



Appeal Decision

Site visit made on 19 June 2025

by **David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13th October 2025

Appeal Ref: APP/U2750/W/25/3361703

Land to the South of Prospect Cottages, Prospect Cottages, Easingwold, North Yorkshire YO61 4PT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Messrs R, A & C and Mrs J Taylor of Richard Roberts Ltd against the decision of North Yorkshire Council.
 - The application Ref is ZB23/02394/OUT.
 - The development proposed is outline application for the erection of 20 no. dwellings (with all matters reserved except access, landscaping and layout) [Use Class C3] including demolition of existing barn and associated infrastructure.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Messrs R, A & C and Mrs J Taylor of Richard Roberts Ltd against North Yorkshire Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The proposal has been submitted in outline with all matters reserved except access, landscaping and layout. I have treated any details in respect of other reserved matters as being indicative.
4. A Unilateral Undertaking (UU) has been submitted which includes provisions for affordable housing, First Homes, public open space, self-build and custom build housing, and biodiversity net gain. The UU meets the tests set out in the National Planning Policy Framework (the Framework) and I have had regard to it accordingly.
5. The Council has referred to amendments made to the proposal. This included plans which proposed a green buffer. The Council has confirmed that the plans were made publicly available, including during the appeal notification period. On that basis, I do not consider that any party would be prejudiced were I to consider this appeal on the basis of the amended plans.
6. At my request, I was provided with a copy of an Appeal Decision¹ for an adjacent site (the Adjacent Appeal) which was referred to in the submitted evidence. This

¹ Appeal Ref: APP/G2713/W/23/3315276

Appeal Decision is a matter of public record and therefore no party would be prejudiced by my having regard to it.

7. Further evidence has been provided in relation to an Appeal Decision for self/custom build dwellings in Brompton². Both main parties have had the opportunity to comment on this evidence and I have had regard to the comments made.

Main Issue

8. The main issues are

- The effect of the proposal on the character and appearance of the area, with due regard to the Husthwaite Conservation Area; and
- Other considerations relevant to the planning and heritage balance.

Reasons

Character and Appearance

9. The site is located adjacent to the village of Husthwaite which is of a linear character where the built form of the settlement follows the roads through the village. Although this linear character is particularly apparent on plan, I saw that it was also apparent in views from within the village. The appeal site is part of an area of fields and paddocks which extends behind development which partially encloses the area. The site includes a large open sided barn, and although this is unkempt it is an agricultural feature that contributes to this rural character.
10. Much of the village is within the Husthwaite Conservation Area (HCA), and the boundary of the HCA reflects the linear character of the village. The response from the Council's Policy and Conservation consultee sets out that the historic core of the village is centred on the Church of St Nicholas, and also includes features such as the village green and the important street of The Nookin. It also refers to the pattern of medieval burgage plots and the clear relationship with the open land that backs onto the plots.
11. Due to the sloping topography, the appeal site is prominent in views along the access road of Prospect Cottages from High Street, which is one of the main thoroughfares through the village. Although the extent of the view from High Street is limited, due to the prominence of the site and its countryside character it is an important feature which emphasises connection between the village and the surrounding countryside.
12. The appeal site is also visible from a public footpath to the south, although due to planting along the path this is only readily apparent from one location where a view is enabled through a gap in the planting. However, the Council emphasise that there is no evidence that the hedgerow along the footpath is within the applicants control and therefore its maintenance as a visual barrier to the site cannot be assumed.
13. That said, even when assessed on the basis of the single viewpoint from the footpath, this elevated view enables the appreciation of the rural setting of the village and the contribution of the appeal site to this. It is also an important

² Appeal Ref: APP/U2750/W/25/3359933

viewpoint as it provides a longer distance view of the Kilburn White Horse monument. Although the appeal site would primarily be viewed against relatively modern development that is outside of the HCA, the proposal would nevertheless appear as an obtrusive and jarring intrusion into the landscape which would detract from the countryside setting of the village and the HCA. The provision of planting within the site, including along the southern boundary, would not mitigate for the visual impact of the proposal. Indeed, the landscaping itself would appear as a relatively formal feature that would not reflect the extant agricultural nature of the land. Whilst the appeal proposal would not project into the view of the Kilburn White Horse, this does not negate the harm arising to the appreciation of the countryside setting of the village.

14. The appellant's Heritage Impact Assessment acknowledges that the appeal site served as land for burgage plots to the north, but also refers to the demolition of historic cottages which it considers has largely denuded the significance of the field. Nevertheless, I consider that the appeal site and adjacent fields and paddocks make a positive contribution to the setting of the HCA and its significance as a designated heritage asset, in particular due to the appeal site's prominence when viewed from High Street and the resultant understanding it provides of the agricultural history and development of the village.
15. The appeal site is adjacent to relatively modern development that is excluded from the HCA. This modern development includes Prospect Cottages which consists of a cul-de-sac of an understated suburban character which doesn't reflect the historic character or the linear arrangement of the HCA. Modern housing along East View is also excluded from the HCA, although this does have a linear character even allowing for residential development and curtilages extending along the rear.
16. As well as Prospect Cottages, other built development to the north of the appeal site does not have a linear arrangement, and includes tandem and other layouts of development extending to the rear. However, the development I observed within the HCA appears as logical infill rather than a projection into the surrounding countryside. Moreover, the built extent of this part of the village follows a clear boundary which enables the appreciation of the rural countryside character of the fields in which the appeal site is located, compared to the buildings and gardens of the village.
17. The appeal proposal would extend the access road of Prospect Cottages, with dwellings in a linear arrangement facing onto an area of open space as well as dwellings set around a circulation area. Despite the linear arrangement of part of the proposal, the layout of the appeal proposal would appear as a projection of the incongruous suburban form of Prospect Cottages into the countryside rather than an addition which reflects the wider character of the village. The extent of landscaping along the access road would enable views of the open countryside beyond, but this would be framed by the built development of the proposal and would do little to mitigate for the intrusion of development into this area of fields. Even allowing for its proximity to relatively modern development, the appeal proposal would appear as an unwelcome projection into the countryside setting of the village.
18. The appellant submits that the appeal proposal is a heritage-led scheme adopting a 'farmstead style' layout. However, for the reasons given previously, the proposed layout and access would not be successful in meeting that ambition. The proposed

landscaping would also not mitigate for the harm arising from the layout and access of the proposal as well as its projection into an important part of the countryside setting of the village. Similarly, the use of a design code would not be sufficient to mitigate for the identified harm.

19. The appellant also contends that a previous appeal decision³ (the Previous Appeal) on the site deemed that the principle of development within the site was acceptable given the size, scale, form etc. of the village. However, my interpretation of the Previous Appeal Decision is that the Inspector did not reach that conclusion in respect of character and appearance or the effect on the HCA. It is clear from the Previous Appeal Decision that the Inspector's reasoning on those issues was on the basis of a level of growth that would be commensurate to the size, scale, role and function of this Service Village, rather than the principle of development on this particular site.
20. Due to surrounding built development and screening including trees and planting, the appeal proposal would not be readily visible from the wider public realm within the village, and the appellant questions whether sustained views of open fields between the built form of the village is possible. This is indicated in the ZTV⁴ Analysis⁵ provided by the appellant. But this does not detract from the importance of the view of the open fields along Prospect Avenue in terms of the perception of the relationship between the countryside and the village as well as the HCA. This also does not negate the harm to the view from the footpath. Furthermore, the ZTV Analysis acknowledges that there will be glimpsed views of the ridge heights of the proposal from within the village. Even given the fleeting nature of such views, these would compound the perception of a development that does not respect the linear character of the settlement and its countryside setting.
21. The appeal proposal represents windfall housing development, which is addressed by Policy HG5 of the Hambleton Local Plan 2022 (the Local Plan). The criteria of Policy HG5(d) sets out that development should not result in the loss of open space that is important to the historic form and layout of the village. The appellant contends that the appeal site is not 'open space' and refers to the definition given in the Local Plan. However, although the definition may refer to land which offers important opportunities for sport and recreation, it is not a prerequisite that land has to fulfil these functions to be considered open space. There is also no presumption that open space should be publicly accessible or in public ownership. My reading of the definition is that it includes open space of public value including land which can act as a visual amenity.
22. Given the wording of Policy HG5(d) I consider that the open agricultural land of the appeal site represents open space which acts as a visual amenity. I note that this reflects the approach of Inspectors on the Previous Appeal and Adjacent Appeal as well as an Appeal Decision in Carlton Husthwaite⁶, which assessed the development of fields and pastures against HG5(d). For these reasons, I do not share the views of the Inspector who determined an Appeal Decision⁷ in Brompton which concluded that an agricultural field was not open space.

³ Appeal Ref: APP/G2713/W/23/3316000

⁴ Zones of Theoretical Visibility.

⁵ Heritage Statement Addendum/ZTV Analysis, Blue Willow Heritage.

⁶ Appeal Ref: APP/U2750/W/24/3350480

⁷ Appeal Ref: APP/G2713/W/23/3314581

23. The criteria of Policy HG5(e) also requires that development should have no detrimental impact on the character and appearance of the village or result in the loss of countryside that makes a significant contribution to that part of the village, amongst other things.
24. The site had been allocated for residential development in a previous Local Plan, and both outline planning permission and reserved matters approval for residential development had been granted. However, the site is not allocated in the current Local Plan and the planning permission has lapsed. The appellant submits that the site was not allocated as it was a committed site at the time of the Local Plan's adoption, and formed part of the housing land supply as part of the evidence base of the Local Plan. However, I have to determine this appeal on the basis of the circumstances at the time of my decision. The previous allocation of the site and the lapsed permissions carry little weight in favour of the appeal, and although I am mindful of these matters they do not negate my assessment of the proposal against the current development plan.
25. The appellant refers to the Committee Report for the Outline Planning Permission which states that "*The Development of the site as proposed is therefore unlikely to affect the setting of the Conservation Area...*". However, when considering a subsequent Reserved Matters application, the relevant Committee Report sets out that "*It is considered the proposal would have a degree of harm on the significance of the Conservation Area as there would be loss of existing open land and the replacement with dwellings...*", although it also concluded that the proposal was "*unlikely to significantly affect the significance of Conservation Area*".
26. Given the above, the Council's assessment of proposals for the site has changed over time, including consideration of the effect on the setting of the HCA. However, the Committee report on the Outline Planning Permission does not reflect my observations on the appeal site or my conclusions on the appeal proposal. Furthermore, the Previous Appeal Decision stated that the location of the development does not respond positively to the historic linear form of the HCA and concluded that the appeal should be dismissed. The Adjacent Appeal Decision which dismissed a housing development on an adjoining site also concluded that "*the Paddock and the other plots of land adjoining/adjacent to the site positively contribute to the setting of the HCA and its significance*". My own observations and those of the recent Previous Appeal and Adjacent Appeal Decisions indicate that it is the Council's approach to the current appeal proposal which is appropriate, rather than its approach in granting previous approvals on the site.
27. I have had regard to the comprehensive evidence submitted by the appellant in support of the proposal, including the extensive heritage evidence as well as the Landscape and Character Assessment, and the Landscape and Visual Impact Assessment. However, these do not lead me to a different conclusion having regard to other evidence before me and my own observations.
28. I therefore conclude that the proposal would lead to significant harm to the character and appearance of the area due to its location as well as consideration of the reserved matters before me. The proposal would therefore be contrary to Policies HG5(d) and HG5(e) which together specify that development should not result in the loss of open space that is important to the historic form and layout of the village, and should have no detrimental impact on the character and

appearance of the village or result in the loss of countryside that makes a significant contribution to that part of the village, amongst other things.

29. I also conclude the proposal would fail to preserve the setting of the HCA. This harm would be less than substantial, but given the importance of the site in providing an understanding of the agricultural history and development of the village I consider it to be at the higher end of the scale of harm. However, the harm to the significance of the HCA would be less than substantial, and on that basis both the Framework and Policy E5 of the Local Plan require that this is balanced against any public benefits.

Other Considerations

30. The proposal would add to the supply of housing in the area. The Council submits that it has a housing land supply (HLS) of 8.1 years based on a Local Plan adopted less than 5 years ago. This figure is likely to change to 7.1 years supply in mid-2026 based on changes to the buffer calculation. Nevertheless, even with the indicated healthy HLS, the Government seeks to significantly boost the supply of homes. Husthwaite is identified as a Service Village within Policy S3 of the Local Plan and has a good range of services and facilities to support residents of the proposal. Therefore, even given the Council's HLS, the contribution of the development to the supply of housing in this relatively sustainable rural location carries moderate weight in favour of the proposal.
31. The Council's HLS is based on the area of the former Hambleton District Council which was merged with other councils to create North Yorkshire Council. I consider that it is sensible to continue to base the HLS calculations on this legacy area given the relatively recent adoption of the Local Plan for that area. The Council sets out that it has sought advice from the Government as to whether this is the correct approach, and in the absence of advice to the contrary I consider that the Council's approach is appropriate.
32. Nevertheless, the appellant has provided evidence which demonstrates that North Yorkshire Council as a whole currently only has a 3.69 year HLS, or 4.15 year for the Hambleton area. If the development is assessed on that basis, the contribution it would make to the supply of housing would carry significant weight.
33. The proposal would add to the supply of family housing, and evidence prepared in support of an emerging Neighbourhood Plan (NP) encourages a focus on 2 and 3 bedroom homes. The appellant emphasises that the proposal may encourage younger families to move into the area to compensate for an aging demographic. It is also proposed that the homes would also meet the Nationally Described Space Standards. However, evidence prepared for the NP also indicates a preference for incremental growth of developments of up to 5 dwellings rather than developments of the scale of the appeal proposal. It may therefore be the case that developments of a smaller scale on more suitable sites could contribute to the housing needs of the village, and on that basis the contribution to the supply of family and smaller housing carries only moderate weight in favour of a development of the scale proposed.
34. The proposal would include 2 self-build units, and evidence submitted by the appellant identifies significant unmet need for self-build plots in the area. Although the number of self-build units would be limited, taken on their own terms and having regard to the appellant's evidence, the provision of 2 self-build units would carry

significant weight. However, given that they are a limited element of the number of proposed units, the self-build units carry only limited weight in favour of the development as a whole.

35. The appellant refers to the weight given to the provision of self/custom-build housing on sites elsewhere which were either granted planning permission by the Council or on appeal. However, it has not been demonstrated that these are a direct parallel to the appeal proposal in respect of matters including the number and proportion of self-build units as well as the scale of development, and these therefore do not alter my assessment of this benefit regarding the appeal proposal.
36. The proposal would include 7 affordable housing units, consisting of 4 units for Social or Affordable Rent, and 3 units for Affordable Home Ownership with at least 1 designated as a First Home. Given the identified shortfall in affordable housing in the area this provision would carry significant weight on its own terms. The proposal would also include 2 bungalows which would add to the mix of housing types. However, the affordable housing and bungalows are only part of the overall proposed housing, and therefore carry only moderate weight as a benefit in support of the proposal as a whole.
37. The proposal would meet Council policy with regard to the mix of dwellings and would exceed some criteria, and I am mindful that small to medium housing sites can be built-out relatively quickly. But this does not alter the weight I have given to the contribution of the proposal to the mix and supply of housing.
38. Council tax receipts would primarily mitigate for the effect of the development on services and infrastructure in the area and are therefore a neutral consideration. The proposal would also generate a New Homes Bonus for the Council, but although this is a local finance consideration it has not been set out how this would help to make the development acceptable in planning terms other than raising money for the Council, and therefore carries no more than limited weight in favour of the appeal.
39. The proposal would attract families to the area whose children are likely to attend the local primary school. However, although I note the school's capacity and enrolment figures and the closure of schools elsewhere, it has not been demonstrated that the local primary school is under threat of closure. This matter therefore carries only limited weight in favour of the proposal. Residents of the proposal would support services in the area, although given the number of dwellings proposed compared to the scale of the existing settlement this carries only limited weight as a benefit.
40. The development would include public open space and an equipped children's play area. However, a similar facility exists elsewhere in the village, and although the proposal would enable more convenient access for the area of the village near the appeal site, given the provision elsewhere this carries only limited weight as a benefit.
41. The proposal would generate employment and investment during the planning, construction and sale phases, but this would be for a limited period of time and would carry no more than limited weight as a benefit. The appellant also refers to economic benefits arising during the operational phase of the development, but given that this is not quantified this carries no more than limited weight in favour of the proposal.

42. Reference is also made to rebalancing a declining workforce and less commuting. However, there is no guarantee that residents of the proposal would work in the village or the immediate area and given the scale of the proposal this carries little weight in favour of the appeal.
43. The appellant refers to energy efficient building standards and water conservation. But these would relate to the emissions and water usage arising from the proposed development and would not represent a net benefit of the scheme.
44. The proposal would include areas of green space and landscaping, but this would not be sufficient to mitigate for the harm arising to the character and appearance of the area. A Biodiversity Management Plan utilising the recommendations from the Preliminary Ecological Appraisal would enhance existing habitats and create new habitats through tree planting and landscaping. But given the scale of the proposals the potential biodiversity enhancements would be of no more than limited benefit.
45. The proposal would remove the dilapidated and relatively large structure of the barn. However, even given its unkempt state, this barn reinforces the agricultural character of this area of land projecting into the village, and I therefore consider that its removal would not be a benefit. For the same reasons, the removal of the barn would not benefit the setting of the HCA or listed buildings in the village. Furthermore, even if the removal of the barn was a benefit as contended by the appellant, I consider that this would be of a limited degree given the agricultural character of the barn and would be significantly outweighed by the harm arising from the urbanising effect of the proposed development.
46. In assessing these other considerations, I am mindful of the comments made in support of the proposal, as summarised in the Council's Committee Report. Although these emphasise the benefits of the proposal, they do not negate my observations in respect of the harm arising from the scheme.

Other Matters

47. Reference has been made to listed buildings within the village, including near to the access to Prospect Cottages. However, I note that the Inspector for the Previous Appeal on the site concluded that the proposed development would not harm any significance derived from the setting of these listed buildings, and the Council has not identified any harm arising to the significance of the listed buildings in respect of the current appeal. Based on the evidence before me I see no reason to disagree.

Planning Balance and Conclusion

48. I have concluded that the proposal would lead to significant harm to the character and appearance of the area and would fail to preserve the setting of the HCA. Whilst the harm to the significance of the HCA would be less than substantial, I attach great weight to the conservation of this designated heritage asset.
49. On the basis of the Council's case that it can demonstrate an HLS of 8.1 years, decreasing to 7.1 years with the application of a buffer in July 2026, the benefits arising from the appeal proposal would be no more than moderate considered individually and cumulatively. These benefits would not outweigh the great weight I give to the harm to the significance of the HCA. The proposal would therefore conflict with Policy E5 of the Local Plan and the Framework which sets out that less

than substantial harm to the significance of a designated heritage asset will only be supported where the harm is outweighed by the public benefits of the proposal.

50. If I was to accept the appellant's argument that the Council can only demonstrate an HLS of 4.15 years for the Hambleton area or 3.69 years for North Yorkshire as a whole, then the benefits arising from the proposal would carry significant weight, particularly in respect of the contribution to the supply and mix of housing. However, even then I consider that the benefits would not outweigh the great weight I give to the harm to the significance of the HCA. Furthermore, even giving significant weight to the wider benefits of the proposal and having regard to the appellant's HLS evidence, these benefits would not outweigh the significant harm to the character and appearance of the area and the great weight given to the harm to the setting of the HCA. The proposal would therefore conflict with the heritage requirements of Policy E5 of the Local Plan and the Framework.
51. On the basis that the Council can demonstrate an HLS in excess of 5 years, the tilted balance of Paragraph 11(d) of the Framework is not engaged. However, even if I was to accept the appellant's evidence that the Council cannot demonstrate a 5 year HLS, I have found that the harm to the setting and subsequently the significance of the HCA provides a strong reason for refusal. Therefore, in accordance with Footnote 7 of the Framework, the tilted balance of paragraph 11(d) is also not triggered.
52. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be dismissed.

David Cross

INSPECTOR



Costs Decision

Site visit made on 19 June 2025

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th October 2025

Costs application in relation to Appeal Ref: APP/U2750/W/25/3361703

Land to the South of Prospect Cottages, Prospect Cottages, Easingwold, North Yorkshire YO61 4PT

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Messrs R, A & C and Mrs J Taylor of Richard Roberts Ltd for a full award of costs against North Yorkshire Council.
 - The appeal was against the refusal of planning permission for outline application for the erection of 20 no. dwellings (with all matters reserved except access, landscaping and layout) [Use Class C3] including demolition of existing barn and associated infrastructure.
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Decision

1. The application for an award of costs is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The appellant considers that the Council has behaved unreasonably on a number of grounds.
4. First, that the Planning Committee did not undertake a site visit. However, there is no requirement that a visit should be undertaken. A Council officer had visited the site and photographs were available to the Committee. Although a Councillor did express regret that the Committee hadn't visited the site, it was still within the Committee's discretion to ask for a visit should it consider one was necessary. That the Committee did not ask for a visit and proceeded to determine the application indicates that they were satisfied with the evidence before them on which to make a decision. Moreover, given my conclusions on the Appeal, I am not persuaded that if a site visit had been undertaken then the Committee would have reached a different decision.
5. Second, that factual errors were not corrected during the Committee meeting. The crux of the appellant's concern is that a Councillor referred to the 'green belt' when discussing the proposal, although the site is not within or near the Green Belt. However, based on the evidence before me including the transcript extract, this term was used colloquially rather than indicating that the proposal was expressly considered as being Green Belt land. The Council emphasises that there was no discussion of Green Belt policy and that this was not referred to as a potential reason for refusal. Within that context, although a Councillor may have misspoken

- in referring to the green belt, it was reasonable that this was not corrected during the meeting and it does not demonstrate that in reaching its decision that the Committee behaved unreasonably.
6. Third, that there was unfair influencing of the decision through the exaggeration of the planning balance. The appellant refers to an Officer's use of the phrase 'a high bar' when considering less than substantial harm in respect of the Husthwaite Conservation Area (HCA). Although there is a material difference when assessing 'substantial' compared to 'less than substantial' harm in respect of designated heritage assets, paragraph 212 of the National Planning Policy Framework (the Framework) states that great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Given the reference within the Framework to 'great weight', I do not consider that the Officer's reference to a 'high bar' was unreasonable.
 7. Fourth, that the Council's assessment of heritage harm in the context of a former site allocation was unreasonable. The site had been allocated for residential development in a previous Local Plan, and both outline planning permission and reserved matters approval for residential development had been granted. The appellant submits that Council Officers had misled the Committee as to how harm should be assessed in respect of the appeal proposal when it had previously been concluded that planning permission should be granted.
 8. The appellant refers to the Committee Report for the Outline Planning Permission which states that "*The Development of the site as proposed is therefore unlikely to affect the setting of the Conservation Area...*". However, when considering a subsequent Reserved Matters application the Committee Report sets out that "*It is considered the proposal would have a degree of harm on the significance of the Conservation Area as there would be loss of existing open land and the replacement with dwellings...*", although it also concluded that the proposal was "*unlikely to significantly affect the significance of Conservation Area*".
 9. The allocation of a site in the development plan is a material consideration when assessing harm to the HCA, as are previous permissions, as this indicates that the principle of development has been accepted. This therefore affects the scope of considerations when assessing harm and the weight that should be given to it. I disagree with the Council's comment that it would be unreasonable to allocate a site and then refuse planning permission on heritage grounds, as there may be detailed matters including layout and design that could lead to harm to heritage assets even on allocated sites. Nevertheless, the allocation of a site is material to the assessment of the principle of development on a site, including the subsequent effect on heritage assets.
 10. That said, the conclusions of the Council in assessing harm to the HCA has changed compared to its consideration of the previous Outline Planning Permission. However, the Committee report on the Outline Planning Permission does not reflect my observations on the appeal site or my conclusions on the appeal proposal. Furthermore, a Previous Appeal Decision¹ relating to the development of 22 dwellings on the appeal site stated that the location of the development does not respond positively to the historic linear form of the HCA. An

¹ Appeal Ref: APP/G2713/W/23/3316000

Adjacent Appeal Decision² on an adjoining site also concluded that “*the Paddock and the other plots of land adjoining/adjacent to the site positively contribute to the setting of the HCA and its significance*”. My own observations and those of other Inspectors therefore indicate that it was the comments of the 2015 Committee Report relating to a previous Outline Planning Permission that were flawed, rather than the Council’s consideration of the current proposal.

11. Drawing the above together, the facts that the site is no longer allocated for development and that planning permission has lapsed are material changes in circumstance, and it is therefore reasonable for the Council to consider this changed context when assessing the proposal.
12. Fifth, the appellant contends that in the consideration of a Previous Appeal on the site it was concluded that the principle of development was deemed acceptable given the size, scale form etc. of the village. However, as set out in my Appeal Decision, my interpretation of that Previous Appeal Decision is that the Inspector did not reach that conclusion in respect of character and appearance or the effect on the HCA. It is clear from that Previous Appeal Decision that the Inspector’s reasoning was on the basis of the role of the settlement as a Service Village, rather than the principle of development on this particular site. To my mind it is the appellant that has misapplied the planning history of the site in this instance.
13. Sixth, that the Council failed to take account of the supporting information provided, and in particular an addendum to the Heritage Impact Assessment which contained a ZTV³ analysis. However, the Officer’s report does include an assessment of views of the site and the topography of the area including from within the HCA and from a footpath. This assessment reflects my own observations and I do not therefore consider it to be inaccurate. Although the ZTV analysis is not referred to in the Officer’s report, there is no requirement to do this given that the Officer had undertaken and explained their own assessment of visibility. The ZTV Analysis was also available to the Committee and the public during the life of the planning application. The Officer’s report has undertaken a robust assessment of the visibility of the proposal, and I do not consider that an explicit reference to the ZTV analysis would have changed the Committee’s decision.
14. Seventh, that the Local Authority did not provide a detailed response on the requirement and need for affordable housing within the village despite it being requested. However, the Council states that the information requested does not appear to exist specifically for Husthwaite. This is evidenced in the Officer’s report which refers to only secondary data being available. The Council sets out that a Needs Assessment should be undertaken based on a local survey, and cannot be undertaken during the life of a planning application.
15. The appellant refers to a scheme in Stillington which is in the same sub-area and where the Officer’s report refers to figures from that sub-area in assessing affordable housing need. However, this does not demonstrate that the figures as requested by the appellant are available for the village of Husthwaite itself. There is no substantive evidence to demonstrate that the secondary data used by the Council was inaccurate or that the Council’s conclusions on the weight given to affordable housing would have been different. In any event, I have dismissed the appeal after having assessed the proposal on the basis of the evidence before me

² Appeal Ref: APP/G2713/W/23/3315276

³ Zones of Theoretical Visibility.

regarding affordable housing. I therefore cannot conclude that the Council has prevented or delayed development by not having regard to material considerations.

16. Drawing the above together, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

David Cross

INSPECTOR

Richborough