
Appeal Decision

Site visit made on 28 October 2025

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

an Inspector appointed by the Secretary of State

Decision date: 27 November 2025

Appeal Ref: APP/C2741/W/25/3372604

Land adjacent to The Birches, Main Street, Wheldrake, York, YO19 6AH

- 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 Mr K Webb against the decision of the City of York Council.
 - The application reference is Ref: 24/01719/OUT
 - The development proposed is '1 no proposed dwelling'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with approval sought for access only. Matters of scale, appearance, landscaping and layout were reserved for future approval, the Council dealt with the application on this basis and I shall proceed on the same basis. The appellant has provided indicative plans relating to the site layout to illustrate how the dwelling could be accommodated in the site. I have therefore taken this into account in so far as establishing whether it would be possible, in principle, to erect the dwelling on the site.

Main Issues

3. The appeal site lies within an area of Green Belt, and immediately adjacent to the Wheldrake Conservation Area. The main issues arising in the appeal are therefore:
 - (i) whether the proposal would amount to inappropriate development in the Green Belt, having regard to the National Planning Policy Framework ('the Framework') and any relevant development plan policies;
 - (ii) if inappropriate, whether it would affect the openness and purposes of the Green Belt
 - (iii) the effect of the proposal on the character and appearance of the area, with particular regard to the setting of the Wheldrake Conservation Area.
 - (iv) Would any harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

Inappropriate development

4. The appeal site lies within the Green Belt. Paragraph 154 of the Framework identifies categories of development that may be regarded as not inappropriate in the Green Belt, subject to certain conditions. New buildings within the Green Belt, are generally inappropriate unless, among other things, they constitute limited infilling in villages. The Framework does not define either “limited” or “infilling”, leaving scope for interpretation.
5. Insofar as it is relevant to case, Policy GB1 of the City of York Local Plan 2017–2033 (the Local Plan), is broadly consistent with the Framework. The supporting commentary to the policy defines infilling as “the filling of a small gap in an otherwise built-up frontage.” Given the absence of a definition of “limited infilling” in the Framework, it is appropriate to refer to the Local Plan’s definition, which supplements that provided in the Framework.
6. The appeal site is located outside the defined development limits of Wheldrake. Development to the north and west comprises a former nursery, fishing lake, caravan park, and the remainder of the landholding under the appellant’s control, which is not proposed for development. All of these are consistent with a rural character. Development south of Main Street, including the new residential scheme opposite the site, is markedly different in character from that to the north, including the appeal site. To the south, the built form is more urban in nature and grain. I consider the appeal site to be on the edge of the village, within a transitional area leading to open countryside, due to its distinct character and relationship to existing residential development definitively within the village to the east, and its shared characteristics with the more rural development to the north and west. I have reached this conclusion having regard to the site’s location within the defined 30 mph zone and the wider structure of the village as a whole.
7. The appeal proposal involves development of a substantial undeveloped site with a distinct, independent character as an open area on the edge of the settlement, separate from the more traditional residential area to the east and the former nursery to the west. I do not consider that it constitutes the filling of a small gap in an otherwise built-up frontage and therefore does not fall within the Local Plan’s definition of infilling. Accordingly, I conclude that the proposal would be inappropriate development in the Green Belt within the terms set out at paragraph 154 of the Framework and in conflict with Local Plan Policy GB1.

Openness and purposes of the Green Belt

8. A fundamental aim of Green Belt policy, as set out in paragraph 142 of the Framework, is to keep land permanently open. Openness has both visual and spatial dimensions. The construction of a single-storey dwelling on the site, together with the likely presence of domestic paraphernalia, would introduce built development where none currently exists, replacing an area of open character. Although the dwelling would have limited visibility from the surrounding area, its footprint and bulk would inevitably result in a loss of openness. Furthermore, the appeal site forms part of a larger paddock that is currently open in character, and this openness would be partly eroded by the proposal.

9. The development would also result in limited encroachment into the countryside by replacing part of a larger undeveloped area within the village that exhibits the character of open countryside. Despite the presence of mature boundary planting, the wider site is of sufficient scale to make a meaningful contribution to the openness of the Green Belt. Development to the north and east of the appeal site is dispersed and retains a rural character. Importantly, it is not so extensive as to diminish the openness of the site. Consequently, the proposal would lead to a loss of Green Belt openness at this edge-of-settlement location. Paragraph 153 of the Framework indicates that substantial weight should be given to any harm to the Green Belt, including harm to its openness.

Character and appearance

10. The appeal site is currently undeveloped, and its defining characteristics are its grassland and mature boundary, which consists largely of vegetation and includes several mature trees. The area of the village to the north of Main Street and east of the site is predominantly residential in character, incorporating a variety of dwelling styles and sizes, with a predominance of detached houses. This is highlighted in the Wheldrake Village Design Statement (2015). The undulating topography of the land in the vicinity of the site means there is no uniformity in dwelling heights. Nearby dwellings are generally located on spacious plots and set back from the main road, allowing space for parking to the front of properties on dedicated driveways.
11. Details relating to appearance, layout, landscaping, and scale would be subject to a future application. Indicative proposals have been provided, showing a single-storey flat-roof dwelling incorporating locally sourced materials, occupying a central position on the plot, with significant planting along the Main Street boundary largely retained. I am satisfied that a single-storey dwelling could be accommodated on the site, taking account of the elevated topography, and positioned to comply with the prevailing grain of this part of the village. It could integrate successfully within the established design character, layout, form, and density of surrounding development. There is diversity in the character and appearance of nearby properties, which allows scope for a development to integrate positively within this local context. The principle of providing a single dwelling on this site is therefore acceptable within the context of similar surrounding development. The detailed appearance and scale of the dwelling, together with layout and supporting landscaping, matters not under consideration in this application, will be critical to delivering an appropriate and acceptable scheme.
12. The appeal site lies on the edge, but outside, of the Wheldrake Conservation Area (CA) and consequently within its setting. Accordingly, special regard must be given to the desirability of preserving or enhancing the character and appearance of the CA when considering the effect of development proposals within its setting. The Framework advises that great weight should be given to the conservation of heritage assets.
13. The significance of the CA is deriving from its medieval village layout and its key characteristics, including a rich history of historic buildings, grass verges, linear form, agricultural character, local vernacular detailing, and traditional use of materials. The lack of development on the appeal site and, in particular, the

mature verge fronting onto Main Street is the main contribution to the CA provided by the appeal site.

14. The proposal would be viewed in the context of the existing residential development fronting Main Street to the east of the appeal site. However, the magnitude of any effect will depend on the detailed appearance and scale of the dwelling, together with its layout and landscaping, which are not matters for determination in this appeal.
15. I am satisfied that, subject to an appropriate response to these considerations, a dwelling could be provided on the site with an overall neutral impact on the setting and significance of the adjacent CA. While the openness of the appeal site and its countryside character are key characteristics, particularly due to the mature boundary treatment along Main Street, if this is retained within any landscaping proposal, the impact on the CA's setting would be neutral.
16. A dwelling could be delivered without significant thinning of the existing frontage to Main Street. This would be facilitated by the main entrance being taken from the private road to the west of the appeal site, thereby retaining a substantial visual barrier between the site and the CA. The proposal to provide a pedestrian access directly to Main Street would likely require a change in height and a significant intervention in the boundary planting. Had I been minded to allow this appeal, this matter could have been addressed by means of a planning condition removing this pedestrian access. Again, details relating to the boundary with Main Street are landscaping matters and are not subject to this application. The proposal would have a neutral impact on the CA.
17. For these reasons, the effect of the proposal on the character and appearance of the area, with particular regard to its effect on the setting of the CA would be neutral. Thus, I do not find conflict with Policies D1 and D2 of the Local Plan, paragraphs 129 and 135 of the Framework, or the Wheldrake Village Design Statement.

Other Considerations

18. I acknowledge that there is significant other development taking place within the village, notably adjacent to the Millfield Industrial Estate south of Main Street. This indicates that the Council considers the village to be a suitable location for future growth, including in relation to sustainable travel. I also acknowledge that the appeal site is within safe pedestrian access of the village and its services.
19. The proposal would provide an additional dwelling in a location where there is demand for housing. There would also be temporary economic benefits during the construction phase associated with employment.
20. My attention has been drawn to several other decisions. Although I accept that the Inspectors were dealing with similar Green Belt issues, these decisions relate to different contexts. The relevant issue is one that is open to interpretation and depends on the specific circumstances of each case. Whilst consistency is important, each case must be considered on its own merits. Overall, the examples provided merely indicate that what constitutes infilling must be determined in light of the specific circumstances and context of each case. I am not persuaded that they are directly comparable to the proposal before me.

21. I have not been provided with any evidence to indicate that the proposal would have a negative impact on the living conditions of surrounding residential occupiers, nor that there would be harm due to flood risk, drainage, or land contamination. I therefore attach neutral weight to these considerations in the planning balance.
22. The matter of rights of access to the proposed entrance to the appeal site has been raised, and evidence has been provided by the appellant in this regard. I am satisfied, based on the evidence before me, that the appellant retains rights of access to the appeal site which would enable the proposed access to be provided. I do not have evidence before me which leads me to conclude that the proposal would result in a negative impact on highway safety. In this regard, I note the Highway Authority has not raised an objection subject to recommended conditions.

Green Belt Balance

23. The proposed development would constitute inappropriate development in the Green Belt, resulting in a limited loss of openness and encroachment into open countryside. The Framework establishes that substantial weight should be given to any harm to the Green Belt.
24. The proposal would not be harmful to the character and appearance of the area and would have a neutral impact on the setting of the Conservation Area. Amongst other things, I have identified that there is growth elsewhere in the village and that the proposal would have temporary economic benefits. I attach limited weight to these benefits. There would be no negative impact on the living conditions of surrounding residential occupiers, harm due to flood risk, drainage, or land contamination. I have attached neutral weight to these considerations.
25. The other considerations in this case do not clearly outweigh the harm identified. Consequently, the very special circumstances necessary to justify the development do not exist

Conclusion

26. For the reasons set out above, the appeal is dismissed.

F P Tinsley

INSPECTOR