



Appeal Decision

Site visit made on 3 September 2025

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2025

Appeal Ref: APP/C9499/W/25/3366069

The Grove, Hudswell Lane, Hudswell, North Yorkshire DL11 6BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant full planning permission.
 - The appeal is made by Mr Charles Smith against the decision of Yorkshire Dales National Park Authority.
 - The application Ref is R/27/145.
 - The development proposed is full planning permission for erection of 1no.dwelling and detached garage to garden of existing dwelling with associated external works and new private access to highway at land to the east.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal form confirms that the description of the development has changed from that stated on the application form. On this basis, the description of development in the above banner heading has been taken from the decision notice and appeal form.
3. The emerging Yorkshire Dales National Park Local Plan 2025-2040 has been submitted to the Secretary of State for independent Examination. I return to this matter later.

Main Issue

4. The main issue of the appeal is whether the site is a suitable location for the proposed development having regard to the housing policies of the development plan and whether the proposals make efficient use of land and provide housing for a local need.

Reasons

5. The appeal site relates to land north of Hudswell Lane in Hudswell, on the western approach to the village. The land forms part of the garden to the Grove, which is a large, detached house and is located to the east of this property and the detached garage.
6. The proposed development seeks planning permission to erect one detached house on site, together with a detached garage and new private access off the road.
7. Policy SP3 of the Yorkshire Dales National Park Local Plan 2015-2030, 2016 (LP) relates to the spatial strategy explaining that new development will be located

within or adjacent to the settlements listed in Table 1, unless there are justifiable reasons why another location is more sustainable. It goes on to state that proposals for development within or on the edge of settlements listed in Table 1 should be at a scale that is appropriate to the character and function of the settlement.

Paragraph 3 specifically refers to new build housing and explains that such will be permitted on allocated sites and inside the housing development boundaries of local service centres and service villages in Table 1. New build housing will only be permitted elsewhere in accordance with an exceptional need for affordable housing or the needs of a rural based enterprise (Policies C2 and C3).

8. Hudswell is a service village listed in Table 1. The policy on new build housing set out in Policy SP3 of the LP is reiterated in Policy C1 which states that housing development will be permitted on acceptable sites within the housing development boundaries of local service centres and service villages identified on the policies map. This map identifies the appeal site as lying outside the housing development boundaries for Hudswell. Despite the reference within Policy SP3 to new development being located within, adjacent or on the edge of settlements, it is clear that there is a specific approach for new build housing which are to be on allocated sites and inside the housing development boundaries of local service centres and service villages.
9. The proposed development is a new build house that is not on an allocated site, is not inside the housing development boundary, and is not for exceptional need. The proposed development would therefore be contrary to Policies SP3 and C1 of the LP. As the appeal site falls within the Yorkshire Dales National Park Authority (YDNP), I must determine the scheme based on the relevant policies that apply. The domestic nature of the site would not alter this as the appeal site still lies outside of the housing development boundary.
10. The LP was adopted in 2016, and the housing development boundaries may have been based on historical mapping which did not include the edges of the village (including the Grove and directly neighbouring properties). However, this does not mean that the relevant policies of the LP are out of date, particularly as it was found to be sound at Examination.
11. The village has developed overtime, and I am aware of the authority boundaries, grain and flow of the village whereby houses are located to the south on the opposite side of the road and to the west of the appeal site. There is however a clear undeveloped gap between the appeal site and the housing development boundaries to the east. To my mind, this gap represents the edge of the western confines of the settlement to the north of the road which ends at Westryton with more sporadic development thereafter. North of the appeal site comprises open fields and the gap provides scenic views from the road out towards the countryside which I found to be a positive contributor to the character of the area. This is somewhat different to the built form to the south of the road which follows a more continuous line.
12. I accept that the site is within the speed limits and between the village name signs and that it is commonplace for development sites to be brought forward and approved past the end of the settlement's development limits that either 'tag on' or infill in between existing dwellings. However, whilst there is development to the south on the opposite side of the road and to the west, there is undeveloped land to the east before reaching the housing development boundaries of Hudswell. This

means that development here would neither tag on nor infill between existing dwellings. Paragraph 73 of the Framework requires local planning authorities to support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes. The adopted local plan does support such sites, but the appeal is not in a location that is regarded as suitable.

13. My attention has been drawn to the Finghall case study and the West Witton case study. The officer's report for the West Witton case study explains that the application site lies partly within and partly outside of the housing development boundary and that the proposed dwelling would be located sufficiently within the settlement boundary to be considered acceptable in relation to Policy C1. This is different to the appeal before me which lies wholly outside of the housing development boundary and thus is not directly comparable. In terms of Finghall, the Inspector explains that the proposal would develop a gap amidst other buildings and that the development would constitute an acceptable incremental addition adjacent to the settlement. It was found that it would be in accordance with the relevant policy which seeks to ensure that development is within or adjacent to settlement development limits and would not result in adverse effects upon the character of the settlement. The appeal I am considering would not develop a gap amidst other buildings given the gap that exists to the east. Further, the relevant policies in relation to the current appeal specifically refers to housing development being permitted on acceptable sites within the housing development boundaries of local service centres and service villages identified on the policies map. This is different to the relevant policy referred to in the Finghall case. On this basis, I do not find that scheme to be directly comparable.
14. The appeal site is included in the proposed housing development boundaries for Hudswell set out in the emerging Yorkshire Dales National Park Local Plan 2025-2040. The document has not been formally adopted and does not form part of the statutory development plan. I have therefore had due regard to paragraph 49 of the National Planning Policy Framework (the Framework) which states that local planning authorities may give weight to relevant policies in emerging plans according to: a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and c) the degree of consistency of the relevant policies in the emerging plan to the Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given). The appellant claims that there have been various delays with the emerging local plan but ultimately this would not alter the weight I afford.
15. As set out earlier, the emerging local plan has been submitted to the Secretary of State for independent Examination and thus is at a rather well-advanced stage. While the proposed extension of the development boundary to Hudswell may prove to be uncontroversial, the YDNP has confirmed that they have received objections from numerous housing development boundaries elsewhere in the National Park, and it is likely therefore that this will call into question the approach the draft local plan has taken to delineating housing development boundaries. There is no guarantee that Hudswell would not be caught up in such a debate. The YDNP has also received numerous objections to the overall housing strategy in the emerging

local plan, and it is therefore likely to face scrutiny at Examination. Overall, there remains a real potential for housing development boundaries to be a central issue in the forthcoming Examination which could result in consequences even for those areas where direct objections have not been registered, for instance Hudswell. On this basis, I am unable to attribute anything more than a moderate level of weight to the proposed housing development boundaries for Hudswell.

16. Granting planning permission for the proposed development would conflict with the Council's overall spatial strategy, undermining the plan-led approach to development and potentially affect the character of the village.
17. Policy C1 of the LP states that, on sites of up to five dwellings, new housing will be restricted to local occupancy. Emerging Policy C1 likewise requires a local occupancy restriction to be secured for this type of proposal. This tenure may not be required within the former Richmondshire area on the opposite side of the appeal sites southern boundary, but I must determine the scheme on the relevant policies that apply to this specific scheme. Approvals outside of the YDNP would also be subject to their own assessment based on the policies that apply.
18. The proposed development would not offer a local occupancy restriction which would conflict with both current and emerging policy aimed at providing housing to address local needs. The appellant sets out various issues in terms of compliance with the local occupancy restriction having regard to location of the site and claims that such a restriction is flawed in many ways with reference to affordability, lending criteria/issues, resale difficulties etc. The premise of the local occupancy policy contained in the adopted LP was however found to be sound at Examination, following exploration of many of the issues raised in the appellant's statement. The use of local occupancy was subject to main modifications which required the review of Policy C1 within 5 years of adoption with a view to amongst others; ensuring that the local occupancy restrictions remain effective and fit for purpose. The appellant claims that the YDNP has failed in this regard although this would not necessarily render the policy out of date. This use of a local occupancy restriction would have been considered/consulted upon as part of bringing the emerging local plan forward and paragraph 8.18 of the supporting text to Policy C1 of the emerging local plan explains that the local plan has added more flexibility in terms of a criteria for local occupancy.
19. Adopted and emerging policy refers to the need to be informed by the latest Strategic Housing Market Assessment (SHMA) or other more recent evidence of overall need when it comes to the size, type and tenure of new housing. With this in mind, the appellant refers to a number of reports which discuss the matter of local occupancy restrictions and affordability. The SHMA concludes that given the policy on dwelling-led scenario which underpins the YDNP housing requirements and the challenges around the affordability of local occupancy dwellings and mortgage lending criteria, a more flexible approach to residency criteria is appropriate. It does however also confirm that, the majority of new homes in the YDNP need to be affordable or help to sustain communities through local occupancy or support rural workers. I do not dispute that the SHMA refers to unrestricted open market properties opposed to local occupancy when setting out the overall need and tenure mix but elsewhere ie page 11 it also refers to open market/unrestricted. While the tenure may be open market, local occupancy would still be needed to apply.

20. I am not sufficiently satisfied that local occupancy has no place in future housing provision, and this is something that has been reviewed in bringing the local occupancy restriction forward in the emerging local plan. This is something that will be scrutinised at the forthcoming Examination, including for the reasons the appellant has submitted its representations. Other reports also discuss local occupancy restriction and affordability matters providing some recommendations but again I cannot firmly conclude that local occupancy has no place in future housing provision and that it should be omitted for this particular scheme.
21. I appreciate that the proposed development would provide a 4 bedroomed property which is identified as a need within the evidence, and I recognise national housing requirements and the claims made regarding a deficit in delivery across all types of unrestricted housing as well as the need for net migration. This would not however alter my findings or the requirement for the local occupancy restriction.
22. Overall, I am unable to firmly conclude that the need for the local occupancy restriction for this particular proposal should be waived given the specific requirements of Policy C1 of the LP which has also been carried through to the emerging local plan in respect of the proposals. Housing development constructed in Hudswell over the years may have been for affordable housing and locally tied tenure, but this does not mean that local occupancy would not now be required.
23. The appellant has offered a principal residency clause which is understood to be a home that is the only or main residence of a single household (not a holiday property or second home for short term accommodation). This is however different to a local occupancy restriction and would not comply with the adopted and emerging local plan even if the Parish Council support such an approach.
24. Policy C1 of the LP requires housing sites to meet a minimum density of 35 dwellings per hectare (dph). This is intended to ensure the efficient use of land. A lower density will be permitted where this is necessary to: provide a safe access; conform to highway capacity; fit into the landscape; conserve the character of the settlement; or is required by the physical characteristics of the site. This is also something that is brought forward in the emerging local plan.
25. There is a dispute between the parties regarding the density of the development with the YDNP being of the view that the proposed development represents a density of 17dph. The YDNP therefore explains that the proposal would under deliver – by proposing just one rather than two houses and that the site could feasibly accommodate two new dwellings which would be a more efficient use of the site.
26. Hudswell is a linear village which has a traditional form of ribbon development and there are many single detached dwellings with garage/outbuildings, set within reasonably sized plots. It is a low-density settlement and follows a traditional format of having larger houses to the west. A higher density proposal would therefore be at odds with the village form, and I find the proposed density in the particular circumstances of this appeal would conserve the character of the settlement. The proposed development would not therefore be at odds with Policy C1 of the adopted and emerging local plan given that it allows for a lower density where it would conserve the character of the settlement. A lack of harm in this respect would not however overcome the other harm that I have identified.

27. For the above reasons, I conclude that although the proposed development would achieve an acceptable density for the site, it would conflict with the authorities housing strategy insofar as the site lies outside of the housing development boundaries for Hudswell and fails to provide housing for a local need. Overall, it would not represent sustainable development and would be contrary to Policies SP1, SP3 and C1 of the LP which relate to sustainable development, spatial strategy and housing in settlements.

Other Matters

28. I note the appellant's frustrations with the YDNP during the application process as well as discussions had. However, this would not alter my findings in relation to the above main issue.
29. I am aware of the location of the site and that the proposals would contribute to much needed housing provision. I also note matters relating to energy efficiency, biodiversity, creation of jobs and the offering of monies to assist with affordable housing albeit that there is no mechanism to secure this. Such matters would not alter my findings nor outcome of this appeal.

Planning balance and Conclusion

30. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. As set out above, the proposed development conflicts with the authorities housing strategy insofar as the site lies outside of the housing development boundaries for Hudswell and fails to provide housing for a local need. It therefore conflicts with the development plan to which I attribute significant weight.
31. Whilst the appeal site is included in the proposed housing development boundaries for Hudswell set out in the emerging Yorkshire Dales National Park Local Plan 2025-2040, the document has not been formally adopted and does not form part of the statutory development plan. The moderate level of weight I have attributed to the proposed housing development boundaries for Hudswell would not be sufficient to outweigh the conflict with the development plan.
32. Bringing everything together, the development conflicts with the development plan when considered as a whole. There are no material considerations, either individually or in combination, that would outweigh the identified harm and associated plan conflict. I conclude that the appeal should therefore be dismissed

N Teasdale

INSPECTOR