



Appeal Decision

Site visit made on 22 January 2025

by **P Eggleton BSc(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 February 2025

Appeal Ref: APP/U2750/W/24/3354004

Fieldview House, Biggin Lane, Biggin, North Yorkshire LS25 6HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr John Walsh against the decision of North Yorkshire Council.
 - The application reference is ZG2023/1094/FUL.
 - The development proposed is a detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on the character and appearance of the area; the effect on flood risk; and whether this represents a sustainable location for new housing.

Reasons

3. The proposal is for a detached house within the existing grounds of the dwelling Fieldview House, which lies to the west of the rural settlement of Biggin. The council are unable to identify a five year supply of available sites for new housing. The nearby settlement is a small hamlet with a mix of mostly residential and agricultural properties that have generally developed around Oxmoor Lane, with a public house being relatively central to it. A similar mix of housing, farm buildings and open spaces are present within the first 100 metres or so of Biggin Lane.

Character and appearance

4. Beyond the terrace of houses on Biggin Lane, the character of the area changes significantly. Adjacent to, but behind the alignment of the terraced properties, is the property, Little Common Farm. There are then two large houses that were approved in outline by appeal decision APP/N2739/W/16/3157058 (the appeal), including Fieldview House, before another large property in substantial grounds, Spring Well House. The two houses allowed by the appeal have significantly altered the character of this area.
5. Little Common Farm is viewed in association with the properties that extend from Oxmoor Lane, whilst Spring Well House would have been experienced as being a separate dwelling, clearly distinct from the developments closer to the hamlet. There is a significant separation between the two new dwellings and their relationships with the houses to either side do, to a large extent, help to retain the

very open character of this section of road, particularly given the undeveloped land opposite and behind.

6. The first of the newer dwellings, Epernay, is a very substantial property and is built close to the boundary with Little Common Farm. This appears as an extension of the developments to the east along Biggin Lane. The second house, Fieldview House, is more closely related to the more remote property, Spring Well House. Whilst the addition of Fieldview House has consolidated and increased the scale of development associated with Spring Well House, the two remain as being distinct and are perceived as a separate cluster of development, clearly distinguishable from the other Biggin Lane properties. The position of the Fieldview House driveway, close to that of Spring Well House, emphasises this separation.
7. The proposal would further consolidate the development associated with Fieldview House and Spring Well House. It would also substantially close the gap with Epernay. Whilst the spacious and sporadic nature of development along this section of rural road has been eroded by the two new properties to a certain extent, this proposal would erode it further, to the extent that the character would be substantially changed to one perceived as almost continuous ribbon development. The four existing houses have extremely large plots, ensuring that large gaps between buildings remain. The position of such a large new house close to Fieldview House, would be at odds with this existing character.
8. Overall, the consolidation of development and the reduction of the gap between the two modern houses would change and unacceptably harm the existing character of this area. It would detract from the open, rural character of Biggin Lane and would be contrary to policy ENV1(1) of the Selby District Local Plan 2005 (LP); and policy SP19 of the Core Strategy 2013 (CS) as it would fail to have sufficient regard for local character. These policies remain in accordance with the National Planning Policy Framework 2024 (the Framework) and can be afforded full weight.

Flood risk

9. The council raised the issue of flood risk as a reason for refusal. The dwelling would lie within flood zone 2. I note that the two properties either side, whilst previously considered to fall within flood zone 1, during the appeal, are now also shown to be in flood zone 2. Little information has been provided with regard to either the foul or surface water disposal other than that contained within the very brief Flood Risk Assessment and the Foul Drainage Assessment Form. Although surface water discharge is described as being limited to 1.4 litres per second per hectare, there is no information as to how this figure was arrived at or how it would be achieved. Mention is made of a sustainable drainage system compliant driveway and path but no details are provided.
10. The Framework is clear that development should be made safe for its lifetime without increasing flood risk elsewhere. This proposal, given the increase in development, would affect drainage on or around the site and should therefore incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff. Development should only be allowed in areas at risk of flooding where it can be demonstrated that, in relation to this proposal, the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment; it incorporates sustainable drainage systems, unless there is clear evidence that this would be

inappropriate; any residual risk can be safely managed; and safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

11. The information provided in the Flood Risk Assessment fails to demonstrate how the above requirements would be satisfied. The proposed floor levels suggest that the house could be made flood resistant and resilient, although it is not clear what would be required with regard to the access to the site and whether this could also satisfy these requirements. It fails to demonstrate sustainable drainage systems or indicate why they would be inappropriate; or demonstrate how any residual risk could be safely managed. The Framework requires that decision makers should ensure that flood risk is not increased elsewhere. Planning Practice Guidance sets out the information needed to describe the existing and proposed surface water management arrangements to ensure there is no increase in flood risk to others off-site. Without this information and the incorporation of sustainable drainage systems and measures to ensure that any residual risk would be safely managed, I am not satisfied that the proposal would not result in an increase in flood risk to others off-site.
12. The appellant has provided a sequential test as part of the appeal process but this was not submitted as part of the application. Although the council has responded to it in general terms in the final comments, it has not been the subject of the consultation that would be expected during the process of a planning application. It represents new evidence. In any event, it does not assist in satisfying the requirements above.

Whether a sustainable location for new housing

13. The Framework advises that achieving sustainable development means that the planning system has three overarching objectives: economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).
14. The site lies to the west of the settlement which is based around Oxmoor Lane. Some of the Biggin Lane properties are more closely related to the settlement but even those close to the junction with Oxmoor Lane are separated from the main area of the hamlet. The host property, Fieldview House, together with Spring Well House, are even more clearly distinct from the hamlet and represent houses in the countryside. They are served by the unlit, single track, Biggin Lane.
15. Although the hamlet has a public house, it has no other services. There is a bus stop in Biggin but it appears that this offers a Monday only service designed to provide a single bus, mid-morning, directly to Selby and a bus back, two and a half hours later. Although Selby has a train station, the potential to link to this using public transport would be very limited. The bus route does not provide a round trip to other nearby service villages, nor is it possible to take the bus in the opposite direction without having to find an alternative way to return.
16. There are other settlements nearby that have a range of services, including railway stations. Sherburn in Elmet is only about three miles away and this would be accessible by bicycle as would the train station at Church Fenton. Sherburn in Elmet has a range of services and also includes a railway station. However, overall, given the nature of the bus service, this site has extremely limited accessibility by

means other than private vehicle. Whilst the Framework is clear that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making, this location does not offer practical options for limiting the need to travel or for providing a genuine choice of transport modes.

17. The policies associated with the CS settlement hierarchy are out-of-date but the principles behind such categorisations remain consistent with the Framework's objectives. The development strategy hierarchy identifies Biggin as being within its lowest class of settlement, Secondary Village, (aside from scattered hamlets within the countryside) with regard to size and sustainability. This hierarchy supports my findings above. The proposal would be at odds with paragraph 110 of the Framework which seeks to actively manage patterns of growth to promote its sustainable transport objectives, including promoting walking, cycling and public transport use, in order to move to a low carbon economy.
18. With regard to the environmental objective of sustainability, given the lack of accessibility together with my findings with regard to the harm to the character and appearance of the area and flood risk, these matters result in considerable conflict with this objective.
19. The creation and occupation of a dwelling would require investment and future residents would contribute to the local economy and support local shops and services. This would result in some economic benefits, although given that the proposal represents as single dwelling, the weight of this economic benefit would be limited.
20. New residents of a five bedroom house would be likely to support the social activities and services of the nearby hamlet, including the public house, but also the fuller range of services of the nearby settlements. Contributing to housing supply, particularly given the council's housing supply position, would also weigh significantly in favour of this development. Again, a single house and household, would have only a limited impact but there would, nevertheless, be support for the social objective of sustainability.
21. I am mindful of the previous appeal that led to the two relatively new houses. That appeal, determined in 2016, was also assessed on the basis of a lack of a five year supply of housing sites. The same development plan remains in place and the changes to the Framework remain relatively unchanged in this regard.
22. At that time, the inspector reported that the appellant had indicated that the site was six minutes walk to the bus stop which provided access to Selby, nearby villages and local service centres. The inspector did accept that local services were limited and that given the lack of accessibility to shops and other services on foot, most journeys to and from the site would be by private motor vehicle. However, it was also considered that the site had adequate walking and public transport links to local facilities; and given the opportunity for walking, cycling and public transport use, it was not considered that the location of the appeal site would cause significant environmental harm. I am unclear of the services available in 2016 but the bus service now does not appear to offer the benefits considered by the inspector as it provides return access to Selby only and only on a Monday morning.
23. I do share the previous inspector's view that given the relationship of the site to existing development, it would not constitute an isolated home in the countryside.

The two houses were, at that time, considered to be situated on land that was within flood zone 1, whilst this house would be within flood zone 2. I share the view that this proposal would add to social and economic objectives, albeit these benefits would be reduced in line with the scale of the proposal. Overall, whilst the previous inspector found that the development was at the margins of sustainability, but sustainable, the circumstances of this proposal do differ and this assessment must be based on current considerations.

24. On the basis of the above, whilst there would be some economic and social benefits from a single new dwelling, that contribute to the social and economic objectives, these are clearly outweighed by the harm with regard to the environmental objectives resulting from the harm to the character and appearance of the area, flood risk concerns and the lack of accessibility of the site, which is at odds with sustainable transport objectives.

Overall conclusions

25. I have considered the proposal in the context of paragraph 11 of the Framework which sets out the presumption in favour of sustainable development. It advises that where the development plan is out of date, permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
26. Overall, the proposed single dwelling would result in social and economic benefits; and given the housing supply position, these benefits, particularly the social benefits of contributing to the housing supply shortfall, must be afforded considerable weight. However, I have found that the proposal would result in harm to the character and appearance of the area, would be likely to increase flood risk and would result in further harm due to its poor accessibility with regard to public transport and walking, which is specifically relevant to directing development to sustainable locations.
27. There may be some potential to address flood risk concerns by the submission of further information and details; and then in considering the sequential test. However, even setting this concern aside, I would still conclude that the proposal does not represent sustainable development and the adverse environmental impacts with regard to the character and appearance of the area and the harm resulting from its poor accessibility with regard to public transport and walking, would significantly and demonstrably outweigh the social and economic benefits, when assessed against the policies of the Framework taken as a whole. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR