



Appeal Decision

Site visit made on 15 June 2022

by C Megginson BA(hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th July 2022

Appeal Ref: APP/N2739/W/22/3291841

Land to the west of Green Lane, North Duffield YO8 5RT

- 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 Yorvik Homes Limited against the decision of Selby District Council.
 - The application Ref 2019/0759/FUL, dated 14 August 2019, was refused by notice dated 2 August 2021.
 - The development proposed is described as full planning approval for the erection of 5 dwellings and associated infrastructure.
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Decision

1. The appeal is dismissed.

Main Issue

2. Whether the appeal site is in an appropriate location for housing having regard to the settlement strategy.

Reasons

3. The appeal site sits to the north of the A163 Selby Road, on the western entrance to the village. It lies outside the development limits and therefore would be considered development in the countryside. Outline planning permission was granted on the appeal site in 2015 for the erection of 6 dwellings, with reserved matters approval in 2016. The Council could not demonstrate a 5-year housing land supply at that time and therefore the Council's policies could not be considered up to date. The appeal site consent has now lapsed.
4. Both parties assert that the local planning authority can now demonstrate a 5-year housing land supply and there is no evidence to the contrary. As this is now the case, the relevant policies in the local plan can be considered up to date. The Selby District Core Strategy Local Plan (the Local Plan) was adopted in 2013. Policy SP1 sets out an overarching approach to sustainable development which remains consistent with the National Planning Policy Framework (the Framework).
5. The Council have not flagged anything to suggest that the status of the development plan has changed, and I have no compelling evidence to suggest otherwise. The fact that the Council is embarking on the preparation of a new Local Plan is not in itself a reason to conclude that existing policies are out of date. Similarly, whilst the settlement boundaries may be under review and may

or may not include this site, my decision is based on the current development limits.

6. Policy SP2 sets out the spatial development strategy including a number of principles on which future development will be based and identifies North Duffield as a Designated Service Village. Whilst such villages have some scope for additional residential development, this is clearly set out as to be inside development limits, with those outside of development limits considered to be development in the countryside. Part A(c) of the policy, in summary, limits development in the countryside to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities (in accordance with policy SP13); or meet rural affordable housing need, or other special circumstances.
7. The appeal proposal would include a single bungalow and four three-bedroom homes in line with identified need in the Strategic Housing Market Assessment. The proposed development would bring some economic benefits during construction and contribute to the viability of existing services and facilities. In addition, sections of new footway would be created where there are currently grass verges. However, given the small scale of the development, these factors would not be sufficient to outweigh the harm that would be caused contrary to the Local Plan and the Framework.
8. Delays due to COVID and matters outside the applicant's control have resulted in the lapse of the original consent. The site may constitute a suitable 'rounding off of the village' in a sustainable location and would contribute to the supply of housing and delivery, but as there is not a current shortage, there would be no reason to depart from the development plan. Under the same conditions, any site outside development limits could come forward and the cumulative effect of such development could cause significant harm to the Council's spatial development strategy which has been instrumental in establishing a healthy land supply.
9. I therefore conclude that the appeal site is not an appropriate location for housing having regard to the settlement strategy. The proposed development conflicts with Policies SP1, SP2, SP4 and SP5 of the Local Plan (2013). It conflicts with the development plan as a whole and it conflicts with the Framework in relation to achieving sustainable development.

Other Matters

10. My attention has been drawn to other planning appeals which the appellant states were allowed outside of development limits. I have limited evidence on these cases. The circumstances in each proposal are likely to be different, and in any event the fact that apparently similar proposals may have been permitted is not a reason, on its own, to allow unacceptable development. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.
11. The provision of parking facilities and a water supply for the adjacent allotments is laudable as a community benefit, however, this is not reliant on the granting of planning permission or implementation thereof and therefore I have not considered this issue further.

Conclusion

12. Taken as a whole, the development plan policies which are most important for determining the appeal are not out of date. The appeal scheme would conflict with the development plan. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

C Megginson

INSPECTOR