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## Appeal Decision

Site visit made on 14 October 2025

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

an Inspector appointed by the Secretary of State

Decision date: 17 November 2025

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**Appeal Ref: APP/U2750/W/25/3367345**

**Land adjacent to Hillcrest, Colton Lane, Appleton Roebuck, York, YO23 7DU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Baylis and Baylis Ltd against the decision of North Yorkshire Council.
  - The application reference is Ref: ZG2024/0697/OUTM.
  - The development proposed is 'Erection of up to 32 no. dwellings, amenity space, access road and footways, drainage infrastructure, and other associated works'
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### Decision

1. The appeal is allowed and outline planning permission is granted for erection of up to 32 no. dwellings, amenity space, access road and footways, drainage infrastructure, and other associated works at land adjacent to Hillcrest, Appleton Roebuck, York YO23 7DU in accordance with the terms of the application, Ref ZG2024/0697/OUTM, subject to the conditions in the attached schedule.

### Preliminary Matters

2. The application was made in outline with only details of access to be determined at this stage. This includes accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes. Matters of appearance, landscaping, layout and scale are reserved for future consideration (the 'reserved matters'). I have therefore treated any references to reserved matters in documentation as illustrative.
3. A planning obligation was entered into between the appellant and the Council and submitted to the Planning Inspectorate on 4 August 2025. Issues relating to the planning obligation are addressed below.

### Main Issue

4. The main issue is whether the proposal would provide a suitable location for housing, having particular regard to the development strategy for the area and accessibility of services and facilities.

### Reasons

5. Policy SP2 of the Selby District Core Strategy 2013 (the Core Strategy) identifies Appleton Roebuck as a Designated Service Village (DSV). Within these centres, there is recognised potential for some additional residential development.

6. My attention has been drawn to the Appleton Roebuck and Acaster Selby Neighbourhood Development Plan 2017–2027 (the Neighbourhood Plan), which, at Policy H1, states that new housing developments should be small in scale (fewer than 10 units). This document was adopted to align with the Core Strategy, which formed part of the Local Plan at the time. It is submitted that the proposed development of up to 32 units is therefore at odds with both the Local Plan and the Neighbourhood Plan in terms of the scale of development.
7. The Council argues that since Appleton Roebuck was designated a DSV in the Core Strategy, the availability of local services has declined. Consequently, access to services by non-car modes of transport has reduced, undermining the village's sustainability. The Council contends that Appleton Roebuck now has fewer services than other DSVs and is therefore inherently less sustainable, with increasing reliance on private car use to access a suitable range of services and facilities. They highlight the limited availability of retail services, healthcare provision, and the infrequency of bus services. In this context, it is submitted that a development of this scale, providing both open market and affordable housing, should not be supported due to the inherently unsustainable location.
8. In support of this position, the Council notes that Appleton Roebuck is identified within the "Tier 6 Countryside" category in the recently published North Yorkshire Local Plan: Our First Conversation, which marks an initial stage in the preparation of a new Local Plan. In line with paragraph 49 of the National Planning Policy Framework (the Framework), no weight is attached to this in my considerations.
9. I have been provided with information regarding the services available in the village, which include a primary school, a public house, a village hall, recreational facilities, and places of worship. The village also benefits from a limited bus service to York (Traveline Service 21), which connects Colton to York via Appleton Roebuck. While the village does not offer retail or healthcare services, there remains some opportunity to access local facilities and reach employment and other services in York via public transport. In this regard, I do not consider the village to be wholly unsustainable in the context of proposals for new residential development.
10. Furthermore, I have not been presented with compelling evidence to demonstrate that the village's sustainability has significantly deteriorated since the adoption of the Core Strategy, to the extent that the DSV designation is now wholly inappropriate. While recognising that this designation should serve as a guide and not be applied uncritically, I find no justification for its disregarding.
11. The appeal site is located outside, but immediately adjacent to, the Development Limits of the village as defined in the Core Strategy. Development of the scale and nature proposed is not supported in these locations by Policy SP2. However, a footpath, part of the existing village network, connects the entrance of the dwelling directly east of the appeal site, and there is an opportunity to link the site to the village footpath network to provide safe pedestrian access to the village centre. This could be secured by means of planning condition. The locational sustainability of the site, in terms of its relationship to the wider village, is comparable to that of existing residential development on the settlement's edge. I have not been presented with compelling evidence to suggest that the proposal would be unsustainable in this regard. I therefore conclude that, notwithstanding the site's location outside the designated Development Limits, it nevertheless represents a

logical location for new residential development and expansion of the village in a sustainable manner.

12. Consequently, I conclude that the proposal would conflict with Core Strategy Policy SP2, as it is located outside the defined Development Limits of Appleton Roebuck. I also find conflict with Neighbourhood Plan Policy H1 in relation to the scale of development. However, the proposal would provide a suitable location for housing, having regard to the development strategy for the area and the accessibility of services and facilities. I note that no site is allocated for residential development in the village in the statutory development plan for the area. In terms of its relationship to the village and access to local services, notwithstanding the policy conflicts identified above, it is otherwise a sustainable location for new residential development and village expansion. Overall, I do not find conflict with Core Strategy Policy SP1, nor with the provisions of the Framework concerning the location of development in sustainable areas.

### **Other Matters**

13. A number of concerns not shared by the Council have been raised by interested parties, including the Parish Council. A key theme among these concerns relates to the availability of infrastructure within the village to support the proposed development.
14. Issues have been identified regarding the capacity of the water and electricity supply, as well as the local foul drainage system's ability to accommodate the proposal. Light pollution has also been raised as a potential issue. However, I have seen no evidence to suggest that the risks associated with these matters could not be mitigated through planning conditions or other regulatory controls. Concerns relating to flood risk have been addressed to the satisfaction of the Lead Local Flood Authority. The absence of a natural gas supply is a factor that carries very limited weight in my consideration of the proposed development.
15. The potential impact on school places has been noted; however, I have no specific evidence before me to demonstrate that this growth could not be accommodated within existing capacity or through the expansion of services to meet increased demand. Concerns relating to road safety have been addressed to the satisfaction of the Highways Authority.
16. While the proposal would alter the approach into the village along Colton Lane the resultant landscape and visual changes would be no more than localised. There would be no significant harm to the wider landscape, given the proximity and influence of existing settlement. Through subsequent reserved matters, the detailed consideration of landscaping and layout would ensure that the rural character of the settlement would be retained. Overall, I have not been presented with evidence that persuades me the localised changes would result in harm to the character and appearance of the area to an unacceptable degree.
17. I note comments regarding the ecological value of the site, including references to the presence of wildlife. Although these concerns are acknowledged, there is no substantive evidence before me to demonstrate ecological harm or to indicate that the proposal would result in harm to biodiversity in the context of statutory requirements relating to this matter.

18. Considering all representations received, which also highlight significant opposition to the proposals within the village, the matters raised do not alter my overall conclusion or provide compelling reasons to depart from my previous findings.

#### Planning Obligation

19. Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and paragraph 57 of the Framework details that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation meets the three tests detailed in the legislation. I have been provided with a completed Section 106 Agreement, signed by the relevant parties.
20. In terms of affordable housing, the obligation secures the provision of 20% of the units as affordable housing, and 3% of the total number of plots as self-build or custom-build dwellings. It also includes provisions for the implementation, ownership, and maintenance of play areas and open space.
21. There is a financial contribution to mitigate the impacts of the development on education provision at Appleton Roebuck Primary School.- There are also contributions towards health services at Tadcaster Medical Centre and waste management services (bin collections).
22. Overall, based on the evidence before me, I am satisfied that the planning obligations relate to development plan policy requirements and are necessary to make the development acceptable in planning terms. They are directly related to the development, fairly and reasonably related in scale and kind, and are intended to mitigate its impacts where appropriate. The planning obligations therefore comply with the tests set out in the Framework, the advice in the National Planning Practice Guidance, and Regulation 122 of the CIL Regulations 2010 of necessity, direct relationship to the proposed development and proportionality. As such, I have taken the obligations into account in reaching my overall conclusion that the appeal should be allowed.

#### **Planning Balance**

23. The Council acknowledges that it is currently unable to demonstrate a five-year supply of deliverable housing sites (5YHLS). The appellant refers to an identified 2.6-year supply, a figure which has not been challenged by the Council and represents a substantial shortfall. In this context paragraph 11(d) of the Framework is triggered which related to the presumption in favour of sustainable development.
24. I have found that the proposal would conflict with Core Strategy Policy SP2, as it is located outside the defined Development Limits of Appleton Roebuck. I also find conflict with Neighbourhood Plan Policy H1 in relation to the scale of development. However, as the Neighbourhood Plan became part of the development plan more than five years ago and does not contain allocations to meet the identified housing requirement, in situations where the presumption in favour of sustainable development (at paragraph 11(d) of the Framework) applies to applications involving the provision of housing, as is the case here, paragraph 14 of the Framework is engaged. In this context, the adverse harm caused by this policy conflict does not significantly and demonstrably outweigh the benefits of the proposal.

25. I do not find conflict with Core Strategy Policy SP1. I have not found that the proposals conflict with the designation of Appleton Roebuck as a Designated Service Village (DSV) in the Core Strategy. I conclude, however, that the proposal conflicts with the development plan when taken as a whole.
26. While the conflict with the development plan constitutes harm, the Council is currently failing to deliver sufficient homes to meet the 5YHLS. In the context of this appeal, and given the extent of the housing land supply shortfall, this reduces the weight to be afforded to the conflict with Core Strategy Policy SP2 and Neighbourhood Plan Policy H1. Furthermore, given the proximity of some limited services, the harm arising from the likely increase in travel by private car is moderate. Accordingly, I afford modest weight to the identified harm. The proposal would contribute to the supply of housing, and in light of the Council's shortfall, the provision of 32 additional dwellings would represent a significant benefit. I also attach moderate weight to the benefit of delivery of affordable and custom / self-build housing.
27. There would also be modest economic benefits associated with the construction of the development, albeit short-term, and further modest benefits from its occupation and the associated spending within the local area. Additionally, there would be a small benefit arising from the potential of future occupiers to enhance the vitality of the existing community.
28. The Framework seeks to ensure that developments are provided with appropriate opportunities for sustainable transport. However, it also acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and that this should be taken into account in decision-making.
29. Consequently, I conclude that the adverse impacts of 32 new dwellings, arising from the site's location and its accessibility constraints, would not significantly and demonstrably outweigh the combined benefits of the proposal when assessed against the policies in the Framework as a whole. Consequently, the appeal proposal would amount to sustainable development.

### **Conclusion and conditions**

30. For the reasons set out above, material considerations indicate that a decision other than accordance with the development plan is appropriate in this case. I therefore conclude that the appeal should be allowed.
31. Turning to conditions, I have considered those proposed by the Council in their Statement Case, which have also been reviewed by the appellant who has stated they offer no comment and considering the relevant guidance contained within the Planning Practice Guidance (PPG). Where necessary, I have amended them for precision and to ensure they meet the relevant tests set out in the Framework or omitted them where I consider they do not meet the requirements of the guidance.
32. To define the permission and control the timescales for the submission of reserved matters, I have included conditions relating to reserved matters, the duration of the permission, the timescale for submitting reserved matters applications, and the approved plans.

33. To ensure the creation of a mixed and balanced community, the reserved matters application(s) must include details of the proposed housing mix and a condition is attached requiring this.
34. A series of highway-related conditions are included to promote highway safety and sustainable travel. To protect the amenity of surrounding occupiers a condition is attached to control the construction phase of the development and a condition is included is piling is necessary in order to address noise dust and vibration associate with this activity.
35. Conditions are attached relating to foul and surface water drainage to ensure appropriate site drainage. Given the number of trees, an Arboricultural Impact Assessment report is required and a landscaping plan to assist in integration of the development within the landscape. A condition requiring biodiversity enhancement is included to meet statutory requirements. Finally, a condition relating to a scenario where contamination on the site is encountered is included to address this potential scenario.

*F P Tinsley*

INSPECTOR

## Schedule of Conditions

1. Details of access (within the site), appearance, landscaping, layout, and scale (hereinafter called "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.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
3. Unless otherwise amended under the conditions below, the development shall be in accordance with drawings Site Location Plan (Ref 01 - Site Location Plan, prepared by Grimster Planning dated 29/05/2024) and Preliminary Highways Access Plan (Ref 2024362/DPL/SK002 Rev A prepared by Development Planning Ltd dated 05/09/2024), and the reserved matters shall reflect the form of development shown on Parameters Plan (Ref 04 Rev A - Parameters Plan prepared by Grimster Planning dated 13/09/2024).
4. The reserved matters application(s) shall provide details of the housing mix which is to be agreed in writing by the Local Planning Authority. The details shall demonstrate that, as a minimum, the dwellings meet the Nationally Described Space Standards (2015) or any successor standards or policy; and how 6% of the dwellings will be built to Building Regulations M4(3) 'wheelchair user' standard. Where North Yorkshire Council has nomination rights M4(3) must be wheelchair accessible dwellings (constructed for immediate occupation), and in the market sector they must be wheelchair user adaptable dwellings (constructed to be adjustable for occupation by a wheelchair user). Development shall be carried out in accordance with the approved details.
5. Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority. The development must only be carried out in compliance with the approved engineering drawings.
6. No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway (including footpath) network with any street lighting installed and in operation. The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

7. The development must not be brought into use until the access to the site at Land Off, Colton Lane, Appleton Roebuck 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 and the following requirements:
- 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 A1 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 in accordance with the specification of the Local Highway Authority
  - Measures to enable vehicles to enter and leave the site in a forward gear. All works must accord with the approved details.
8. There must be no access or egress by any vehicles between the highway and the application site at Land Off, Colton Lane, Appleton Roebuck until splays are provided as per submitted document (Preliminary Highways Access Plan - 2024362/DPL/SK002 Rev A) giving clear visibility of 91 metres on eastern side of access and 123 metres on west side of access measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. 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 for their intended purpose at all times.
9. There must be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) at Land Off, Colton Lane, Appleton Roebuck until full details of the following have been submitted to and approved in writing by the Local Planning Authority:
- vehicular, cycle, and pedestrian accesses;
  - vehicular and cycle parking;
  - vehicular turning arrangements including measures to enable vehicles to enter and leave the site in a forward gear
  - provision of a cycle link to Route 66 of the national cycle network.
  - No part of the development must be brought into use until the vehicle access, parking, manoeuvring and turning areas at Land Off, Colton Lane, Appleton Roebuck 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.

10. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:
  - details of any temporary construction access to the site including measures for removal following completion of construction works;
  - restriction on the use of Land Off, Colton Lane, Appleton Roebuck access for construction purposes;
  - wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
  - the parking of contractors' site operatives and visitor's vehicles;
  - areas for storage of plant and materials used in constructing the development clear of the highway;
  - details of site working hours;
  - details of the measures to be taken for the protection of trees; and
  - contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
  - Noise mitigation measures
  - Management of vibration
11. The drainage scheme for the development shall be carried out in accordance with the details shown on the submitted Flood Risk Assessment (prepared by WML Consulting dated June 2024).
12. With or before the submission of Reserved Matters, details of the foul water drainage scheme for the development shall be submitted to the local planning authority, along with a timetable for its implementation and details of its management post-construction. Once approved in writing, the foul water drainage scheme shall be installed in accordance with the approved details and timetable and thereafter retained, and managed in the approved manner.
13. With or before the submission of Reserved Matters, details of the surface water drainage scheme for the development in accordance with SUDS principles shall be submitted to the local planning authority, along with a timetable for its implementation and details of its management post-construction. Once approved in writing, the surface water drainage scheme shall be installed in accordance with the approved details and timetable and thereafter retained, and managed in the approved manner.
14. A strip of land 3 metres wide adjacent to the top of the embankment of the watercourse within/adjacent to the site shall be kept clear of all new buildings, structures, walls, fencing, swales/ponds and planting unless agreed otherwise in writing with Ainsty (2008) Internal Drainage Board.
15. The reserved matters application(s) shall include details of existing and proposed ground levels across the site and related finished floor levels of dwellings for approval in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

16. Should any of the proposed foundations be piled, no development shall commence until a schedule of works to identify those plots affected, and setting out mitigation measures to protect residents from noise, dust and vibration has been submitted to and approved in writing by the local planning authority. The proposals shall thereafter be carried out in accordance with the approved schedule.
17. Accompanying the Reserved Matters, an updated and detailed Arboricultural Impact Assessment (AIA) produced in accordance with BS 5837:2012 ('Trees in relation to design, demolition and construction'), or any superseding British Standard, including a Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS), shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved AIA, TPP and AMS.
18. The landscaping and layout reserved matters application(s) shall include details of landscaping and management and maintenance details, for approval in writing by the Local Planning Authority. The landscaping shall be carried out in accordance with the approved details in full prior to the last occupation of any dwelling hereby permitted and shall thereafter be managed and maintained in accordance with the approved details. Any element of the landscaping buffer that is removed, dies, is seriously damaged or diseased within 10 years of planting shall be replaced with a similar species within the next available planting season.
19. The With the submission of Reserved Matters, a Biodiversity Mitigation and Enhancement Strategy (BMES), including construction phase matters, shall be submitted to and approved in writing by the Local Planning Authority. The BMES shall be prepared in accordance with BS 42020:2013 ('Biodiversity – Code of practice for planning and development'), or any superseding British Standard, shall be informed by the Ecological and BNG Assessment (prepared by Rachel Hacking Ecology dated June 2024) and Response to North Yorkshire Ecology Comments 1st October 2024, and shall additionally include:
- a) an updated Biodiversity Net Gain Assessment showing 10% gain;
  - b) a 30 year management and monitoring plan; and
  - c) implementation timetable.

The development shall be carried out and thereafter managed in accordance with the approved BMES.

20. In the event that unexpected land contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and, if remediation is necessary, a remediation strategy must be prepared, which is subject to approval in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation strategy, a verification report must be submitted to and approved by the Local Planning Authority. It is strongly recommended that all reports are prepared by a suitably qualified and competent person.

**\*End of Schedule\***