



Appeal Decision

Site visit made on 11 November 2025

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 December 2025

Appeal Ref: APP/U2750/W/25/3371664

Land East Of 15 Mill Lane, Stutton, North Yorkshire LS24 9BT

- 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 Naveer Rehman against the decision of North Yorkshire Council.
 - The application Ref is ZG2025/0559/FUL.
 - The development proposed is Erection of 1 No. dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the location of the proposed development is acceptable, having regard to the development plan policies with particular regard to accessibility, and the effect on the character and appearance of the area.

Reasons

Location

3. Collectively, Policy SP2A and Policy SP4 of the Selby District Core Strategy (2013) (SCS) support the delivery of the spatial strategy by setting out a sequential approach to development, focused on Selby as the Principal Town, Tadcaster and Sherburn in Elmet as Local Service Centres and the designated Service Villages.
4. Stutton is designated as a Secondary Village, considered to be 'less sustainable' and typically characterised by more limited local services and facilities. Some more minor development such as infilling or replacement dwellings is supported by SP2A and SP4, within the defined development limits.
5. The appeal site lies outside of the defined development limits for Stutton and so it falls within the countryside. That the site abuts the limit has a minimal bearing under these Policies. Part c) of Policy SP2A states that development within the open countryside, outside these defined boundaries, will be restricted to special circumstances such as the replacement or extension of existing buildings, the re-use of existing buildings, and new buildings which would enhance or maintain the vitality of rural communities and contribute towards improving the local economy. The development of housing such as that proposed does not accord with those types of development permitted under these policies.
6. I therefore conclude that the proposal would not be in a suitable location for housing with regard to development plan policy. As such, in this regard, it would conflict with Policies SP2A and SP4 of the SCS.

7. As a Secondary Village, the services and facilities within Stutton are limited and consist of a public house which is currently closed and a village hall. There is a bus stop within walking distance of the appeal site, however, it appears from the evidence before me, that bus services that are accessible from here, and their frequency, are limited.
8. I am directed to a row of shops along Stutton Road to the north, which lies within the built-up area of Tadcaster. The appellant argues that these are within 1 mile cycling distance of the appeal site. However, this would be along unlit rural roads. Walking would be even more difficult due to the lack of a footway for much of the length of these roads. Moreover, the shops referred to are limited to a post office, small convenience store, hair dresser, pub and a hot-food take away. Thus, I am not satisfied that walking or cycling along these routes to access such limited services would be realistic options to future occupants. I am also not provided with any evidence of nearby schools or other facilities such as doctors surgeries. As such, it is likely that most residents would be highly reliant on the private car to access the majority of services and facilities.
9. The current scheme follows a dismissal at appeal¹ in 2017 on the same site for a similar proposal. At that appeal, the Inspector concluded in line with an earlier Inspector at appeal², both of whom found the appeal site was not a suitable site for housing in terms of its access to everyday facilities and reliance on the private car. I note that the most recent appeal was considered on the basis of the same development plan policies and at a time when the Council was unable to demonstrate a five year supply of deliverable housing land. These previous appeal decisions reinforce my above assessment.
10. Whilst I am mindful that the National Planning Policy Framework (the Framework) acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, for the above reasons, future occupants are unlikely to use sustainable modes of travel and as such would be highly reliant on the private car. This would conflict with the Framework objectives of ensuring, vibrant and healthy communities can be provided with accessible services, and the provisions to actively manage patterns of growth that promote the use of walking, cycling and public transport. That a private EV charging point would be provided does not provide persuade me that the proposal would comply with these Framework aims.
11. For the reasons set out above, the proposals would conflict with Policies SP1, SP2 and SP4 of the SCS insofar as they seek to ensure new development is located in accessible locations. There would also be a conflict with the provisions of Framework, described above.

Character and appearance

12. The appeal site is an undeveloped partially grassed parcel of land lying on the fringes of the small settlement of Stutton. The site lies at the end of a row of terraced bungalows which are elevated above road level, set behind a sloping, well-maintained grassed verge which is unbroken by any access road. This meets the sloping verge of the appeal site which also abuts the side boundary of the end

¹ Appeal Ref: APP/N2739/W/17/3169716.

² Appeal Ref: APP/N2739/W/16/3164518.

property of the bungalow terrace to the west. Open farmland and woodland forming an attractive landscape stretch away to the north and east.

13. Alongside the field to the opposite side of the road, these above elements contribute to an attractive and verdant edge to the village with a distinct rural character. The terrace of bungalows form a clearly defined end to the built form. Owing to its undeveloped nature, the appeal site contributes positively to the verdant setting to the village and allows for open views across the adjacent countryside and woodland.
14. The surrounding landscape is designated as a Locally Important Landscape Area (LILA), as set out at Saved Policy ENV15 of the Selby District Local Plan (2005) (the SLP). Within such areas, the Policy sets out that priority will be given to the conservation and enhancement of the character and quality of the landscape. Particular attention is required to be paid to the design, layout, landscaping of development and the use of materials in order to minimise its impact and to enhance the traditional character of buildings and landscape in the area.
15. The proposed development would visibly encroach into the open countryside, extending beyond the clear boundary of the terraced bungalows. The provision of the proposed access road extending through the sloping grassed verge would become a highly visible element of the proposal which would be at odds with the verdant character here. The proposed dwelling itself would block the open views to the surrounding countryside and, through the installation of boundary features and domestic paraphernalia would generally urbanise the verdant setting to the village to the detriment of its rural character and appearance. For the same reasons the proposal would erode the visual quality of the LILA.
16. The provision of footings associated with a previous lapsed permission³ has a negligible effect on the rural character of the site as these are only visible from within the appeal site and have begun to be overgrown by vegetation. Similarly, the temporary fencing along the boundary has done little to change the appearance of the appeal site and its undeveloped nature
17. Reference is made to the aforementioned lapsed permission and the inconsistency in decision making, however, I am provided with no details of this approval other than a decision notice, and, given that it is not extant and pre-dates the two appeal decisions referred to above, it carries little weight in my assessment.
18. I therefore conclude that the proposal would adversely affect the character and appearance of the area. This would be contrary to Policies SP18 and SP19 of the SCS and Policy ENV1 of the SLP which together seek to ensure new development preserves character and appearance, with particular regard to quality of the landscape. Conflict would also occur with Policy ENV15 of the SLP, described above. There would also be conflict with Framework paragraph 187 which sets out that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Other Matters

19. I acknowledge the comments from the Parish Council and those submitted by a local resident, however a lack of objection does not equate to a lack of harm.

³ Ref: 2015/0271/OUT.

Planning Balance and Conclusion

20. The Council cannot demonstrate a 5 year supply of deliverable sites in accordance with the Framework. In that regard, it can only demonstrate 2.6 years supply, a significant shortfall.
21. In such situations Paragraph 11 d) of the Framework states that the most important policies for determining the application are considered to be out of date and that there should be a presumption in favour of development, 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.
22. A single dwelling would make a modest contribution to the Council's housing supply and there would be some limited economic benefits during the construction period as well as community benefits through the support of community buildings and services.
23. Nevertheless, the identified adverse impacts of the development in respect of directing new development to sustainable locations and to character and appearance would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, including its presumption in favour of sustainable development.
24. In coming to my conclusion, the proposal would not be in a suitable location for housing with regard to development plan policy and it would have an unacceptable effect on the character and appearance of the area. The proposal conflicts with the development plan as a whole and there are no material considerations to outweigh this conflict. Accordingly, the appeal should be dismissed.

Paul Martinson

INSPECTOR