



Appeal Decision

Hearing held on 10 February 2009

Site visit made on 10 February 2009

by **Christopher Millns BSc (Hons) MSc**
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an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
27 February 2009

Appeal Ref: APP/C2741/A/08/2080633

Park Farm, Foss Field Lane, Appleton Road, Acaster Malbis, York YO23 2XA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Richard Blacker against the decision of City of York Council.
- The application Ref 08/00025/FUL, dated 1 January 2008, was refused by notice dated 11 February 2008.
- The development proposed is described as a two storey house extension, ground floor study, first floor en suite to master bedroom, with pitched roof, at the end of the house.

Decision

1. I dismiss the appeal.

Clarification

2. There is disagreement between the appellant and the Council on the percentage increase in the floor area due to the proposed development and earlier extensions to the property when compared with that of the original dwelling. The Council's decision notice on the planning application referred to an increase of 98% in the footprint of the original dwelling. The Council accept that this figure was in error and now estimate that the increase would be 62.3%. The appellant claims it would be 52%.
3. Both parties agreed at the hearing that the above difference is largely due to the appellant including the existing front porch as part of the original dwelling whereas the Council treated it as an extension. I saw no convincing evidence to establish which party was correct. It was accepted however by both parties that the difference in their estimates was not so significant as to affect their respective positions with regard to the proposal.

Main issue

4. The main issue in this case is whether the proposed extension is inappropriate development in the green belt.

Reasons

5. The appeal dwelling is located on Foss Field Lane which is a no through road terminating at Park Farm. There are other dwellings and farms along the lane but generally the surrounding area is characterised by open agricultural land. There is no dispute between the parties that the site is within the York Green Belt.
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6. In its reasons for refusal of the planning application, the Council has referred to Policies GB1 and GB4 contained in the City of York Draft Local Plan incorporating the 4th set of changes (CYDLP) approved in April 2005. These policies seek to protect the Green Belt from inappropriate development. The CYDLP has not been formally adopted and therefore I have given Policies GB1 and GB4 little weight in reaching my decision. The Council has also referred to national policy advice set out in Planning Policy Guidance 2: Green Belts (PPG2) which I regard as an important material consideration in this case.
7. PPG2 makes it clear that the most important attribute of Green Belts is their openness. It also advises that limited extensions to existing dwellings are not inappropriate inside a Green Belt provided they do not result in disproportionate additions over and above the size of the original dwelling. In this case, the proposed extension, taken together with the earlier extensions, would represent a substantial increase in the footprint of the original dwelling. Both parties accept that this increase would be more than 50% and on this measure the proposed extension cannot reasonably be argued in my view to be limited in scale or proportionate to the size of the original dwelling.
8. The appellant notes that use of a percentage increase in the footprint of a dwelling does not take into account other important Green Belt issues. He points out that this measure would not reflect substantial increases in volume of a dwelling, for example by extending a single storey building to two storeys. Such a proposal would he argues, increase the size of a dwelling in a similar way to the appeal development without increasing the footprint. I accept that this point has merit.
9. It seems to me that the physical parameter most appropriate for assessing the impact on the openness of the Green Belt will depend on the circumstances of each individual case. The key factor in any assessment of inappropriateness is proportionality and size, not the visual impact or prominence of the extension. In this case a two storey extension is proposed and on the appellant's own figures the cumulative increase in volume on the size of the original dwelling would be 45%. Again, on this measure, I am of the view that the proposed increase would be substantial and could not therefore reasonably be described as limited in scale or proportionate to the size of the original dwelling.
10. I conclude that the proposed extension would be a disproportionate addition over and above the size of the original building. For this reason it would be inappropriate development in the Green Belt for the purposes of PPG2 and development plan policy. Inappropriate development is, by definition, harmful to the Green Belt (para. 3.2 PPG2) and I have attached substantial weight to this in reaching my decision.
11. With respect to other aspects of the scheme, I note that the Council did not take issue with the style of the proposed extension or the materials to be used. I accept that these would be in keeping with the character and appearance of the existing dwelling and the surrounding area. For these reasons, the proposal would also not give rise to any significant visual intrusion in my view. I conclude therefore that there would be no additional harm in these respects.
12. The appellant also argues that the proposal would not conflict with any of the five purposes of including land within the Green Belt. I am not persuaded that

this is the case particularly with respect to safeguarding the countryside from encroachment. I recognise however, and have taken into account, that the proposed development would extend the existing dwelling towards an area of the property which already includes an orchard, garage and small outbuilding. Whilst the buildings would help to reduce the effect of the proposed extension on the openness of the Green Belt, there would still be an impact in this respect.

13. I appreciate that the ground floor of the proposed extension would provide much needed office space and that this would be of considerable benefit to the appellant in running his farming business. This is clearly apparent from the list of documents and registers, supplied by the appellant, which need to be maintained. It is a significant factor in support of the proposal in my view.
14. The bathroom and balcony proposed for the second storey adds to the overall size of the extension and therefore its effect on the openness of the Green Belt. There do not appear however to be any significant factors in support of their inclusion within the overall scheme. I note that the earlier two storey extension to the rear of the property also includes a bathroom which the appellant indicated forms part of accommodation which is currently let. The appellant also pointed out that his family already had the use of another bathroom in the dwelling. Whilst I recognise that there would be some benefit from the bathroom proposed as part of this development, I consider that this aspect of the scheme adds very little weight in its favour.
15. I have noted the appellant's argument that a two storey extension as proposed would be more in keeping with the character and appearance of the existing dwelling than a single storey extension for an office. It seems to me that this need not necessarily be the case. In any event, this is not in my view a significant factor to weigh against the harm caused as a result of inappropriate development in the Green Belt.
16. The considerations set out above in support of the proposed extension do not in my view outweigh the harm to the Green Belt caused by the inappropriateness of the development. The very special circumstances needed to justify the development do not therefore exist.
17. I was made aware by the appellant that permission has recently been granted on appeal for a development in the Green Belt on the adjacent property. Apparently this was for a stand alone building in connection with an ice cream business. The circumstances of that case would seem to be very different from those in this appeal which I have assessed on its own merits.
18. I have also taken into account the lack of objections from the Parish Council and neighbours. However, for the above reasons, I conclude that the appeal should be dismissed.

Christopher Millns

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr R Lee	The Land and Development Practice, 1 Horsefair, Wetherby, Leeds LS22 6JG
Mr R Blacker	Park Farm, Foss Field Lane, Appleton Road, Acaster Malbis, York YO23 2XA
Councillor JG Galvin	8 Bridge Road, Bishopthorpe, York YO23 2RR

FOR THE LOCAL PLANNING AUTHORITY:

Mr J Kenyon	City of York Council, 9 St. Leonard's Place, York YO1 7ET
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DOCUMENTS

- 1 Notice of hearing supplied by the Council
- 2 Extract from case law supplied by the appellant
- 3 Points for consideration supplied by the appellant