



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: 3 December 2025

Appeal Ref: APP/U2750/W/25/3371073

Land at Field Lane, Thorpe Willoughby, Selby, North Yorkshire, YO8 9FL

- 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 Sherwood Brothers Ltd against the decision of North Yorkshire Council.
- The application reference is Ref: ZG2023/1017/OUTM
- The development proposed is 'Outline Planning Application including access, with all other matters reserved, for up to 110 residential dwellings.'

Decision

1. The appeal is allowed and planning permission is granted for Outline Planning Application including access, with all other matters reserved, for up to 110 residential dwellings at Land at Field Lane, Thorpe Willoughby, Selby, North Yorkshire, YO8 9FL in accordance with the terms of the application, Ref ZG2023/1017/OUTM, and the plans submitted with it, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs has been made by Sherwood Brothers Ltd against North Yorkshire Council. This is the subject of a separate decision.

Preliminary Matters

3. The proposal seeks outline planning permission, with details of access submitted for consideration. I have determined the appeal on this basis and have treated any plans relating to appearance, landscaping, layout, and scale as indicative.
4. Amended plans were also submitted with the appeal. All parties have had the opportunity to review these documents, and I have taken them into account in reaching my decision.
5. I have been provided with a completed Section 106 Agreement (the S106), signed by the relevant parties. This has been revised to reflect the details of the planning permission granted by this appeal decision. It is dated 12 August 2025. The Council has received a copy of the revised Agreement, which I have considered in determining the appeal.

Main Issue

6. The main issues in the appeal are the effect on the character and appearance of Thorpe Willoughby and on the setting of Brayton Barff having regard to its inclusion within a Locally Important Landscape Area (LILA).

Reasons

7. The appeal site comprises three fields located south of Field Lane and north of the A63 road. These fields are of limited landscape value and are screened by an almost continuous boundary hedge along the Field Lane frontage, as well as extensive woodland planting between the site and the A63 bypass. This conclusion that the fields are of limited landscape value broadly aligns with that of a previous Inspector in 2018 who considered a similar proposal on the site (the 2018 Appeal). Short sections of the boundary hedge would need to be removed to facilitate access; however, there is scope for replanting behind the required visibility splays. Although landscaping is not a matter for my consideration under this appeal, I see no compelling reason why boundary treatments could not be maintained or enhanced to reduce the visual prominence of the proposal from outside the site. The Council is concerned that the development would still be visible through the landscaping. I am satisfied that, even if glimpses of the development were possible, the houses would nonetheless be seen in the context of neighbouring dwellings to the north.
8. While Field Lane serves as a de facto boundary to the built-up area of the village, this role is not defined in policy. It could equally be fulfilled by the extensive planting immediately north of the A63, which forms a natural barrier to any further expansion of the settlement to the south. This would also create a more spatially organic edge to the settlement than the harsh linear boundary formed by Field Lane. I have not been presented with substantive evidence to support the Council's assertion that development south of Field Lane would harm the settlement structure of Thorpe Willoughby. While the footprint of the settlement would increase, this is not intrinsically harmful to its structure.
9. The site lies within land parcel TW2 as defined by the Selby District Landscape Sensitivity Study 2021 (SDLSS), which assigns the area an overall sensitivity rating of low to medium. Given its current use and appearance, I consider the site to function as open countryside. However, the development would be visually contained by the dense planting along the boundaries with the A63 and Field Lane. I do not find that the proposal would harm the character or setting of the village, and it would be consistent with the surrounding character of this part of Thorpe Willoughby.
10. The field immediately east of the site acts as a visual buffer to Brayton Barff, a valued landscape feature and popular recreational resource. The hill is the principal feature within the slightly more extensive LILA, which includes the adjacent field. The appeal site lies outside the designated LILA. The setting of Brayton Barff is partly formed by the existing development and housing in Thorpe Willoughby, some of which sits close to its north-western side. There is already housing closer to the Barff than the proposal before me. My conclusion that the site makes no meaningful contribution to the setting of the Barff broadly aligns with that of the previous Inspector in the 2018 Appeal.
11. The Council's concerns relate to the potential impact on the setting of Brayton Barff, rather than direct harm to its character or to the LILA. As noted, the open field to the east of the appeal site provides a substantial undeveloped landscape buffer between the site and the Barff, maintaining its separation from urban development. This separation is reinforced by the mature treeline along the eastern perimeter of

the appeal site, which visually separates it from the open field leading towards the Barff.

12. Views of the site from the footpath around the lower slopes of Brayton Barff are very limited and, where they do exist, are heavily filtered by intervening trees and hedgerows, even during the winter months. Appropriate mitigation could be achieved through additional planting along the eastern boundary of the site, strengthening the existing treeline.
13. Although Brayton Barff is visible from Field Lane, only the upper sections of the wooded hill are seen above the roadside hedge. Apart from limited views through a few field gates, the fields comprising the appeal site are not highly visible from this vantage point and do not contribute to the setting of the Barff as experienced from the road or pavement. The thick treeline south of the site will screen views from the A63, and there will be no significant change in views of the Barff from the A63 to the south and west as a result of the proposed development.
14. For these reasons, I find that development of the appeal site would not harm the settlement structure of Thorpe Willoughby and would not result in an unacceptable landscape impact on the area or the setting of Brayton Barff, having regard to its inclusion within a LILA. No conflict arises with Saved Policy ENV1 of the Selby District Local Plan 2005 (the Local Plan), Policies SP18 and SP19 of the Selby District Core Strategy Local Plan 2013 (the Core Strategy), or the provisions of the National Planning Policy Framework (the Framework) insofar as they relate to landscape character, the natural environment, and the protection of the character of an area.

Other Matters

15. Several objections have been received from local residents and two Parish Councils, raising a range of concerns in addition to those already considered under the main issue. Submissions have been made by two Parish Councils, as the appeal site lies adjacent to the boundary between two parishes.
16. The Officer's committee report addresses the majority of these concerns and is informed by relevant technical consultee responses. Based on the information before me, I have no compelling reason to reach a different view on those matters. Concerns have also been raised regarding the Council's notification of the appeal to relevant parties. I am satisfied that the Council acted reasonably in addressing this matter.
17. The growth of Thorpe Willoughby resulting from this proposal, alongside other recently permitted developments, has been described as excessive, with concerns raised about insufficient infrastructure to meet increased demand and inadequate funding to support such growth. This includes potential impacts on school places and healthcare services for both existing and new residents. While these objections are noted, and it is evident that there will be significant growth in the settlement, no specific evidence has been provided to demonstrate that this growth could not be accommodated by existing services or through their expansion to address increased demand. The Council's Officer Report acknowledges the proposal would be liable for a CIL contribution which would help fund infrastructure. Other financial contributions to infrastructure, where they have been proven to be necessary, would also be secured by the S106 as discussed below.

18. It has been suggested that more suitable alternative sites exist to accommodate the proposed expansion of the village. However, my role is to determine the proposals before me, which are the subject of this appeal. While the loss of agricultural land is acknowledged, I have not been presented with evidence to show that this would result in specific harm or that it conflicts with relevant planning policy in this instance for the reasons set out in the Officers Report.

Planning Obligation

19. Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and paragraph 57 of the Framework state that a planning obligation may only constitute a reason for granting planning permission if it meets the three tests set out in the legislation. I have been provided with a completed Section 106 Agreement, signed by the relevant parties.
20. In relation to affordable housing, the obligation secures the provision of 10% 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 all recreational open space. Defined contributions are included for bus service enhancements, cycle infrastructure improvements, changes to the traffic light system at the Barff Lane/A19 junction, and travel plan monitoring.
21. A number of education contributions have been secured, providing funding for early years, primary, secondary, and SEND provision. There are also contributions towards health services and waste management services. Finally, the obligation secures monitoring fees for the Council, including those related to Biodiversity Net Gain.
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. 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 is currently unable to demonstrate a five-year housing land supply (5YHLS). This is confirmed at paragraph 10.7 of the Planning Officer's report to the planning committee of 30 April 2025, which refused planning permission for the proposed development. The report states that there is a 2.6-year supply based on the latest standard method calculation. This position is highlighted by the appellant in their appeal documentation and is not disputed by the Council in its response to the appellant's Grounds of Appeal. I have also been provided with an appeal decision issued on 30 January 2025 which confirmed a 5YHLS of 2.6 years. I have therefore determined the appeal on the basis that the Council cannot demonstrate a 5YHLS and that the shortfall is significant.
24. Therefore under paragraph 11(d)(ii) of the Framework, it means relevant policies for the supply of housing are out of date, and planning permission should be

granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places, and providing affordable homes, individually or in combination.

25. The appellants acknowledge that the proposed development is contrary to Core Strategy Policy SP2 ('Housing Requirement') and Core Strategy Policy SP5 ('The Scale and Distribution of Housing'). However, these policies are deemed out of date, having not been reviewed since the adoption of the Core Strategy in October 2013. The Council, in its Officer's report to committee, confirmed that these policies should be given limited weight. I therefore afford them limited weight.
26. Counter to this, in the planning balance, I have found that development of the appeal site would not harm the settlement structure of Thorpe Willoughby and would not result in an unacceptable landscape impact on the area or the setting of Brayton Barff. No conflict arises with Saved Policy ENV1 of the Local Plan or Policies SP18 and SP19 of the Core Strategy, or the provisions of the Framework insofar as they relate to landscape character, the natural environment, and the protection of the character of an area. Technical matters raised by objectors and the Council have been addressed satisfactorily. I am not persuaded that there is insufficient infrastructure to address the requirements of the proposal, that the growth of Thorpe Willoughby is harmful, or that better alternative sites exist to accommodate this growth.
27. There is a significant shortfall in the supply of suitable housing sites within the area. Having regard to the Government's stated ambition to significantly boost the supply of housing, as set out at paragraph 61 of the Framework, and the number of dwellings which would be delivered, this is a factor which weighs heavily in favour of the proposal. Moreover, the proposal would deliver affordable housing and self-build or custom-build dwellings, along with economic benefits in the short term during construction and in the longer term following occupation, as well as a 10% biodiversity net gain. These are further, albeit limited, benefits of the proposal. Taken together I give significant weight to the benefits of the appeal scheme, given the acknowledged under supply of homes in the area.
28. Taken together, the limited harms that I have identified would not 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.

Conclusion

29. I therefore conclude that, although there would be limited conflict with the development plan when read as a whole, there are material considerations which indicate that a decision other than in accordance with it should be taken. The appeal is therefore allowed.

Conditions

30. Turning to conditions, I have considered those proposed by the Council in the Committee Report, which have also been reviewed by the appellant, in light of 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.

31. 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.
32. Approval of construction phase details (Construction Management Plan) has been included to avoid adverse effects during the construction phase in relation to highways, neighbouring living conditions, and the general environment. Given the scale of the development, it is likely that it may be delivered in a phased manner; I have therefore included a phasing plan to ensure the orderly delivery of development in pursuance of Policy ENV1 of the Selby District Local Plan.
33. To ensure the creation of a mixed and balanced community, the reserved matters application(s) must include details of the proposed housing mix. To secure a permeable development with appropriate footways, engineering details are required for the western pedestrian access from the site to Field Lane, including dropped kerbs to allow access to the north side of Field Lane, and the pedestrian access from the site to the public right of way to the east.
34. A series of highway-related conditions are included to promote highway safety and sustainable travel, including off-site junction works. Conditions are attached relating to foul and surface water drainage to ensure appropriate site drainage. A condition requiring biodiversity enhancement is included to meet statutory requirements. Given the significant number of trees near the site, an Arboricultural Impact Assessment report is required.
35. Finally, conditions are attached relating to landscaping and on-site public open space. These are intended to safeguard the Locally Important Landscape Area, Brayton Barff, and the public right of way, and to provide integrated open space and play facilities.
36. Several suggested conditions have been omitted. A condition requiring the implementation of double yellow lines on Field Lane is omitted as the implementation of this proposal is within the power of the Council and not the appellant. I have removed the requirement for a site investigation and risk assessment, as no evidence has been presented to suggest increased risk on the site in this regard. I note paragraph 183 of the Framework, which states that where a site is affected by contamination or land stability issues, the responsibility for securing a safe development rests with the developer and/or landowner. Conditions relating to noise control and abatement, and the potential impact of piling, have also been omitted, as these matters are more appropriately addressed at the reserved matters stage when the layout of the proposed development will be defined and noise matters can be considered in this more detailed context.

F P Tinsley

INSPECTOR

Schedule of Conditions

1. Details of appearance, landscaping, layout, and scale (hereinafter referred to as “the reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development takes place. The development shall be carried out in accordance with the approved details.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority no later than three years from the date of this permission. The development hereby permitted shall commence no later than two years from the date of approval of the last of the reserved matters.
3. Unless otherwise amended under the conditions below, the development shall be carried out in accordance with drawing 2444/0010 Rev A (Location Plan) and the access details shown on drawing 2444/002 Rev F (Indicative Layout), together with the following plans and documents:
 - 2444/0010 Rev A (Location Plan)
 - 2444/001 (Existing Site Plan)
 - 2444/002 Rev F (Indicative Layout)
 - 2444/003 Rev F (Indicative Location Layout)
 - 2444/201 (Highways Entrance Plan)
 - Drawing No. 2212301 prepared by VIA Solutions
4. No development hereby permitted shall take place until details of the following construction-phase measures, together with a timetable for their implementation and retention, have been submitted to and approved in writing by the Local Planning Authority:
 - a) Points of access to be used
 - b) Areas for loading/unloading plant and materials
 - c) Areas for storing plant and materials
 - d) Security hoarding around or within the site
 - e) Wheel washing facilities
 - f) Measures for controlling dust emissions
 - g) Measures for controlling vibration and noise disturbance on neighbouring residents
 - h) Positioning of any gates to the site
 - i) External lighting
 - j) Hours of working and deliveries
 - k) Assessment of potential construction impacts upon the groundwater source protection zone and mitigation measures

The development shall then be implemented in accordance with the approved details and timetable.
5. If the development is to be implemented in phases, details submitted with the reserved matters shall include a phasing plan. Once approved, the development shall be carried out in accordance with the approved phasing plan.

6. The reserved matters application(s) shall provide details of the housing mix, to be agreed in writing by the Local Planning Authority. The details shall demonstrate that, as a minimum, 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) dwellings must be wheelchair accessible (constructed for immediate occupation), and in the market sector they must be wheelchair user adaptable (constructed to be adjustable for occupation by a wheelchair user). Development shall be carried out in accordance with the approved details.
7. Accompanying the reserved matters, details shall be submitted to and approved in writing by the Local Planning Authority of the construction of all roads and footways within the development, along with a timetable for their implementation. All roads and footways shall then be constructed in accordance with the approved details and timetable.
8. Accompanying the reserved matters, engineering details of the western pedestrian access from the site to Field Lane, including dropped kerbs to allow access to the north side of Field Lane, and the pedestrian access from the site to the public right of way to the east (both as indicated on approved plan 2444/002 Rev F Indicative Layout), along with a timetable for implementation and a scheme for their management, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be installed in accordance with the approved timetable and thereafter retained and managed in accordance with the approved management scheme.
9. Notwithstanding the submitted information, prior to the first use of the vehicular accesses to the site off Field Lane, sight splays of 43m by 2.4m shall be provided, which shall contain no obstruction greater in height than 0.6m when measured from the carriageway of the site access. These sight splays shall thereafter be retained.
10. No dwelling hereby approved shall be occupied until the carriageway between it and the adopted highway, and any footpath from which it gains access, have been constructed at least to basecourse macadam level and/or block paved and kerbed, and connected to the adopted highway with operational streetlights.
11. Prior to the first occupation of any dwelling hereby permitted, the off-site highway works detailed on approved plan 2444/002 Rev F Indicative Layout shall have been completed in accordance with details first submitted to and approved in writing by the Local Planning Authority.
12. Prior to the first occupation of any dwelling hereby permitted, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include:
 - Agreed targets to promote sustainable travel and reduce vehicle trips and emissions
 - Timescales and a programme for delivery
 - A programme for the delivery of any proposed physical works

- Effective measures for ongoing monitoring and review
- A commitment to delivering the Travel Plan objectives for at least five years from first occupation
- Effective mechanisms to achieve the objectives of the Travel Plan by both present and future occupiers

The development shall be carried out and operated in accordance with the approved Travel Plan.

13. 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.
14. 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.
15. With the submission of reserved matters, a Biodiversity Mitigation and Enhancement Strategy (BMES), including construction-phase measures, 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, and shall include:
 - a) An updated Biodiversity Net Gain Assessment demonstrating a minimum 10% gain;
 - b) A 30-year management and monitoring plan;
 - c) An implementation timetable; and
 - d) A sensitive lighting scheme.

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

16. Accompanying the reserved matters, a 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.
17. The reserved matters application(s) shall include details of existing and proposed ground levels across the site and the 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.

18. The landscaping and layout reserved matters application(s) shall include details of a landscaping buffer adjacent to the eastern boundary of the application site, together with 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 prior to the first 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, or becomes seriously damaged or diseased within 10 years of planting shall be replaced with a similar species within the next available planting season.
19. The reserved matters application(s) shall provide a minimum of 60 sqm of on-site public open space per dwelling, together with design details of a Local Area for Play (LAP) and a Local Equipped Area for Play (LEAP).

End of Schedule