



Appeal Decision

Site visit made on 3 December 2025

by N Armstrong BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd December 2025

Appeal Ref: APP/U2750/W/25/3374049

Land adjacent to Prospect House, Fullicar Lane, Brompton, Northallerton, North Yorkshire DL6 2RW

- 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 Robert Henderson Pearson of Robert H Pearson Associates Ltd against the decision of North Yorkshire Council.
 - The application Ref is ZB25/00487/FUL.
 - The development proposed is erection of bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was originally made in the name of Mrs Audrey Trehitt. The appellant name used in the banner heading above is taken from the appeal form and differs from that used in the application form. It has been subsequently confirmed in correspondence that it should proceed in the name used in the banner heading. As I am dismissing the appeal, I am satisfied that it can proceed in the terms set out in the banner.

Main Issues

3. The main issues are:
 - whether the appeal site would be a suitable location for the proposed development, having regard to local and national policy;
 - the effect of the proposed development on the character and appearance of the area; and
 - whether the requirements of Biodiversity Net Gain (BNG) are relevant to the appeal scheme and, if so, whether such requirements are met.

Reasons

Location

4. The appeal site comprises a parcel of land within a larger area of 16 acres at Prospect House and Farm, accessed from Fullicar Lane, which also serves other farms and development in the surrounding area. The overall land holding includes a large, detached two-storey dwelling, farm and store buildings, stables, surrounding fields that were used for the grazing of alpacas at the time of my visit,

as well as allotment land adjacent to Fullicar Lane. A two-storey dwelling at Fullicar House adjoins the land holding. The site is well beyond the built form of the nearest settlement of Brompton and is therefore within the countryside.

5. The new bungalow is proposed for one of the current occupiers at Prospect House on land adjacent to the larger farm building. The supporting information indicates the bungalow would provide mobility access for its future occupier, with Prospect House continuing to be occupied by other family members. There is some inconsistency within the evidence, with the appellant's appeal statement suggesting family members would return to Prospect House to occupy the farmhouse and its annex to assist in and take over the running of the farm.
6. Policy S5 of the Hambleton Local Plan (2022) (the HLP) aims to resist development in the countryside unless it is expressly allowed by other policies or by national planning policy. The Council's officer report references Policy HG4 of the HLP (housing exceptions), which makes provision for homes for rural workers in the countryside, subject to satisfying criteria.
7. Paragraph 84 of the National Planning Policy Framework (the Framework) sets out circumstances where isolated homes in the countryside may be considered. These include where there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside. The Planning Practice Guidance¹ (PPG) also sets out considerations that may be relevant in such an assessment.
8. The intention is for the new dwelling to be intrinsically linked to the farmstead, and from the information before me it appears that a rural enterprise is taking place at the holding relating to alpacas. However, noting that there is already an existing dwelling on the holding, I have limited evidence to demonstrate that the circumstances set out within Policy HG4 of the HLP, paragraph 84 of the Framework, or those set out in the PPG would apply in terms of the construction of a new dwelling to meet the essential need for a rural worker to live at the site. Furthermore, although it would meet the needs of the future occupier, the location of the dwelling would also likely require reliance on the private car in order to access the nearest services and facilities. The proposal would therefore result in a new dwelling in the countryside that would be contrary to the development strategy of the HLP.
9. For the above reasons, the appeal site would not be a suitable location for the proposed development having regard to local and national policy, therefore it conflicts with Policies S1 and S5 of the HLP. Amongst other things, these policies aim to meet development needs through sustainable development, minimise the need to travel, promote sustainable modes of travel, and only support development in the countryside that would be in accordance with national planning policy or other policies. It also conflicts with the Framework and its aim to avoid the development of isolated homes in the countryside.
10. The appellant references Policies S3 and HG5 of the HLP in support of the proposal. These relate to the development strategy and its aim to meet housing development requirements at defined settlements, and development within the built form of defined settlements or adjacent to them. However, as the site is within

¹ Paragraph: 010 Reference ID: 67-010-20190722

the countryside and does not meet the circumstances for housing in this location, the proposal would not accord with these.

Character and appearance

11. Prospect House is a large two-storey dwelling, previously extended with varying roof forms, and featuring white painted render to its external walls, concrete roof tiles and a single-storey conservatory across its south facing elevation. Given its altered form and overall appearance, it has limited characteristics of a traditional rural dwelling. The adjacent farm building is constructed with timber frames, blockwork, timber cladding and corrugated sheeting, and blockwork is also used for other smaller buildings. The existing dwelling and buildings at the wider site are set well back from Fullicar Lane, with trees and hedgerows limiting some views of the holding. The adjacent Fullicar House features a mix of roughcast render and brick to the external walls, with red tiled and grey slate roofs. It incorporates chimney stacks and coping detail to the gable ends, with more traditional design detailing reflecting the rural setting. There are variations in the scale, materials and overall appearance of other dwellings in the wider countryside area, with larger farm buildings also evident.
12. Reason for refusal number 2 of the decision notice does not refer to any specific policies of the HLP. However, the evidence of the parties reference HLP Policies S5 and E1 for discussion of this reason, which I find to be relevant in respect of design and effects on the character and appearance of the countryside. Amongst other things, these policies aim for development to avoid harm to the character and appearance of the area in which it is located, be of a high quality, integrate successfully with its surroundings, and contribute positively to local character, identity and distinctiveness.
13. The new dwelling would be sited on an overgrown area of land adjacent to the larger farm building, which has a relatively large footprint, a higher dual-pitched roof towards its northern end and lower eaves and mono-pitch roof closest to the appeal site. The design of the dwelling would be simple and it would reflect the materials of Prospect House. Although single-storey in height, its overall footprint, depth and roof form would contribute to a large dual-pitched roof and south facing gable end. However, whilst reflecting the materials of Prospect House, I am not satisfied that the design is inspired by positive features in the local context, or that it would be high quality, responding well to its context and the rural character of the site and surrounding area.
14. Due to its location to the edge of the group of buildings adjoining the open fields there would be views of the dwelling from Fullicar Lane, including from the south as identified in the appellant's evidence, where it would be seen at a higher level. It would also be seen from the adjacent allotments. Views from the road would be longer-range, with intervening fields and landscaping to field boundaries mitigating the visual impact to some degree. Nevertheless, and noting the proposal would be seen in the context of other buildings, the development would introduce a new dwelling of limited design quality into the countryside that would have a harmful visual impact in the context of the open rural setting.
15. For the above reasons, the proposal would have a harmful impact upon the character and appearance of the area. It therefore conflicts with Policies S5 and E1 of the HLP, the aims of which are set out above.

Biodiversity Net Gain

16. The mandatory requirements of BNG require developments to deliver a BNG of 10%, unless exempt. The parties agree that the proposal would be exempt, subject to the completion of a Unilateral Undertaking (UU) aimed at securing the dwelling as a self-build. However, whilst I note the appellant's intentions and reasons why it has not progressed, no such agreement is before me.
17. Regardless of the agreed position between the parties and their discussions on this aspect, I must be satisfied that self-build can be adequately secured in order for the appeal proposal to be exempt from BNG requirements. Without a completed UU, self-build would not be adequately secured in order for the development to be exempt from BNG.
18. I acknowledge the appellant's suggestion that a condition could be imposed to secure this were I minded to allow the appeal. However, such a condition would not meet the tests of the Framework.
19. In the absence of a signed UU, BNG is required. No baseline data in the form of a statutory metric tool has been supplied in order to understand any relevant habitat parcels, their size or quality. Therefore, the biodiversity value of the existing site and any BNG cannot be fully assessed.
20. As such, and taking the above considerations as a whole, I conclude that it has not been demonstrated that the proposed development meets the mandatory requirements for BNG. It would therefore fail to comply with the statutory requirements set out within Schedule 7A of the Environment Act 2021 and the Biodiversity Net Gain Requirements (Exemptions) Regulations 2023, as amended. The proposal would also conflict with Policy E3 of the HLP, which amongst other things, requires all development to demonstrate the delivery of a net gain for biodiversity.

Other Matters

21. The purpose of the proposal would be to construct a new dwelling to meet the stated needs of its future occupier. I have therefore had due regard to the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010, which requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include age and disability. However, for the reasons set out above, I have not been provided with sufficient evidence to clearly demonstrate that there is an essential need for a new dwelling in this countryside location, or why the existing arrangements are unsuitable for the current occupier. Consequently, I afford this matter limited weight.
22. I have limited evidence before me to indicate the contribution that the proposal would make to delivering a sufficient supply of self-build plots to satisfy demand. In any event, given the conflict I have identified with local and national policy in relation to new housing in the countryside, and its effect on the character and appearance of the area, I find that any potential benefit from a single dwelling in this respect, or to the overall housing supply, would not outweigh the harm.

23. I observed a bungalow at Lowfield Farm further to the north on Fullicar Lane that the appellant has directed me to. This is materially different in design to the proposal, and it has not been explained how this is relevant to the appeal scheme. Therefore, I cannot determine if this is directly comparable to the proposed development to weigh in its favour.

Conclusion

24. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

N Armstrong

INSPECTOR