidenced completion of habitat creation and enhancement works, management and maintenance for a period of 30 years from completion of the development, and monitoring.

50. Notwithstanding the Council concerns in relation to the absence of a legal agreement, I see no fundamental reason why a minimum of 10% BNG could not be delivered as part of this scheme.
51. Therefore, I conclude that, subject to the imposition of planning conditions, the proposal would deliver the statutory biodiversity net gain set out in schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021).

Other Considerations

Fallback position

52. As noted above, the existing buildings benefit from Class Q prior approval for change of use from agricultural buildings to dwelling houses. I have no reason to doubt that these permissions would be implemented if the appeal should fail. On the basis that there is a realistic prospect that the agricultural buildings would be converted, this constitutes a valid fallback position at this site.
53. The proposal and the fallback would each have a smaller built footprint and volume than the existing agricultural buildings. The fallback would have smaller gross internal floor area and lower height than the proposal. The built form of the fallback would be more compact than the proposal and result in less spatial spread of residential development and use. The fallback would be recognisable as a former rural farmstead building group. In contrast, irrespective of design quality, the proposal would unmistakably be a contemporary new residential development.
54. The proposal would be a 3-bed dwelling and a 5-bed dwelling with annex. The fallback would provide 1 4-bed dwelling and 3 2-bed dwellings. While the schemes would deliver a similar number of bed spaces, the fallback would make a greater contribution to the supply of homes and better meet local housing demand for smaller homes. The fallback would not introduce new built form nor raise land levels in the area at risk from surface water flooding.
55. There are differences between the schemes in terms of living and outdoor space, openings and separation distances. However, the fallback would avoid overlooking between dwellings and each fallback dwelling would be provided with private outdoor space, albeit it smaller than the proposal. There is little evidence that the fallback would fail to provide adequate natural light levels in habitable rooms or a reasonable standard of living conditions. In contrast, and although the proposal was not refused on grounds relating to residential amenity, I note the Council's concerns in relation to separation distances, potential overlooking and loss of privacy, and potentially low natural light levels in some habitable rooms.
56. My attention has been drawn to an appeal decision (ref APP/C1760/W/16/3154235) where the Inspector found that the fallback position justified making a decision not in accordance with the development plan. That appeal related to the replacement of a building with 5 residential dwellings. It was not in the Green Belt, but it was in the countryside and the parties agreed it would conflict with the settlement hierarchy. However, that scheme delivered the same number of dwellings as its fallback, which was the conversion of the existing building, and the Inspector found there

would be no discernible differences between them. It is not therefore directly comparable and it does not provide a justification for this appeal.

57. Drawing all this together, the fallback would not be more or even similarly harmful to the proposal. Therefore, it carries little weight in favour of the proposal.

Personal circumstances

58. The larger dwelling would be occupied by the appellant and his family. The second dwelling would be occupied by one of his sons and his family. The annex would enable the appellant's other son, who has complex needs and requires supported living arrangements, to live somewhat independently but with family close by.
59. In general, the desire for 3 generations of the same family to live close is a matter that carries little weight. However, the evidence suggests the second son's medical conditions are a protected characteristic for the purposes of the Equality Act 2010. The Public Sector Equality Duty contained in the Act requires me to have due regard to the need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it, including by taking steps to meet the needs of such persons that are different from the needs of persons who do not share the relevant protected characteristic.
60. The proposal would enable a degree of independent living for the appellant and his son, while ensuring that family support was still available. This would undoubtedly be a significant benefit to the family. However, the appellant does not currently live in this location and I am not aware of a specific need to justify a Green Belt location. Moreover, it has not been demonstrated that there are no alternative solutions that could deliver similar benefits without the harm and policy conflict. Consequently, while I am sympathetic, the personal circumstances are a matter which must carry only limited weight in favour of the proposal.

Self-build and custom housebuilding (SBCH)

61. The Framework highlights the importance of addressing specific housing needs of different groups in the community, including people wishing to commission or build their own homes with reference to the SBCH Act 2015 (as amended). This Act places duties on relevant authorities to keep a register of persons seeking to acquire serviced plots and to give suitable development permission to enough suitable serviced plots to meet demand in their area with reference to the register.
62. The description of the development in the application form refers to self-build dwellings. The bespoke design was commissioned by the appellant and he and his family intend to occupy the dwellings. However, there is little evidence that the appellant is entered on the SBCH register or that the Council is unable to meet the demand for SBCH in its area. No legal mechanism has been proposed to secure SBCH. Therefore, this is not a matter that weighs in favour of the proposal.

Miscellaneous

63. The proposed biodiversity enhancements would exceed 10% gain. However, taking into account the baseline, the location of new hedgerow alongside the neighbours' driveway and the generally increased noise, light and recreational disturbance associated with residential use, this carries limited weight in favour of the scheme.

The incorporation of sustainable design principles would contribute to climate change adaption, energy efficiency and the reuse of existing resources. However, there appears to be little guarantee that the proposal would be outstanding or innovative design which promotes high standards of sustainability. Therefore, this carries limited weight in favour of the proposal.

The presumption in favour of sustainable development

64. As of 5 March 2025, the LP is over 5 years old. In such circumstances, Framework paragraph 78 indicates that the local housing need figure should be calculated using the standard method set out in the PPG. As a result, the Council cannot demonstrate a 5YHLS, and the current supply figure stands at 2.9 years.
65. Paragraph 11d of the Framework sets out that, where the planning authority cannot demonstrate a 5YHLS, permission should be granted unless clauses 11d)i. or 11d)ii. apply. The first clause relates to situations where the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the proposal. This explicitly includes policies relating to land designated as Green Belt. As the proposal would be inappropriate development in the Green Belt, the application of policies in the Framework that protect the Green Belt provides a strong reason for refusing the proposal. As such, the presumption in favour of sustainable development does not apply.

Green Belt balance

66. I have found that the proposal would be inappropriate development in the Green Belt which is, by definition, harmful. It would also result in a moderate loss of openness of the Green Belt. The Framework advises that substantial weight must be given to any harm to the Green Belt. The harm to the character and appearance of the area, the failure to provide a range of housing to meet local housing needs, and the risk of flooding collectively weigh moderately against the proposal.
67. On the other hand, the contribution to the supply of housing, and economic benefits proportionate to the scale of the proposal, weigh in favour to a modest degree. The appellant's personal circumstances, BNG and the fallback position collectively carry limited positive weight. Other considerations carry neutral weight.
68. Therefore, the substantial weight I must attribute to the Green Belt harm is not clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Conclusion

69. For the reasons set out above, I conclude that the appeal should be dismissed.

Sarah Manchester

INSPECTOR