



Appeal Decision

Site visit made on 6 January 2026

by **Graham Wraight BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 January 2026

Appeal Ref: APP/C2741/W/25/3365420

Former MoD Camp site, Land South of the Dales, Wheldrake Lane, Elvington, York YO41 4AY

- 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 Mr and Mrs Shaun and Josie Handley against the decision of City of York Council.
 - The application Ref is 24/01478/OUT.
 - The development proposed is outline application for 1no. dwelling with associated landscaping and parking following demolition of existing structures with only access considered.
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Decision

1. The appeal is allowed and outline planning permission is granted for 1no. dwelling with associated landscaping and parking following demolition of existing structures with only access considered at Former MoD Camp site, Land South of the Dales, Wheldrake Lane, Elvington, York YO41 4AY in accordance with the terms of the application, Ref 24/01478/OUT, subject to the conditions in the attached schedule.

Preliminary Matter

2. The application is submitted in outline form with all matters reserved for later consideration except access. Therefore, whilst plans have been submitted suggesting how a dwelling could be accommodated on the site, these have been provided for indicative purposes only.

Main Issue

3. Whether the proposed development is inappropriate development in the Green Belt.

Reasons

4. Since the planning application was determined, the National Planning Policy Framework (the Framework) has been revised. Previously, the relevant test for the development of previously developed land in the Green Belt was that it would not have a greater impact on the openness of the Green Belt than the existing development. The requirement now is that it would not cause substantial harm to the openness of the Green Belt. Following this amendment, the Council's position is that what is proposed would not cause substantial harm to the openness of the Green Belt. Thus, they consider that the proposal would not be inappropriate development in the Green Belt when assessed against the current Framework.
5. Having considered the representations made by the parties and further to my visit to the site, I find no reason to disagree with the Council's conclusions on that

matter. I am also satisfied that all of the appeal site is previously developed land. This being the case, the proposal would not be inappropriate development in the Green Belt by virtue of paragraph 154g) of the Framework. I note that part vii) of Policy GB1 of the recently adopted Local Plan 2025 (LP) does not reflect the revised wording of paragraph 154g), and as such that policy is not consistent with the current national planning policy. The conflict with the development plan in that respect is outweighed by the consideration that the Framework has been revised and that, as a result of that revision, what is proposed should not be deemed to be inappropriate development in the Green Belt.

Other Matter

6. The parties disagree as to what the Council's current housing land supply position is. However, in light of the change in position in relation to the main issue, this matter is one which would have no bearing on the outcome of the appeal. I have therefore not considered it further.

Planning Obligation

7. The appellant has claimed an exemption from providing the statutory Biodiversity Net Gain (BNG) on the basis that the proposed dwelling would be built as a self-build dwelling. This meant that they did not need to meet the usual BNG submission requirements in order to make their planning application valid. They have provided a unilateral undertaking (UU) to secure the dwelling as such. This UU is necessary to make the development acceptable in planning terms because it has not been demonstrated that the statutory BNG requirements could be met, and it would be a requirement for those to be delivered if it was not a self-build dwelling.

Conditions

8. Conditions setting out the reserved matters, the time period for their submission, the time period to commence the development and the approved plans are needed to provide certainty. Details of drainage proposals are needed to ensure that appropriate provision is put in place to serve the development.
9. A condition relating to carbon emissions and water consumption is required to accord with Policy CC2 of the LP. Conditions relating to land contamination are needed to address any risks in that regard. Given the history of the site and the consultation response from Archaeology, it is reasonable and necessary to impose a condition which requires a programme of archaeological building recording.
10. It is not necessary to impose a condition relating to external materials, as this would be covered in the reserved matters submissions. Likewise, cycle parking provision and surfacing would more appropriately be addressed at reserved matters stage.

Conclusion

11. For the reasons given above, the appeal should be allowed.

Graham Wraight

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale ("the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with drawing No 743-LO-002.
- 5) No development shall commence until a scheme for the provision of surface and foul water drainage works has been submitted to and approved in writing by the Local Planning Authority. The approved drainage works shall be fully installed prior to first occupation of the development.
- 6) The dwelling hereby permitted shall achieve a reduction in carbon emissions of at least 31% compared to the target emission rate as required under Part L of the Building Regulations 2013 and a water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations).
Should the dwelling not achieve a reduction in carbon emissions of 75%, compared to the target emission rate as required under Part L of the Building Regulations 2013, prior to construction a statement to demonstrate that such reductions would not be feasible or viable shall be submitted to and approved in writing by the Local Planning Authority.
- 7) Prior to the commencement of development (excluding demolition), a site investigation and risk assessment must be undertaken to assess the nature, scale and extent of any land contamination and the potential risks to human health, groundwater, surface water and other receptors. A written report of the findings must be produced and is subject to approval in writing by the Local Planning Authority. It is strongly recommended that the report is prepared by a suitably qualified and competent person.
- 8) Where remediation works are shown to be necessary, development (excluding demolition) shall not commence until a detailed remediation strategy has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy must demonstrate how the site will be made suitable for its intended use and must include proposals for the verification of the remediation works. It is strongly recommended that the report is prepared by a suitably qualified and competent person.
- 9) Prior to the first occupation or use of the approved dwelling, remediation works shall be carried out in accordance with the approved remediation strategy. On completion of those works, a verification report (which demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

- 10) In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and, if remediation is necessary, a remediation strategy must be prepared, which is subject to approval in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation strategy, a verification report must be submitted to and approved in writing by the Local Planning Authority. It is strongly recommended that all reports are prepared by a suitably qualified and competent person.
- 11) A programme of archaeological building recording, specifically a written description, background research on the camp and photographic recording of the bunker, building and shelter to Historic England Level of Recording 2/3 is required. The archaeological scheme comprises 3 stages of work. Each stage shall be completed and agreed by the Local Planning Authority before it can be approved.
- A) No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the Local Planning Authority in writing. The WSI should conform to standards set by the Chartered Institute for Archaeologists.
- B) The programme of recording and assessment shall be completed in accordance with the programme set out in the WSI approved under part (A) and the provision made for analysis, publication and dissemination of results and official digital archive deposition with ADS will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.
- C) A copy of a report and images shall be deposited with City of York Historic Environment Record and digital archive images with ADS to allow public dissemination of results within 3 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

-----End of Conditions-----