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## Appeal Decision

Site visit made on 19 January 2026

by **N Duff BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 April 2026

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**Appeal Ref: APP/U2750/W/25/3374603**

**Wentdale, South End Lane, Balne, North Yorkshire DN14 0EQ**

- 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 Beal against the decision of North Yorkshire Council.
  - The application Ref is ZG2025/0588/COU.
  - The development proposed is Siting of a mobile home annexe on land adjacent to Wentdale.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The development is retrospective and the mobile home is in a slightly different position to what is shown on the plans. I have determined the appeal based on the submitted plans on which the Council determined the application.
3. The Council is preparing a new local plan. However, it is in its early stages and has not completed its examination in public, and is subject to change. I have not been provided with any emerging policies in respect of this appeal, therefore have determined the appeal based on adopted and saved policies.

### Main Issues

4. The main issues of the appeal are:
  - Whether or not the development is inappropriate development in the Green Belt;
  - The effect of the development on the openness of the Green Belt;
  - The effect of the development on the public right of way;
  - Whether any 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 the development is inappropriate development in the Green Belt*

5. The appeal site is a large mobile home annexe which is located within wider grounds which include a dwelling with private garden, barn, kennels and paddocks. A public footpath runs through the site, along the boundary with an adjacent field and into countryside beyond. The appeal site stands alone in a

countryside location. Access to the site is from a country lane and is through a solid gated entrance.

6. The mobile home is located within the Green Belt where there is a presumption against inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 of the National Planning Policy Framework (the Framework) sets out exceptions whereby development would not be inappropriate. Policy SP3 of the Selby District Core Strategy (SDCS) refers to the Framework and states that within the Green Belt, planning permission will not be granted for inappropriate development unless the applicant has demonstrated that very special circumstances exist to justify why permission should be granted.
7. The proposal seeks to retain the existing mobile home as an annexe to the host property. The appellant and Council agree that the mobile home is not located within the residential curtilage of the property. Based on the information before me and my observations on the appeal site, I have no reason to disagree. Furthermore, the host dwelling is not contained within the red line site plan.
8. I consider that the development is a change of use of the land due to the position of the mobile home outside of the residential curtilage. Paragraph h) v. of paragraph 154 of the Framework says that development in the Green Belt is inappropriate unless one of the following exemptions applies h) other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are: v. material changes of use of the land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).
9. However, the scheme is an annexe adjacent to the host dwelling and therefore, to my mind, its use is as living accommodation, and residential uses do not fall within this exception. Accordingly, I do not consider that the scheme falls within the exception 154 h) v. and given the position of the mobile home annexe outside of the residential curtilage, together with its residential use, I consider that the scheme does not fall within any of the exceptions under paragraph 154 of the Framework.

*Paragraph 155 of the Framework*

10. The appellant has stated in evidence that the site should be considered to be grey belt land. Paragraph 155 of the Framework states that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate development where all of the criteria listed apply. In this case, based on the information before me and my observations on site, I am satisfied that in accordance with glossary definition of grey belt within the Framework, that due to the remote location of the proposed development that it does not contribute strongly to purposes (a), (b) or (d) of including land within the Green Belt as set out in paragraph 143. Furthermore, for the above reasons and due to the physical containment of the mobile home annexe through robust site boundaries, I am satisfied that it does not cause encroachment and due to the size of the development, it does not undermine the remaining purposes across the area of the plan. The proposal therefore meets criterion a) of paragraph 155.
11. Having regard to criterion b) which requires there to be a demonstrable unmet need for the type of development proposed, based on the evidence before me, the

Council cannot demonstrate a five-year housing land supply and do not dispute this in the evidence. The appellant's evidence states that the Council can demonstrate a housing land supply of around 2.6 years. However, the scheme before me is a mobile home annexe to a dwellinghouse, and the appellant has confirmed that the application is not for a standalone dwelling, therefore the development does not contribute towards the Council's housing land supply and does not contribute towards a demonstrable unmet need for the type of development proposed.

12. Therefore, the proposal fails to meet criterion b) of paragraph 155 of the Framework and is inappropriate development in the Green Belt.
13. Given my above conclusion on paragraph 155, it serves no purpose to go on to consider criteria c) or d).

*The effect of the development on openness*

14. The appeal site forms a small portion of a much larger area which is open in character with paddocks and farmland beyond. Some buildings are located near to the site. However, the evidence indicates that the area where the mobile home is situated was hardstanding prior to the installation of the mobile home.
15. The rear of the mobile home is reasonably well screened by a hedge forming the field boundary from outside of the site. However, the mobile home is located on a public right of way, therefore, is visible from public vantage points, and particularly from views from the west.
16. Although the mobile home annexe is single storey it is of a material size and bulk, therefore its positioning on the appeal site results in a loss of both spatial and visual openness.
17. Consequently, in accordance with Paragraph 153 of the Framework, I give this harm substantial weight. The proposal is also contrary to Policies SP2 and SP3 of the SDGS which between them require development to conform to national Green Belt policies and state that planning permission will not be granted for inappropriate development.

*Public right of way*

18. The mobile home is positioned on the line of the public right of way (PROW) which runs through the appeal site along the boundary with the field to the south and through the remainder of the site as shown within the blue line. The appeal site is gated with a solid gate.
19. The appellant's statement of case says that the access is not restricted in any way by the development. However, based on the evidence before me and my observations on site, once in the site, whilst it is possible to go around the mobile home to the front of it, this involves deviating from the defined route as shown on the map provided by the Council. Therefore, the mobile home effectively blocks the PROW forcing users off the route of the PROW and into the land as shown within the blue line. Thereby removing the benefits this part of the PROW brings, including providing access to the countryside.
20. The appellant's statement of case sets out that there is no evidence of the route being active, nor any objections from the public relating to the proposal. In

addition, that the position of the mobile home was a practical alternative with ease of connections for drainage and power. Nevertheless, policy T8 of the SDCS states that development which would have a significant adverse effect on any route will not be permitted unless certain criteria can be achieved. These are: 1) satisfactory and attractive alternative routes have been provided; 2) adequate sign posting is provided; 3) a new route has not been put forward, therefore I cannot be certain that the new route can make provision for walkers, horse riders, cyclists and people with sight or mobility problems and 4) in the case of new reasonable development, such development must replace extinguished rights of way with attractive highway infrastructure which is equally capable of accommodating appropriate users of the original right of way. Based on the evidence before me, there is insufficient substantive evidence to demonstrate that any of the above criteria have been met.

21. In conclusion, for the reasons mentioned above, the proposal has a harmful effect on the PROW by blocking its route through the appeal site. Therefore, the proposal is contrary to Policy T8 of the Selby District Local Plan (SDLP) which seeks to protect public rights of way from significant adverse effects.
22. The proposal would also fail to accord with the Framework which at paragraph 103 says that decisions should protect and enhance public rights of way and access.

*Other considerations and Very Special Circumstances*

23. The Council cannot currently demonstrate a five year housing land supply, the appellant has stated that it is around 2.6 years and the Council does not dispute this figure. Therefore paragraph 11 d) of the Framework is relevant, along with Policy SP1 of the SCDS. However, footnote 7 sets out that planning permission should not be granted where the policies referred to are those in the Framework including land designated as Green Belt provide a strong reason for refusing the development which is applicable here.
24. In this case, no net increase in dwellings result from the proposal which is for an annexe to the dwelling Wentdale. The proposal does not contribute to the Council's housing land supply, therefore this is a neutral matter in the overall planning balance.
25. A letter of support has been received for the proposal due to the provision of an annexe, which sets out that such accommodation supports multigenerational living and offers a sustainable response to housing and care pressures, and to help with the upkeep and care of the land.
26. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. The development provides an annexe for the appellant, as the existing house has been adapted to accommodate the appellant's mother who has severe osteoporosis, therefore affects a person with a protected characteristic. The negative effect of dismissing the appeal is that living accommodation for the family of the person with a protected characteristic may not be provided, which would assist with care needs, and is a practical solution for the family.

27. Having regard to my duty, I have concluded that to dismiss the appeal would have the potential to have an adverse impact on a person with a protected characteristic. However, I have limited details relating to the existing living arrangements, and whether other options have been explored within the site. Therefore, I can only attach moderate weight to the appellant's need for the annexe in this case.
28. I am satisfied that the proposal does not have a detrimental effect on the character and appearance of the area therefore accords with Policies SP18, SP19 of the SCDS and ENV1 of the SDLP only insofar as they relate to character and appearance. The proposal would be acceptable with regard to Policies SP15 and SP19 of the SCDS and T1 and T2 of the SDLP only insofar as they relate to highway safety. The proposal is acceptable with regard to living conditions of neighbouring properties. These matters would be neutral factors in the overall planning balance.
29. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight is given to the harm to the Green Belt by reason of inappropriateness due to the impact on the openness of the Green Belt. 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.
30. Having considered all matters raised in support of the proposal, including the PSED considerations, set out above, these considerations, in combination, amount to moderate weight, and therefore do not outweigh the substantial weight given to the harm to the Green Belt and other harm identified to the public right of way that runs through the site. Therefore, in my view, the very special circumstances required to justify the development do not exist.

### **Conclusion**

31. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

*N Duff*

INSPECTOR