



Appeal Decision

Site visit made on 3 July 2024

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 August 2024

Appeal Ref: APP/U2750/W/24/3343998

Agricultural Field, to the east of Station Road and directly north of Long Hedge Lane Easting (x) 464913 Northing (y) 424969

- 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 Caddick Land against the decision of North Yorkshire Council.
 - The application Ref 2022/0738/OUTM, dated 17 June 2022, was refused by notice dated 9 November 2023.
 - The development proposed is outline planning application for the erection of up to 190 dwellings (Use Class C3) formal and informal open space, landscaping, works and means of access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. A revised illustrative masterplan DE_597.002 Rev A has been submitted with the appeal along with concurrent updated supporting documentation. I have not found it prejudicial to accept this updated plan and supporting information.
3. The illustrative masterplan provides guidance as to how the site could be developed. The application is made in outline with only reserved matters of access before me. Matters of appearance, landscaping, layout, and scale are reserved for future consideration. I therefore afford documents outlining how the site may be developed only limited weight.
4. The application is in outline for up to 190 dwellings and the final number of dwellings to be provided would not therefore be fixed. However, there is nothing within the evidence to suggest that the number of dwellings to be delivered at the site would be substantially different from the number identified.
5. Prior to the determination of the appeal a completed S106 planning obligation was received. This relates amongst other things to financial contributions to education, waste services and travel plan monitoring. It also details the affordable housing /open space provision.

Main Issues

6. The main issues are whether the appeal site is a suitable location for the development with regard to the spatial development strategy for the area and the effect of the proposal on the character and appearance of the area.

Reasons

Site location

7. The appeal site is set to the north of the village of Carlton within the open countryside. Carlton is a village which sits within the countryside surrounded to a large extent by arable farmland. Camblesforth is set to the north. The appeal site is set outside of the Carlton development limit and to a large extent currently in arable use.

Planning policy context

8. Other than the minerals and waste plan, the development plan consists of the Selby District Core Strategy Local Plan (2013) (CS) and The Selby District Local Plan (2005) (LP). The most important policies are SP2 (Spatial Development Strategy), SP18 (Protecting and Enhancing the Environment) and SP19 (Design quality) of the CS and Policy ENV1 of the LP. These are all referenced in the Council's reason for refusal. They confirmed within their statement that they do not intend to defend the appeal on the basis of scale or distribution of development linked to Policy SP5 of the CS.
9. There is also an emerging local plan (ELP) referred to as the New Local Plan for Selby. The evidence indicates that this plan is at an early stage and that therefore the main parties consider limited weight should be afforded to it. I have no reason to disagree with that position.
10. Policy SP2 sets out the spatial development strategy including a number of principles on which future development will be based. It states that the majority of new development will be directed to the towns and more sustainable villages depending on their future role as employment, retail and service centres, the level of local housing need, and particular environmental, flood risk and infrastructure constraints. Carlton is identified as a designated service village, that the policy identifies as having some scope for additional residential growth. It has a range of services and facilities. Carlton is therefore a suitable location for residential development in terms of available services and facilities.
11. Policy SP2 at Part C seeks to restrict development within the Countryside, outside of development limits. The list of exceptions of what type of development may be acceptable does not include proposals such as that before me.
12. The appellant considers that the development limits set are out of date and that any conflict with these should be afforded very little weight. The evidence indicates that a residential development for a large number of houses has been permitted and partly constructed on the opposite side of Station Road (the Vincent Street development), outside of the Carlton development limits. The Policy also indicates that development limits were to be reviewed through further local documents and it is not clear as to whether this has been carried out. The development limit approach in relation to Carlton is therefore somewhat dated.
13. However, directing development to locations capable of hosting it in terms of matters including the availability of services and facilities represents only a part of the purpose of Policy SP2. The use of development limits also acts to protect the countryside and the supporting text to the Policy further identifies factors

that will influence the consideration of development proposals. These include the protection of natural resources and the importance of maintaining the character of individual settlements.

14. The Framework¹ states amongst other things that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land. In considering this proposal, the approach of Policy SP2 has some consistency with the Framework.

Development strategy & character and appearance

15. The Carlton development limit on the eastern side of Station Road is set at the southern end of The Holy Family Catholic High School playing field. It is therefore a significant distance to the south of the appeal site which is set to the north of the school and Long Hedge Lane. The school buildings are surrounded by substantial open fields in particular to their south and east.
16. The school site represents a transition from the developed village environment to the countryside of the appeal site to its north. The appeal site is set further north along Station Road than the recent residential development on the other side of Station Road. The appeal site is therefore disassociated with the main body of Carlton.
17. The appeal site makes a significant positive contribution to the setting of Carlton as a village within the countryside both in terms of its character and appearance. This positive contribution can be noted from public vantage points on Station Road and Long Hedge Lane from where the appeal site is prominent and visible.
18. It is from viewpoints in these areas that the LVIA² identifies moderate adverse visual effects. There would be likely to be a degree of urbanisation of the open countryside through the introduction of substantial built development which would be harmful in visual terms as well as the introduction of a substantial amount of activity into an undeveloped area which would undermine the site's existing reasonably tranquil character.
19. The appeal site also plays an important visual and functional role in separating Carlton from the next village of Camblesforth to the north. The scheme would substantially erode the existing separation to the south side of the railway line which would harm the character and appearance of the area.
20. The evidence indicates that a large proportion of the site is grade 3a and therefore classed as best and most versatile agricultural land (BMV). The proposal avoids developing grade 1 and 2 land, and although the evidence before me on the matter is limited, there is nothing to indicate that the area is not overall well supplied with BMV, such that the impacts of its loss would be limited.
21. To conclude on this matter, the proposal would be an illogical extension to Carlton. There would therefore be conflict with the development strategy and

¹ National Planning Policy Framework 2023 Para 180.

² Land at Station Road, Carlton Landscape and Visual Impact Assessment – The Landscape Agency.

the proposal would have a significant adverse impact on the character and appearance of the area.

22. There would be conflict with Policy SP2 of the CS which seeks to limit development within the Countryside. There would also be conflict with Policy SP18 of the CS which states amongst other things that the local distinctiveness of the natural and man made environment will be sustained by at a minimum safeguarding the natural environment including the landscape character and by steering development to areas of least environmental and agricultural quality.
23. There would further be conflict with Policy SP19 of the CS which amongst other things states that residential development should make the best, most efficient use of land without compromising local distinctiveness, character and form. There would also be conflict with Policy E1 of the LP which states amongst other things notes that the effect of a proposal on the character of an area should be taken account of.

Other Matters

24. My attention has been drawn to two appeal decisions relating to housing schemes proposed outside of development limits. One relates to a site in Brayton³, and another, a site in Hemingbrough⁴. However, the relationship of both those sites to Brayton and Hemingbrough appears to differ to the relationship of this site to Carlton.
25. In the former case, the side of that site is described as being starkly defined by the close boarded fence of an adjacent housing development. In the case of the latter appeal decision, the appeal site was described as adjacent to the existing development limits of Hemingbrough, as well as being allocated for housing within the ELP. I therefore afford those appeal decisions limited weight, as different sites need to be considered in relation to their individual circumstances.
26. I have considered the appellant's recent comments regarding proposed changes to the Framework in relation to the delivery of housing and proposed new standard method and housing land supply. However, it is suggested that the weight that I can afford to those matters is limited and I have no reason to disagree. With regard to the ELP, as already established, the main parties consider that this should be afforded limited weight.

Planning Balance and Conclusion

27. The proposal would represent a significant incursion into open countryside on a site that is detached from the main body of Carlton and which makes an important contribution to the setting of Carlton as a village within the Countryside. Further, the proposal would erode part of a visually and functionally important gap between Carlton and Camblesforth. It would subsequently cause significant harm to the character and appearance of the area. I afford this matter substantial weight.
28. The proposal would represent the loss of BMV, which would be a disbenefit of the proposal although the harm in this respect would be limited in relation to this site given that the evidence indicates that much of the land within the area

³ Appeal Ref: APP/U2750/W/23/3327616 - Land off Barff Lane, Brayton, Selby, North Yorkshire YO8 9GR.

⁴ Appeal Ref: APP/U2750/W/23/3327421 - Land off School Road, Hemingbrough, Selby, North Yorkshire YO8 6AE.

is of the quality of the appeal site or greater. I therefore afford this matter limited weight.

29. There would be benefits to the proposal. These include the provision of a significant number of dwellings in a sustainable location, 40% of which would be affordable within a context of an identified need for that type of property. There would be economic benefits including construction and post construction spend within the local economy. Public open space would be provided. The scheme would provide for a 19.96% biodiversity net gain in habitat units and a substantial gain in terms of hedgerow both through on site provision.
30. I have identified the most important policies for determining this application. Of these, the proposal would conflict with policies SP2, SP18 and SP19 of the CS as well as Policy ENV1 of the LP. Only moderate weight is afforded to the conflict with Policy SP2 in relation to this particular proposal given the uncertainty over the development limits review and the development that is occurring outside the development limits of Carlton. Significant weight is afforded to the conflict with policies SP18 and SP19 of the CS as well as Policy ENV1 of the LP. The basket of most important policies is not out of date.
31. The Council indicate that they can demonstrate a 5.3 year housing land supply, although varying claims are made on this issue over time within the evidence. Even if I were to conclude there were shortfall in housing land supply or delivery to the lowest figure suggested by the appellant, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, the presumption in favour of sustainable development would not apply.
32. The benefits of the proposal would not outweigh the harm. The proposal is in conflict with the development plan and there is nothing to indicate that a decision should be made otherwise in accordance with it. The appeal is therefore dismissed.

T Burnham

INSPECTOR