



Policy D1            Placemaking  
Policy D2            Landscape and Setting

## 2.4 City of York Draft Local Plan (2005)

CYGB1            Development within the Green Belt

### **3.0 CONSULTATIONS**

#### INTERNAL

##### Flood Risk Management Team

3.1 Members will be updated at committee

#### EXTERNAL

##### Neighbours Notification and Publicity

Sixteen responses of support raising the following points:

- This planning application is on behalf of the York Astronomical Society who are now a registered charity in England and Wales.
- The objects of the society are "to advance public education and interest in the science of astronomy and it's related sciences, in the Yorkshire region
- The site needs relatively dark skies
- Toilet facilities are provided on site
- The reuse of a container is sustainable and the site is already developed
- The site is in close proximity to York
- The society open up the site for educational purposes including schools and scout groups
- The container could be easily removed if site circumstances changed
- The site is accessible for wheelchair users
- Noise levels from the use of the site would be low

### **4.0 APPRAISAL**

#### 4.1 Key Issues

- Acceptability within the Green Belt
- Visual impact
- Highway implications
- Noise and disturbance

- Drainage

4.2 Section 38(6) of the Planning and Compensation Act 2004 requires determinations be made in accordance with the development plan unless material considerations indicate otherwise. There is no statutory development plan for York other than the retained policies in the Yorkshire and Humber Regional Spatial Strategy ("RSS"), saved under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. These policies, YH9(C) and Y1(C1 and C2), relate to York's Green Belt and the key diagram, Figure 6.2, insofar as it illustrates the general extent of the Green Belt around York with an outer boundary about 6 miles from the City Centre. The application site falls within the general extent of the Green Belt as shown on the Key Diagram of the RSS.

### National Planning Policy Framework

4.3 The National Planning Policy Framework (NPPF) was published in July 2018. It sets out government's planning policies and is material to the determination of planning applications. The NPPF is the most up-to-date representation of key relevant policy issues (other than the saved RSS Policies relating to the general extent of the York Green Belt) and it is against this policy Framework that the proposal should principally be addressed.

4.4 Paragraph 38 advises that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

### Publication Draft Local Plan 2018

4.5 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF as revised in July 2018, the relevant 2018 Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications.

Policies D1 'Placemaking', SS2 'The Role of York's Green Belt', GB1 'Development in the Green Belt' and D2 'Landscape and Setting' are all relevant to consideration of this application.

#### Policy GB1: Development in the Green Belt

4.6 The relevant policy is Policy GB1: Development in the Green Belt which states that within the Green Belt, planning permission for development will only be granted where:

- i. the scale, location and design of development would not detract from the openness of the Green Belt;
- ii. it would not conflict with the purposes of including land within the Green Belt; and
- iii. it would not prejudice or harm those elements which contribute to the special character and setting of York

AND it is for one of the acceptable purposes which include buildings for agriculture and forestry, appropriate facilities for outdoor sport and outdoor recreation, extension or alteration to existing buildings, replacement buildings, limited infilling in villages and limited affordable housing. All other forms of development within the Green Belt are considered inappropriate. Very special circumstances will be required to justify instances where this presumption against development should not apply.

4.7 Policy D1 'Placemaking' of the Publication Draft Local Plan 2018 states that development proposals should enhance and complement the character and appearance of landscape and D2 'Landscape and Setting' which states that proposals should conserve and enhance landscape quality and character, the public's experience of it and make a positive contribution to York's special qualities.

#### Draft Local Plan Incorporating the Fourth Set of Changes Development Control Local Plan (Approved April 2005) (DCLP)

4.8 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF as revised in July 2018, although the weight that can be afforded to them is very limited

4.9 Policy GB1 'Development in the Green Belt' and policy SP2 'The York Green Belt' are relevant although the weight that can be afforded to them is very limited.

#### OPENNESS AND PURPOSE OF THE GREENBELT

4.10 The application site is located within the general extent of York green belt. Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the green belt and should not be approved except in very special circumstances. Paragraph 144 goes on to state that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to 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.

4.11 The construction of new buildings within the Green belt is inappropriate and should be resisted. Paragraph 145 state that exceptions to this general presumption includes the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the green belt and do not conflict with the purpose of including land within it, extension or alteration to existing buildings, replacement buildings, limited infilling in villages and limited affordable housing.

4.12 The site is located within the general extent of the York Green Belt as described in the RSS. In the emerging Local Plan and DCLP (2005) it is also proposed to be designated as Green Belt.

4.13 The scheme seeks permission for the erection of a new building within the green belt to be used as an observatory. The building comprises of a 19.8m long steel container with an average height of 2.5m. A raised section measuring 3.5m is proposed which allows for a sliding roof to operate to allow for viewing. The container would be located within the grounds of Beetle Bank Farm and would be at a distance of approximately 20m from the existing amenity building.

4.14 The applicant argues that the proposal complies with Green Belt policy in that it should be considered as an appropriate facility for outdoor sport and recreation. It is appreciated that the use of telescope equipment benefits from dark skies but this is not dependant on a Green Belt location. Edge of City or village sites would still provide reduced light pollution but would not conflict with the purposes of the Green Belt. Sports facilities located with the green belt are often sited within these locations due to the level of space which is requires i.e. football facilities. The use as an observatory does not require this level of open space to function; clearly only the building is required to house the equipment and visiting members. As such it is considered that the proposal conflict with green belt policies and is considered to be inappropriate development within the green belt for which very special circumstances do not exist.

4.15 Were it considered to be an acceptable use within the green belt the NPPF is clear when it states that 'A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are: the provision of appropriate facilities for outdoor sport, outdoor recreation...; as long as the facilities preserve the openness of the Green Belt and do no conflict with the purpose of

including land within it.' The use of the site is purely dependant on the siting of a large structure. The container is 19.4m in length and up to 3.5m at its highest point and could not be considered to be small scale. The applicant argues that it would be seen in context with the existing buildings on site and screened from public views by fencing and landscaping. However, the container is proposed to be located approximately 20m from the existing amenity building, to the rear of the open car parking area and inset from the boundary by 24m. A low timber fence lies to the rear of the proposed location.

4.16 The container would be visually prominent within this location and intrusive when seen in context with the existing open land to the side and rear. It can not be considered that the container preserves the openness of the Green Belt and as such conflicts with the NPPF.

## VISUAL IMPACT

4.17 Irrespective of the sites location within the green belt concerns are expressed in relation to the visual impact of the proposed structure on the character of the area, in particular the visual amenity and landscape character of the location. The proposed structure takes the form of a steel container painted green. The existing site is characterised by the new timber and render amenity building and timber barns utilised by Beetle Bank Farm. The steel container would appear out of character within this setting. Its location centrally within the site, at a distance to existing buildings, would create a visually intrusive development which would have a detrimental impact upon the character of the area and the landscape value of the site.

## HIGHWAYS

4.18 The use by the Astronomical Society would generate approximately 6 vehicular movements once a week, although this would increase on occasion when educational groups are invited to site. As the site would only be used after dark the existing car parking space used by Beetle Bank Farm would be available for parking and as such parking would be acceptable

## NOISE DISTURBANCE

4.19 The use of the site would be limited during the evening and vehicle movement would be limited. The use would generally take place within the fabric of the building and as such there would be limited disturbance to nearby residential properties.

## 5.0 CONCLUSION

5.1 The proposed erection of the building within the general extent of the York green belt amounts to inappropriate development. As such the application fails to accord

with the NPPF 2018 paragraphs 143 to 145, policy GB1 of the Publication Draft Local Plan 2018 and policy GB1 of the City of York Draft Local Plan 2005.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION: Refuse**

1 It is considered that the proposed building does not fall within one of the acceptable uses within the green belt location as outlined within the NPPF 2018 and thus constitutes an inappropriate form of development that would, by definition, be harmful to the Green Belt. No very special circumstances have been put forward that would clearly outweigh the harm and as such it is considered that the proposal is contrary to national planning advice contained within paragraphs 143 to 145 of the National Planning Policy Framework (June 2018) and Policy GB1 of the Publication Draft Local Plan (2018) and Policy GB1 of City Of York Draft Local Plan (2005).

2 It is considered that the proposed building would have a detrimental impact upon the character and visual amenity of the site and the landscape amenity value of the area. The proposal is considered to be contrary to policy D1 of the Publication Draft Local Plan 2018 which states that development proposals should enhance and complement the character and appearance of landscape and D2 which states that proposals should conserve and enhance landscape quality and character, the public's experience of it and make a positive contribution to York's special qualities.

The proposal would also be contrary to the National Planning Policy Framework (Para 127) which states that decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscape and are sympathetic to local character and history, including the surrounding built environment and landscape setting.

### **7.0 INFORMATIVES:**

#### **STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH**

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. However, as the application clearly conflicted with Green Belt policy no negotiations could take place to make the scheme acceptable.

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