



Appeal Decision

Site visit made on 25 April 2025

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2025

Appeal Ref: APP/C2741/W/25/3359704

1 Cherry Lane, York YO24 1QH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Stuart Peevor against the decision of City of York Council.
 - The application Ref 24/01616/FUL was approved on 5 November 2024 and planning permission was granted subject to conditions.
 - The development permitted is a single storey side/rear extension, erection of detached double garage to rear, solar panels to side roofslope and landscaping/fenestration alterations following demolition of existing garage.
 - The condition in dispute is No. 4 which states that: A programme of post-determination archaeological mitigation, specifically archaeological monitoring is required on this site. The archaeological scheme comprises 2 stages of work. Each stage shall be completed and agreed by the Local Planning Authority before it can be approved. A) No groundworks (except demolition to foundation slab) shall take place until an archaeological contractor familiar with the archaeology in this area has been appointed by the applicant and approved by the local planning authority. The site investigation, post-investigation assessment and provision for analysis, publication and dissemination of results and archive deposition shall be completed/secured in accordance with standards set by the Chartered Institute for Archaeologists and LPA. B) A copy of a report shall be deposited with City of York Historic Environment Record to allow public dissemination of results 3 months of completion of fieldwork or such other period as may be agreed in writing with the Local Planning Authority.
 - The reason given for the condition is: The site lies within an Area of Archaeological Importance and the development may affect important archaeological deposits which must be recorded prior to destruction in accordance with the provisions of Section 16 of the National Planning Policy Framework.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the condition is necessary having regard to the location of the appeal site within an area of archaeological importance.

Reasons

3. The appeal property is a detached dwellinghouse located at the corner of Cherry Lane and Tadcaster Road. The permitted development includes the demolition of the existing double garage and the construction of new double garage in the rear garden, closer to Tadcaster Road, and the extension of the existing dwelling in the form of a single storey extension to the side. The two main additions outlined above are in locations that do not contain any existing built development.
4. The appeal site is located within the Tadcaster Road Area of Archaeological Importance, close to the historic Roman Road to Tadcaster. The Council's

evidence outlines the several previous findings of archaeological remains in the area surrounding Tadcaster Road, close to the appeal site.

5. Paragraph 207 of the National Planning Policy Framework (2024) (the Framework) outlines that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
6. Having identified the series of historic finds in close proximity to the appeal site, given the level of ground disturbance that would be undertaken, it is reasonable in this case to conclude that there is a moderate potential for archaeological remains to be located in situ within the appeal site. In this regard, it is necessary that the development is permitted subject to a condition requiring archaeological monitoring to be undertaken.
7. The appellant has highlighted the lack of imposition of a similar condition for a development permitted¹ at the neighbouring property. Although the merits of that planning decision are not before me in this appeal, the Council have set out the differences between that application and the appeal development. This was primarily due to the fact that the development at the neighbouring property, being of a smaller size, resulted in 'little potential' for archaeological remains to be present. Given these differences, it does not provide the necessary justification to remove the disputed planning condition.
8. I therefore conclude that, having regard to paragraph 57 of the Framework, the condition imposed by the Council is both reasonable and necessary given the scale of the development and the location of the appeal site within an area of archaeological importance. Removal of the condition would be contrary to the requirement of the Framework as set out above.

Other Matters

9. The appellant has referred to the cost implications of undertaking a programme of archaeological mitigation and monitoring. It is not uncommon for there to be such associated costs when undertaking development in historic areas and this would not be a reason to remove the condition. Similarly, the implication of a delay to the appellant's own timescale, or factoring the cost of purchasing the property, would not be a reason to remove the condition.
10. The appellant's objective of providing a modern, insulated, energy efficient home for their family is commendable, however it is not clear how the condition would prevent this. Either way, it is not a reason to remove the condition.

Conclusion

11. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR

¹ Planning Application Reference 24/01380/FUL