
Appeal Decision

Site visit made on 6 November 2025

by **M Willis BSc MA MTRPI**

an Inspector appointed by the Secretary of State

Decision date: 25 November 2025

Appeal Ref: APP/U2750/W/25/3371320

Field OS 3445, Sheepdyke Lane, Hunmanby, North Yorkshire

- 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 Mr P Sanderson against the decision of North Yorkshire Council.
 - The application Ref is ZF24/00311/FL.
 - The development proposed is the erection of 3 detached dwellings with integral garaging and gardens with an internal access road.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would preclude the proper and planned delivery of housing on allocation site HA 29 as a whole having regard to Policy HC2 and supporting Housing Allocation Statement;
 - the effect of the proposal on the character and appearance of the surrounding area;
 - the effect of the proposal on the occupiers of neighbouring properties with particular regard to the proximity, size and scale of the buildings and light;
 - the effect of the proposal on potential buried archaeological remains; and
 - whether the proposal would provide acceptable living conditions for future occupants with particular reference to noise and disturbance from the nearby railway line.

Reasons

Whether the proposal would preclude the proper and planned delivery of housing on allocation site HA 29 as a whole having regard to Policy HC2 and supporting Housing Allocation Statement

3. The appeal site is located within the development limits of Hunmanby and relates to a small portion of the allocated housing site (Site HA 29). Policy HC2 of the Scarborough Borough Local Plan 2017 (SBLP) identifies an indicative density of 20 dwellings to be delivered on the entire HA 29 site and says proposals will be supported where they accord with other relevant local plan policies and

satisfactorily address any issues and requirements as set out in the relevant Housing Allocation Statement.

4. The proposal would deliver three large, detached dwellings with the main and only vehicular access to the development being located off Sheepdyke Lane. A retained buffer to the north of the site is also shown on the plans which the appellant says provides for potential future connection to the wider allocation site as and when a suitable scheme is approved for the adjoining land.
5. The appellant says the level changes between the two parts of HA 29 means a vehicular access connecting them cannot be readily included. I appreciate the unusual shape and different levels across the entire HA 29 site presents a challenge in developing this site however, this is acknowledged within the Housing Allocation Statement. The Housing Allocation Statement is also clear that notwithstanding the sites unusual shape the main and primary access should be off Stonegate and not taken off Sheepdyke Lane. Any access from this point should therefore act as a secondary or emergency access only.
6. As submitted, the proposed access onto Sheepdyke Lane would serve as the primary access to the development. Whilst potential future connection via a pedestrian and cycle route is noted, this would not be in line with the requirements of the Housing Allocation Statement. Although I understand a separate application seeking to develop the northern part of HA 29 is currently being considered by the Council, I do not know the details or the outcome of that application. It is therefore unclear whether that scheme provides for connection and integration with the appeal scheme or whether, as claimed by the appellant, the total number of dwellings across the whole site would be in line with that envisaged. In any event, each case must be dealt with and considered on its individual merits and on the information and evidence that has been presented. Consequently, I have given no consideration to the separate proposal in the determination of this appeal.
7. Having considered the plans and evidence before me, whilst the principle of housing on this allocated site is acceptable, the proposed development would not bring forward the allocation site as a single development and falls well short of the densities envisaged for the site as a whole. The proposal would create a single, primary means of access off Sheepdyke Lane rather than via Stonegate to the north and insufficient evidence has been provided to demonstrate that future integration with the wider allocation site could be achieved. As submitted, the proposed development would therefore result in the subdivision of the allocation site and is contrary to Policy HC2 and the requirements of Housing Allocation Statement HA 29.
8. I acknowledge paragraph 73(e) of the National Planning Policy Framework (the Framework) supports the sub-division of large sites where this could help to speed up the delivery of homes. In this case, the total indicative yield for site HA 29 is around 20 dwellings and is one of the smallest sites identified by Policy HC2. Given this I do not consider site HA 29 to constitute a large site in the context of the Framework or when compared with other allocated sites within the Local Plan. Given the provisions of the Framework do not apply in this case, this does not justify deviation from the proper and planned delivery of the entire allocation as is provided for by the development plan.

9. For the reasons set out above, the proposed development would preclude the proper and planned delivery of housing on allocation site HA 29 as a whole as is provided for by the development plan. The proposal would therefore be contrary to Policy HC2 and the requirements of Housing Allocation Statement HA 29. Together these require proposals for housing on allocated sites to be in accordance with other relevant development plan policies and satisfactorily address any issues and requirements as set out in Housing Allocation Statements.

The effect of the proposal on the character and appearance of the surrounding area

10. Hunmanby is a large village that has expanded over time resulting in a diverse mix of housing types, ages and architectural styles. This growth has also created a settlement pattern that shifts from a denser historic core to a more regimented medium density suburban development towards the southeast.
11. The appeal site is located towards the eastern edge of the village. The closest properties to the proposal site are those on Manor Gardens which abut the sites western boundary. This is a medium density development largely comprising of bungalows constructed from buff coloured brick that have shallow pitched roofs. The dwellings sit within moderately sized plots set well back from their frontages resulting in short rear gardens that back onto the appeal site. On the opposite side of Sheepdyke Lane, within Hamerton Road and beyond, the properties are more varied in their design comprising two storey dwellings constructed of red or buff coloured brick with some having rendered finishes to their upper extents.
12. The proposal is for the erection of three large, two and three storey detached dwellings with associated access and gardens. Unit 1 comprises a three storey, L-shaped dwelling with integral double garage, a gable roof and dormer windows. Units 2 and 3 share the same design, each comprising a two storey dwelling with a detached double garage, both featuring hipped pitched roofs. All three dwellings share common design cues and materials which the appellant says draw inspiration from the local vernacular.
13. As I observed during my visit, Hunmanby features a range of house types and I acknowledge two and three storey properties are not uncommon locally or generally. However, in this instance, the proposed low-density development with significantly larger two and three storey dwellings would fail to reflect or respect the smaller, medium density, single storey properties on Manor Gardens that directly adjoin the site. While some variation in height and architectural style can enhance visual interest, and I acknowledge that certain design elements and materials such as brick, render, and uPVC windows/doors are consistent with those present in the wider area, the overall size, scale, and appearance of the proposed dwellings would starkly contrast with those closest to the site. The proposed dwellings would therefore appear overly dominant and be out of keeping with the local vernacular of the properties on Manor Gardens whose distinctive character sets this part of Hunmanby apart from other areas of the village.
14. The appellant says the layout, density, and orientation of the proposal is dictated by the site's tapering form and that higher density is unachievable. As I have explained above, the unusual shape of the site is acknowledged and identified as a challenge in the Housing Allocation Statement. However, the entire allocation site is intended to be delivered as a single, comprehensive development rather than being delivered through the submission of separate schemes, as proposed here. This

proposal addresses only part of the allocation site and not the whole site and consequently I am not persuaded that the layout and density proposed represents the only viable or realistic design solution for the site. As proposed, I do not consider the proposal to respond positively to its local context or to be respectful and sympathetic to the character and form of its wider setting and the surrounding area.

15. For the above reasons, I find the proposal would be materially harmful to the character and appearance of the area and would conflict with Policies SH1 and DEC1 of the SBLP. Together these policies require new development to safeguard and reinforce the distinctive character of each settlement and its design to have regard to its impact on the character and appearance of the area in which it is located.
16. I also find the proposed development does not accord with the Residential Design Guide Supplementary Planning Document 2022 which seeks to ensure that the design, scale, proportions and layout of new development have regard to surrounding development and reflects the local environment and character.
17. There would also be conflict with paragraph 135 of the Framework insofar as it requires development to be sympathetic to local character and history, including the surrounding built environment and landscape setting.

The effect of the proposal on the occupiers of neighbouring properties with particular regard to the proximity, size and scale of the buildings and effects on light

18. Based on the submitted plans, the proposed buildings, in particular Unit 2 and the two detached garages, would be positioned close to the site's western boundary. This boundary is shared with the bungalows on Manor Gardens which have relatively short rear gardens with the shortest being that associated with No.10.
19. With regard to Units 2 and 3, the proposed ridge heights would be typical of two storey dwellings and by presenting the gable end of these properties towards Manor Gardens this largely resolves any issues or impacts in terms of overlooking and the loss of privacy to neighbouring occupants. However, Units 2 and 3 would be substantial in size when compared to that of the smaller properties on Manor Gardens. Their size, combined with the short separation distances and close proximity of the proposed garages, would have an overly dominant and intrusive visual effect on the outlook of the neighbouring residents. The close proximity of the buildings would also create an unacceptable sense of enclosure to the small rear garden spaces that share this boundary.
20. Whilst the appellant says all neighbouring habitable room windows and garden areas would retain light levels comfortably within the recommended thresholds contained within the Building Research Establishment guidelines, no such assessment or evidence is before me which supports this position. Therefore, this has not been substantiated and so in the absence of sufficient evidence to prove otherwise, I am not persuaded that the proposal would not have an adverse effect on the living conditions of neighbouring residents as result of the loss of light.
21. The proposed layout of Unit 1 is considered by the Council to avoid any unacceptable overbearing or inappropriate levels of overlooking to the neighbouring properties. I concur with this assessment and so whilst the concerns of local residents are noted, I am content this element of the scheme is acceptable.

22. For the above reasons, I find the proposal would have a harmful effect on the occupiers of neighbouring properties with particular regard to the proximity, size and scale of the buildings and effects on light. The proposal would therefore be contrary to Policy DEC4 of the SBLP which, amongst other matters, requires proposals to ensure existing occupants of land and buildings are provided with a good standard of amenity and that development does not give rise to unacceptable impacts by means of overbearing impact, overshadowing or loss of light.

The effect of the proposal on potential buried archaeological remains

23. The site is bounded to the west by an old brick wall which, based on historic maps, is understood to relate to the enclosure of a former Manor House. The wall and associated earthworks are considered by the Council to be a non-designated heritage asset and this is not disputed by the appellant.
24. The proposal would not interfere or have any direct physical impact on the wall itself. However, given the historical context and former use associated with the site, I concur with the Council that the site has the potential to contain archaeological features of interest. The presence or absence of such remains however has not been proven at this stage and so based on the information before me, the significance of any such assets cannot be determined.
25. Whilst the appellant says a pre-commencement condition to secure an archaeological written scheme of investigation could be imposed, this would only provide for potential mitigation solutions based on the form and layout of the development as proposed. Consequently, the mitigation options available to avoid and minimise damage to any archaeological remains would be potentially limited. Given the absence of sufficient evidence at this stage, and without knowing the potential significance of any remains that may be present within the site, it has not been demonstrated that proper consideration has been given to the layout and design of the development so as to avoid or minimise any conflict or impacts on features of archaeological interest that may be present.
26. For the above reasons, the proposed development would have a potential harmful effect on potential buried archaeological remains that are present within the site. The proposal, as submitted, therefore fails to comply with Policy DEC6 of the SBLP which seeks to protect, enhance and promote archaeological heritage.

Whether the proposal would provide acceptable living conditions for future occupants with particular reference to noise and disturbance from the nearby railway line

27. The Council says it has residual concerns about the potential for noise and disturbance from the nearby railway line on the residential amenity of future occupants.
28. The Noise Impact Assessment (NIA) submitted in support of the application concludes that through the use of double glazing and an appropriate alternative ventilation system, acceptable noise levels within all internal living areas of the proposed dwellings could be achieved. Additionally, with the use of standard close boarded fencing, noise levels within the majority of the proposed garden spaces would fall within guideline values with only some parts of the proposed garden areas exceeding the guideline level.

29. I note the proposed site layout plans contained within the NIA (Drawing Nos. NT16644/001 to NT16644/007) do not reflect that which is shown on the revised Proposed Block Plan (Drawing No.10987-4-J Rev A). The Council has confirmed that Drawing No.10987-4-J Rev A is the proposed layout plan upon which its decision was made. This plan shows a revised arrangement for the dwellings within the site with a notable difference being the relocation of the roadway from the western side of the site to the eastern side with a consequential shift to the positioning of the dwellings further west. These alterations together result in an increased buffer between the dwellings and their garden areas and the railway line.
30. The Council's Environmental Health Officer (EHO) raised no objection to the proposal, as originally submitted, subject to conditions. Although the Council says it has residual concerns about the potential for noise and disturbance from the nearby railway line on the residential amenity of future occupants this is not substantiated. The revised layout plan now appears to remove the garden areas which had originally been identified by the NIA as being at risk of exposure to higher levels of noise. Therefore had the appeal been allowed, a condition requiring acoustic fencing to be installed along the gardens eastern boundaries could have reasonably been imposed to ensure any potential residual noise is further mitigated.
31. For the above reasons, had the appeal been allowed and subject to conditions, I consider the proposal would provide acceptable living conditions for future occupiers with particular reference to noise and disturbance from the nearby railway line. The proposal would therefore accord with Policy DEC4 of the SBLP which, amongst other matters, requires proposals to ensure future occupants of land and buildings are provided with a good standard of amenity and that development does not give rise to unacceptable impacts by means of noise.

Other Matters

32. The Council is unable to demonstrate a five-year housing land supply and so paragraph 11(d) of the Framework is engaged. This indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
33. I acknowledge and concur with the Council that potential benefits of the proposal include the delivery of three energy-efficient, high-quality market homes that would contribute to boosting local housing supply as well as opportunities for ecological improvement. Other benefits include the creation of jobs during the construction phase and increased custom which would support local services and facilities in the village. However, when taken together and given the limited scale of the development, I consider such benefits to be modest and so are given moderate weight in the planning balance.
34. As explained above, I have found harm to the character and appearance of the area, the living conditions of the occupants of neighbouring properties and to non-designated heritage assets. When considered together I consider these harms to significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the Framework when taken as a whole.

35. I acknowledge the concerns raised by local residents regarding inappropriate levels of overlooking and loss of privacy; flood risk and drainage; highways and traffic; effects on local wildlife and impact on local infrastructure. However, based on the evidence before me, I find no reason to disagree with the Council's conclusions on these matters. These are therefore neutral factors in the planning balance.
36. Finally, the appellant has referenced a number of previous appeal decisions which he says supports his position on several matters. However, I have not been provided the details of those cases and so I am unable to draw any direct comparisons to those and this proposal. In any case each appeal must be considered on its own merits and on the individual facts of the case. Therefore, I have determined the appeal on this basis.

Conclusion

37. I conclude that the proposal conflicts with the development plan taken as a whole, and there are no other considerations, including those raised by the appellant and the Framework, which outweigh that conflict. For the reasons outlined above, the appeal is dismissed.

M Willis

INSPECTOR