



Appeal Decision

Inquiry held on 14 -15 October 2025

Site visit made on 14 October 2025

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th November 2025

Appeal Ref: APP/U2750/W/25/3367176

Land West of, Garden Lane, Sherburn, North Yorkshire LS25 6AT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Urban Dev (York) Ltd & Karbon Homes Ltd & JGC (1980) Ltd against the decision of North Yorkshire Council.
 - The application Ref is 2022/1236/FULM.
 - The development proposed is a residential development consisting of 66 dwellings, with associated landscaping and highways, demolition and off-site highways works.
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Decision

1. The appeal is allowed and planning permission is granted for a residential development consisting of 66 dwellings, with associated landscaping and highways, demolition and off-site highways works at Land West of, Sherburn LS25 6AT in accordance with the terms of the application, Ref 2022/1236/FULM, subject to the conditions in the attached schedule.

Preliminary Matters

2. The council has submitted a new position statement confirming that, having previously withdrawn the reason for refusal relating to highway safety, they would no longer defend the reasons for refusal in respect of the spatial strategy of the area and infrastructure.
3. Furthermore, it is now the position of the council that “it is not considered that the cumulative adverse impacts...of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework 2024 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 both individually and in combination (NPPF paragraph 11(d)).”¹ and the council agrees that the appeal should be allowed.
4. The parties have completed comprehensive Statements of Common Ground with regards to planning, highways and conditions. I have had regard to these documents in reaching my decision.
5. Nonetheless, local residents and Sherburn in Elmet Town Council maintain an objection to the appeal scheme for reasons that are not dissimilar to those referred to in the decision notice.

¹ Local Planning Authority Updated Position Statement, dated 2 October 2025

Main Issues

6. The main issues are:

- i. Whether the proposed development complies with saved Policy SL1 and Policy SP2 of the Development Plan.
- ii. If there is a conflict with the Development Plan, whether there are material considerations which would justify a grant of planning permission.

Reasons

Planning Policy Context

7. The appeal site is part of a wider area of safeguarded land around Sherburn in Elmet. Saved Policy SL1 of the Selby District Local Plan 2005 (SDLP) states that 'it is intended that the release of safeguarded land, if required, will be carried out in a controlled and phased manner extending over successive reviews of the Local Plan'. Moreover, the policy resists development that would "prejudice long term growth beyond 2006".
8. The National Planning Policy Framework makes clear that development on safeguarded land "should only be granted following an update to a plan which proposes the development"².
9. Policy SP2 of the Selby District Core Strategy (CS) directs development to existing settlements in line with the level of services available and restricting development in the open countryside. The appeal site is on the edge of but outside the defined development limits of Sherburn-in-Elmet.
10. It is agreed between the parties that the council can demonstrate only 2.4 years of a 5-year housing land supply and that this is a significant material consideration of great weight in support of the development. I note that the housing land supply worsened from 2.7 years to 2.4 years as of the council's latest published position of August 2025³.
11. Therefore, the tilted balance in National Planning Policy Framework paragraph 11(d) is engaged such that planning permission should be granted unless the harms of doing so would significantly and demonstrably outweigh the benefits.

The Development Plan

12. The appeal scheme, in seeking planning permission for the site in advance of any local plan review, is in conflict with saved policy SL1 of the SDLP and being located outside of the development limits is in conflict with policy SP2 of the CS.
13. However, at the Inquiry the council detailed that the Local Plan review is at an early stage, following the abandonment of an earlier iteration, and it is not anticipated that a new Local Plan will be adopted before 2029. Thus, while there remains the potential for the site to be released for development in accordance with its status as safeguarded land, the adoption of a new Local Plan is some time away.

² Paragraph 149, National Planning Policy Framework

³ Local Planning Authority Updated Position Statement, dated 2 October 2025

14. I also note that connections to the safeguarded land to the north and south of the appeal site, that do not form part of this appeal scheme, are secured in a planning obligation. As such I am satisfied that the appeal scheme will not prejudice development of the remaining safeguarded land, and I have no substantive evidence before me that the development of the appeal site now would prejudice the delivery of land elsewhere in the future.
15. As referred to by Sherburn in Elmet Town Council, “over the past 15 years or so, some 1,300+ dwellings have either been completed or have permission in Sherburn in Elmet.”⁴ The consultation response goes on to state that this is a 40% population increase since the 2010s. This suggests that the settlement has already made a significant contribution to the housing need of the area.
16. On the other hand, it is not at dispute between the parties that the council cannot demonstrate a 5-year supply of housing land, identifying a supply of just 2.4 years and the council did not give any indication at the Inquiry that this situation would materially change in the short term.
17. While the appeal scheme is a conflict with policies SL1 and SP2, I consider that these policies are, for these reasons detailed above, out of date and I attach only moderate weight to the policy conflict in this instance.

Material considerations

18. The appeal scheme would provide 66 affordable homes where the parties agree that there is a shortage of housing, including affordable housing. This is a benefit of the appeal scheme and I afford it great weight.
19. A planning obligation secures the contribution of £251,748 for primary school education provision and £206,722 for secondary school education provision. Furthermore, financial contributions are also secured in respect of ecological mitigation. These contributions are a positive benefit of the appeal scheme but also act to mitigate the effects of the development and as such I afford them minor weight.
20. I also note that connections to the safeguarded land to the north and south of the appeal site that do not form part of this appeal scheme are secured in the planning obligation. I afford this moderate positive weight.

Other Matters

Highways

21. Local residents have raised concern with regards the increase in traffic on Garden Lane as a result of the appeal scheme and the resulting potential conflicts with pedestrians, in particular children attending the nearby High School, HGVs and cars parked on the street.
22. I saw at the site visit that Garden Lane is narrow in places, with a number of cars parked on the street, in particular where residential dwellings did not benefit from an off-street carparking space. I observed instances where vehicles traversing Garden Lane were required to give way to oncoming vehicles due to the carriageway being obstructed by parked vehicles. Furthermore, I saw that the

⁴ Sherburn in Elmet Town Council letter dated 21 July 2025

pedestrian pavement also narrows in places, and I understand that this results in some pedestrians walking along the carriageway during peak school arrival and leaving times.

23. The appellant submitted a Transport Assessment in support of the proposals and Sherburn Town Council undertook an Automatic Traffic Count at an alternative location on Garden Lane which identified higher traffic flows.
24. The appellant's highways witness described there being no material impact on the operation of the road network as a result of the predicted "no more than 42 two-way trips (PM peak) during any peak hour"⁵, being just over 1 vehicle every 2 minutes.
25. The appeal scheme includes improvement works to the public highway outside of the appeal site and along Garden Lane including pavement and carriageway widening works, junction improvement works and the creation of additional crossings with tactile paving. I consider that these works not only address the effects of the appeal scheme, but also address many existing issues and concerns raised by local residents.
26. For the reasons detailed above and on the basis of the evidence before me, I am satisfied that the appeal scheme will not result in any unacceptable highway safety impacts.

Open space

27. The appellant confirmed at the Inquiry that the appeal scheme provides for some 60 sqm per dwelling of Public Open Space (POS) on the appeal site, this is in broad accordance with the provisions of RT2 of the SDLP. The council identifies moderate harm as a result of the absence of a contribution to offsite open space in the context that the settlement does not meet the 'Field in Trust standards for Public Open Space'⁶.
28. Policy RT2 describes on site provision as the norm, unless deficiencies elsewhere in the settlement merit a combination of on-site and off-site provision. I have no substantive evidence as to the deficiency in the settlement or what combination of on and off-site provision would mitigate this deficiency. Moreover, the proposed POS as shown on the submitted plans appears as well considered and, with particular regards to the dog walking route, designed to meet an identified need.
29. The site is near to the Sherburn Willows Site of Special Scientific Interest (SSSI). Yorkshire Wildlife Trust⁷ (YWT) has not specifically objected to the appeal scheme but has raised concerns that the appeal scheme would result in an increase in recreational activity in the SSSI and seeks additional mitigation measures.
30. I note that the consultation response from YWT welcomed the ecological mitigation obligations provided by the appellant, specifically a £25000 contribution to the conservation of magnesian limestone grassland in North Yorkshire, £1500 towards signage at the SSSI and signage on the appeal site providing information with regards the conservation of the SSSI.

⁵ 5.5.12 Transport Assessment, Via Solutions dated August 2024

⁶ Paragraph 1.6 Local Planning Authority Updated Position Statement 2 October 2025

⁷ ID2 Yorkshire Wildlife Trust letter dated 08.10.25

31. I understand that the SSSI is not in poor condition or identified as being in need of improvement, and neither Natural England nor the council have raised an objection with regards the effect of the appeal scheme on the SSSI.
32. As such, I consider that the proposed open space provision and ecological mitigation obligations is appropriate, and I do not consider that the appeal scheme is contrary to the provisions of policy RT2 of the SDLP in this regard.
33. Under the Conservation of Habitats and Species Regulations 2017 in respect of the effects of the development on the Sherburn Willows SSSI, as I am now the competent authority, it falls for me to undertake an appropriate Assessment. On the basis of the information provided to me I am satisfied that subject to appropriate conditions and obligations the proposal would not, either on its own or in combination with other plans or projects, have a significant adverse effect on the integrity of the SSSI. This therefore does not represent an impediment to the grant of planning permission.

Conditions

34. I have considered the conditions agreed between the parties in light of the relevant guidance contained within the Planning Practice Guidance (the PPG). Where necessary, I have amended them in the interests of precision and so that they meet the relevant tests as set out in the Framework. With regard to Section 100ZA of the Town and Country Planning Act 1990 (as amended), the appellant has expressed agreement to the pre-commencement conditions suggested by the council and where I have modified these it has had no material bearing on their function.
35. In order to define the permission and to control the timescales for the submission of reserved matters, I have included conditions relating to the life of the permission and the approved plans.
36. In the interests of the character and appearance of the area, I have included conditions relating to external materials and boundary treatments.
37. With regard to highway safety, I have included conditions relating to the submission of full details of the road construction works, the construction of the road network in the site, the construction of the access on to Garden Lane including visibility splays, off site highway works, parking facilities and a travel plan.
38. In the interests of highway safety and the living conditions of local residents, I have included a condition to control a Construction Management Plan to include details such as the use of Garden Lane, emergency access, wheel washing and working hours.
39. Turning to noise and construction mitigation, I have included conditions relating to a Construction Environmental Management Plan, a condition requiring a written scheme to protect noise sensitive development from noise resulting from the construction of the appeal scheme, working hours and a schedule of works to protect the living conditions of local residents.
40. In the interests of the environment, I have included conditions relating to contaminated land, including unexpected contamination and a remediation strategy.

41. With regards to drainage, in the interest of the environment I have included conditions in respect of a surface and foul water drainage strategy and to control construction works near to the exiting public sewer on site
42. In the interests of the environment and the character and appearance of the area, I have included conditions in respect of root protection areas, a landscape strategy, to require works detailed in the Preliminary Ecology Appraisal and Preliminary Roost Assessment. For the same reasons I have included conditions with regards a lighting strategy and electric charging points.
43. The planning obligation submitted by the appellant secures the dwellings on the appeal site as affordable housing, the contribution of £251,748 for primary school education provision and £206,722 for secondary school education provision. Furthermore, financial contributions are also secured in respect of ecological mitigation. I am satisfied that the obligation is relevant to planning and relevant to the development proposed and I afford them weight in favour of the appeal scheme.

Planning Balance and Conclusion

44. I have identified harm with regards the in-principal policy conflicts in respect of the site being safeguarded land (policy SL1) and being located outside of the development limits (policy SP2). However, because I have found that these policies are out of date, I have afforded this conflict only moderate weight.
45. I have found no harm with regards highway safety and the provision of public open space.
46. In favour of the appeal scheme I have afforded the provision of 66 affordable homes great weight, the provision of contributions to education and ecology in the planning obligation minor weight and moderate weight to the securing of connections to the safeguarded land to the north and south of the appeal scheme.
47. As such, I do not consider that the harm of the appeal scheme significantly and demonstrably outweighs the benefits. Indeed, I conclude that the benefits of the appeal scheme outweigh the harm.
48. For the reasons given above the appeal should be allowed.

Mr M Brooker

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos:
 - Location Plan - Ref 571-05-BBA-01-00-DR-A-0202-P04
 - Topographical Survey – Ref P22-00599-MET-EXT-XX-TOP-M2-G-001-01
 - Topographical Survey – Ref P22-00599-MET-EXT-XX-TOP-M2-G-002-01
 - Topographical Survey – Ref P22-00599-MET-EXT-XX-TOP-M2-G-002-03
 - Topographical Survey – Ref P22-00599-MET-EXT-XX-TOP-M2-G-002-04
 - Existing Site Plan - Ref 571-05-BBA-01-00-DR-A-0203-P03
 - Existing Site Sections - Ref 571-05-BBA-01-00-DR-A-0232-P01
 - Proposed Site Layout Plan - Ref 571-05-BBA-01-00-DR-A-0201-P23
 - Boundary Treatments Plan - Ref 571-05-BBA-01-00-DR-A-0204-P16
 - Levels Plan - Ref 571-05-BBA-01-00-DR-A-0205-P12
 - Tenures Plan - Ref 571-05-BBA-01-XX-DR-A-0001-P04
 - Proposed POS Plan - Ref 571-05-BBA-01-00-DR-A-0208-P11
 - Soft and Hard Landscaping Strategy - Ref 571-05-BBA-01-00-DR-A-0207-P15
 - Materials Mix Plan - Ref 571-05-BBA-01-00-DR-A-0206-P11
 - Proposed Roof Plan - Ref 571-05-BBA-01-00-DR-A-0209-P11
 - Proposed Street Scene Sections - Ref 571-05-BBA-01-00-DR-A-0231-P03
 - Drainage Strategy Plan - Ref 10-5923-SK-500C
 - Drainage Catchment Plan - Ref 10-5923-SK501B
 - Bin Collection Plan - Ref 571-05-BBA-01-00-DR-A-0240-P11
 - EV Charging Point Plan - Ref 571-05-BBA-01-00-DR-A-0241-P10
 - Proposed Carriageway Widening Plan - Ref 229810 Rev E received 28th August 2024
 - Proposed Access Arrangement – Ref 229801 Rev A received 28th August 2024
 - Pumping Station Elevations - Ref 571-05-BBA-01-00-DR-A-9050-P01
 - Pumping Station Details and Layout - Ref YW-DS-SPS-007
 - Proposed Separation Plan - Ref 571-05-BBA-01-00-DR-A-0270-P07
 - Proposed Site Sections - Ref 571-05-BBA-01-00-DR-A-0233-P05
 - Block Type AAA - Ref 571-05-BBA-ZZ-ZZ-DR-A-0260-P01
 - Block Type AAAA - Ref 571-05-BBA-ZZ-ZZ-DR-A-0261-P01
 - Block Type BBB - Ref 571-05-BBA-ZZ-ZZ-DR-A-0262-P02
 - Block Type BE - Ref 571-05-BBA-ZZ-ZZ-DR-A-0263-P02
 - Block Type BE01 - Ref 571-05-BBA-ZZ-ZZ-DR-A-0264-P02

- Block Type CBC - Ref 571-05-BBA-ZZ-ZZ-DR-A-0265-P02
 - House Type A - Ref 571-05-BBA-ZZ-ZZ-DR-A-0210-P02
 - House Type B - Ref 571-05-BBA-ZZ-ZZ-DR-A-0211-P04
 - House Type C - Ref 571-05-BBA-ZZ-ZZ-DR-A-0212-P04
 - House Type E - Ref 571-05-BBA-ZZ-ZZ-DR-A-0214-P02
 - House Type F - Ref 571-05-BBA-ZZ-ZZ-DR-A-0215-P02
 - Block Type AA - Ref 571-05-BBA-ZZ-ZZ-DR-A-0220-P03
 - Block Type BB - Ref 571-05-BBA-ZZ-ZZ-DR-A-0221-P04
 - Block Type AB - Ref 571-05-BBA-ZZ-ZZ-DR-A-0224-P04
 - Block Type BAE - Ref 571-05-BBA-ZZ-ZZ-DR-A-0226-P04
 - Block Type BAA - Ref 571-05-BBA-ZZ-ZZ-DR-A-0227-P05
 - Block Type FFFF - Ref 571-05-BBA-ZZ-ZZ-DR-A-0229-P02
 - Block Type BAB Elevations & Floors - Ref 571/05-BBA-ZZ-ZZ-DR-A-0228 Rev P02
- 3) Notwithstanding the submitted materials plans reference Materials Mix Plan - Ref 571-05-BBA-01-00-DR-A-0206-P11, before any work proceeds above slab level further details shall be submitted for the written approval of the Local Planning Authority for all external materials and a sample panel erected on site for the external walls and roof materials for inspection. Thereafter the approved details only shall be used and retained for the lifetime of the dwellings.
- 4) Notwithstanding the submitted Boundaries Plan - Boundary Treatments Plan - Boundary Treatments Plan - Ref 571-05-BBA-01-00-DR-A-0204-P16 before any work proceeds above slab level further details shall be submitted for the written approval of the Local Planning Authority for all boundaries. Thereafter the approved boundary treatments shall be erected/installed prior to the dwelling or public open space they are adjacent to; and thereafter retained and maintained for the lifetime of the dwellings unless replaced like for like.
- 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 and programme.
- 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 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) There must be no access or egress by any vehicles between the highway and the application site at Garden Lane until splays are provided giving clear visibility of 43 metres 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.
- 8) There must be no access or egress by any vehicles between the highway and the application site to the west of Garden Lane until visibility splays providing clear visibility of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway of the major road have been provided. 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) The following schemes of off-site highway mitigation measures must be completed:
 - Footway improvements to the north of the site access at Garden Lane prior to commencement of development hereby approved
 - Footway construction to the south of the site access at Garden Lane prior to first occupation of the development hereby approved

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme shall take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.

An independent Stage 2 Road Safety Audit carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site.

A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to commencement of development.

Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

- 10) No part of the development shall be brought into use until the access, parking, manoeuvring and turning areas for all users to the west of Garden Lane 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.

- 11) No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved plans. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
- 12) Prior to the first occupation of the development, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan will include:
 - agreed targets to promote sustainable travel and reduce vehicle trips and emissions within specified timescales and a programme for delivery;
 - a programme for the delivery of any proposed physical works;
 - effective measures for the on-going monitoring and review of the travel plan;
 - a commitment to delivering the Travel Plan objectives for a period of at least five years from first occupation of the development, and;
 - effective mechanisms to achieve the objectives of the Travel Plan by both present and future occupiers of the development.

The development must be carried out and operated in accordance with the approved Travel Plan. Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation must be implemented in accordance with the timetable contained therein and must continue to be implemented as long as any part of the development is occupied.

- 13) No development shall 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:

1. Restriction on the use of Garden Lane access for construction purposes, which shall include restricted delivery hours avoiding school arrival and departure times;
2. There will be no use of the emergency access proposed by the development for construction traffic to enter or exit the site.
3. Wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
4. The parking of contractors' site operatives and visitor's vehicles;
5. Areas for storage of plant and materials used in constructing the development clear of the highway;
6. Details of site working hours;
7. Details of the measures to be taken for the protection of trees; and
8. Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

- 14) Prior to commencement of development a Construction Environmental Management Plan shall be submitted to and approved in writing with the Local Planning Authority. The Plan shall include details of how noise, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated. The plan shall also include monitoring, recording and reporting requirements. The construction of the Development shall be completed in accordance with the approved Plan.
- 15) Prior to works above slab level a written scheme for protecting the proposed noise sensitive development from noise shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that the noise level in the gardens of the proposed properties shall not exceed 50 dB LAeq (16 hours) between 0700 hours and 2300 hours and all works which form part of this scheme shall be completed before any part of the development is occupied. The works provided as part of the approved scheme shall be permanently retained and maintained as such except as may be agreed in writing by the Local Planning Authority. Construction work shall not begin until a written scheme for protecting the internal environment of the dwellings from noise has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that the building envelope of each plot is constructed so as to provide sound attenuation against external noise. The internal noise levels achieved shall not exceed 35 dB LAeq (16 hour) inside the dwelling between 0700 hours and 2300 hours and 30 dB LAeq (8 hour) and 45 dB LAmx in the bedrooms between 2300 and 0700 hours. This standard of insulation shall be achieved with adequate ventilation provided. All works which form part of the scheme shall be completed before any part of the development is occupied. The works provided as part of the approved scheme shall be permanently retained and maintained as such except as may be agreed in writing by the Local Planning Authority. The aforementioned written scheme shall demonstrate that the noise levels specified will be achieved.
- 16) No work relating to the development hereby approved, including works of demolition or preparation prior to building operations, shall take place other than between the hours of 08:00 hours and 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank or National Holidays.
- 17) Prior to any piling or ground compaction works, a schedule of works to identify those plots affected and setting out mitigation measures to protect residents from noise, dust and vibration shall be submitted to and approved in writing by the local planning authority. The proposals shall thereafter be carried out in accordance with the approved schedule.
- 18) No development shall commence until an assessment of the risks posed by any contamination (including gases and water quality) has been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency - Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site.

The assessment shall include: a survey of the extent, scale and nature of contamination; the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; ground waters and surface waters; ecological systems; and archaeological sites and ancient monuments.

- 19) No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development or relevant phase of development is occupied.
- 20) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development or relevant phase of development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
- 21) No development shall take place until a Drainage Strategy and Plans (for both foul and surface water drainage) has been submitted to and approved in writing by the Local Planning Authority. The Drainage Strategy and Plans and plans shall include:
 - Separate systems for foul and surface water
 - Outfall positions and destinations
 - If discharge to public sewer is proposed, the means of discharging to the public surface water sewer network at a pumped rate of discharge of 4.75 litres per second
 - For foul drainage, off- site works and phasing of the necessary infrastructure is any required
 - If sewage pumping is required from any part of the site, the peak pumped foul water discharge must not exceed 4.75 litres per second
 - Details of any balancing works
 - If any phasing is proposed in relation to housing occupation, a Drainage Phasing Plan
 - Maintenance and Management Plan

Thereafter there shall be no piped discharge of surface or foul water from the development OR occupation of any dwelling, prior to the completion of the drainage system in accordance with the approved Drainage Strategy and Plans; unless a Drainage Phasing Plan has first been approved by the Local Planning Authority in writing, and in this instance the development shall take place in complete accordance with the approved details including this additional plan.

- 22) No construction works within 25m of public sewerage infrastructure shall commence until measures to protect the public sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that have first been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times.
- 23) No development shall commence on site before a root protection area(s) (RPA) strategy has been submitted to and approved in writing with the Local Planning Authority. This shall include fencing proposals in line with the requirements of British Standard BS 5837: 2012 (section 6.2.2 figure 10) Trees in Relation to Construction – Recommendations, or any subsequent amendments to that document, around the trees or shrubs or planting to be retained, as indicated on the approved plans. The developer shall maintain such fences until all development subject of this permission is completed; or removed in a phased manner as the development completes in a way that gives rise to no risk to the protected trees, shrubs and plants.
- 24) Prior to the erection of any roofs hereby permitted a detailed landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. This should be broad accordance with Soft and Hard Landscaping Strategy - Ref 571-05- BBA-01-00-DR-A-0207-P15 and shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants; and seed mixes, sowing rates and mowing regimes where applicable. It shall also include details of ground preparation; tree planting details; surface treatments, street furniture, and play equipment. A delivery programme shall also be provided. The proposed tree planting shall be compatible with existing and proposed utilities.

The Landscaping shall be completed in accordance with the approved programme; and shall be no later than a period of six months after the practical completion of the development.

Any trees or plants which within a period of ten years from the substantial completion of the planting and development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

- 25) The scheme hereby approved shall be carried out in accordance with the approved Preliminary Ecological Appraisal and Preliminary Roost Assessment mitigation. The scheme shall be implemented and retained thereafter.

- 26) Prior to erection of any roof hereby permitted, a lighting strategy should be submitted to and approved in writing by the Local Planning Authority. This shall include the relevant recommendations in the approved Preliminary Ecological Appraisal and Preliminary Roost Assessment. The agreed scheme shall be implemented and retained thereafter.
- 27) The approved electric charging points as shown on Plan EV Charging Point Plan - Ref 571-05-BBA-01-00-DR-A-0241-P10 shall be installed in strict accordance with the approved details and shall be operational upon occupation of the dwelling to which they relate. The charging point installed shall be retained thereafter.

APPEARANCES

FOR THE APPELLANT:

- : Mr David Hardy, Partner CMS UK
- : Mr Paul Butler, PB Planning
- : Mrs Lily Cripps, Karbon Homes
- : Mrs Elizabeth Green, Via Solutions

FOR THE LOCAL PLANNING AUTHORITY:

- : Mr Philip Robson, Counsel Kings Chambers
- : Mrs Fiona Hunter, North Yorkshire Council
- : Mrs Kelly Dawson, North Yorkshire Council
- : Mr Ian Kelly, North Yorkshire Council

INTERESTED PARTIES:

- : Cllr Bob Packham, North Yorkshire Council
- : Cllr Alex Tant-Brown, Sherburn in Elmet Town Council
- : Cllr Peter Baumann, Sherburn in Elmet Town Council

DOCUMENTS

- ID1 Sherburn in Elmet Town Council petition
- ID2 Yorkshire Wildlife Trust letter dated 08.10.25