
Appeal Decision

Site visit made on 14 October 2025

by **F P Tinsley MA (Hons) MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 December 2025

Appeal Ref: APP/C2741/W/25/3370435

The Cottage, Main Street, Holtby, YORK, YO19 5UD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs David Bough against the decision of the City of York Council.
 - The application reference is Ref: 24/02052/FUL
 - The development proposed is 'erection of self-build dwelling.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (i) whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - (ii) if inappropriate, the effect on the openness and purposes of the Green Belt; and
 - (iii) if inappropriate, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the 'very special circumstances' necessary to justify the proposal.

Reasons

Inappropriate development

3. The appeal site lies within the Green Belt. Paragraph 154 of the Framework sets out the categories of development that may be regarded as not inappropriate in the Green Belt, subject to certain conditions. New buildings within the Green Belt, such as the proposal before me, are inappropriate unless, among other things, they represent limited infilling in villages. The Framework does not define either "limited" or "infilling", leaving scope for interpretation.
4. The appeal site is located within a village and is surrounded by development on all sides, albeit that this includes the spacious gardens of residential properties. It is not situated within a built-up frontage but rather to the rear of a dwelling, in a garden area that I consider to form part of the curtilage of the primary dwelling. This conclusion is supported by the site's relationship to surrounding development including two substantial dwellings (The Old Rectory and the Coach House) lying beyond the appeal site separating it from the countryside surrounding Holtby.

5. Policy GB1 of the City of York Local Plan 2017–2033 (the Local Plan), adopted in 2025, addresses development in the Green Belt. The supporting commentary to the policy defines infilling as “the filling of a small gap in an otherwise built-up frontage.” Given the absence of a definition of “limited infilling” in the Framework, it is appropriate to refer to the Local Plan’s definition, which supplements that provided in the Framework. The appeal proposal before me does not involve the filling of a small gap in an otherwise built-up frontage and therefore does not fall within the Local Plan’s definition of infilling.
6. Accordingly, the proposal would constitute inappropriate development in the Green Belt, as it would not represent limited infilling in a village. It would be contrary to Local Plan Policy GB 1 and Part 13 of the Framework.

Openness and purposes of the Green Belt

7. A fundamental aim of Green Belt policy, as set out in paragraph 142 of the Framework), is to keep land permanently open. Openness has both visual and spatial aspects. The construction of a single-storey dwelling on the site would introduce built development where there are currently only garden structures, which occupy a significantly smaller footprint and volume. It would also be more visible than the existing structures. While the visibility of the dwelling from the surrounding area would be very limited, the dwelling’s footprint and bulk, would inevitably lead to a loss of openness.
8. However, given the modest scale of the single dwelling proposed, its location within an area already surrounded by development, and my earlier conclusion that the site forms part of the village, the development would not amount to encroachment into the countryside. It would also not conflict with the other four stated purposes of the Green Belt set out in paragraph 143, which are to check the unrestricted sprawl of large built-up areas, to prevent neighbouring towns from merging into one another, to preserve the setting and special character of historic towns, and to assist in urban regeneration by encouraging the recycling of derelict and other urban land.
9. I have also had regard to the City of York Local Plan 2017–2033 (Topic Paper TP1: Approach to Defining York’s Green Belt Addendum – January 2021). The appeal site lies within the general extent of the Green Belt but does not fall within any area identified as having a specific, identifiable purpose in the Topic Paper.
10. Consequently, while the proposal would not conflict with the five stated purposes of the Green Belt, it would conflict with the fundamental aim of Green Belt policy, as defined in the Framework, which is to keep land permanently open.

Other considerations

11. I have been provided with correspondence from one of the appellant’s doctors highlighting mobility issues and supporting the provision of single-storey accommodation to enable independent living as health concerns progress over time. While I have not been provided with specific evidence to demonstrate that the proposal before me is the only means by which the appellant’s health needs can be appropriately addressed, I am sympathetic and attach significant weight to the appellant’s personal circumstances.
12. I note that the appellant may be able to rely on permitted development rights in relation to the garden area where the proposed dwelling would be located.

However, I have not been provided with evidence of what this specific fallback position would entail. There are currently buildings within the rear curtilage of the dwellings, but I do not have information as to whether, for example, they were constructed pursuant to permitted development rights. In the absence of specific evidence regarding this fallback position, I can therefore attach only limited weight to this consideration.

13. The proposed development is located adjacent to the Grade II listed Church of the Holy Trinity¹, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on me to have special regard to the desirability of preserving a listed building or its setting, or any features of special architectural or historic interest which it possesses.
14. The church dates from the late eighteenth century and is designed in the Romanesque style. The church occupies an elevated position surrounded by a graveyard. Its significance is derived from its archaeological interest contained within its historic fabric. Its historic interest lies in the tangible link the building provides with the past and its high communal value as a historic focus for collective worship in the area. Architectural interest is derived from the detailing within its design, internal decoration, and the way in which the building interacts with other historic buildings and green spaces within its setting.
15. The appeal site lies within this setting; however, it is significantly screened from the church by vegetation and a timber structure and therefore has a very limited impact on views towards or from the church. This indirect relationship, combined with the modest scale and position of the proposed single dwelling, would prevent any meaningful visual impact on the setting of the church. The proposed development would not therefore diminish the church's presence or affect its architectural or historic significance, thereby preserving its setting.

Other Matters

16. My attention has been drawn to several other decisions outside the Council's functional area. Although I accept that the Inspectors were dealing with similar Green Belt issues, these decisions relate to different authorities. The relevant issue is one that depends on the specific circumstances of each case. Whilst consistency is important, each case must be considered on its own merits. Overall, the examples provided merely indicate that what constitutes infilling must be determined in light of the specific circumstances and context of each case. I am not persuaded that they are directly comparable to the proposal before me.

Green Belt Balance

17. The proposed development would constitute inappropriate development in the Green Belt, resulting in a limited loss of openness. The Framework establishes that substantial weight should be given to this harm to the Green Belt.
18. There would also be personal benefits to the appellant, supporting the provision of single-storey accommodation to enable independent living as mobility and health concerns progress over time. I attach significant weight to the appellant's personal circumstances. The proposed development would have a neutral impact on the

¹ List Entry Number – 1173494.

setting of the heritage asset, which is the listed Church of the Holy Trinity, and I correspondingly attach neutral weight to this consideration.

19. Therefore, the other considerations in this case do not clearly outweigh the harm identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

20. For the reasons set out above, the appeal is dismissed.

F P Tinsley

INSPECTOR