



Appeal Decision

Site visit made on 17 June 2025

by **F P Tinsley MA (Hons) MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5th September 2025

Appeal Ref: APP/U2750/W/25/3362145

Land between The Jackdaw & 50 Stutton Road, Tadcaster LS24 9HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Stuart, Janice, Jonathan and Clare Sinclair against the decision of North Yorkshire Council.
 - The application reference is Ref ZG2024/0465/FUL.
 - The development proposed is 'erection of a 2 bedroom bungalow with home office.'
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Decision

1. The appeal is allowed and planning permission is granted for erection of a 2-bedroom bungalow with home office at land between The Jackdaw & 50 Stutton Road, Tadcaster LS24 9HJ in accordance with the terms of the application, Ref: ZG2024/0465/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal site lies within the area formerly administered by Selby District Council. As of April 2023, a new unitary authority, North Yorkshire Council, has been established and now serves as the local planning authority for the area. Following guidance from the Ministry of Housing, Communities and Local Government, the calculation of housing land supply should continue to be based on the boundaries of the former district council area rather than the wider North Yorkshire Council area.

Main Issues

3. The main issues in this case are:
 - The effect of the development on the character and appearance of the area.
 - The effect on living conditions of future occupiers of the proposed development with regard to overlooking and noise from adjacent properties.

Reasons

Character and Appearance

4. The appeal site comprises a vacant plot of land fronting onto Stutton Road, situated between the Jackdaw public house and the corner property at 50 Stutton Road (No. 50). Much of the surrounding area is characterised by a regular pattern of development, predominantly consisting of detached and semi-detached dwellings positioned side by side with relatively close spacing. Most dwellings are

two storeys in height, although there are examples of bungalows fronting Stutton Road nearby. Properties are generally set back from the road, facing towards it, with long rear gardens, and many have areas for car parking to the front. Corner plots tend to be angled and feature smaller rear gardens offset by larger areas of front garden space. Collectively, these features contribute to a general sense of spaciousness within the street scene. This uniformity is punctuated by adjacent commercial development, including the public house and a nearby parade of commercial properties.

5. The appellant states that the proposed development would result in a site coverage of approximately 30% and has submitted evidence that this coverage is consistent with other properties in the immediate area. Four dwellings on the adjacent Calcaria Crescent are identified as examples with site coverage exceeding that of the appeal proposal. The Council maintains that these properties do not contribute to the prevailing character of development along Stutton Road. Having regard to the scale of development on the site, I consider the proposed site coverage reasonable.
6. There is no clearly defined building line along this part of Stutton Road, partly due to the irregular setbacks of adjacent commercial premises. While the proposed bungalow would be positioned forward of the building line established by the public house, it would nonetheless be set back further from the highway than the closest point of the dwelling at 50 Stutton Road.
7. Although the proposed development would represent a relatively high density use of the site, the evidence before me does not lead to the conclusion that it would be excessive. In reaching this view, I note that the single-storey nature of the proposed bungalow would result in a visually less prominent building compared to a two-storey dwelling. The use of the front garden area for car parking would also be consistent with other properties in the vicinity.
8. In summary, I find that the proposal would be in keeping with the character and appearance of the surrounding area. It would comply with Policies SP4 and SP19 of the Selby District Core Strategy 2013 (the Core Strategy), and with saved Policy ENV1(1) and (4) of the Selby District Local Plan 2005 (the Local Plan), which together aim to secure high-quality design that reflects the character and context of its surroundings. It would also comply with paragraph 135 of the National Planning Policy Framework (the Framework), which seeks to ensure that development enhances the quality of the area and is sympathetic to local character.

Living Conditions

9. The rear first-floor windows of No. 50 would overlook the rear garden of the proposed bungalow. This would lead to some loss of privacy for future occupiers. Other corner plots in the area exhibit similar relationships, however the close proximity and relatively modest size of the proposed garden would result in most of that space being subject to direct overlooking. The appellant has referenced the presence of mature planting along the boundary, which offers partial screening. I have therefore identified a very modest and acceptable degree of harm in this regard.
10. The proposed rear garden is located adjacent to the boundary with the Jackdaw public house and lies in close proximity to the main pub building. External seating

areas were in place immediately adjacent to the site at the time of my visit, and a private garden area associated with the public house adjoins part of the site boundary close to the proposed rear garden area. In addition, an extractor unit is located on the side elevation of the pub, facing the appeal site boundary, which is likely to emit noise.

11. I have reviewed the submitted Noise Assessment, as well as the proposed acoustic fencing, sound insulation measures, and other mitigation proposals. These measures would provide a degree of noise attenuation and this together with the proposed relationship with the public house, in terms of sources of noise generating activity at the premises, mean that I am persuaded the proposal would adequately address the concerns raised by the Council's Environmental Health Officer in this regard.
12. The proposal would therefore comply with the amenity protection objectives of saved Policy ENV1 of the Selby District Local Plan and Policy SP4 of the Core Strategy.

Conditions

13. I have considered the conditions proposed by the Council against the tests set out in the Framework. Where necessary, I have amended their wording in the interests of clarity and effectiveness. The appellant has had the opportunity to review and comment on the Council's suggested conditions which were included in the Council's Statement of Case.
14. In the interests of certainty, I have imposed standard conditions relating to the commencement of development and adherence to the approved plans.
15. To maintain the character and appearance of the area, it is necessary to require the submission of details concerning the materials to be used in the external surfaces of the development.
16. In the interests of visual amenity and in order to ensure that a landscape scheme appropriate to the site's setting is achieved a comprehensive scheme of soft and hard landscaping is required to be submitted to and approved in writing by the Council.
17. To protect the residential living conditions of residents of the dwelling hereby approved a scheme for protecting the development from noise from The Jackdaw Public House is required to be submitted to and approved in writing by the Council.
18. A condition is imposed requiring that the development must not be brought into use until the access to the site at Stutton Road has been set out and constructed. This is to ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.
19. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development, a condition is imposed requiring that the access, parking, manoeuvring and turning areas on the site are constructed in accordance with the details approved in writing by the Local Planning Authority.

20. A condition is imposed relating to land contamination. This is to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Other Matters

21. The Selby District Local Plan (2005) and the Core Strategy (2013) are both more than five years old. In accordance with paragraph 78 of the revised National Planning Policy Framework (December 2024), the annual housing requirement for the area is to be calculated using the standard methodology and applying a 5% buffer. The Council has confirmed that the Selby area, within North Yorkshire Council's jurisdiction, currently has a housing land supply of 2.6 years. This matter has not been determinative in my consideration of this appeal, as I have found that the proposals accord with the development plan in respect of the main issues considered above.
22. As I am minded to allow the appeal and grant planning permission for the proposed development, it is necessary to control the implementation of the dwelling as a self-build unit in the absence of Biodiversity Net Gain. The appellant has provided a planning obligation (Unilateral Undertaking) securing this requirement for a period of 3 years. I am satisfied that this addressed the requirements stipulated at paragraph 58 of the Framework. This has been provided to the Council to be placed on the public register.

Conclusion

23. I have found that the proposal would not result in harm to the character or appearance of the area and would comply with relevant local plan policies in that regard. I attach significant weight to this consideration.
24. The development would satisfactorily address the requirements of the local plan in relation to the living conditions of future occupiers to a substantial degree.
25. Other benefits include the replacement of a derelict site and a modest contribution towards housing supply.
26. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise, in line with section 38(6) of the Planning and Compulsory Purchase Act 2004. I conclude that the adverse impacts of the proposal do not significantly or demonstrably outweigh the benefits. Accordingly, planning permission should be granted.
27. For the reasons given above, and having had regard to all other matters raised, I allow this appeal.

F P Tinsley

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 24-496-001 – Site Location Plan
 - 24-496-100 Rev A – Site Layout Plan
 - 24-496-101 Rev A – Fence Details
 - 24-496-102 Rev B – Floor Plan & Elevations
3. No development shall commence above slab level until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
4. No development shall commence above slab level until a comprehensive scheme of soft and hard landscaping has been submitted to and approved in writing by the Local Planning Authority. The approved scheme should thereafter be carried out in its entirety within the period of twelve months beginning with the date on which development is commenced. All trees, shrubs and bushes should be adequately maintained for the period of five years beginning with the date of completion of the scheme and during that period all losses should be made good as and when necessary.
5. The development shall be carried out in accordance with the recommendations in the A054SS – Residential Noise Assessment August 2023. The development shall not be occupied until further details for protecting the development from noise from The Jackdaw Public House have been submitted, approved and installed and shall be retained in its entirety for the lifetime of the development.
6. The development must not be brought into use until the access to the site at Stutton Road has been set out and constructed in accordance with the ‘Specification for Housing and Industrial Estate Roads and Private Street Works’ published by the Local Highway Authority. The access must be formed with 6 metres radius kerbs, to give a minimum carriageway width of 4.5 metres, and that part of the access road extending 6 metres into the site must be constructed in accordance with Standard Detail number E50 and the following requirements:
 - Any gates or barriers must be erected a minimum distance of 6 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
 - Provision should be made to prevent surface water from the site/plot discharging onto the existing or proposed highway and must be maintained thereafter to prevent such discharges.
 - The final surfacing of any private access within 6 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
 - Measures to enable vehicles to enter and leave the site in a forward gear.

All works must accord with the approved details.

7. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users at Land Between The Jackdaw and 50, Stutton Road, Tadcaster have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.
8. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

******End Of Schedule******