



Appeal Decision

Site visit made on 2 May 2025

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 21 May 2025

Appeal Ref: APP/U2750/W/25/3359387

Sunquest, Whitby Road, Pickering, North Yorkshire YO18 7HQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mrs J Billingham against the decision of North Yorkshire Council.
 - The application Ref is ZE24/01505/PIP.
 - The development proposed is permission in principle for residential development.
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Decision

1. The appeal is allowed and permission in principle is granted for the residential development comprising of up to two dwellings at Sunquest, Whitby Road, Pickering, North Yorkshire YO18 7HQ in accordance with the terms of the application, Ref ZE24/01505/PIP, dated 22 July 2024.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. I have determined the appeal accordingly.
4. A revised National Planning Policy Framework (the Framework) was published in December 2024. The Council has confirmed that this revision of the Framework now results in the former Ryedale District Council area no longer having a five-year housing supply and the Council estimates a significant shortfall. On this basis, the Council advises that it considers Policies SP1, SP2 and SP3 of the Ryedale Plan Local Plan Strategy 2013 (Local Plan) as being out of date regarding housing supply and confirmed that it did not wish to contest the appeal against its decision.
5. The application form detailed the permission in principle being for a residential development of between two and four dwellings. However, during determination it was agreed by the appellant to reduce the proposed development to two dwellings to match existing nearby housing densities and remove an objection. The

appellant has requested the original proposal of between two and four dwellings be considered in the appeal.

6. The reason for limiting the development to two dwellings was clearly detailed in the Council's Delegated Planning Report. Other than citing the view that the appeal site could support up to four dwellings and the higher range of dwellings would allow consideration of social housing, affordable housing or sheltered type housing and further housing delivery, the appellant provides little substantive evidence to dispute the Council's assessment of this matter. Furthermore, the Procedural Guide: Planning appeals – England details that it is important that what is considered by the Inspector is essentially what was considered by the Council, and on which interested people's views were sought. In this respect I cannot be sure that the Council and interested parties have been sufficiently aware of the requested change and have had the opportunity to comment on it during my determination of the appeal. As such, clear evidence to show the site could support up to four dwellings has not been provided and I cannot be sure that accepting the requested change would not prejudice the Council and any interested parties. I therefore do not consider it appropriate to accept this change in the appeal.
7. Notwithstanding the above, I do not consider it is necessary to change the development description to include the reference to two dwellings as detailed in the Council's documentation and I have used the one detailed on the application form in the header above.

Main Issues

8. The main issue in this case is whether the appeal site is suitable for residential development having regard to its location and proposed land use.

Reasons

9. The appeal site is a triangular garden/field located to the northeast of several existing dwellings. A small building exists on the site and part of the northern corner is covered in trees. It is bounded to the north by Whitby Road (A169) and fields to the east. A residential development exists to the opposite side of the A169. The site is in the Fringe of the Moors Area of High Landscape Value. The parties agree the appeal site is located outside of the defined Development Limits for Pickering.
10. Policy SP1 of the Local Plan sets out that development will be distributed in line with the Spatial Strategy Summary and a hierarchy of settlements. Within the terms of the Local Plan and the Spatial Strategy, Pickering is identified as a Local Service Centre and a Secondary Focus for Growth.
11. Policy SP2 of the Local Plan sets out the Council's approach to the delivery and distribution of new housing in a Local Service Centre such as Pickering as well as the wider open countryside. It includes criteria where housing may be permitted outside the defined development limits. Policy SP3 of the Local Plan supports and supplements Policy SP2 by setting out the criteria where rural affordable housing would be permitted.
12. There is no substantive evidence provided to show the proposal would meet any of the criteria for development to be permitted outside of the defined development

limits set out in these policies. Accordingly, the proposal would not comply with Policies SP1, SP2 or SP3 of the Local Plan and it would conflict with the development plan as a whole.

13. Notwithstanding this, the Council are unable to demonstrate a five-year housing supply, and the shortfall advised is significant. In such circumstances, as per footnote 8 to Paragraph 11 d) of the Framework, the policies which are most important for determining the application/appeal are detailed as being out of date subject, amongst other matters, to due weight being given to their degree of consistency with the Framework. Paragraph 11 d) of the Framework also states that planning permission should be granted unless any adverse impact 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.
14. With regards to whether the most important policies are out of date, the Council provides no compelling evidence to show that the housing supply requirements set out in the Framework will be met by the current housing and growth strategies which underpin Policies SP1, SP2 and SP3 of the Local Plan. It has not been shown that these policies are consistent with the Framework, and I therefore consider them to be out of date in regard to housing supply and I give the proposal's conflict with them limited weight.
15. In terms of impacts, the proposed development would be closely related to the existing surrounding housing, and it would not appear as a discordant or isolated addition. It would offer good accessibility to existing services, footpaths and public transport. With its modest size, hedge screening and the A169 separation, there is little to suggest the proposed development would not respect and complement the character and appearance of the street. Furthermore, I saw little to suggest that the proposed development would unacceptably affect the views or setting of the rolling topography and agricultural and rural landscape that exists around and beyond the appeal site. There is also little evidence that the proposed development would unacceptably harm neighbouring occupants' enjoyment of their properties. The Council did not raise any objections to these aspects. The Council also did not raise any objection to the proposal's potential access to the A169 or its effect on habitats and biodiversity and I see little reason to disagree with these.
16. The proposal would deliver up to two dwellings, and these would be a positive and valuable boost in the housing stock, especially with the significant shortfall the Council has identified. The proposal would also have associated social and economic benefits during the period of construction and once the dwellings were occupied.
17. Taking the above matters together, in accordance with Paragraph 11 d) of the Framework, no adverse impacts have been identified that would significantly and demonstrably outweigh the benefits that would arise, when assessed against the policies in the Framework taken as a whole.

Other Matters

18. An objection was raised by an interested party regarding concerns relating to servicing; drainage; the use of septic tanks and their effect on aquifers; adequacy of highway visibility, and the impact of potentially removing a land mark sign. However, these are matters which would be considered at the technical details consent stage. The Council did not raise any significant concerns regarding these matters, and I see little reason to take a different view on this. The raised concerns do not therefore change my view regarding the proposal.
19. While the site address has been subject to previous planning applications which have been refused, this does not render the proposed development unacceptable. I have determined the appeal on its own planning merits and accordingly, I have given this matter little weight.

Conclusion

20. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the development plan, unless material considerations indicate otherwise.
21. The proposal benefits from the presumption of sustainable development as outlined in Paragraph 11d) of the Framework.
22. On the basis of the individual merits of the proposal, the material considerations indicate that planning permission should be granted notwithstanding the conflict with the development plan.
23. For the reasons set out above, I conclude that the appeal should be allowed.

J Symmons

INSPECTOR