



Appeal Decision

Site visit made on 21 May 2025

by **P Storey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 July 2025

Appeal Ref: APP/U2750/W/25/3359933

Land south of Lead Lane, Brompton, Northallerton DL6 2RG

- 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 A. Winn, J. Winn and Richard Roberts of Richard Roberts Ltd against the decision of North Yorkshire Council.
 - The application Ref is ZB24/01136/OUT.
 - The development proposed is the erection of 4 no. self/custom build dwellings (Use Class C3) with all matters reserved except access.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 4 no. self/custom build dwellings (Use Class C3) with all matters reserved except access, at Land south of Lead Lane, Brompton, Northallerton DL6 2RG, in accordance with the terms of the application, Ref ZB24/01136/OUT, subject to the conditions in the attached schedule.

Applications for Costs

2. An application for costs has been made by Richard Roberts Ltd against North Yorkshire Council and is the subject of a separate decision.

Preliminary Matters

3. The application sought outline planning permission with all matters reserved other than access. I have determined the appeal on that basis, treating any details relating to reserved matters as illustrative only.
4. The description of development in the banner heading is taken from the planning application form. Reference to the application being for outline planning permission has been omitted, as this relates to the type of application rather than the description of the proposed development itself.
5. The appeal site lies within the Brompton Conservation Area (the CA). Accordingly, the statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 applies, which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the area.

Main Issue

6. The main issue is whether the proposed development would have an acceptable effect on the character and appearance of the area, including whether it would preserve or enhance the character or appearance of the CA.

Reasons

7. The appeal site is on the edge of the village of Brompton, to the south of Lead Lane, which serves as a key link between the A684 Stokesley Road and the centre of the village.
8. The CA encompasses much of the historic village, which is predominantly residential but also includes some notable commercial and community facilities near the medieval core around The Green, including St Thomas's Church, as well as some later phases of development. The CA is predominantly characterised by traditional vernacular architecture, with most buildings being two storeys high and constructed from red brick or rendered materials, topped with pantile or Welsh slate roofs. In the historic core, buildings are typically set close to the roadside, creating a strong sense of enclosure and reinforcing the area's historic character.
9. In contrast, the appeal site lies in part of the CA that differs from the historic core. The site itself consists of a roughly rectangular agricultural field, forming part of a series of elongated strip fields that extend towards the A684. These fields are remnants of a pre-enclosure agricultural landscape and are important in illustrating the village's historic development and rural setting. The adjacent land to the north of Lead Lane has largely been developed for residential purposes, although these dwellings are of lower density and are more architecturally varied than those in the village core, comprising detached and semi-detached two-storey houses and bungalows. These properties are generally set within spacious plots and are of predominantly 20th century design.
10. Collectively, the significance of the CA is derived from the historic and architectural character of the village core, and its intrinsic connection to historic agricultural practices evident on the village fringes. Within this context, the appeal site contributes positively to the character and appearance of the CA by maintaining this open, undeveloped field pattern, which contrasts with the built form on the northern side of Lead Lane.
11. The proposal is for four dwellings, with design details reserved for future determination. The appellant suggests that dwellings would be between single and two-storeys, which could include bungalows, and built to a suitable design code which could be secured by condition. Whilst the dwellings could be set back from the road and screened to an extent by existing hedgerows and topography, the introduction of development including buildings, domestic curtilages, and partial removal of hedgerows to create access points, would erode the openness and rural character of the site. The development would also result in the partial loss of one of the historic strip fields, thereby diminishing the legibility of the historic agricultural layout and weakening the contribution the site makes to the setting of the village.
12. Whilst the visual impact would be limited in longer distance views due to the surrounding landscape and vegetation, the development would be clearly visible from Lead Lane and would diminish the significance of this part of the CA. I am therefore not convinced that the proposed development would preserve or enhance the character or appearance of the CA.
13. Paragraph 212 of the National Planning Policy Framework (the Framework) emphasises that great weight should be given to the conservation of designated heritage assets. Paragraph 213 adds that significance can be harmed or lost

through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. Although the harm I have identified is less than substantial, it is nevertheless of considerable importance and weight. The proposal would therefore conflict with Policies HG5(e) and E5 of the Hambleton Local Plan, adopted February 2022 (the HLP), which together seek to avoid harm to designated heritage assets, and for windfall developments to avoid harm to the character and appearance of villages and their surrounding countryside.

Heritage balance

14. In accordance with paragraph 215 of the Framework and Policy E5 of the HLP, less than substantial harm to the significance of a designated heritage asset must be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.
15. A previous appeal in 2023¹ for a very similar proposal was dismissed due to the identified harm to the CA and the absence of sufficient public benefits. In contrast, the current appeal is supported by a signed and legally binding Unilateral Undertaking that secures the delivery of the proposed dwellings as self-build units. Whilst the Council has indicated that the obligation would only be acceptable once fully executed and accompanied by confirmation of land ownership and the absence of third-party interests, the submitted document includes the site's title number and confirms that the appellant holds the unencumbered freehold. It also contains a clear reference to the relevant planning permission. I am therefore satisfied that the obligation is properly executed, unambiguous, and enforceable. It also meets the tests set out in paragraph 58 of the Framework and can be afforded full weight in the planning balance.
16. The provision of self-build housing aligns with the objectives of the Self-build and Custom Housebuilding Act 2015 (as amended) and the Framework. Whilst there is disagreement between the appellant and the Council regarding the extent of any shortfall in the delivery of self-build and custom housebuilding plots, I do not need to reach a definitive conclusion on this matter. Even if there were no shortfall, this would not, in itself, be a bar to further development of this type. The Framework supports the diversification of housing supply and encourages the provision of self-build and custom housebuilding as part of a balanced housing market. In this case, the delivery of four self-build dwellings secured by a binding planning obligation contributes positively to that objective and attracts significant weight in the planning balance.
17. The appellant has also identified a range of other public benefits in line with the three strands of sustainable development set out in the Framework. Socially, the scheme would offer accessible and adaptable homes, including bungalows, suitable for a diverse range of residents. Economically, the development would generate ongoing Council Tax revenue, a substantial New Homes Bonus, and stimulate local employment and spending through all phases of development. Environmentally, the homes would be built to modern energy efficiency standards, include electric vehicle charging points, promote sustainable transport, conserve water, and deliver biodiversity net gain through habitat enhancements.

¹ APP/G2713/W/23/3314581

18. Although the harm to the significance of the CA is assessed as less than substantial, the Framework requires that such harm be afforded considerable importance and weight. In this case, the level of harm falls towards the lower end of the spectrum, given the limited intervisibility with the historic core of the village and the retention of elements of the historic field pattern. When weighed against the public benefits of the proposal, including the secured delivery of self-build housing, I find that the collective public benefits would be substantial and would outweigh the identified harm.
19. Taking into account the public benefits, the proposed development would preserve the significance of the CA, in accordance with paragraph 215 of the Framework, and would not result in overall conflict with Policy E5 of the HLP.

Other Matters

20. The Council's decision notice also refers to conflict with Policy HG5(d) of the HLP, relating to windfall housing development resulting in the loss of open space. However, for the same reasons as set out in the 2023 appeal decision, I am not persuaded the proposal would conflict with this policy. This is a neutral factor in the overall balance.
21. Several objections have been received from local residents and the Parish Council, raising a range of concerns in addition to those already considered under the main issue.
22. Several representations raise concerns about highway safety, including the narrow width of Lead Lane, the absence of footpaths, poor visibility due to blind spots and gradients, and the volume and type of traffic using the lane, including agricultural vehicles and school-related traffic. Specific concerns were also raised about the potential for conflict between vehicles and pedestrians, particularly given the lack of street lighting and the presence of children and dog walkers. Whilst these concerns are noted, the proposal is for a modest number of dwellings, and there is no technical evidence before me to demonstrate that the development would result in an unacceptable impact on highway safety or that the residual cumulative impacts on the road network would be severe, as required by paragraph 116 of the Framework.
23. Concerns were also raised that visitor or delivery vehicles would park on the highway, exacerbating congestion and obstructing access to existing driveways. However, the proposal includes on-site parking provision, and there is no substantive evidence to indicate that occasional on-street parking would result in significant harm.
24. I note comments regarding the ecological value of the site, citing the presence of barn owls, kestrels, hedgehogs, amphibians, and other wildlife supported by the paddock land and surrounding hedgerows. Whilst these concerns are noted, there is no substantive evidence before me to demonstrate ecological harm or that the proposal would result in a net loss of biodiversity.
25. Some representations express concern about the precedent that approval of the scheme might set for further development, potentially leading to coalescence with Northallerton. However, each proposal must be determined against its specific considerations, and any future proposals would be subject to independent assessment and determination.

26. Other concerns include the potential for loss of privacy, disruption to views, and the impact on the rural setting of the village. These matters have been considered in the context of the site's location within the CA and are addressed in the assessment of the main issue. The Council considers that future reserved matters submissions could ensure adequate separation distances to ensure the privacy of nearby occupiers. Based on the details submitted, I find no reason to reach a different view.
27. The Parish Council objects to the proposal on similar grounds, additionally citing the risk to overhead power lines. These concerns are noted, but no technical evidence has been provided to demonstrate that the development would pose a risk to utilities infrastructure.
28. Taking account of all of the representations made, the matters raised do not alter my overall conclusion or provide compelling reasons to depart from my previous findings.

Conditions

29. The Council has provided a list of suggested conditions, which I have considered against the requirements of the Framework and the Planning Practice Guidance (the PPG). I have amended certain conditions to ensure compliance with these provisions.
30. Standard conditions relating to the timescales for the submission of reserved matters and the implementation of the development are necessary to ensure clarity and certainty, as is a condition securing approved plans. The timescales have been adjusted to reflect the standard provisions for outline planning permissions, and the approved plans are limited to those showing the site location and means of access.
31. The appellant has proposed an additional condition relating to phasing, referencing a similar condition from a recent appeal decision². Although no specific wording has been provided, the referenced appeal decision has been submitted. The condition, which relates principally to a design code, meets the relevant tests and would provide a framework to guide future reserved matters submissions. This would help ensure that the development is compatible with its surroundings. A specific reference to phasing can be incorporated into this condition.
32. A condition requiring the submission and approval of a construction method statement is necessary to protect the living conditions of nearby residents and to safeguard highway safety during the construction phase.
33. A condition requiring details of existing and proposed ground levels and finished floor levels is necessary to protect the character and appearance of the area.
34. Conditions relating to surface water and foul drainage are necessary to ensure the site is appropriately drained and to minimise the risk of flooding both on and off the site.
35. Conditions requiring the closure of the existing access, the implementation of the approved access arrangements for each dwelling, and the provision and retention

² APP/U2750/W/24/3350480

of visibility splays are necessary in the interests of highway safety and to preserve the character and appearance of the area.

Conclusion

36. For the reasons given above, I conclude that the appeal should be allowed subject to the conditions listed in the attached schedule.

P Storey

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Prior to the submission of the reserved matters, a design code for the site as a whole to encompass the design principles to be fulfilled by the development (including but not limited to details relating to phasing, the consistency of design, materials, form, setting back of properties and proportion of plot widths to be built upon) shall be submitted to and approved in writing by the Local Planning Authority. The reserved matters shall be in accordance with the approved design code.
- 2) Details of the appearance, landscaping, layout, and scale, ("the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 3) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 4) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 5) The development hereby permitted shall be carried out in accordance with the following approved plans:
Existing Site Plan and Location Plan – Brompton_01A
Proposed Site Plan and Location Plan – Brompton_02C (access only)
- 6) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:
 - the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development; and
 - wheel washing facilities.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 7) No development shall take place until details of the existing ground and floor levels of the site and neighbouring buildings, and the proposed ground and finished floor levels of the site, have been submitted to and approved in writing by the local planning authority. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and retained thereafter in the approved form.
- 8) No piped discharge of surface water from the site shall take place until the completion of surface water drainage works, which shall be undertaken in accordance with a scheme that has previously been submitted to and approved in writing by the local planning authority. If discharge to the public sewer is proposed, the scheme shall include:

- i) Evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
 - ii) The means of discharging to the public sewer at a rate to be agreed by the local planning authority.
- 9) No dwelling hereby permitted shall be occupied until works for the disposal of sewage from that dwelling have been provided, in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 10) No dwelling hereby permitted shall be occupied until the existing access on to Lead Lane has been closed off in accordance with details which shall first have been submitted to and approved in writing by the local planning authority. The approved details shall be retained as such thereafter.
- 11) No dwelling hereby permitted shall be occupied until the access to that dwelling has been constructed in accordance with the details approved under condition No 5, and all parking, manoeuvring and turning areas have been constructed in accordance with the approved reserved matters for that dwelling. Once constructed, these areas must be maintained clear of obstruction and retained thereafter for their intended purpose.
- 12) There shall be no access or egress by any vehicles between the highway and the application site using each of the four approved vehicular access points until that access is provided with visibility splays giving clear visibility of 43 metres measured along both nearside channel lines of Lead Lane from a point measured 2.4 metres down the centre line of the access. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained thereafter for their intended purpose.

**** End of conditions ****