



Appeal Decision

Site visit made on 2 December 2025

by **L N Hughes BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22nd January 2026

Appeal Ref: APP/C2741/W/25/3360455

Cherry Tree Cottage Caravan Site, Millfield Lane, Nether Poppleton, York YO26 6NX

- 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 Martin Reynolds against the decision of City of York Council.
 - The application Ref is 21/01022/FUL.
 - The application sought planning permission for "*Variation of conditions 2 and 4 of permitted application 16/00093/FUL to allow the siting of one shepherd's hut, construct drive-over waste point, erect replacement information hut and relocate gate, fence and CDP point*", without complying with conditions attached to planning permission Ref 16/00093/FUL, dated 10 March 2016.
 - The conditions in dispute are:
 - No. 2 which states that: "*The development hereby permitted shall be carried out in accordance with the following plans and other submitted details: - Plan 2 Site layout plan scale 1/200 (revised for proposed hedging specification) dated 9.3.2016. Site plan showing red line application area and blue line land ownership.*"
 - No. 4 which states that: "*This permission allows only the siting of touring caravans and motor homes. At no time shall more than fifteen touring caravans/motorhomes be accommodated on site. At no time shall static caravans or tents be permitted on site.*"
 - The reasons given for the conditions are:
 - No. 2: "*For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.*"
 - No. 4: "*In the interests of the protection of the openness of the Green Belt as static caravans and a larger number of touring vans could have a materially greater impact on the openness of the green belt.*"
 - This decision supersedes that issued on 22 April 2025. That decision on the appeal was quashed by Order of the High Court on 19 August 2025.
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Decision

1. The appeal is allowed and planning permission is granted for Variation of conditions 2 and 4 of permitted application 16/00093/FUL to allow the siting of one shepherd's hut, construct drive-over waste point, erect replacement information hut and relocate gate, fence and CDP point, at Cherry Tree Cottage Caravan Site, Millfield Lane, Nether Poppleton, York, YO26 6NX, in accordance with the application Ref 21/01022/FUL, without compliance with condition numbers 2 and 4 previously imposed on planning permission Ref 16/00093/FUL dated 10 March 2016, but subject to the conditions in the attached Schedule.

Preliminary Matters

2. The description of development was amended during the application determination period, in agreement with the appellant, so I have used the same amended description above.

3. Planning permission was granted in 2016 to "*Increase number of caravan pitches from 11 to 15 and construct seven additional hardstandings to existing and additional pitches,*" with an application to vary condition 5 of that permission then part approved on appeal¹. This allowed an increased length of stay from 28 days per year to two periods of 28 days per year, although the Inspector dismissed the siting of a warden caravan on pitch 1 for up to 8 months of the year.
4. The current proposal is to vary conditions 2 and 4 of the 2016 permission. It seeks a self-catering shepherd's hut sited on pitch 1, with fencing and hedgerow for privacy and an adjacent parking space. The proposal also seeks a slightly larger information hut in the same location as at present, the entrance gate and fencing moved further into the field, and waste disposal. To achieve this, the condition 2 approved plans need amendment. The condition 4 restriction to only accommodate up to 15 touring caravans and motorhomes also needs amendment, to allow for it to accommodate one shepherd's hut and 4 touring caravans/ motorhomes.
5. The Council refused the application on 16 January 2025. The subsequent appeal decision was issued on 22 April 2025², being a spit decision dismissing the shepherd's hut, but allowing the construction of drive-over waste point, erection of replacement information hut and relocating of gate, fence and a chemical disposal point. That decision was challenged under section 288 of the Town and Country Planning Act 1990, and quashed by Order of the High Court on 19 August 2025³. It thus has no legal effect, although is a material consideration, and my decision is a redetermination of the case. For the avoidance of doubt, although the parties only dispute the shepherd's hut element, I have assessed the appeal as a whole. An approval of a Section 73 application effectively creates a new planning permission, with the extant approval remaining intact.
6. The York Local Plan 2017-2033 (LP) was adopted on 27 February 2025, after the Council's refusal. This supersedes the City of York Draft Local Plan (2018) (DLP) as cited on the decision notice, although the Policy GB1 wording in both versions remains the same. All parties have had the chance to comment upon the LP adoption within their appeal evidence.

Main Issue

7. The main issue is whether the proposed development would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework ('the Framework') (2024) and any relevant development plan policies.

Reasons

Whether Inappropriate Development in the Green Belt

8. The appeal site comprises a 15 plot touring caravan site, accessed directly off Millfield Lane approximately 300m to the south of Nether Poppleton. It is bounded by established hedges and small trees, and lies within the Green Belt, with its immediate surroundings being an agricultural field. Many of the pitches were occupied by motorhomes and caravans during my site visit, with some man-made mounds, parcels of lawn and gravelled set down areas.

¹ 16/00093/FUL, 19/00561/FUL, APP/C2741/W/19/3228418.

² APP/C2741/W/25/3360455

³ Martin Reynolds v SSHCLG & City of York Council [2025] EWHC AC-2025-LDS-000100 (Admin)

9. The Framework paragraph 142 identifies that 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. The Framework Paragraph 153 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraphs 154 and 155 identify exceptions where development should not be regarded as inappropriate.
10. The York LP was adopted on the same day that the Government revised the Planning Practice Guidance (PPG) on Green Belt and grey belt land. The Framework paragraph 232 specifies that due weight should be given to development plan policies according to their degree of consistency with the Framework. The LP Policy GB1 generally reiterates the Framework approach to whether development would be inappropriate in the Green Belt, but is silent on the matter of grey belt. The Upper Poppleton and Nether Poppleton Neighbourhood Plan (NP) Policy PNP1 similarly refers back to the Framework, albeit to a superseded paragraph reference.
11. The Consent Order identifies that the previous Inspector for this appeal materially erred in their approach as to whether the site was grey belt land, as they failed to apply correctly, or at all, paragraphs 154 and 155 of the Framework and the associated PPG. The appellant contends that the site is grey belt. In acknowledging that the PPG holds equivalent weight to the Framework⁴, I have therefore assessed the proposal against the Framework and the PPG as regards to grey belt.

Grey Belt - 155(a)

12. My first consideration is whether the proposal would utilise grey belt land under the first part of the Framework paragraph 155(a). The Framework Glossary defines grey belt as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of its purposes (a), (b), or (d) in paragraph 143.
13. Purpose (a) is to check the unrestricted sprawl of large built-up areas. The PPG⁵ states that villages should not be considered large built up areas, which therefore excludes Nether Poppleton. The PPG identifies illustrative features which would demonstrate a strong contribution to this purpose, including likely being free of existing development, and lacking physical features in reasonable proximity that could restrict and contain development. Areas are also likely to be adjacent or near to a large built up area, and if developed, result in an incongruous pattern of development such as an extended 'finger' of development into the Green Belt.
14. Illustrative features demonstrating only a moderate contribution would likely be a site adjacent or near to a large built up area, but having physical features in reasonable proximity that could restrict and contain development; being partially enclosed by existing development such that new development would not result in an incongruous pattern; containing existing development; and/or being subject to other urbanising influences.
15. The parties agree that the site as a whole comprises previously developed land. It contains some existing development such as fencing and an information hut. I find

⁴ Mead Realisations Limited v Secretary of State for Housing, Communities and Local Government [2025] EWCA Civ 32

⁵ Paragraph: 005 Reference ID: 64-005-20250225

it would not form additional ribbon development along Millfield Lane because it already exists. It is physically detached from the large built up area of York, and is also distinctly separated from it by the outer ring road. The site therefore does not strongly contribute to the Green Belt purpose 143(a).

16. Purpose (b) is to prevent neighbouring towns merging into one another. The PPG identifies that a strong contribution to this purpose would be an area likely free of existing development, and forming a substantial part of a gap between towns, the development of which would be likely to result in the loss of visual separation of towns. The main parties agree that the site does not make a strong contribution to purpose (b). Again, as Nether Poppleton is a village, development on the site would not result in the loss of visual separation of towns. Moreover, the site does not form a substantial part of any gap. Consequently, I similarly find the land does not strongly contribute to Green Belt purpose 143(b).
17. Purpose (d) is to preserve the setting and special character of historic towns. The Council considers that the site performs this purpose for York. The PPG identifies that assessment areas with a strong contribution are likely free of existing development, and form part of the setting of the historic town, and make a considerable contribution to its special character. The PPG suggests this contribution could be, albeit is not limited to, as a result of being within, adjacent to, or of significant visual importance to the historic aspects of the town.
18. A moderate contribution to purpose (d) would be likely to form part of the setting and/or contribute to the special character of a historic town, but include one or more features that weaken their contribution to this purpose, such as being separated to some extent from historic aspects of the town by existing development or topography, containing existing development, or not having an important visual, physical, or experiential relationship to its historic aspects.
19. The Council's evidence base underpinning the LP identifies the relationship of York to its villages as intrinsic to its historic character and setting, in terms of village form, character, distribution and relationship with the surrounding agricultural landscape. The wider parcel of land around the appeal site is identified as an area of undeveloped land between the outer edge of York and the Poppleton villages, which is of importance in retaining their physical separation, and retaining the wider pattern of villages within a rural setting. The physical separation, and the scale and identity of Nether Poppleton is evidenced in views from the outer ring road, railway approaches, and from Millfield Lane. The LP Policy SS2 describes the primary purpose of York's Green Belt as being to safeguard the setting and special character of York, and to deliver the spatial strategy.
20. Nonetheless, the site is not free of existing development. As an existing caravan park, the site itself does not make a considerable contribution to the special character of York or to this relationship, regardless that the surrounding countryside may achieve this function at a more strategic level. The site is not of significant visual importance to the historic aspects of the town, with no intervisibility, and is physically separated from its historic core and historic open spaces by some distance. Consequently, I find it evident that the appeal site does not strongly contribute to Green Belt purpose 143(d) in the terms identified by the PPG. Moreover, the views across the countryside identified by the Council would also be almost entirely unaffected by the appeal proposal, due to the intervening physical form and landscaping as effective screening.

21. In this regard, I have come to a different conclusion than the previous Inspector. They gave most weight to the Council's argument regarding the strategic importance and relationship of this whole countryside area in reflecting York's historic development. I have given most weight to the specific features of the site itself, as considered against the PPG illustrative features.
22. Overall, in having regard to the definition of the grey belt in the Framework, and the purposes of the Green Belt as explained within the PPG, I find that the appeal site does not contribute strongly to those purposes of the Green Belt (a), (b), or (d). The application of policies to areas and assets of particular importance identified in footnote 7 to the Framework do not provide a strong reason to restrict development⁶. The appeal site therefore comprises grey belt land.

Purposes of the Remaining Green Belt - 155(a)

23. The Framework paragraph 155(a) also requires the development to not fundamentally undermine the purposes, taken together, of the remaining Green Belt across the area of the plan. The PPG advises that this should consider whether, or the extent to which, the release or development of Green Belt land would affect the ability of all the remaining Green Belt across the area of the plan from serving all five of the Green Belt purposes in a meaningful way.
24. For the same reasons as outlined above in relation to the purposes (a), (b) and (d), I find the proposal would have no effect on the ability of the remaining Green Belt from serving those purposes. Purpose (c) is to assist in safeguarding the countryside from encroachment, and purpose (e) is to assist in urban regeneration by virtue of the limitation Green Belt places upon development in non-urban areas. As the proposed development would be within an existing previously developed site which already contains some development, and would not extend the site boundaries, I find these purposes would also be unaffected.
25. In combination therefore, the proposal would not fundamentally undermine the purposes, taken together, of the remaining Green Belt across the whole of the City of York Local Plan area, and so would comply with the Framework paragraph 155(a) overall.

Demonstrable Unmet Need - 155(b)

26. The Framework Paragraph 155(b) requires that there is a demonstrable unmet need for the type of development proposed. The appellant identifies that they have received far more inquiries for accommodation than they have available, which often includes enquiries for non-touring caravan accommodation. They consider that a shepherd's hut is a highly desired form of self-catering accommodation, and would particularly complement the business in terms of opening up the opportunity for visitors without their own touring caravan to stay on the site at the same time as family and friends.
27. Although one self-catering unit would have a very small effect upon consumer choice in the context of the whole of York, the city is evidently a very popular tourist attraction. The appellant also considers there are no existing other shepherd's huts or similar so close to York with easy public transport links, a point unrefuted by the Council.

⁶ Paragraph: 009 Reference ID: 64-009-20250225

28. Furthermore, the LP Policy EC5 aims to sustain and diversify York's rural economy through supporting appropriate rural diversification activity, including leisure development and camping and caravan sites. Its explanation text identifies that the rural area will continue to see pressure for tourist related uses, and that there is a growing interest in the provision of self-catering chalet holiday home parks available throughout the year, which will support the tourism industry in York.
29. Overall, I therefore find there is a demonstrable unmet need for the appeal proposal, such that it complies with the Framework paragraph 155(b).

Sustainable Location - 155(c)

30. The Framework paragraph 155(c) requires that the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 within the 'Promoting sustainable transport' chapter. Paragraph 110 sustainable transport aspects include limiting the need to travel and offering a genuine choice of transport modes, and Paragraph 115 provides design criteria including prioritising sustainable transport modes, and achieving safe and suitable access.
31. The appeal site lies on a regular bus route from early morning to late evening, with an off-carriageway cycle track also running along Millfield Lane. Poppleton train station is just under a mile away, and shops, services, and food and drink facilities are within walking distance in Nether Poppleton and the York Business Park.
32. There are no technical objections on highways matters, with no significant impacts on the transport network from a single shepherd's hut and associated caravan site infrastructure improvements. Overall therefore, I find the proposal would be in a sustainable location, and so it would meet the paragraph 155(c) requirements.

Inappropriate Development Conclusion

33. The Golden Rules specified in paragraph 155(d) only relate to major housing developments, and so are not relevant to this appeal for tourism development.
34. Overall, I find that the proposal would satisfy the Framework paragraph 155 requirements, such that it would not be inappropriate development in the Green Belt. The Courts have determined that where a development is found not to be inappropriate development, it should not be regarded as harmful either to the openness of the Green Belt or to the purposes of including land within it. Accordingly, no Green Belt harm would arise, and therefore no need to consider openness any further, or any very special circumstances. This relates to the entirety of the proposal sought.
35. There would be LP Policy GB1 conflict, because the shepherd's hut would not fall under any of its exceptions for development in the Green Belt. However, as GB1 does not identify any grey belt exception as outlined in the Framework and the PPG, I find this conflict to be outweighed by the material consideration of the overall support from the Framework in this regard.

Conditions

36. The PPG makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect. I have therefore imposed all those previous conditions that I consider remain relevant, for the reasons as originally included on the permission, subject to modifications to reflect the changes sought under this

appeal. If any conditions repeat those which have already been discharged, that is a matter for the parties to resolve.

37. New conditions have been suggested by the Council and accepted by the appellant, which relate to the submission of details of the proposed shepherd's hut. To avoid duplication I have amalgamated the Council's proposed condition restricting the shepherd's hut use to holiday letting, into the existing condition addressing this matter for all accommodation. These conditions will protect the openness of the Green Belt.
38. The Council also suggested a condition that in the event that the caravan site ceases to operate, the shepherd's hut shall be removed from the site. I find this would be unjustified and so would be unreasonable, in the context of my findings above that the proposal would not be inappropriate development in the Green Belt.

Conclusion

39. For the reasons given above, and having regard to all other matters raised, I conclude the proposal's impact on Green Belt would result in development plan conflict with the LP Policy GB1. However, I find the material consideration of the overall support from the Framework, which indicates that planning permission should be granted otherwise than in accordance with the development plan, to weigh in its favour to the extent of outweighing the development plan conflict and the harm. I therefore allow the appeal.
40. I grant a new planning permission without the disputed conditions and the other conditions which are no longer applicable, but with a revised condition identifying the approved plans, a revised condition to allow for the siting of the shepherd's hut, and retaining the non-disputed conditions from the previous permission that appear still to be relevant.

L N Hughes

INSPECTOR

***** SCHEDULE OF CONDITIONS *****

- 1) The development hereby permitted shall be carried out in accordance with the following plans;
Location Plan
Location Plan – annotated location of gate, fence, waste water point
Location Plan – annotated location of shepherd's hut and information hut
Proposed Replacement Info Hut 1/0
- 2) Notwithstanding the provisions of Schedule 2 Part 5 'Caravan Sites' Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order), no buildings shall be erected on site without the prior written consent of the Local Planning Authority through the submission of a planning application.
- 3) At no time shall more than fourteen touring caravans/motorhomes be accommodated on site, and at no time shall static caravans or tents be permitted on site with the exception of the single shepherd's hut approved by this permission.
- 4) The shepherd's hut hereby approved shall not be brought onto the site until full details including its scale and appearance have been submitted to and approved in writing by the Local Planning Authority.
- 5) The accommodation hereby approved shall be occupied for holiday letting purposes only, and shall not be occupied as a person's sole or main place of residence. For the purpose of this condition "holiday letting" means letting to the same person, group of persons or family for period(s) not exceeding a total of 56 days in any one calendar year with each individual stay being no more than 28 days with a minimum of a two-day break between stays. The site operator shall maintain an up-to-date register of the names and main home addresses of all occupiers of the accommodation on site and shall make this information available at all reasonable times when requested by the Local Planning Authority. The stay of no individual caravan or motorhome on the site hereby permitted shall exceed in total 56 days in any one calendar year with each individual stay being no more than 28 days with a minimum of a two day break between stays.
- 6) All hard surfacing shown on the approved plans shall be permeable to surface water unless otherwise agreed in writing by the Local Planning Authority. If impermeable hard surfacing is proposed full details shall be submitted to and approved in writing by the Local Planning Authority including drainage details, prior to its installation.
- 7) The landscaping scheme shown on plan 2 - Plan 2 Site layout plan scale 1/200 (revised for proposed hedging specification) dated 9.3.2016 shall be implemented within a period of six months of the additional pitches being provided and brought into use. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.
- 8) All existing landscaping shown as being retained on the approved plans, including the hedge adjacent to Millfield Lane, shall be retained unless otherwise agreed in writing by the Local Planning Authority.

***** END OF SCHEDULE*****