

## COMMITTEE REPORT

**Date:** 19 January 2017      **Ward:** Huntington/New Earswick  
**Team:** Major and Commercial Team      **Parish:** Huntington Parish Council

**Reference:** 16/02587/FUL  
**Application at:** French House (Antiques) Ltd North Warehouse North Lane Huntington York  
**For:** Single storey extension to showroom and antiques restoration building to form furniture storage area  
**By:** Trinity Services Ltd  
**Application Type:** Full Application  
**Target Date:** 20 January 2017  
**Recommendation:** Refuse

### 1.0 PROPOSAL

1.1 The proposal is for a single storey extension to the existing furniture showroom and workshop. The extension consists of an additional bay matching the existing double bay building.

1.2 The site is within the general extent of the Green Belt. It currently contains an industrial style single storey building consisting of two single storey adjoining pitched roof units. The units are constructed from blockwork with steel sheeting cladding. There are areas of hardstanding around the buildings and a number of smaller outbuildings to the rear. The site backs on to open pastures and is well-screened from the highway by a conifer hedge.

1.3 The application is brought to Main Planning Committee as the proposal constitutes inappropriate development within the general extent of the Green Belt.

### 2.0 POLICY CONTEXT

2.1 See Section 4

### 3.0 CONSULTATIONS

INTERNAL

Highway Network Management

3.1 No comments received.

## EXTERNAL

### Foss Internal Drainage Board

3.2 No objection to the principle of the development - conditions recommended.

### Huntington Parish Council

3.3 No objections.

## **4.0 APPRAISAL**

### 4.1 KEY ISSUES

- Policy context
- Principle of the development - Assessment of harm to Green Belt
- Other considerations - Business need; Access

## POLICY CONTEXT

### Development Plan

4.2 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt. These are policies YH9(C) and Y1 (C1 and C2) which relate to York's Green Belt and the key diagram insofar as it illustrates general extent of the Green Belt. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

### Local Plan

4.3 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.

## Emerging Local Plan

4.4 The planned consultation on the Publication Draft of the City of York Local Plan, which was approved by the Cabinet of the Council on the 25 September 2014, was halted pending further analysis of housing projections. An eight week consultation on a further Preferred Sites document has concluded. Recently, however, announced closures of Ministry of Defence Sites in the York administrative area have given rise to further potential housing sites that require assessment and consideration as alternatives. The emerging Local Plan policies can only be afforded weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF. However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application.

## The National Planning Policy Framework NPPF

4.5 The NPPF was published in March 2012. 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.

4.6 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development, unless specific policies in the NPPF indicate development should be restricted. Your officer's view is that this presumption does not apply to this proposal as the site lies within the general extent of the Green Belt as identified in the RSS and therefore justifies the application of the more restrictive policies in Section 9 to the NPPF.

## GREEN BELT

4.7 As noted above, saved Policies YH9C and Y1C of the Yorkshire and Humberside Regional Strategy define the general extent of the York Green Belt and as such Government Planning Policies in respect of the Green Belt apply. Central Government Planning Policy as outlined in paragraphs 79 to 90 of the National Planning Policy Framework identifies Green Belts as being characterised by their openness and permanence. Substantial weight should be given to any harm to the Green Belt.

4.8 The NPPF states that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open and that, the essential characteristics of the Green Belt are its openness and permanence.

The Green Belt serves 5 purposes:

- to check the unrestricted sprawl of large built-up areas
- to prevent neighbouring towns merging into one another

- to assist in safeguarding the countryside from encroachment
- to preserve the setting and special character of historic towns
- and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.9 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 89 does allow certain types of new buildings including the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. This application is considered to represent a disproportionate addition to the original building and therefore should only be approved where the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations amounting to very special circumstances.

#### PRINCIPLE OF THE DEVELOPMENT ASSESSMENT OF HARM TO GREEN BELT

4.10 The NPPF states that inappropriate development is by definition harmful to the Green Belt. There is also some limited harm to openness as a result of the scale and siting of the proposed building. The existing building on site has a footprint of approximately 560sqm. Approximately 93sqm of this footprint is an extension of the original building which had a footprint of approximately 465sqm. The extension currently proposed is approximately 270sqm and, when combined with the existing extension, represents an extension of approximately 80% of the footprint of the original building. Similarly, the volume of the proposed and existing extensions is approximately 80% of the volume of the original building. This scale of development is considered disproportionate to the original dwelling and will be harmful to openness as a result of its scale and massing.

4.11 The impact on openness from the combined extensions is however somewhat mitigated by the landscaping to the front of the site which effectively screens any views of the development from the highway. However, the site is visible from the A64 which runs to the East of the site and the new development will be visible from there. Also, while part of the site intended for the extension is hardstanding, the majority is grass and the proposal will therefore reduce the undeveloped nature of this part of the site. As the position of the proposal to the far side of the existing buildings will partly screen it from the A64, and combined with the matching materials and height of the extension, the impact of the extension on openness and harm is considered to be limited.

#### OTHER CONSIDERATIONS

#### BUSINESS NEED

4.12 As stated above, the NPPF clarifies that the form of development proposed constitutes inappropriate development within the Green Belt and should therefore only be approved in very special circumstances. The applicant has therefore provided the following statement detailing these very special circumstances:

*'We have been trading in York as a family business for over 20 years, originally in Micklegate. We have grown from strength to strength and are now the UK's leading dealer in French antiques. We purchased the property in Huntington over 15 years ago. The site at that time was occupied by a derelict, rat infested structure in a muddy surround. We have created a pleasant environment over the years and now on site we have 3 full time crafts people, 4 sales staff and 3 part time restorers.*

*In addition to the direct employment we have created, we also use the services of a host of other York tradespeople and businesses. For example, we order bespoke mattresses from the York Bedding Company, glass is supplied by the York Glass Supplies and our furniture is delivered across England by a local Delivery Company. We are proud to be a York business and we wish to continue being so.*

*Our present accommodation is at capacity. We desperately need additional storage space. Logistically the storage space is best co-located with the rest of our business. If allowed to expand it is our hope to create directly an additional 3 - 4 jobs in York. Our only option if our application is refused would be to transfer our business to Easingwold where we have an opportunity to take another building.*

*We are aware of several other applications which have been granted consent in the green belt in York for the expansion of existing businesses including Dean's Garden Centre and the House of James whereby the needs of a local business were considered to represent very special circumstances such as required by planning policy.*

*The modest proposal in our application would be well screened and virtually unnoticed from any view and the impact on the openness of the Green Belt would be minimal.'*

4.13 Officers have considered the very special circumstances put forward by the Applicant and do not consider that they are special enough to outweigh the harm to the Green Belt from inappropriateness and harm to openness. It is noted that the business is established on the site and provides employment however it is not a typical rural business and would usually be found in an urban location. No reasons have been put forward to evidence a need for the business to be located in this rural location and it would appear that the business does in fact supply goods nationwide.

4.14 The Applicant has also made reference to two other sites in the Green Belt where extensions have been approved. For reference, the extensions at Deans Garden Centre were considered to be inappropriate development with limited impact on openness. The proposal was to replace existing structures albeit with larger buildings and most of the land to be redeveloped was already hard-surfaced. The applicant put forward very special circumstances related to the need for the site to remain in its rural location, the visual improvements to the site and future viability and job creation. It was considered that the operational need, future viability and socio-economic benefits in combination with the Government policy for expansion of rural business clearly outweighed the harm to the Green Belt through inappropriateness and the harm to openness even when this was given significant weight.

4.15 The House of James application was for retention of a lorry bay extension. In this instance the very special circumstances provided were that the site provided an intermediate distribution centre for motor vehicle parts from a specialist supplier in Pickering to the manufacturer in the West Midlands. The vehicle parts were highly specialised and the research and development done in Pickering had resulted in major investment in the car industry in the West Midlands.

## ACCESS

4.16 Access to the site would remain unchanged as a result of the proposal. There is no proposal to change parking provision.

## 5.0 CONCLUSION

5.1 The site lies within the general extent of the Green Belt as identified in the RSS to which S38 of the 1990 Act applies. Having regard to the purpose of the RSS policies it is considered appropriate and justified that the proposal is therefore assessed against the more restrictive policies in the NPPF relating to protecting the Green Belt.

5.2 The NPPF indicates that very special circumstances cannot exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In this case, harm has been identified by way of inappropriateness and impact on openness as a result of the scale of the extensions proposed. The applicant has put forward very special circumstances which include a desire to continue operating the business from York, a need for additional space to expand the business, job creation and improvements to the site. Officers do not consider that these very special circumstances provide sufficient justification for a specific need to site the extension on this site within the Green Belt.

5.3 Therefore in the circumstances of this case the need for the extension to expand the business and create jobs is not considered to outweigh the harm to the Green Belt by way of inappropriateness and any other harm. While there are no other material planning considerations that would warrant refusal of the application, the harm to the Green Belt is considered significant and therefore the development is recommended for refusal.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION: Refuse**

1 It is considered that the proposed extension constitutes inappropriate development in the Green Belt as set out in Section 9 of the National Planning Policy Framework. As such, the proposal results in harm to the Green Belt, by definition, and harms the openness of the Green Belt and conflicts with the purposes of including land within it. No 'very special circumstances' have been demonstrated by the applicant that would clearly outweigh this harm. The proposal is, therefore, considered contrary to advice within the National Planning Policy Framework, in particular section 9 'Protecting Green Belt land'.

### **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. The Local Planning Authority took the following steps in an attempt to achieve a positive outcome:

Required the Applicant to provide very special circumstances to justify setting aside Green Belt policy.

Notwithstanding the above, it was not possible to achieve a positive outcome, resulting in planning permission being refused for the reasons stated.

#### **Contact details:**

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