



Appeal Decision

Site visit made on 22 September 2025

by **C Harding BA (Hons) PGCert PGDip MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2nd December 2025

Appeal Ref: APP/U2750/W/25/3368793

Land at Junction with Austfield Lane/Common Lane, Hillam, West 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 Andy Jefferys against the decision of North Yorkshire Council.
 - The application Ref is ZG2023/0782/FUL.
 - The development proposed is proposed erection of a family dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework ('the Framework') and any relevant development plan policies, and;
 - the effect of the proposal upon the character and appearance of the area.

Reasons

Whether inappropriate development

3. Policy SP2 of the Selby District Core Strategy ('CS') states that development within the Green Belt must accord with CS Policy SP3 and national Green Belt policies. CS Policy SP3 states that within the Green Belt, that planning permission will not be granted for inappropriate development unless it has been demonstrated that very special circumstances exist to justify why permission should be granted.
4. The Framework indicates that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and within paragraph 143 sets out the five purposes of the Green Belt. Paragraph 153 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and paragraph 154 indicates that development in the Green Belt is inappropriate unless one of the specified exceptions applies.

Whether the redevelopment of previously developed land

5. Such exceptions include, at paragraph 154 (g) the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not cause substantial harm to the openness of the Green Belt.

6. The Framework defines previously developed land as including land which has been lawfully developed and is, or was, occupied by a permanent structure and any fixed surface infrastructure associated with it. The definition excludes land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.
7. The appeal site comprises an enclosed field on a corner site at the junction of two roads. It is surrounded by mature hedges and trees. A residential dwelling can be found to the west. At the time of my visit, the appeal site was characterised by dense long grass, brambles and other undergrowth. As identified by the appellant, there are remnants of built development on the site, these included flagstones, and a small area of low, largely collapsed, wall.
8. Although I was able to see these remnants, I could only do so after some searching and in the knowledge that they were said to be present. The flagstones were almost entirely obscured by undergrowth, and the low wall was significantly hidden behind dense ivy. I have little doubt that these elements speak to the presence of a previous building. However, being only partially visible, even when viewed at close proximity, they are barely distinguishable from the surrounding landscape.
9. The appellant has provided photographs that are said to comprise the remaining elements of the previous building that was located on the site, and appear to have been taken after the clearance of undergrowth. Some of these photographs have little context to confirm location, and in all cases the date on which they were taken is unclear. They do not, therefore, alter my assessment that the previous building has blended into the landscape. Accordingly, for the purposes of paragraph 154 of the Framework, the appeal site does not comprise previously developed land, and it has not been shown that it would meet any of the exceptions to inappropriate development set out in this paragraph.

Whether grey belt land

10. The Framework defines grey belt as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of three of the five purposes of Green Belt, as set out in paragraph 143 of the Framework. That is (a) to check the unrestricted sprawl of large built-up areas; (b) to prevent neighbouring towns from merging into one another; and (d) to preserve the setting and special character of historic towns.
11. There is no dispute between the parties that the appeal site does not contribute in relation to criteria (b) and (d), and I have no reason to disagree. In relation to criterion (a), this clearly refers to “large built-up areas”. The appeal site is at the eastern extent of the settlement, beyond which are extensive areas of open countryside. Although the site contributes to preventing the unrestricted sprawl of Hillam itself, it is a relatively small village and cannot be said to be a large built-up area, nor do there appear to be any large built-up areas in the immediate vicinity. I therefore conclude that the appeal site comprises grey belt land.

The grey belt tests

12. Paragraph 155 of the Framework states that the development of homes on grey belt land within the Green Belt should not be regarded as inappropriate where it would not fundamentally undermine the purposes of the remaining Green Belt across the plan area; there is a demonstrable unmet need for the development

proposed; the location would be sustainable, with particular reference to paragraphs 110 and 115 of the Framework; and, where applicable, the proposal meets the 'golden rules'. The latter does not apply in this case, as the proposal would not amount to major development.

13. Although the proposal would extend built development into the countryside, beyond the current extent of Hillam, it would be a modest development on a small site. Given the large extent of Green Belt that would remain across the area of the plan, it would not fundamentally undermine the designation.
14. In relation to a demonstrable unmet need, footnote 56 of the Framework clarifies that, in relation to housing, this includes a lack of a five-year supply of deliverable housing sites ('5YHLS'). The evidence indicates, and it is not disputed, that the Council cannot currently demonstrate a 5YHLS, and accordingly, there is a demonstrable unmet need for the type of development proposed.
15. Planning Practice Guidance (PPG) advises that where grey belt land is not in a location that is, or can be made, sustainable, development on this land is inappropriate. Whether locations are sustainable should be determined in light of local context and site or development-specific considerations, taking into account opportunities to maximise sustainable transport solutions.
16. The appeal site is located close to, but beyond, the settlement limit of Hillam. Hillam, and Monk Fryston which is located a short distance to the north, are together identified as being a Service Village, indicating that they together contain some local services. The appeal site adjoins residential properties which extend eastwards along the road from the village centre. Opposite the appeal site is a Hillam Nurseries. While outside the settlement limit, the appeal site cannot be said to be isolated. The Council has not contended that the appeal site is in an unsustainable location, having regard to access to facilities and services.
17. The evidence before me includes extracts from a site assessment ('SA') carried out in 2010 in relation to the Selby Site Allocation Development Plan Document, which included the appeal site. This assessment identified that a number of community facilities were present in Monk Fryston and Hillam at that time, and while the age of the assessment means that I cannot be certain that all of the cited facilities remain, which reduces the weight that I can afford it, I was able to see that a number are still present, including sports facilities, public houses, and a church, and there is no evidence before me to indicate that Monk Fryston and Hillam together no longer provide a suitable range of local services.
18. However, there is no footway along the road from the appeal site towards the village for some distance, nor is the road lit. This would discourage the use of sustainable methods of travel for some potential future occupants, and I am not aware of any public transport infrastructure in the local area; a bus stop is mentioned within the SA, its location is unclear, as are the routes that may have served it, or the frequency of any buses. In any event, I cannot be certain that the stop which it mentions remains in use 15 years later.
19. It is likely, therefore, that the private car would perform a significant role in enabling any future occupiers of the proposal to access facilities and services, although given the status of Hillam and Monk Fryston, some such journeys to fulfil day-to-day needs would not necessarily be lengthy. Having regard to the rural context of the appeal site, and the advice set out at paragraph 110 of the Framework, which

acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, I find that the proposal would be in a sustainable location for the purposes of paragraph 155 of the Framework.

20. As criterion (d) of paragraph 155 of the Framework would not apply in this instance as the proposal would not amount to major development and having found that the proposal would otherwise meet the relevant criteria for grey belt development, I conclude that it would not comprise inappropriate development in the Green Belt.
21. Accordingly, the proposal would accord with paragraphs 153 and 155 of the Framework, and it is not, therefore, necessary for me to consider the effect of the proposal upon the openness of the Green Belt, nor is it necessary for very special circumstances to justify a grant of planning permission to be demonstrated.
22. As the proposal would not amount to inappropriate development, there would be no conflict with CS Policies SP2 and SP3 insofar as they relate to this main issue.

Character and appearance

23. The appeal site is located at the junction of two roads and marks the eastern extremity of the settlement in visual terms. While I acknowledge that a dwelling may previously have existed at the site, it is now predominantly grassland and undergrowth, and at the time of my visit did not appear to be being actively used for agricultural, or any other purposes, and its disuse was evident in visual terms. However, the appearance of the site was not inherently harmful, nor did I see any evidence of fly tipping or other antisocial behaviour.
24. The surrounding topography is reasonably flat, with medium and long-distance views available across farmland to the north and east of the appeal site. The presence of Hillam Nurseries to the south, and the settlement to the west mean that views towards the site are more restricted from those directions. Development along the road to the west is predominantly focused on the south side and includes a variety of detached dwellings of differing ages and design, and some of these dwellings are quite large.
25. The proposal would represent a dwelling of significant scale and bulk, with wide gable frontages and a two-storey attached garage structure. The width and depth of the property would result in a significant expanse of roof, despite the use of a single-storey projection to the rear. The proposal would be significantly larger than its neighbour, and although Hillam Nurseries, opposite, contains a number of large structures, they are generally of a lower height than the proposal, are of a lightweight design and tend to be set back from the road frontage. They do not, therefore, appear as being particularly prominent.
26. Due to the position of the appeal site, and given the size of the proposed dwelling, it would be prominent within the wider landscape, especially when viewed from the north and east. Given its much larger scale in comparison to surrounding development, including other dwellings, it would appear as a jarring and unexpected feature at the edge of the settlement.
27. The neighbouring property to the west, currently stands somewhat alone on the north side of the road, with linear development on the south side. While this means that there is a visual imbalance, this arrangement is not currently harmful. The sporadic nature of development on the north side of the road leads to the edge of

the settlement blending into the countryside, rather than having a defined visual boundary. The scale and design of the proposal, would, in this context, appear as somewhat urbanising, and would not amount to an infill development, unlike other large additions to the street that can be found further to the west.

28. I acknowledge that the appellant may have sought, but not received, advice from the Council in relation to the scale and design of the proposal during the application process, and that the design was developed in the absence of a neighbourhood plan and local design code. However, I must consider the appeal on the merits of the proposal itself, rather than the design and application processes.
29. The proposal would be harmful to the character and appearance of the area. It would, therefore, conflict with Selby District Local Plan Policy ENV1 and CS Policy SP19, which together, and amongst other factors, state that the consideration should be given to the effect of a development upon the character of the area, the standard of layout and design, and that developments should positively contribute to an area's identity in terms of scale and layout.

Other Matters

30. Even if I were to agree that the appeal site was low grade agricultural land, and that the proposal would be acceptable with regard to its effect upon the living conditions of occupiers of existing dwellings, or in relation to highway safety, these would be neutral factors and would not weigh in favour of the scheme.
31. I am mindful of the findings within the SA, however this appraisal considered the appeal site as part of a large area of land, including land further to the west. The assessment is around 15 years old, and although it may have identified few major constraints to development, I understand that the appeal site was not, ultimately, allocated for residential development. Given the age of the assessment, the fact that it related to a much larger site, and the fact it would have been a high-level assessment without the context of a specific proposal, this limits the weight that can be afforded to it in relation to the scheme which is before me.
32. A number of appeal decisions have been put before me, and I have taken account of them. Predominantly, they were advanced in relation to whether the proposal would amount to inappropriate development in the Green Belt, rather than matters relating to the effect of a comparable proposal upon the character and appearance of the area. They have not, therefore, been determinative in my consideration of that main issue.

Planning Balance and Conclusion

33. As set out above, the Council cannot currently demonstrate a 5YHLS. The figure provided by the appellant of 2.4 years has not been disputed by the Council. As I have found that the proposal would not amount to inappropriate development in the Green Belt, I am therefore taken to paragraph 11(d)(ii) of the Framework.
34. The proposal would represent a net increase of a single unit of housing. This would represent a valuable, but minor addition to the supply, where there is currently a sizeable shortfall. It would also represent a small-scale development that could be delivered quickly on a site with acceptable access to services and facilities and would also lead to a temporary boost to the economy during construction, and thereafter upon occupation. It would also have the potential to

deliver biodiversity net gain. These are further benefits of the proposal but taken together they would be no more than modest.

35. Weighing against this is the significant harm to the character and appearance of the area that would result from the proposal, which would conflict with the development plan when read as a whole. The harm that I have found would significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the Framework taken as a whole, and having particular regard to key policies for directing development to sustainable locations, making effective use of land and securing well-designed places.
36. I therefore conclude that there are no material considerations, including the Framework, that indicate that a decision should be made other than in accordance with the development plan, and the appeal is therefore dismissed.

C Harding

INSPECTOR