



Appeal Decision

Site visit made on 28 October 2025

by F P Tinsley MA (Hons) MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2026

Appeal Ref: APP/C2741/W/25/3370754

McLean Aviation, Rufforth Airfield, Bradley Lane, Rufforth, York YO23 3NA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission in principle.
 - The appeal is made by Steve Hargreaves against the decision of the City of York Council.
 - The application reference is Ref: 25/00824/PIP
 - The development proposed is 'Permission in Principle for a single self/custom build dwelling'
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Decision

1. The appeal is dismissed

Preliminary Matters

2. The proposal is for permission in principle (PiP). Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or PiP) establishes whether a site is suitable in principle, and the second, technical details consent (TDC), stage is when the detailed development proposals are assessed. It is the granting of TDC that has the effect of granting planning permission for the development. This appeal relates to the first of these two stages.
3. The scope of the considerations for PiP is limited to location, land use and the amount of development. All other matters are considered as part of a subsequent TDC application if PiP is granted.
4. An applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum number of dwellings as part of the application. In this instance, permission is sought for a minimum of one and a maximum of one dwelling.
5. An application for costs has been made by the appellant against the Council in respect of the appeal. This application is the subject of a separate decision notice.

Main Issues

6. Having regard to the above, the main issues are whether the location, land use and the amount of development is suitable with particular regard to:
 - whether the proposal would constitute inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the

Framework) and any relevant development plan policies, including the effect on the openness of the Green Belt; and

- if the proposal is found to be inappropriate development, whether the harm arising from inappropriateness, together with any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

Reasons

Whether inappropriate development

7. The appeal site lies within the Green Belt. Policy GB1 of the City of York Local Plan 2017–2033 (the Local Plan), adopted in 2025, addresses development in the Green Belt. It is broadly consistent with the Framework and does not provide any additional scope for development beyond that set out in national policy. I consider this to be an up-to-date development plan for purposes of determining the proposed development.
8. The Framework sets out certain exceptions where development in the Green Belt is not considered inappropriate. I have taken into account the exceptions put forward by the appellant.
9. Paragraph 154(g) states that new buildings within the Green Belt, such as the proposal before me, are inappropriate unless, among other things, they represent limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), and would not cause substantial harm to the openness of the Green Belt.
10. The proposal does not constitute limited infilling. The appeal site is surrounded by significant expanses of open countryside, and it therefore falls outside the definition of infilling.
11. Whether the site constitutes previously developed land (PDL) is disputed between the parties.
12. The appeal site lies a substantial distance from the existing dwelling on the wider site, and its current physical condition is not consistent with residential garden use. Given its separation from the dwelling, and the presence of airfield-related development directly to the north-east between part of the appeal site and the dwelling, I am not satisfied that the site forms part of the residential garden. I therefore do not consider it to be PDL on the basis of being a residential garden outside a built-up area.
13. The question of whether the appeal site forms part of a larger planning unit associated with commercial airfield uses, and whether this could justify classifying it as PDL, is also relevant. Although the site may be part of the wider airfield planning unit, including associated buildings, this does not automatically mean the site is previously developed land. Given the scale and footprint of the wider airfield use, I do not consider the appeal site to be PDL solely by virtue of falling within a larger planning unit that includes commercial activities.

14. During my site visit, I observed clear evidence of development on the site, including substantial remains of a brick-built structure likely associated with the adjacent airfield use which occupies a significant portion of the appeal site. Mounds of earth and other material were also present. Although insufficient evidence has been provided to establish the exact extent of previous structures, I am satisfied, on the basis of the evidence before me, that the site is previously occupied by a permanent structure and, together with its associated curtilage, including the appeal site, constitutes previously developed land.

Effect on Openness

15. In order to determine whether the development would not be inappropriate under paragraph 154(g), it is necessary to consider its impact on the openness of the Green Belt. This is a specific requirement of paragraph 154(g). Openness has both visual and spatial dimensions.
16. During my site visit, I observed that the site is open and clearly visible from public viewpoints, including surrounding roads and the wider countryside. This visibility is increased by the site's position at the southern edge of the existing cluster of development, on land that is generally flat and surrounded by extensive open countryside and airfield land. While some perimeter planting has recently been undertaken, it will take considerable time to establish and would not provide effective screening in the meantime. I am not persuaded that the visual impact of a dwelling on the site would be any more acceptable, or necessarily more pleasing, than the site's current condition.
17. The construction of a dwelling on the site, together with the likely introduction of associated domestic paraphernalia, would create an additional and prominent built feature in the landscape, significantly extending the spatial footprint of the cluster of development associated with the airfield to the south. Although the precise scale of the dwelling would be addressed at the TDC stage, even a modest building would likely have a substantial impact on openness when compared with the existing level of development on the site. The proposal would therefore result in both spatial and visual harm to the openness of the Green Belt.
18. Consequently, I find that the proposal constitutes inappropriate development in the Green Belt. The exception set out in paragraph 154(g) does not apply, as the development would cause substantial harm to the openness of the Green Belt in this location.

Grey Belt

19. There is disagreement between the parties as to whether the site constitutes grey belt land as defined in Annex 2 to the Framework. To constitute grey belt, the site must not contribute strongly to purposes (a), (b) or (d) of the Green Belt set out in paragraph 143 of the Framework. Purpose (a) is to check the unrestricted sprawl of large built-up areas, and purpose (b) is to prevent neighbouring towns from merging into one another. The parties do not dispute that the site does not contribute strongly to these two purposes, and I have no reason to disagree.
20. Purpose (d) is to preserve the setting and special character of historic towns. I have not been presented with evidence to support the Council's position that the site contributes strongly to this purpose, particularly given the small scale of the appeal site. Furthermore, the proposal would not set a precedent for similar

development, as each case must be considered on its own merits. I have not been directed to other development which, when considered cumulatively with the appeal proposal, would erode the setting of the historic city. I therefore conclude that the site does not contribute strongly to purpose (d).

21. In addition, to constitute grey belt, the site must not be land affected by policies relating to designated areas or assets of particular importance, as listed in footnote 7 to paragraph 11 of the Framework. I have not been made aware that the development would affect any such area or asset. Consequently, I conclude that the site constitutes grey belt land.
22. Given the scale of the development proposed, paragraph 155 of the Framework states that development on grey belt land may not be inappropriate where all three criteria are met.
23. The first criterion is that the development would not fundamentally undermine the purposes of the remaining Green Belt across the plan area. In this respect, the proposal would meet the criterion, primarily due to its limited scale. However, I have not been presented with compelling evidence of a demonstrable unmet need for the development, as required by the second criterion.
24. I acknowledge the rural context of the appeal site and the guidance in paragraph 110 of the Framework, which recognises that opportunities to maximise sustainable transport solutions vary between urban and rural areas. However, the appeal site would not be easily accessible by sustainable modes for all users. The surrounding highway network lacks roadside footpaths, meaning the development would not provide safe access for all, contrary to the expectations of paragraph 115 of the Framework.
25. Furthermore, I have not been provided with evidence demonstrating that the site benefits from convenient access to bus services or other essential facilities within a reasonable walking / cycle distance. As a result, future occupants would be heavily reliant on the private car. Consequently, the proposal fails to satisfy the third criterion, which requires development to be located in a sustainable location.
26. In conclusion, although the appeal site constitutes grey belt land, the proposal fails to meet two of the criteria set out in paragraph 155 of the Framework. It therefore represents inappropriate development in the Green Belt in this respect.

Summary

27. For these reasons, I conclude that the proposal would be inappropriate development in the Green Belt and would conflict with Policy GB1 of the Local Plan and the Framework, the purpose of which has been set out above.

Any other non-Green Belt harm

28. The appeal site is located adjacent to the Bull Beck, which forms an important part of the local surface water drainage infrastructure. The Council's second reason for refusal states that this location would prevent the provision of the required 9-metre maintenance strip along the banks of the beck, contrary to Policy ENV4 of the Local Plan, and that this would increase flood risk to properties in the surrounding area.

29. The application before me seeks permission in principle. Although the submitted drawings show a potential layout for a dwelling on the site, the precise siting of the proposed development would be determined at the subsequent TDC stage. Given the scale of the site, I am satisfied that it could be possible to position a dwelling while retaining the stipulated 9-metre strip and this matter is most appropriately addressed at a subsequent TDC stage.
30. For this reason, I do not find harm in relation to flood risk, and the proposal would not conflict with Local Plan Policy ENV4 in this regard.

Other considerations

31. The City of York Local Plan 2017–2033 (the Local Plan), adopted in 2025, identifies at Policy SS1 a need for 822 additional dwellings per annum, including an annual requirement for 199 dwellings to be delivered on windfall sites. Notwithstanding the appellant's references to the housing requirement derived from the standard method, and the assertion that the proposal would deliver an additional dwelling, I have not been provided with evidence demonstrating that the Council is failing to meet the housing delivery requirement identified in the adopted Local Plan.
32. As a self/custom-build dwelling, the proposal would contribute to the supply of such homes within the Council area, where there is a shortfall in meeting demand for this type of accommodation. The Self-Build and Custom Housebuilding Act 2015 (the Act) requires local planning authorities to establish and publicise a register of those who are seeking to acquire serviced plots of land in the authority's area for their own self-build and custom housebuilding. Section 2A, of the Act, requires a local authority to grant sufficient self-build permissions to be in keeping with local need as set out on the self-build or custom housing (SBCH) register. A single self-build unit would make a very limited contribution to addressing this shortfall and is substantially less than the proposal to provide four self-build and custom build units in the example appeal provided by the appellant¹.
33. The development would give rise to economic benefits during the construction phase, supporting jobs in the local economy, as well as through increased local spending by future occupants. Additional economic benefits would also arise through direct taxation.
34. I do not consider the site to represent an underutilised plot of land given its rural location. My considerations are limited to the principle of development on the site, and I have not taken into account the potential for a high-quality scheme to be delivered at the Technical Details Consent stage.

Green Belt Balance

35. The proposed development would constitute inappropriate development in the Green Belt, resulting in a loss of openness. The Framework requires that substantial weight is given to this harm.
36. I have not identified harm arising from the proposal in respect of flood risk, and this therefore carries neutral weight in my overall assessment. The proposal would provide an additional dwelling; however, I have not been presented with evidence demonstrating that the Council is failing to meet the housing delivery requirement

¹ Appeal Ref: APP/J3720/W/23/3336035

set out in the adopted Local Plan. Accordingly, I afford this benefit very limited weight. Evidence has been presented indicating a shortfall in the delivery of self-build and custom-build dwellings in the area. Nonetheless, a single self-build unit would make only a very limited contribution to addressing this shortfall, and I therefore attach moderate weight to this consideration. The development would also generate economic benefits during the construction phase, together with ongoing revenue through Council Tax payments. Given the limited scale of the proposal, I attach very limited weight to these benefits.

37. Taken together, the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

38. Accordingly, the appeal site would not be in a suitable location for the type and amount of development proposed when assessed against the development strategy in the Local Plan and national Green Belt policy.
39. Consequently, for the reasons set out above, the proposal would conflict with the development plan when read as a whole. Having taken account of all other relevant material considerations, none are of sufficient weight to indicate that a decision should be made other than in accordance with the development plan.
40. I therefore conclude that the appeal is dismissed.

F P Tinsley
INSPECTOR