
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: 02 February 2026

Appeal Ref: APP/U2750/W/25/3375467

Ivy Cottage, The Green, Stillingfleet, York YO19 6SG

- 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 Mrs C Horner & Mrs J Proud against the decision of North Yorkshire Council.
 - The application Ref is ZG2025/0153/FUL.
 - The development proposed is the erection of 3no. detached dwellings with associated detached garages.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Reason for refusal one refers to the principle of the development. Specifically, it identifies a conflict with Policy SP2 of the Selby District Core Strategy 2013 (CS), because part of the appeal site is outside of the defined development limits of Stillingfleet. This relates to the area in which the proposed dwellings would be located. The main parties agree that there is a conflict with this policy and, following the submission of the Council's Statement of Case, there is an agreement between them as to the weight that should be afforded to the policy. I shall return to this matter later in the planning balance.
3. In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Stillingfleet Conservation Area (CA).

Main Issues

4. The main issues are:
 - (i) The effect of the proposed development on the character and appearance of the CA: and
 - (ii) The effect of the proposed development on the living conditions of the existing occupants of nearby dwellings and whether acceptable living conditions would be provided for future occupants of the proposed dwellings.

Reasons

Character and appearance

5. Although there is no conservation area appraisal available for the CA, the Stillingfleet Village Design Statement 2009 (VDS) is helpful in identifying the key

characteristics of the settlement. The summary of design characteristics in the VDS picks out the defined building lines following the contour of the valley facing The Green, significant tree planting, low density with significant gaps either side of buildings and long rectangular plots at right angles to the road. These are important contributors to the character and appearance of the settlement, and they provide a valuable insight in terms of understanding that the significance of the CA lies at least in part in its historical layout. Whilst the VDS was published in 2009, other than the fact that the dwelling known as Cherry Tree House has been built, I have not been made aware of any material changes in character and appearance in the area surrounding the appeal site.

6. The appeal site and the current property upon it are consistent with the characteristics outlined in the VDS. For the most part, the dwellings on the adjacent plots are too. Density is generally low and long plots sit at right angles to The Green. In views from The Green on the opposite side of the Stillingfleet Beck the presence of the built development on the shallow valley side is most noticeable in the street scene, and it is evident that development generally follows the contours of the land. From here, the built form of the dwellings in the foreground gives way to a clear sense of spaciousness and openness behind them, with a mixed tree belt present in much of the background.
7. The sense of spaciousness and openness is also appreciable when walking past the site along the south side of The Green, again as views are possible between Ivy Cottage and Holmefield. When on the appeal site itself, it is evident for the most part that adjacent dwellings are located on large plots and that the density of development in the area is generally low. These are all characteristics which have a positive and defining impact on the character and appearance of the CA. Although they are not tall in height and are on private land, the trees within the appeal site also contribute positively to the character and appearance of the area, and they too have some public visibility, in particular in the gap between Ivy Cottage and Holmefield.
8. The proposal is to place three new dwellings in this area. This would erode almost completely this sense of spaciousness and openness and introduce a density of development out of keeping with its surroundings. The original plot would be shorter and a significant amount of tree planting that exists would be lost. In those views across from the opposite side of The Green, the proposed dwelling on plot one would have a particularly visually overbearing impact on Ivy Cottage, and a similar effect would be likely in terms of plot 3 and Holmefield. The proposal would not reflect the layout that exists or be sympathetic to it. The landscaping proposals and retention of some open space would not adequately compensate for the impact of the proposal, given the density of what is proposed.
9. I do not concur with the appellant's view that what is proposed can reasonably be considered to represent a natural continuation of the settlement's evolution. It would, on the contrary radically and harmfully alter it. Whilst there is no dispute that the design and materials of the proposed dwellings are appropriate for within a CA location, this should be expected as a default position for any development in such an area. I acknowledge the presence of the recently built Cherry Tree House, which itself sits on elevated land, but that is a clear anomaly in the surroundings. Its presence has eroded spaciousness, but it does not justify the permitting of a further development that would cause tangible harm to the character and appearance of the CA. Furthermore, as a single dwelling, its impact is also

considerably less than that which would result from the three proposed dwellings. Croft View is not close to the appeal site and is not seen on the same side of the valley or within the same street scene.

10. Taking all of these matters into consideration, the proposal would result in harm to the character and appearance of the CA. With direct reference to the National Planning Policy Framework (the Framework), the Council places this harm at less than substantial. I agree, and as the impact would be evident in many longer views across The Green, I would place the harm towards the upper end of the less than substantial spectrum. Nonetheless, in light of the statutory duties that relate to this designated heritage asset, the harm that would be caused carries considerable importance and weight in the planning balance of this appeal.
11. Paragraph 215 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In that respect, the appellant identifies social and economic benefits associated with the delivery of three new dwellings, in particular in the context of the Council's inability to demonstrate a five year housing land supply. Whilst these would indeed be public benefits of the proposal, they are limited somewhat by the number of dwellings that would be delivered.
12. Overall, the weight that I ascribe to the public benefits resulting from the proposed development is not sufficient to outweigh the great weight that I attach to the harm I have identified to the CA. As such, the proposed development would not comply with paragraph 215 of the Framework. Accordingly, the proposed development would be contrary to the requirements of both the Act and the Framework in so far as they relate to this main issue. It would also fail to accord with Policies SP18 and SP19 of the CS and Saved Policies ENV1, ENV15 and ENV25 of the Selby District Local Plan 2005 (LP) where, taken together, they seek to protect character and appearance and designated heritage assets.

Living conditions

13. The Council has identified specific impacts that it considers would arise from the positioning of the proposed dwelling on plot 1 upon existing dwellings, along with a concern as to the relationship that the proposed dwelling on plot 2 would have with that on plot 1.
14. The proposed dwelling on plot 1 would be an adequate distance from both Ivy Cottage and The Manor so not to be unduly dominant, even accounting for the differences in ground levels that exist. The separation distance would also ensure that there would not be unacceptable overlooking between the dwelling and Ivy Cottage. The appellant has advised that the proposed side window serving the en-suite facing The Manor could be obscurely glazed and that the secondary side window serving a bedroom could be removed. Subject to such being secured, any overlooking possible would be oblique from the windows on the front elevation, and this would not be unacceptable in its impact.
15. Likewise, any overlooking towards Holmefield would be oblique, and there would in any event be an adequate separation distance between the two. The separation distance between plot 2 and plot 1 would be reasonable to ensure that there would not be harm from the massing and scale of plot 2 even with the level differences, and to ensure that any overlooking between the two would be acceptable.

16. In conclusion, I find there to be no conflict with Saved Policy ENV1 of the LP, where it seeks to ensure that new developments do not have an adverse impact on the amenity of adjoining occupiers.

Other Considerations

Housing land supply and associated considerations

17. The Framework seeks to significantly boost the supply of new homes and the appeal proposal would make a contribution towards this aim, in the context of what the appellant places as a housing land supply of only 2.4 years. It would do so on a small, windfall, site adjoining a secondary service village, with some access available to bus routes. The appellant considers that the proposed dwellings would be deliverable within 5 years, and I have no reason to consider that not to be achievable.
18. In purely number of units terms the proposal would represent a more effective use of land than at present and there are no objections raised on design grounds. There would be some associated economic benefits in terms of construction jobs and then through the spend of future occupants. This has the potential to support and enhance the vitality of the rural community. Given the quantum of development that is proposed, these considerations collectively carry moderate weight in favour of the proposal.

Paragraph 11d)

19. Paragraph 11 of the Framework sets out a presumption in favour of development, and it refers at 11d) to circumstances where the most important policies for determining the application are out-of-date. In this case, alongside it being common ground between the main parties that policy SP2 is out-of-date, the Council also cannot demonstrate a five year supply of deliverable housing sites, which is a circumstance to which footnote 8 refers. The granting of planning permission is advocated unless the proposal would not satisfy either 11d)i or 11d)ii.
20. In this instance, the location in the CA means that 11d)i is of relevance. Planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. I have found that there would be harm to the CA and that this harm would not be outweighed by public benefits. The test set out in Paragraph 215 would not be met. I consider this to be a strong reason for refusing the development proposed. Consequently, the presumption in favour of sustainable development does not apply.

Other Matters

21. In its assessment in terms of the loss of trees that would result from the proposed development, the Council also raises concerns as to the ecological impact that this would have. However, in their consultation response the Council's Ecologist does not object in principle to the loss of the trees because of the ecological impact. Furthermore, the Council does not dispute that the statutory biodiversity net gain (BNG) requirement could be met, albeit with a reliance on off-site credits, and this was not a reason for refusal. I do not therefore consider that the ecological impacts resulting from the loss of the trees should be weighed against the appeal proposal.

22. The appellant suggests that the delivery of the statutory BNG should be held as a benefit of the scheme. However, it is not clear to what extent, if at all, the statutory requirement would be exceeded. I do not therefore afford weight in favour to this matter. It is stated that the condition of the trees on the appeal site has deteriorated due to rising maintenance requirements, but I do not consider that lack of maintenance alone is a compelling reason to support their loss.
23. Reference is also made to the lack of engagement by the Council, including that at the time their pre-application service was not available. It is also noted that there was no consultation response from the Conservation Officer. Neither however have altered my assessment of the proposal that is before me.

Planning Balance & Conclusion

24. The main parties agree that Policy SP2 of the CS should be afforded only limited weight because it is not fully consistent with the Framework, in particular paragraph 83. I find no reason to disagree. However, there is a clear conflict with the policies of the development plan where they seek to safeguard character and appearance and designated heritage assets, including conservation areas. In that regard, I have found harm to the character and appearance of the CA. I find that this harm means that the proposal would fail to accord with the development plan, taken as a whole.
25. I have also identified a conflict with the Framework in that public benefits would not outweigh the harm to the CA, and with the statutory duty set out in the Act because the character or appearance of the CA would not be preserved or enhanced. These are considerations which carry considerable weight against the proposed development. I have found that the presumption in favour of sustainable development set out by paragraph 11d) of the Framework does not apply.
26. Balanced against all of this would be the benefits associated with the provision of three new dwellings, to which I afford moderate weight. However, those benefits would not outweigh the clear harm that I have found and the conflict with the development plan that results. Consequently, I do not consider that in this instance material considerations indicate that a decision should be made otherwise than in accordance with the development plan. The appeal should therefore be dismissed.

Graham Wraight

INSPECTOR