



Appeal Decision

Site visit made on 30 September 2025

by **C Mayes CMLI**

an Inspector appointed by the Secretary of State

Decision date: 8th December 2025

Appeal Ref: APP/U2750/W/25/3370011

Royal Oak, Main Road, Hirst Courtney, Selby YO8 8QT

- 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 T Devanny against the decision of North Yorkshire Council.
 - The application Ref is ZG2023/1203/FUL.
 - The development proposed is erection of seven dwelling-houses, access road and associated hardstanding, landscaping and infrastructure.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by the appellant against the Council. This is the subject of a separate Decision.

Preliminary Matter

3. I have determined the appeal on the basis of the plans listed and confirmed by the appellant and the updated layout plan they state was submitted in June 2025. I have also taken account of the Council's references to earlier iterations and noted the parties' correspondence regarding plan discrepancies and numbering. As such, and for the avoidance of doubt, I have determined this appeal based on the following plans: HC001 Site Location and Site Layout Plan (20/06/2025); 210-2024-001 Proposed plots 5,6 & 7 (07/07/2024); 3054.02 House Type A Elevations and Floor Plans (October 2023); 3057.03 House Type B Elevations and Floor Plans (October 2023).

Main Issues

4. The main issues are:
 - whether or not the proposal would be suitably located having regard to relevant development plan policies concerning development outside of development limits and in open countryside; and,
 - the effect of the proposed development on the character and appearance of the site and surrounding area.

Reasons

Location

5. I have not been provided with a plan showing the development limits of Hirst Courtney. However, the parties are not in dispute that the appeal site lies partly within the defined development limits of the settlement with a proportion of the site extending into open

countryside to the north. The spatial strategy of the development plan seeks to focus new housing within settlement limits and to strictly control development in the countryside. In this context, Policies SP1 and SP2 of the Selby District Core Strategy Local Plan, October 2013, (CS) direct most new development to locations best placed to provide services and sustainable patterns of growth.

6. Policy SP4 of the CS supports certain forms of residential development on non-allocated sites, including the redevelopment of previously developed land, within development limits. While the site includes previously developed land in the form of the former public house and its car park, this policy support does not extend to land outside the development limits. Much of the appeal proposal, including garden areas and the internal access arrangement, would lie beyond the defined boundary and therefore conflicts with the spatial strategy.
7. The appellant relies on an extant outline permission (local authority ref: 022/0852/OUT) for up to seven dwellings as a fallback position. That permission is a material consideration insofar as it confirms the principle of residential use and the quantum of development. However, all matters were reserved, and no approved layout exists. Consequently, the acceptability of the appeal scheme must be assessed on its own merits. In this case, the proposed arrangement introduces built development and associated domestic curtilage well beyond the established building line of adjacent properties, resulting in a clear encroachment into open countryside. This depth of development is not fixed by the outline consent and therefore represents a new consideration.
8. Accordingly, while the outline permission carries weight in confirming the acceptability of residential use, that weight is tempered by the absence of an approved layout and the significant proportion of the appeal site lying outside the development limits.
9. Therefore, I conclude that the proposal would not be suitably located having regard to the relevant development plan policies, and would conflict with Policies SP1, SP2 and SP4 of the CS which seek, among other things, to focus new development within defined settlement limits, support sustainable patterns of growth, and restrict development in the open countryside.

Character and appearance

10. Hirst Courtney is characterised by a strong linear pattern of development, with dwellings typically fronting the highway and served by long rear gardens. This arrangement contributes positively to the distinctive rural character and visual coherence of the settlement. While materials and detailing of individual properties may vary in the locality, the predominant character of the settlement remains one of frontage plots aligned to the highway with rear gardens extending to a broadly consistent depth.
11. The proposed scheme introduces a cul-de-sac style layout, with four dwellings positioned to the rear of the former public house and beyond the established building line. This backland form of development would depart markedly from the prevailing pattern, eroding the clear edge of the settlement. The siting of the rear-most dwellings beyond the line of adjacent gardens would result in a noticeable intrusion into open countryside, causing harm to its open character and visual amenity.
12. Although the design of individual dwellings incorporates some variation in house types, the overall layout, plot sizes and limited spacing between buildings would create a cramped appearance. The absence of meaningful landscaping and public open space would exacerbate this sense of overdevelopment. The proposed retention of through

access to the caravan site beyond the appeal land, while serving a functional purpose, further constrains the internal arrangement and limits opportunities for soft landscaping within the scheme. Taken together, these factors would result in a development that fails to respect the character, identity and context of its surroundings.

13. While certain detailed matters, such as boundary treatments or a refuse collection point, could in principle be addressed by condition, and the removal of permitted development rights for buildings and structures within the extended garden areas might limit future change, these measures would not overcome the fundamental harm. That harm arises from the depth of development and domestic curtilage and the resultant encroachment and domestication of the countryside.
14. For the reasons given above, I conclude that the proposed development would harm the character and appearance of the site and surrounding area. Hence, the scheme would conflict with Policies SP18 and SP19 of the CS and saved Policy ENV1 of the Selby District Local Plan, February 2005, which seek, among other things, to ensure that new development achieves high-quality design, respects local character and identity, and safeguards the visual amenity and openness of the surrounding landscape.

Other Matters

15. I have taken account of the support expressed by the Parish Council for the redevelopment of the site. This reflects local acceptance of the principle of replacing a derelict building with housing and the perceived benefits of regenerating the site. However, while this support is noted, it does not alter my findings on the conflict with the development plan or the harm identified to the character and appearance of the area. Accordingly, it carries only limited weight in my overall decision.
16. The parties refer to additional ecological information submitted during the application. There is no substantive evidence before me of unacceptable ecological harm that would, by itself, justify withholding permission. This does not, however, alter my findings on the main issues.
17. I have noted the appellant's concerns regarding the handling of the application and the chronology of events. The application for costs is addressed in a separate decision and does not alter my findings on the planning merits.

Planning Balance

18. The National Planning Policy Framework (the Framework) does not change the statutory status of the development plan as the starting point for decision making. The proposal is not in accordance with the aforementioned policies of the development plan, with the associated conflict reflecting harm with regard to location and to the character and appearance of the area. For this reason, the development conflicts with the development plan as a whole and should be refused unless other material considerations indicate otherwise.
19. The Council have confirmed that they do not currently meet the Housing Delivery Test and can only demonstrate a 2.6-year supply of housing land. Consequently paragraph 11(d) of the Framework should be applied. Paragraph 11(d) explains that in these circumstances, 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.
20. The proposal would deliver 7 dwellings, contributing to a significant shortfall in housing land supply. I attach moderate weight to this benefit, together with the reuse of

previously developed land, the regeneration of a vacant site, and some economic and social gains associated with construction and occupation.

21. However, these benefits must be set against the significant harm identified. The proposal would conflict with the development plan's spatial strategy by introducing housing beyond the defined development limits of the settlement, and it would cause unacceptable harm to the character and appearance of the area and the open countryside. These adverse impacts carry substantial weight. On the evidence before me, I find that the harm would significantly and demonstrably outweigh the benefits, even when taking account of the significant housing land supply shortfall and the fallback outline permission.

Conclusion

22. The proposal would conflict with the development plan, when considered as a whole, and there are no material considerations that indicate that a decision should be made other than in accordance with it. I therefore conclude that the appeal should be dismissed.

C Mayes

INSPECTOR