



Appeal Decision

Site visit made on 2 September 2025

by **L Clark BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 December 2025

Appeal Ref: APP/U2750/W/25/3366733

East View, Stillington Road, Sutton on the Forest, North Yorkshire YO611EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
- The appeal is made by Trizenda Limited and Alan Leslie Metcalfe and Valerie Ann Marwood against the decision of North Yorkshire Council.
- The application Ref is ZB24/02118/OUT.
- The development proposed is erection of four dwellings.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with all matters save for access and layout reserved. Items such as appearance, landscaping and scale shown on submitted plans as being a guide to how the site might be developed.
3. The appellants have submitted a Sequential Site Selection and Heritage Statement alongside their appeal. The Council have confirmed that if this had been submitted during the course of the planning application, it would have addressed the first reason for refusal and with this regard it accords with policy HG5 criteria a. of the Hambleton Local Plan 2022 (HLP). Despite a Heritage Statement being submitted, the Council confirm that its second, third and fourth reasons for refusal remain. I have considered the appeal on this basis.

Main Issues

4. The main issues of this appeal are:
 - the effect of the proposal on the character and appearance of the surrounding area; and,
 - the effect of the proposed development on the significance of the nearby Sutton on the Forest Conservation Area (the CA), a designated heritage asset, through development within its setting.

Reasons

Character of the surrounding area

5. HLP policy HG5 relates to windfall housing developments and states, amongst other matters, that housing development adjacent to the built form of Service, Secondary and Small Villages will be supported where it is demonstrated that it meets a. and b; and that all proposals individually or cumulatively meet c. to e.

6. There is no dispute that the appeal site is situated adjacent to Sutton on the Forest, a secondary village in HLP policy S3, or that it is currently an open field. The Council also do not dispute that the proposed development accords with HLP Policy HG5 criteria a. and b.
7. The Council do however contend that the proposed development would be contrary to Criteria d. and e. of HLP policy HG5. These criteria both seek to ensure that all proposals either individually or cumulatively, amongst other matters, d. do not result in the loss of open space that is important to the layout of the village, and e. have no detrimental impact on the character and appearance of the village, surrounding area and countryside or result in the loss of countryside that makes a significant contribution to the character of that part of the village.
8. Sutton on the Forest is a historic village with a distinctly rural character. The appeal site lies immediately north of East View and currently has a mix of open fence and hedge to its southern boundary and is largely laid to grass. To the east, the appeal site is bound by a mature hedge and the A1363. Agricultural land is located immediately north and west and further to the south and east of the appeal site, beyond the current built form of the village.
9. I saw that the appeal site is largely screened by the mature hedge and the ground level cannot be easily viewed from Stillington Road and has a transformer station, electricity cables and timber poles nearby. However, despite these features it provides openness immediately before entering the village and is a clear marker between the village and the countryside. It therefore provides a strong sense of the village boundary and plays a significant role in how this part of the village is experienced.
10. The proposed development would have two access points from Stillington Road, each wide enough to accommodate two driveways, and each plot would have large areas of hard standing visible through each access point. The creation of such large gaps in the boundary hedge and the siting of four dwellings would cumulatively alter the rural character of this part of the village and would harm its character and that of the surrounding area.
11. This physical extension beyond the settlement boundary would erode the openness, failing to protect the landscape setting of the settlement, which would result in harm to the visual relationship Sutton on the Forest has with the surrounding countryside.
12. For the above reasons, the proposed development would cause unacceptable harm to the character and appearance of the surrounding area. Accordingly, it would conflict with HLP policies HG5 criteria d) and e) and E7. These collectively seek to ensure proposals have no detrimental impact on the character and appearance of the village, the surrounding area and countryside.

Setting of the CA

13. There is no dispute that the appeal site is an undeveloped parcel of land adjacent to the CA. Whilst this is the case, it does sit within close proximity to its northern boundary. I saw that the appeal site is some distance from the historic core of the CA, which was centred mainly around Main Street and set around the wide green verges and Sutton Park to the south. However, I do not agree that the character of the CA is derived predominantly from Main Street, rather the significance of the CA

is largely derived from its traditional buildings and its rural setting, which include the surrounding open fields that allow the historical value of the CA to be appreciated within the context of the surrounding countryside.

14. I note that the Council does not dispute that the modern development which sits outside the CA has somewhat eroded the agricultural context of this part of the CA and the settlement's historical form. However, the proposed development would extend the current built form to the western side of Stillington Road well beyond the limits of the village, eroding what is currently an open field. The open nature, as I have found above, allows the rural setting of the village and its historical evolution to be appreciated.
15. Even if the nearby buildings such as Braithwell Cottage and Orchard Cottage are unlisted, the proposed development would result in the loss of the undeveloped field and its current open nature. This would harm the way the appeal site functions in its relationship with the surrounding land and the visual relationship between the CA and the countryside to the northern edge of Sutton on the Forest.
16. Based on the evidence submitted and my observations, the site does contribute to the special historical interest of the CA. For the reasons given above, the development would harm the significance of the CA. Consequently, the development would conflict with HLP Policies HG5 criterion e. which seeks to ensure, amongst other matters, that development does not result in the loss of countryside that makes a significant contribution to the character or setting of that part of the village. There would also be conflict with HLP policy E5 and the paragraphs 213 and 215 of the Framework, which collectively seeks to ensure that any harm to, or loss of, the significance of a designated heritage asset will require clear and convincing justification. Less than substantial harm to the significance of a designated heritage asset will only be supported where the harm is outweighed by the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Public Benefits and Heritage Balance

17. The Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. It advises that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting, and that this should have a clear and convincing justification. I find the harm to the heritage asset to be 'less than substantial' in the context of the CA. Nevertheless, the harm is of considerable importance and weight. Under such circumstances, Paragraph 215 advises that this harm should be weighed against the public benefits of the proposal.
18. In terms of public benefits, the Planning Practice Guidance advises that they should be of a nature or scale to be of benefit to the public at large and not just a private benefit.
19. The proposed development would bring about a number of public benefits, not least the provision of four new dwellings to boost the housing supply and benefits to the local economy during their construction and in the subsequent occupation. Whilst these benefits can be afforded a modest degree of weight in favour of the scheme, they would be limited to the scale of the proposal and, in respect of construction, time-limited. The benefits, however, would not outweigh the harm that the

development would cause to the character or appearance of the surrounding area and the setting of the CA as a designated heritage asset.

20. The appellant contends that the proposal would result in visual benefits, however whether the appeal site comprises unmanaged grassland is not determinative to the appeal before me. The appeal site is open in nature and therefore retains its rural contribution to the approach of the village. Furthermore, I also have no substantive evidence to demonstrate that there are few opportunities for new housing in Sutton on the Forest; rather, the Council contends that it can demonstrate an 8.2 year housing land supply.
21. The perceived benefits relating to ecology and biodiversity net gain which include, amongst other matters, native planting, hedgerow reinforcement, bird and bat boxes, and other habitat enhancements, are neutral matters in the overall planning balance as these would be likely requirements of any well-designed development.

Other Matters

22. An absence of objection from statutory consultees with regard to highway safety and drainage, amongst other matters, are neutral matters that neither weigh in favour nor against the development.

Conclusion

23. For the above reasons, the proposal would conflict with the development plan when taken as a whole. Other considerations, including the provisions of the Framework, do not outweigh this finding. Accordingly, I conclude that the appeal should be dismissed.

L Clark

INSPECTOR