
Appeal Decision

Site visit made on 27 January 2026

by **N Armstrong BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16th March 2026

Appeal Ref: APP/U2750/W/25/3374816

Callumdale, Lunnsfield Lane, Fairburn, Knottingley, North Yorkshire WF11 9LE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Francesca Grechi-cini against the decision of North Yorkshire Council.
 - The application Ref is 2022/1185/OUT.
 - The development proposed is outline application concerning the erection of four detached dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal scheme relates to an outline proposal, with access, layout and scale to be considered at this stage, and with appearance and landscaping reserved for future consideration. The evidence indicates that amended plans were submitted during the course of the application, but these were not considered by the Council. Both parties have confirmed the plans¹ upon which the Council made its decision.
3. In this regard, I have been provided with a proposed site layout plan, although this does not clearly indicate what scale of dwelling is proposed for each individual plot. In my assessment of scale, proposed floor plans of a 'house' and 'bungalow' have been provided, although I have limited information, other than a section drawing, to clearly show the height of the dwellings, or what is proposed on plot 1. The section drawing indicates the appearance of part of the development, and I have considered these as illustrative only given appearance is a reserved matter.
4. The appellant has requested that I base my decision on the amended plans that were submitted to the Council during the course of the application, but which were seemingly not used by them to reach their decision. These plans differ from those upon which the decision was made. The Procedural Guide: Planning appeals – England (2025) is clear that the appeal process should not be used to evolve a scheme and there are no provisions for amendments to be submitted. It is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the Local Planning Authority and by interested parties at the application stage.
5. The amended plans would result in a fundamental change to the proposed development in terms of the proposed layout. Accepting the revised plans could also deprive those who were entitled to be consulted of the opportunity to make any representations as part of an appeal. In this case, it is my view that the appeal

¹ Drawings 2917-02-01C, 2917-02-03A, 2917-02-02C, 2917-02-04, 2917-02-05B and Topographic Survey

should be determined on the basis of the plans upon which the Council based its decision, and which have been subject to consultation. I have determined the appeal accordingly.

Main Issues

6. The main issues are:

- whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies, including the effect upon the openness of the Green Belt;
- the effect of the proposal on the character and appearance of the area;
- whether the proposal would provide satisfactory living conditions for the future occupiers, with particular reference to the provision of outdoor amenity space; and
- if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and 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. The Framework states 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. Development within the Green Belt is inappropriate, although with the exception of the types of development listed in paragraph 154 of the Framework, or if the circumstances in paragraph 155 apply.
8. Policy SP2 of the Selby District Core Strategy Local Plan (2013) (the CSLP) requires development in the Green Belt to conform to CSLP Policy SP3 and national Green Belt policies. Policy SP3 references the Framework and states that permission will not be granted for inappropriate development in the Green Belt, unless very special circumstances exist.
9. The appeal site comprises a range of buildings previously used for agricultural purposes with associated hardstanding. The site benefits from a certificate of lawful development² for existing use of outbuildings used for stabling of horses for purposes ancillary to equine activity or ancillary to residential use. The red line application site boundary was amended during the course of the application to reflect the extent of the approved certificate. The parties agree that the appeal site comprises previously developed land as defined by the Framework, and I have no reason to disagree.
10. Paragraph 154 g) of the Framework states that the redevelopment of previously developed land is not inappropriate development in the Green Belt, provided it would not cause substantial harm to the openness of the Green Belt. Openness is

² Application reference: 2020/1093/CPE

an essential characteristic of Green Belt that is capable of having spatial as well as visual aspects.

11. The existing buildings on the site vary in terms of their overall size and construction. These include the larger dual-pitched with lower lean-to section steel-framed structures predominantly featuring blockwork, corrugated sheeting and timber cladding (Building A on the submitted plans) and lower height dual-pitched structures with blockwork, render, corrugated sheeting and timber cladding (Building B). Other buildings with a smaller footprint and height to the above comprise timber clad, corrugated sheeting and blockwork structures (Buildings C and E). A static caravan was also sited partly within the appeal site in the area indicated as Building D on the plans.
12. The buildings were in use for a mix of storage purposes and the stabling of horses at the time of my visit, although the submitted information does not provide any further detail of how the site is used and the level of activity associated with this. Open fields and grazing land surround the site, and a pair of semi-detached bungalows lie adjacent to the site access. Roadside planting limits views towards the site, though it remains visible to a degree. The site is within an open countryside setting, detached from the nearest village at Fairburn, and seen in some views in the context of larger agricultural type buildings located further north. The site has characteristics reflecting typical rural development within the open countryside given the former agricultural use and appearance of the buildings. Notwithstanding the existing bungalows, which are largely seen in the context of the existing buildings of the appeal site, the proposal would introduce new build housing into this open countryside location.
13. There is some inconsistency between the parties as to the proposed form of development on the site. This includes reference to two bungalows and two dwellings, as well as one single-storey bungalow and three two-storey dwellings. Whilst appearance is a reserved matter, the submitted plans do not make clear what scale of dwelling is proposed on each plot, although they show the layout of the proposed development. There is some indication of the height of the existing and proposed buildings in Section A - A shown on the existing and proposed site layouts. However, these do not provide full details of the scale of the existing and proposed development across the site, which limits the ability to fully assess its potential effects. These factors and the outline nature of the application lead to a degree of uncertainty about the scale of the proposed development and its effects on the openness of the Green Belt.
14. There would be a reduction in the overall footprint of development compared to the existing buildings. The appellant has provided some evidence on the volumes of existing and proposed buildings with the appeal to suggest there would also be a reduction across the site in this respect. However, given the uncertainty described above, as well as which plans the volumes relate to, I cannot satisfactorily conclude how these figures relate to the existing and proposed buildings on the site. Regardless, the proposed dwellings and their curtilages would still occupy similar parts of the site to the existing buildings and hardstanding.
15. While there may be some activity associated with the current use of the site, in the absence of detailed information to suggest otherwise, the development could result in an increase in the degree of activity on the site with the comings and goings and ongoing domestic use associated with four new separate dwellings and

households. There would also be scope for adverse effects on openness from the use of the respective garden areas, greater pressure for associated domestic paraphernalia, as well as effects arising from the access road and hardstanding areas that could be used for the parking and manoeuvring of vehicles to a greater extent than existing. Therefore, when considering these aspects in terms of spatial openness, any reduction in individual footprints and volume would not necessarily be a decisive factor.

16. Due to the rural characteristics of the site and the surrounding area, the introduction of housing as proposed would result in a more urbanised and domestic character. This would include the new dwellings and use of their domestic curtilages, which would be materially different from the site's existing rural context and harm the openness of the Green Belt, both visually and spatially.
17. The submitted section drawing shows that a bungalow and two-storey dwellings would be taller than the existing buildings. Noting the uncertainty regarding the submitted plans, the proposal could result in a more visually prominent development on the site in comparison to existing buildings, depending on the scale and massing of the dwellings on individual plots in comparison to existing buildings. This would be more apparent where taller buildings are proposed in relation to lower existing buildings or sections of buildings. An increase in scale in this respect could therefore be more visually intrusive, particularly when seen in more open views towards the site, which would adversely affect visual openness.
18. Any increased overall activity at the site, alongside the increased domestic use, use of gardens, associated paraphernalia and vehicles associated with housing in this rural setting, would potentially erode spatial openness. Whilst a condition could remove permitted development rights for other buildings, this would not adequately mitigate harm due to the proposed domestic use and activity of these areas. Four new dwellings would also significantly add to the siting of refuse bins close to the site access with the main highway. The dwellings and their curtilages would also be visible from the highway to varying degrees and the adjacent residential properties, which would increase the adverse visual and spatial effects on openness.
19. Having regard to all of the above factors, cumulatively, the development would increase the potential for significant adverse effects and harm to the visual and spatial openness of the Green Belt, particularly given the site's rural setting. The appellant goes some way to indicating the effect of the development on the openness of the Green Belt. However, based on the type of application, the submitted plans, and limited information on scale and the existing activity at the site, it is difficult to fully assess the overall effects of the proposal. I am therefore not satisfied that the proposal would avoid causing substantial harm to the openness of the Green Belt. Consequently, from the evidence before me, the proposal would not meet the exception to inappropriate development in the Green Belt at paragraph 154 g) of the Framework.
20. Paragraph 155 of the Framework sets out that development in the Green Belt should not be regarded as inappropriate where it utilises grey belt land and subject to satisfying specific criteria. For the purposes of decision-making, the Framework 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 purposes a), b), or d) in paragraph 143 of the Framework. The Council acknowledges that the site does not strongly contribute to these purposes, and

from the information before me, my observations on site and having regard to the Planning Practice Guidance (PPG): Green Belt, I have no reason to disagree.

21. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development. There is no indication that such areas or assets apply to the appeal scheme.
22. On this basis, the proposed development would use grey belt land. To not be regarded as inappropriate development, paragraph 155 of the Framework also requires that development on grey belt land would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. Having regard to the containment of the proposal within the extent of existing development within the application site boundary, the proposal would not fundamentally undermine these purposes.
23. The Council does not currently have a five year supply of deliverable housing sites. Consequently, there is a demonstrable unmet need for housing, and the proposal would comply with criterion b) of paragraph 155 of the Framework.
24. With regard to Framework paragraph 155 c), development must be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework. The PPG also states that whether locations are sustainable should be determined in light of local context and site or development-specific considerations. Paragraph 110 acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, which should be taken into account. Paragraph 115 of the Framework seeks to ensure that sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location. It also aims to ensure that safe and suitable access to the site can be achieved for all users.
25. The village of Fairburn is approximately 500 metres from the appeal site. I observed that there were a limited range of local amenities, including a primary school, community centre and two pubs, located further away within the settlement along with bus stops. To walk to and from Fairburn would require using the main highway adjacent to the site. This is single carriageway without street lighting or public footpaths. There is a straight section of road in the area of the site frontage with a crest in the road further east, bends in the road to the west, and is subject to the national speed limit, reducing to 30mph at Fairburn.
26. Consequently, given potential conflicts with vehicles, walking along the road would not be an attractive option for all users and future occupants of the development, particularly outside of daylight hours. This would result in greater reliance on the private car rather than limiting the need to travel and offering a genuine choice of transport modes. For these reasons, the appeal site would not be in a sustainable location for the development of four new dwellings with particular reference to paragraphs 110 and 115 of the Framework. Accordingly, the development would not meet the requirements of paragraph 155 c) of the Framework.
27. As the proposal is not major development, the 'Golden Rules' requirements set out in paragraphs 156–157 of the Framework are not applicable to the appeal scheme.
28. For the reasons set out above, the proposal would fail to meet the requirements of the exception set out in paragraph 154 g) of the Framework. In addition, it would

not satisfy criterion c) of paragraph 155. Consequently, it would be considered inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. I consider this further below.

Character and appearance

29. As established above, the site features existing buildings with a mix of size, design and materials that reflect the current and former uses and their wider rural setting. The layout of the development takes into account the position of the existing buildings, which appears to be a reasonable approach in this instance, rather than reflect a historic farmstead layout that does not exist at the site. A suitable design reflecting local character could potentially be achieved in terms of appearance at reserved matters stage.
30. However, the proposal would introduce new build housing on the site that would not be well related to any settlement or development. The existing dwellings appear as ancillary development in terms of scale alongside the group of buildings on the appeal site. The proposal would alter this character, effectively urbanising the area, resulting in a small housing estate on the site. The proposal would appear as a sporadic and discordant form of housing development within the prevailing open countryside setting. This would fundamentally alter the established rural character and appearance of the site and the immediate area. Whilst existing landscaping to the roadside would reduce some of the adverse visual impact, this would not adequately mitigate the harm from the proposal in this location. The removal of the existing buildings from the site would also not mitigate the harm.
31. The proposal would result in unacceptable harm to the character and appearance of the area. It would therefore conflict with Policy SP19 of the CSLP and Policy ENV1 of the Selby District Local Plan (2005) (the SDLP). Amongst other things, these policies aim for development to achieve high quality design and have regard to the local character, identity and context of its surroundings.

Living conditions

32. As referred to above, the proposed site layout and appellant's evidence indicate that parts of the gardens of the four dwellings would extend beyond the red line boundary of the application site. The PPG: Making an application³ is clear that the application site should be edged clearly with a red line on the location plan. This should include all land necessary to carry out the proposed development, for example landscaping and open areas around buildings. In this context, I have assessed the scheme on the basis of the extent of external space around the dwellings contained within the red line application site boundary.
33. The site boundary would be very close to the proposed dwellings on plots 1 and 4, which would considerably limit the extent of useable outdoor space in those areas. There would be larger areas of external space in comparison to the opposite sides of those plots, although this would be particularly limited to plot 1. Plots 2 and 3 would benefit from slightly larger rear garden areas in comparison in terms of

³ Paragraph: 024 Reference ID: 14-024-20140306

depth, although the extent of these would still be somewhat restricted. The extent of the garden areas would not be commensurate with the likely size of the dwellings with limited space in which to sit out. The available outdoor space would also appear constrained in comparison to the garden areas of the existing dwellings adjacent to the site. Overall, the proposed layout, particularly in the case of plots 1 and 4, would not provide a satisfactory environment or high standard of amenity for future occupants.

34. For these reasons, I conclude that the proposed development would not provide satisfactory living conditions for the future occupiers, with particular reference to the provision of outdoor amenity space. The development would therefore conflict with Policy ENV1 of the SDLP, which aims for development to achieve a good quality of development taking account of the standard of layout and design in relation to the site.

Other considerations

35. I have had regard to the appellant's reference to another planning application at Saxton Riding School⁴. I note some similarities in terms of the demolition of buildings, the redevelopment of previously developed land and Green Belt assessment. I have limited detail of that development and its site context before me. However, the officer report refers to a net reduction in built form but also refers to a high standard of design and the extent of vehicle movements associated with the riding school use. I also note its proximity to other surrounding development in the village, which is materially different from the scheme before me. As such I give limited weight to any comparisons between this and the appeal site in this instance. I have considered the appeal before me having regard to its location and site-specific circumstances and on its individual planning merits.
36. Whilst the appellant has not advanced any other specific considerations, I have had regard to potential benefits that may arise from the proposal. These include the removal of existing buildings that are of no particular architectural merit, the redevelopment of previously developed land, the lack of a five year supply of deliverable housing and associated economic benefits arising during the construction period and on occupation. The proposal would result in limited economic, social and environmental benefits in this case associated with the provision of the additional dwellings.
37. Where the development has been found to be acceptable in other respects, including impact on the highway network, flood risk and drainage, ecology and contamination, these are neutral matters and do not weigh in favour of the proposal. Furthermore, a lack of objection from other parties does not equate to a lack of harm.

Other Matters

38. The appellant's concerns regarding the Council's handling of the application and their discussions are outside the scope of my decision.

Conclusion

39. The proposal would be inappropriate development in the Green Belt, a matter to which the Framework requires me to attach substantial weight. The development

⁴ Planning application ref: 2021/0584/FUL

would also result in harm to the character and appearance of the area and to the living conditions of its future occupiers. This harm renders the development contrary to the development plan. Consequently, these other additional harms carry significant weight.

40. When taken together, the potential benefits of the development referred to in the other considerations section attract limited weight in favour of the proposal. The harm to the Green Belt would not be clearly outweighed by the other considerations and, therefore, the very special circumstances required to justify a grant of planning permission do not exist. The proposal would therefore be contrary to Policies SP2 and SP3 of the CSLP and the Framework.
41. The Council is unable to demonstrate a five year supply of deliverable housing sites. Consequently, paragraph 11 d) of the Framework is engaged. However, paragraph 11 d) i) states that there are circumstances where the application of policies in the Framework to protect areas or assets of particular importance provide a clear reason for refusing the proposal. Footnote 7 identifies the Green Belt as such an area and therefore the presumption in favour of sustainable development does not apply in this case.
42. The proposal would conflict with the development plan taken as a whole and there are no material considerations, including the Framework, to suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

N Armstrong

INSPECTOR