
Appeal Decision

Site visit made on 3 December 2025

by **J Hobbs MRTPI MCD BSc (hons)**

an Inspector appointed by the Secretary of State

Decision date: 6 February 2026

Appeal Ref: APP/U2750/W/25/3373736

Land at Carter's Lane, Middleton, Ilkley LS29 0DH

- 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 Jude Brogden against the decision of North Yorkshire Council.
 - The application Ref is 25/01942/OUT.
 - The development proposed is erection of one self-build dwelling.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 11 December 2025.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application subject to this appeal is for outline planning permission, with the matters of appearance, landscaping and scale reserved for subsequent approval (the Reserved Matters). Details of the Reserved Matters shown on the application plans are taken as being indicative only.
3. The appellant has submitted revised plans¹ with their appeal submission ('the Amended Proposal'). On these plans the proposed dwelling is sited in line with 1 Carter's Lane (No 1). Whereas the proposed dwelling was sited in line with the property on the other side of the site, Woodside, on the plans that were before the Council when it determined the planning application. Moreover, the proposed driveway is larger and reconfigured in the Amended Proposal.
4. The Procedural Guide² is clear that the appeal process should not be used to evolve a scheme. However, I am mindful of the Holborn Studios Ltd Judgment³. The changes to the scheme are minor when compared to the scheme as a whole. The Council and interested parties have had an opportunity to review the amended plans and provide comments on them within their appeal representations. Therefore, it would not be procedurally unfair for me to consider the amended plans, and they form part of my consideration of the appeal proposal.

Main Issues

5. The main issues are:

¹ Site Plan As Proposed Drawing No. GA_03 Revision A, and Site Visibility Splays As Proposed Drawing No. GA_04 Revision A

² Procedural Guide: Planning appeals - England

³ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823

- whether the appeal site is an appropriate location for residential development, having particular regard to the spatial strategy and accessibility of services and facilities;
- whether the proposal would be inappropriate development in the Green Belt;
- the effect of the proposal on the openness and purposes of the Green Belt;
- the effect of the proposal on the living conditions of occupiers of No 1, with particular regard to the provision of daylight and sunlight, and outlook;
- the effect of the proposal on highway safety; and,
- whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Location

6. Policy GS2 of the Harrogate District Local Plan 2014-2035, March 2020 (LP) outlines the settlement hierarchy for the district. LP Policy GS3 advises that development limits are shown around the settlements listed in LP Policy GS2. It also specifies that outside development limits, proposals for new development will only be supported where expressly permitted by other policies of the LP, a neighbourhood plan, or national planning policy.
7. LP Policy GS3 concludes by outlining that when the Council cannot demonstrate a five-year supply of housing land, proposals for new housing will be considered in accordance with the presumption in favour of sustainable development set out in national planning policy. The Policy outlines criteria against which proposals will be assessed in this scenario, this includes the site being well related to the existing built form of the settlement.
8. Whilst the appeal site is near to the established hamlet of Middleton, it is not an identified settlement, and the appeal is outside of the development limits of all of the identified settlements. The parties also accept it that the appeal site is not within an area subject to a neighbourhood plan and the Council can only demonstrate a 2.8 year supply of deliverable housing land.
9. There is a school nearby, but during my site visit I observed it is an independent school so may not be accessible for all local residents. There is also a lack of services and facilities within Middleton, necessary to support the day-to-day needs of future occupiers of the proposed dwelling. Therefore, future occupiers would need to travel to Ilkley to access these services and facilities.
10. There are two routes to access Ilkley, the most appealing, as indicated by the appellant, would be via Curly Hill. Regardless, future occupiers would still need to walk or cycle a long section of Carter's Lane which is narrow, unlit, without a footpath, and subject to a 40mph speed limit. Given the characteristics of this section of Carter's Lane, the walk during inclement weather or at night would at best be unpleasant, and at worst unsafe. Moreover, the route to Ilkley is long and across an undulating landscape. As such, it represents a potential recreational walking/cycling opportunity for future occupiers rather than a viable route to access the services and facilities necessary to support the everyday needs of future occupiers. There is also no public transport in proximity to the appeal site. Therefore, future occupiers would be reliant on the use of private motor vehicles.

11. The appellant accepts that the use of private cars would be inevitable at this location, but they indicate that electric vehicle charging would be provided, and that vehicle journeys would be short. However, even when acknowledging that the opportunities to maximise sustainable transport solutions will vary between urban and rural areas, the proposal would not limit the need to travel or offer a genuine choice of transport, neither would it prioritise sustainable transport modes. Accordingly, it would not guide development towards a sustainable solution and would therefore be contrary to paragraphs 9, 110, and 115 of the National Planning Policy Framework (the Framework).
12. I will return to assess the proposal against the presumption in favour of sustainable development as set out in paragraph 11 of the Framework within the Planning Balance section of this decision. Nonetheless, for the reasons given above, the appeal site is not well related to the existing built form of a settlement. Consequently, the proposal would not be expressly permitted by other policies in the LP, a neighbourhood plan, or national planning policy.
13. I conclude that the appeal site is not an appropriate location for residential development, having particular regard to the spatial strategy and accessibility of services and facilities. The proposal would therefore be contrary to LP policies GS2 and GS3, for the reasons given above.

Green Belt - principle

14. The appeal site is within the Green Belt. Paragraph 142 of the Framework indicates that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belt are their openness and their permanence.
15. LP Policy GS4 states that proposals for development in the Green Belt will be determined in accordance with relevant national policy. Paragraph 154 of the Framework specifies that development in the Green Belt is inappropriate unless one of the specified exemptions applies. This includes limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not cause substantial harm to the openness of the Green Belt.
16. The land has been leased to the school to be used as amenity and garden land. Land within the curtilage of a school would be previously developed land as per the definition within Annex 2 of the Framework. It is clear that the use of the appeal site is ancillary to the school. Notwithstanding this, it is clearly demarcated as a standalone field, it is set away from the school, and it is under separate ownership. As such, the appeal site is not within the curtilage of the school.
17. The appeal site previously accommodated greenhouses, which provided produce to a local hospital. However, these have been removed, and the remnants of these structures have blended into the landscape. Therefore, the appeal site would not conform with the definition of previously developed land in Annex 2 of the Framework. Consequently, the proposal would not accord with the exemption to inappropriate development specified in paragraph 154(g) of the Framework.
18. Paragraph 155 of the Framework indicates that the development of homes in the Green Belt should also not be regarded as inappropriate where the specified criteria apply. This includes where the development would utilise Grey Belt land

and would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework.

19. Grey Belt is defined in Annex 2 of the Framework as previously developed land or land that does not strongly contribute to any of purposes (a), (b) or (d) in paragraph 143. The appeal site does not strongly contribute to checking the unrestricted sprawl of large built-up areas, preventing neighbouring towns merging into one another, or preserving the setting and special character of historic towns. Therefore, the appeal site comprises of Grey Belt land, the Council does not dispute this. Nonetheless, the proposal would be contrary to paragraph 155 of the Framework as it would not be in a sustainable location and would be contrary to paragraphs 110 and 115 of the Framework, for the reasons given above.
20. I conclude that the proposal would be inappropriate development in the Green Belt. It would therefore be contrary to LP Policy GS4, for the reasons given above.

Green Belt – openness and purposes

21. There is both a spatial and a visual aspect to the openness of the Green Belt. The proposal would reintroduce built development to the appeal site, where there is currently none. It would also introduce residential activity to the site and would result in domestic paraphernalia being located in garden areas. Although appearance, landscaping and scale are reserved for subsequent approval, the proposal would undoubtedly alter the open appearance of the site which is located in a prominent position on Carter's Lane. The presence of residential development either side of the appeal site, would reduce the harm caused to the openness of the Green Belt, nevertheless harm would still persist.
22. Similarly, whilst the proposed development would be between developed land, it would reintroduce development to an undeveloped field. Consequently, the proposal would result in the encroachment of the countryside, albeit to an extremely limited extent, and would be contrary to the purpose of the Green Belt listed within paragraph 143(c) of the Framework.
23. I conclude that the proposal would have a harmful effect on the openness of the Green Belt and the purposes of including land within it. The proposal would therefore be contrary to chapter 13 of the Framework.

Living conditions

24. During my site visit I observed that the side elevation of No 1 facing toward the appeal site includes windows which serve the kitchen and a bedroom. The proposed dwelling would be sited in line and in proximity to No 1.
25. As there would be windows from habitable rooms within No 1 that directly face the proposed dwelling from a short distance, the proposed dwelling could appear overbearing on the occupiers of No 1. Nonetheless, the planning application was for outline planning permission with the Reserved Matters reserved for subsequent approval. Therefore, a design could be forthcoming which reduces the scale and massing of the proposed dwelling close to the boundary with No 1 and ensures that the proposed dwelling would not be overbearing.
26. Given the orientation of the proposed dwelling in relation to No 1 and the topography of the area, a dwelling could be designed which does not cause

harmful overshadowing of No 1. Furthermore, there is no evidence before me that the Amended Proposal would be contrary to Appendix D of the Design Guide.⁴

27. I conclude that the proposal would not have a harmful effect on the living conditions of occupiers of No 1, with particular regard to the provision of daylight and sunlight, and outlook. It would therefore comply with LP Policy HP4 where it indicates that development proposals should be designed to ensure that they will not result in significant adverse impacts on the amenity of neighbours. The proposal would also be in accordance with paragraph 135 of the Framework where it indicates that planning decisions should ensure that developments create places with a high standard of amenity.

Highway safety

28. The Amended Proposal includes a large driveway area. It has been demonstrated within the Amended Proposal that vehicles would be able to park and turn around within this space. As such, vehicles would be able to both enter and exit the site in a forward gear.
29. I conclude that the proposal would not have a harmful effect on highway safety. It would therefore comply with paragraph 116 of the Framework where it indicates that development should only be prevented on highway grounds if there would be an unacceptable impact on highway safety.

Other Matters

30. The appeal site is located within the Nidderdale National Landscape (NNL). Under Section 85 of the Countryside and Rights of Way Act 2000, I have a statutory duty to further the purposes of conserving and enhancing the natural beauty of NNL. Within the Landscape Character Assessment⁵, Middleton is identified as one of the main settlements within the Wharfedale south-facing valley side. The proposal would represent an infill plot between a row of cottages and a larger property, Woodside. Subject to the Reserved Matters being approved, the proposed dwelling could be of a design which reflects the vernacular architecture, and it would conform with the prevailing pattern of development close to Middleton. Accordingly, the proposal would conserve the natural beauty of NNL, and the Council does not dispute this.

Planning Balance

31. The proposed dwelling would help boost the supply of homes in an area where there is currently a shortfall of deliverable housing land. The appellant has also indicated that the proposed dwelling would be self-build and would help address a shortfall of serviced plots in the district.
32. I have no reason to doubt the appellant's intention to occupy the proposed dwelling. However, permission runs with the land and there is no mechanism before me which would ensure that the proposed dwelling would be occupied by them. If permission was granted, the Council would have no assurance that the proposed dwelling would not be sold prior to occupation by the appellant. If it was sold prior to occupation, it would not meet the definition of self-build or custom housebuilding as set out within the Self-build and Custom Housebuilding Act 2015.

⁴ House Extensions & Garages Design Guide, A companion to the Residential Design Guide, September 2005

⁵ Harrogate District, Landscape Character Assessment 18, Wharfedale south-facing valley side, February 2004

As such, there is a lack of sufficient evidence to record the potential planning permission as a suitable development permission to meet the demand for self-build and custom housebuilding in the district. Accordingly, this has tempered the weight I ascribe to this as a benefit.

33. The proposed dwelling could include measures such as air source heat pumps, photovoltaic panels, electric vehicle charging points and sustainable drainage. These measures would help generate renewable energy and could reduce energy usage, they would also reduce demand for local drainage infrastructure. These are all environmental benefits. Alongside this, the proposal would promote an effective use of land and would therefore be in accordance with paragraph 124 of the Framework.
34. Considering the proposal is for one dwelling and taking account of all of the above factors, I ascribe moderate weight to the other considerations in favour of the appeal proposal.
35. It is expected that proposed developments should preserve the character and appearance of an area. Consequently, this is not a benefit of the scheme, rather it is a neutral factor and neither weighs in favour nor against the proposal.
36. Paragraph 153 of the Framework indicates that substantial weight should be given to any harm to the Green Belt, including harm to its openness. It goes on to explain that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 of the Framework also explains that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
37. I have concluded that the appeal proposal would be inappropriate development in the Green Belt and would be harmful to its openness and the purposes of including land within it. Moreover, the appeal site would not be an appropriate location for residential development, having particular regard to the spatial strategy and the accessibility of services and facilities. In accordance with the Framework, I ascribe substantial weight to these harms. The moderate weight ascribed to the other considerations in favour of the appeal proposal do not outweigh the harm. Consequently, the very special circumstances necessary to justify the proposed development do not exist.
38. The appeal proposal would be contrary to national planning policy in relation to Green Belt and would therefore be contrary to LP Policy GS4. Given there are no policies within the LP which support development of this nature in this location, the proposal would be contrary to the development plan when read as a whole.
39. It is common ground that the Council can only demonstrate 2.8 years supply of deliverable housing land. In this scenario, footnote 8 of the Framework establishes that the policies which are most important for determining the application are out-of-date. In accordance with the presumption in favour of sustainable development, 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. Footnote 7 of the Framework advises that this includes land designated as Green Belt.

40. As above, the proposal would be inappropriate development in the Green Belt. Therefore, the policies in the Framework that protect areas of particular importance provide a strong reason for refusing development and permission should not be granted.

Conclusion

41. The proposal conflicts with the development plan, when read as a whole, and the material considerations, including the presumption in favour of sustainable development, do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

J Hobbs

INSPECTOR