



Appeal Decision

Site visit made on 20 January 2025

by Louise Crosby MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 February 2025

Appeal Ref: APP/C2741/W/24/3352899

Pigotts Autoparts, Sheriff Hutton Road, Strensall, York, YO32 5XH

- 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 Mr Jim Pigott against the decision of City of York Council.
 - The application Ref is 24/00204/OUT.
 - The development proposed is outline planning application (with all matters reserved except for access, layout and scale) for the demolition of existing structures and erection of 6 No dwellings and associated access, car parking and landscaping.
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Decision

1. The appeal is dismissed.

Application for costs

2. The appellant has made an application for costs against City of York Council. This is the subject of a separate decision.

Preliminary Matters

3. The Council describe the site as being within the general extent of the York Green Belt. However, the Council have not cited Green Belt as a reason for refusal since they say the proposal would not be inappropriate development as it would have no further impact on the openness of the greenbelt than the existing use, and it could be considered that the proposal would be an improvement to the character and appearance of the site. The existing lay-by is of a similar scale to that proposed on the plans, and as such it not considered to impact further on the openness of the Green Belt. I agree and therefore I shall not consider it further in my decision.

Main Issues

4. The main issues are:
 - i) whether the appeal site is in a sustainable location such that future residents would not be entirely reliant on private vehicles;
 - ii) the effect of the loss of employment land; and
 - iii) the effect of the proposal on the integrity of the Strensall Common Special Area of Conservation (SAC).

Reasons

5. The appeal site is currently in use as a vehicle scrap yard. It is around half an acre in size and is located to the north of Strensall village in open countryside. I could

see from my site visit that the site contains lots of partially dismantled vehicles and some old utilitarian type buildings. It is screened to some degree by mature trees along its boundaries, but gaps allow glimpsed views of the buildings and the piles of cars within the site.

6. The site is located approximately 0.8 miles from Strensall village. There are a wide range of services there, commensurate with a large village. From the site the village is reached by travelling south along Sheriff Hutton Road, a busy 60mph road that is unlit beyond the edge of the village. There is no footpath, and the verge is grassed and uneven and so it would be difficult to walk on for a period of time, even wearing walking boots or similar. It is likely therefore if people were to walk to the village from the appeal site they would walk in the road and cars would then have to drive around them. The road is not wide enough to pass a person or a bicycle if there is a car on the opposite side of the road and so they would have to stop until they could pass safely.
7. I saw that there is a caravan park slightly closer to the village, on the opposite side of the road. It may be that people walk from there into the village, but it would be an unpleasant and quite dangerous walk in my view. Whilst confident cyclists might cycle into Strensall or even into York city centre, given the width of the road, the speed of traffic on it and the lack of a footpath in the verge I consider that most people would choose to drive.
8. York is the nearest large settlement with a full range of services including excellent bus and rail services. York train station is around 7.5 miles from the appeal site on busy roads and across busy roundabouts and so it is even more likely this journey would be done by car.
9. At present there does not appear to be a reliable bus service from the site to Strensall village and although there may be plans for better public transport in the future this is not guaranteed. Moreover, it is unlikely residents would wait for a bus to drive them a mile into the village to pick up a few things and then wait for a bus back. If there was a regular reliable bus into York city centre, then this would be more feasible but that is not the case. There are plans for a new rail link and station and associated car park serving Haxby and the surrounding area which could provide a rail service into York. However, this would still require occupants of the site to drive to the rail link.
10. Whilst I appreciate the current use is likely to generate more vehicular trips than the proposed use, that might not be the case for all employment uses that could occupy the site. I take the view that because the site is beyond the settlement limits of Strensall, in open countryside, the proposal would represent isolated homes. Paragraph 84 of the Framework seeks to ensure that the development of isolated homes in the countryside should be avoided except in certain circumstances, none of which apply here.
11. By comparison, paragraph 89 of the Framework advises that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. Overall, I find that this is not a sustainable location for new housing and that future residents would be reliant on private vehicles for most of their trips. As such the proposal would conflict with LP policy ENV2 in so far as it seeks to ensure that development

proposals ensure there is safe and appropriate access to the adjacent adopted highway for pedestrians and cyclists.

12. Turning to the matter of the loss of employment land, the current use is one that is best suited away from residential properties due to the likely noise and disturbance from such a use. There will be other such uses that need sites like this although the appellant says that a marketing exercise did not result in any interest. They say that the site has been marketed in accordance with City of York Local Plan Policy EC2, but there are no details of how long the marketing was for, the price it was offered at or the level of interest, just that there was no serious interest and so it was taken off the market. Regardless of the requirements of Policy EC2, in my experience it is not unusual to expect more details of the marketing exercise than has been submitted in this case.
13. I note that the site is currently let on a short-term lease. It is not clear if there is an opportunity to let the site on a long-term lease or sell the site to the current leaseholder. Importantly it shows that the site is attractive to other businesses.
14. Paragraph 128 of the Framework advocates the re-use of land that is currently developed but not allocated for a specific purpose in plans, where this would meet identified needs. An example is the re use of employment land for homes where, among other things, it would be compatible with other policies in the Framework. I have found that this would not be the case. In terms of paragraph 89 of the Framework, the appellant takes 'community needs' to include housing, however I disagree with that interpretation.
15. Overall, I am not satisfied that the site has been sufficiently marketed and therefore there is a lack of evidence about whether the site is still needed as an employment site. Consequently, the proposal would conflict with LP policy EC2. Whilst the appellant says that this policy should carry limited weight due to unresolved objections to the policy, the Council say there are no modifications to the policy. Even taking the appellant's stance the proposal would still fail to accord with the thrust of the Framework.
16. In terms of the effect of the proposal on the integrity of the SAC, the appellant has submitted a stage 1 screening assessment (Habitat Regulation Assessment) at the appeal stage. The report finds that in combination with all the City of York allocations within a 7.5km radius the proposal would increase the predicted percentage change in visits from 8.15% to 8.19% and therefore that this is not significant in combination with other plans and projects in the absence of mitigation due to the small scale and location of the proposal and the availability of alternate accessible semi-natural resource, including varied circular walking routes, in close proximity to the proposal. It concludes that likely significant effects can be ruled out and an appropriate assessment is not required. On the basis of the information in this assessment I concur. As such I find that the proposal would accord with LP policy G12a.

Other Matters

17. Whilst the Framework recognises the importance of small and medium sized sites this does not mean that all small and medium sized housing sized should be granted planning permission. Paragraph 73 must be read in conjunction with other policies that guide the location of residential development, including those I have referred to above. The fact that the site falls into this category does not outweigh

the harm I have identified above, nor the conflict with other parts of the Framework. Similarly, although the site is a brownfield site it does not necessarily follow that it is a suitable site for housing.

18. Whilst it is agreed that the site appears unsightly due to the old buildings on site and the piles of cars, it is quite well screened by mature trees and landscaping even in the winter months. Whilst 6 dwellings may look tidier, they would nonetheless appear as built development in the open countryside where there is a general presumption against new housing development.
19. The appellant has provided numerous examples of sites elsewhere in York and the surrounding villages where employment sites beyond settlement limits have been granted planning permission for housing. From the evidence before me it seems that these are all for smaller schemes than that proposed here and in most cases for one dwelling. Moreover, in each case they relate to the replacement of an existing building, and none are so remote from the nearest settlement as the appeal proposal.
20. I appreciate that the proposed new dwellings could be designed to meet the highest accessibility standards, but the same could be said of dwellings in more sustainable locations and therefore this does not weigh in favour of the proposal.

Planning Balance

21. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
22. The Council accepts that they cannot demonstrate a deliverable five-year supply of housing land as required by paragraph 78 of the Framework. Consequently, paragraph 11 d) of the Framework, which is a material consideration of significant weight, is engaged. As a result, the development plan policies that are most important for determining the application are out-of-date.
23. The application of policies in the Framework that protect areas or assets of particular importance do not provide a clear reason for refusing the development proposed. Therefore, in these circumstances, the Framework states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
24. The Council's housing land supply position is 4.17 years. Therefore, it is evident that there is a pressing need for housing when considering this shortfall. The construction of six dwellings would make a small contribution towards the Council's housing supply.
25. The development would provide jobs, but this would largely be limited to the construction phase. It would also result in a visual improvement as a result of the removal of the scrap cars and old buildings that are partially visible from beyond the site. Whilst the proposal would not have an adverse effect on the integrity of the SAC, this does not weight in favour of the proposal it merely has a neutral effect on the overall planning balance.
26. On the other hand, I have found that the proposal would be in an unsustainable location where residents would be heavily reliant on private vehicles to reach day to day services and facilities. In addition, it would result in the unjustified loss of an

employment site. Although the development plan policies which are most important for this decision can be regarded as being out of date, they are still afforded significant weight. Even considering the objective to promote the effective use of land and to significantly boost the supply of housing, the conflict with the most important policies in the development plan therefore carries significant weight. Overall, the adverse effects of the proposal would significantly and demonstrably outweigh its benefits.

27. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. There are no other considerations, including the provisions of the Framework, which outweigh this finding. Consequently, the proposal would not constitute sustainable development.

Overall Conclusion

28. For the reasons given above the appeal should be dismissed.

Louise Crosby

INSPECTOR