
Appeal Decision

Site visit made on 22 December 2015

by Mark Caine BSc (Hons) MTPL MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 05 February 2016

Appeal Ref: APP/Y2736/W/15/3133496

Lynwood, The Lane, Gate Helmsley, York, North Yorkshire, YO41 1JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Peter Thirsk against the decision of Ryedale District Council.
 - The application Ref 14/01291/OUT, dated 22 November 2014, was refused by notice dated 18 March 2015.
 - The development proposed is described as "A two storey house to be built at the bottom of the garden with access from Beverley Balk. The house to sit in 400 square metres of land."
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline, with only access to be determined at this stage. I have therefore dealt with the appeal on this basis.
3. The appellant has confirmed that he mistakenly submitted alternative site plans with the appeal. Consequently, I have determined the appeal on the basis of the original site location plan and block plan that were submitted with the application.
4. The Council has not raised any objections to the impact of the proposed development on the setting of St Mary's Church which I am informed is a Grade II star listed building. I have had special regard to the statutory duty to the desirability of preserving the building or its setting or any features of special architectural or historical interest which it possesses. In this respect I am satisfied that it would preserve those interests.

Main Issues

5. The main issues in this appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and development plan policy;
 - The effect of the proposal on the openness of the Green Belt, and the character and appearance of the surrounding area.
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- Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify it.

Reasons

Whether inappropriate development

6. The appeal site comprises part of a large garden area to a detached dwelling known as 'Lynwood'. It is grassed, contains a number of mature trees and fronts Beverley Balk which is a narrow access track. Although there are other properties in the vicinity, the appeal site sits in between a large open grassed area of land which I am informed is an extension of the cemetery, and the driveway and neighbouring garden area to 'The Heathers'. These all combine to make a positive contribution to the spacious verdant character of the immediate area.
7. The appeal site is located in the Green Belt. Paragraph 89 of the National Planning Policy Framework (the Framework) sets out that the construction of new buildings is inappropriate except for a limited number of exceptions including limited infilling in villages and limited affordable housing for community needs under policies set out in the Local Plan.
8. The terms of limited infilling are not further defined in the Framework. However Policy SP2 of the Ryedale Plan – Local Plan Strategy 2013 (Local Plan) indicates that in other villages, such as Gate Helmsley, new housing will be supported where amongst other things it would comprise infill development (small open sites in an otherwise continually built up frontage) that is restricted to local needs occupancy.
9. On my site visit I noted that a small relatively new residential development known as 'The Gates' faces the appeal site. However these properties are separated from the appeal site by Beverley Balk and a private access road. I also saw that two dwellings known as 'Grey Gables' and 'Long Acre' are set further forward than other properties to the western end of The Lane. Although the position of 'Lynwood' is generally in line with the properties to the west of 'Long Acre' there are substantial intervening open garden areas between it and these dwellings.
10. Furthermore, I consider that the appeal site, albeit slightly interrupted by the driveway, is seen as part of a stretch of green space that leads from the gable end of 'The Heathers' along the western side of Beverly Balk down to the junction with The Lane. Indeed, the proposed dwelling would be centrally located within this area, with open space to either side of it. In light of all of these factors I consider that the proposal would clearly not compromise infill development within an otherwise continually built up frontage.
11. Although it has been put to me that the proposal would pave the way for the development on the cemetery site, I have little firm evidence before me to substantiate that the Parochial Church Council wish to develop the site. As such this cannot be guaranteed in the future.
12. The proposal does therefore not meet the terms of Local Plan Policy SP2 and the Framework's exception that puts limited infilling in villages outside the scope of inappropriate development in the Green Belt. The proposed dwelling would also not fall within any other exceptions stated in the Framework and I

conclude that, for the reasons provided above, it would amount to inappropriate development that is, by definition, harmful to the Green Belt.

Openness and character and appearance

13. Paragraph 79 of the Framework advises 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. Therefore, any built development has the ability to reduce openness.
14. I appreciate that the proposed layout plan is only indicative, and no details of the proposed dwelling's layout, scale and appearance have been provided. However the introduction of a dwelling in an area which is currently undeveloped, would inevitably impact upon openness and appear conspicuous in the context of this spacious green tree-dominated site. It would therefore substantially increase the amount of built form and erode the openness of the Green Belt.
15. Such harm to openness, in the context of the policies of the Framework, requires that substantial weight be apportioned to this harm when considered in the planning balance. Also for the reasons given above, the proposal would cause significant harm to the spacious verdant character and appearance of the surrounding area.

Other considerations

16. A newspaper article regarding the possible release of extra homes in Rydedale has been submitted with the appeal. Nonetheless, as the article points out, this is speculation. However I appreciate that residents of the proposal would help support local services and that the proposal would contribute towards the shortage of housing in the District. In this way, it would contribute some positive benefits, however given the scale of the proposal I can only attach limited weight to them.
17. My attention has been drawn to other developments that have been permitted within the development limits of Gate Helmsley. These include 'The Gates' and what have been referred to as the Bickerdike's old farm buildings. However I do not have the full details of the circumstances that led to all these developments being accepted, including the local planning policies at the time of their consideration, and so cannot be sure that they represent a direct parallel to the appeal proposal. I have, in any case, determined the appeal on its own merits and therefore attribute minimal weight to this matter.
18. It has been put to me that no objections have been received from the Council's Highway Authority and the Parish Council. However these would not be determining factors in the consideration of an appeal. The absence of an objection in these respects would be neutral in the overall Green Belt balance.
19. Issues regarding land ownership, the right of access and status of the Beverly Balk highway have been raised by the appellant and local residents. Nonetheless, these are private legal matters and have not had any material bearing on my assessment of the planning issues in this appeal.
20. I have also been referred to problems regarding the validation of the application and post decision discussions that took place between the appellant

and the Council. However, these are matters that would need to be pursued with the Council in the first instance. I confirm that in this respect, I have only had regard to the planning merits of the proposal that is before me.

Green Belt balance and conclusions

21. In conclusion I have identified that the proposal would be inappropriate development in the Green Belt as defined by the Framework. The Framework establishes that substantial weight should be given to any harm in the Green Belt. In addition it would substantially reduce the openness of the Green Belt, and be significantly harmful to the character and appearance of the surrounding area. As such, even when taken together, the other considerations reviewed above do not clearly outweigh the harm that the proposal would cause. Consequently no very special circumstances exist and the proposal is contrary to Local Plan Policy SP2. Therefore, for the reasons given above, the appeal is dismissed.

Mark Caine

INSPECTOR