



Appeal Decision

Site visit made on 21 January 2026

by **C Mayes CMLI**

an Inspector appointed by the Secretary of State

Decision date: 9th March 2026

Appeal Ref: APP/U2750/W/25/3375298

Land fronting Broad Lane, Church Fenton, Tadcaster, North Yorkshire (easting: 436300 northing: 4525000)

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr John Harrison against the decision of North Yorkshire Council.
 - The application reference is ZG2025/0351/PIP.
 - The development proposed is 8 self-build plots each with a frontage of 20m to Broad Lane, Church Fenton and depth of 40m (6400m² in total).
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by the appellant against the Council. This is the subject of a separate Decision.

Preliminary Matters

3. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent (TDC) application if permission in principle is granted. I have determined the appeal accordingly.
5. The appellant refers to an alternative 'preferred' location plan showing the entire field edged red. While I note the appellant's suggestion that a larger red-lined area would provide flexibility at the TDC stage, such flexibility would not be appropriate where it would prevent a clear understanding of the development's likely effects. The appeal relates to the proposal as described on the application form and shown on the submitted plans that were before the Council at the time of determination. Those plans define a specific red-lined area of approximately 6,400m² within the wider field. That red line fixes the location of development for the purposes of this Permission in Principle. A red line encompassing the whole field would materially alter the scope of the proposal and would not provide sufficient certainty as to the

location and effects of development. I have therefore determined the appeal on the same basis as the application was made and determined.

Main Issue

6. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

7. The appeal site lies on the southern approach to Church Fenton and forms part of an open agricultural field fronting Broad Lane. Based on my observations at the site visit, the junction of Broad Lane, Nanny Lane and Hall Lane marks the southern extent of the coherent built-up area of the settlement. To the north of this point, Church Fenton presents as an established residential village with a predominantly linear form extending south-eastwards from Main Street, with a generally harmonious relationship between buildings, spaces and surrounding land uses.
8. Between the appeal site and the coherent built-up area of the settlement lies Kennel Garth. Although this property is in residential use, it is sited within a substantial plot and, by reason of its scale, spacing, orientation and rural setting, has the appearance of a detached farmstead rather than forming part of the more closely grouped and visually connected dwellings fronting Hall Lane and Nanny Lane beyond. Between Kennel Garth and the junction of Broad Lane, Nanny Lane and Hall Lane are open paddocks, which provide a positive visual break and interrupt any sense of continuous built form.
9. To the south of Kennel Garth and to the west and south-east of the appeal site, the land reads as open countryside. Hall Lane Stables and associated equestrian uses, reinforce the rural character and working character of this area. Taken together, these elements create a clear and perceptible sequence on the ground whereby open countryside gives way to rural and farm-related uses, before the built form consolidates into the established residential frontage of the village. This transition is attractive in character, readily appreciable when approaching Church Fenton from the south, and contributes positively to the way the settlement edge is experienced at this location.
10. Taken together, these features indicate that the appeal site lies within open countryside, rather than being physically adjacent to the coherent built-up area of Church Fenton. Its separation from the main body of the settlement by open paddocks, its relationship with rural and equestrian uses, and the absence of continuous built frontage mean that it presently performs a countryside role and contributes positively to the rural setting of the village at this southern approach.
11. The proposed development would introduce a concentrated block of residential built form into this open field. By extending housing beyond the established edge of the settlement, it would reduce openness, disrupt the pleasant and harmonious transition from countryside to village, and erode the contribution this land makes to the setting of Church Fenton. The development would therefore harm the open character of the countryside and the way in which the settlement is experienced at this location.
12. In assessing the suitability of the appeal site for residential development in principle, I have had regard to the development plan as a whole. I note the

appellant's extensive submissions regarding the status of the Development Limits Policy Plans (DLPPs). While these plans have been referred to by the parties, they do not form part of the adopted development plan, and I afford them limited weight in this appeal. In any event, my assessment does not rely on the position of any historic development limit, but on the physical extent and character of Church Fenton as it exists today, and the appeal site's relationship to the coherent built-up area of the settlement and the surrounding countryside.

13. The most directly relevant policy in this context is Policy H3(a) of the Church Fenton Neighbourhood Development Plan 2020-2027 (NDP), which is up to date, locally specific, and concerned with settlement form and the open aspects of the village. Policy H3(a) requires new housing development to respect both the integrity of the village's linear structure and the open aspects of the village.
14. For the reasons already set out above regarding the site's location beyond the coherent built-up area of Church Fenton and its contribution to the open countryside setting, the proposal would extend residential development beyond the point where the village presently resolves into open countryside. While the appellant emphasises that the plots would be arranged in a linear manner, respect for linear structure is not achieved solely through alignment or orientation, but also through regard to the appropriate extent of the settlement. The proposal would therefore fail to respect both the integrity of the linear structure and the open aspects of the village, contrary to Policy H3(a).
15. The same spatial harm also leads to conflict with saved Policy ENV1(1) of the Selby District Local Plan (February 2005) (LP), which seeks to protect countryside character and the setting of settlements, and with Policy SP19 of the Selby District Core Strategy (October 2013) (CS), which requires development to respond positively to its context and local distinctiveness. By extending residential development into open countryside and eroding the pleasant and harmonious transition between countryside and village at this southern approach, the proposal would diminish the contribution this land makes to the setting of Church Fenton. Read together, the relevant development plan policies point to the same conclusion.
16. Policy SP2 of the CS seeks to restrict development in the countryside to specific categories of development, and to direct housing to locations that are appropriately related to settlements. In this case the proposal would not meet the policy because it is neither physically adjacent to the coherent built-up area of Church Fenton nor well-related to the settlement in functional terms. Having regard to the separation of the appeal site from the village by open paddocks and rural land uses, and the lack of a direct and continuous relationship with the settlement edge, the proposal would not represent an appropriate location for residential development under Policy SP2.
17. The appellant argues that only a limited number of development plan policies should be regarded as determinative for the purposes of paragraph 11(d) of the National Planning Policy Framework (the Framework). However, the identification of the policies most important for determining an application is a matter of planning judgement. In this case, having regard to the appeal site's location beyond the coherent built-up area of Church Fenton, its physical separation from the settlement, and the nature of the harm identified above, I consider that Policy H3(a) of the NDP, together with Policy ENV1(1) of the LP and Policies SP2 and SP19 of the CS are all directly engaged. These policies address different but related

aspects of the proposal's location and effects and together form the relevant development plan framework against which the appeal should be assessed.

18. While the appellant argues that certain strategic spatial policies, including those restricting development beyond settlement limits, are out-of-date or should attract reduced weight, I do not agree that this affects their relevance in this case. The objectives of the policies identified above align with those of the Framework in directing growth to appropriate locations and protecting the countryside and the setting of settlements, and they therefore remain capable of carrying full weight in the subsequent planning balance.
19. To conclude, this appeal relates to an application for permission in principle, and I have therefore confined my assessment to the suitability of the site having regard to location, land use and the amount of development proposed. For the reasons set out above, I have found that the appeal site lies within open countryside and that its development for residential purposes would harm the character of the countryside and the setting of Church Fenton by extending built form beyond the coherent edge of the settlement. That harm arises from the location of the site itself and would occur irrespective of detailed layout or design matters, which, in any case would fall to be considered at a later stage.
20. Accordingly, I conclude that the proposal conflicts with Policy H3(a) of the NDP, which seeks, among other things, to ensure that development respects both the integrity of the village's linear structure and the open aspects of the village. For the same reasons, the proposal would also conflict with saved Policy ENV1(1) of the LP and Policy SP19 of the CS, which together seek to protect the character of the countryside and the setting of settlements and to ensure development responds positively to its context and local distinctiveness. In addition, and having regard to the site's separation from the coherent built-up area of the settlement, the proposal would conflict with Policy SP2 of the CS, which seeks to restrict residential development in the countryside to locations appropriately related to settlements.

Other Matters

21. The appellant has referred to several planning permissions and appeal decisions relating to residential development on land adjacent to designated service villages, in support of an argument on consistency in decision-making. I have had regard to these decisions. However, consistency only arises where cases are materially indistinguishable. In the examples cited, development was proposed on land that was physically adjacent to, and formed a clear continuation of, the coherent built-up area of the relevant settlement. In contrast, the appeal site in this case is separated from the coherent built-up form of Church Fenton by open paddocks and rural land uses, and does not have a direct or continuous relationship with the settlement edge. It therefore does not function as land adjacent to the village for planning purposes. My conclusions are based on this site-specific spatial relationship, its contribution to the open countryside setting, and conflict with Policy H3(a) of the NDP.
22. I have had regard to the other matters raised by the appellant, including the submissions on the sustainability of Church Fenton as a settlement, the statements of third parties, the asserted demand for self-build plots, and the procedural criticisms made of the Council's decision-making process. I acknowledge that Church Fenton functions as a sustainable settlement with a range of services,

facilities and transport connections, and I considered the provision of housing, including self-build plots. I have also noted the personal circumstances and aspirations put forward by the appellant and interested parties.

23. However, these matters do not address the principal issue in this appeal, which is the suitability of the appeal site for residential development in principle having regard to its location and its relationship to the countryside and the settlement edge. None of the additional material alters my findings on the character of the site, its contribution to the setting of the village, or the conflict identified with the development plan policies.

Planning Balance

24. The National Planning Policy Framework (the Framework) does not change the statutory status of the development plan as the starting point for decision making. The proposal is not in accordance with the aforementioned policies of the NDP, LP and CS with the associated conflict reflecting harm to the character and appearance of the area. For this reason, the development conflicts with the development plan as a whole and should be refused unless other material considerations indicate otherwise.
25. It is not in dispute that the Council cannot demonstrate a five-year supply of deliverable housing land. Consequently paragraph 11(d) of the Framework should be applied. Paragraph 11(d) explains that in these circumstances, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
26. The proposal would make a positive contribution to housing supply, including the provision of self-build plots. In the context of the Council's significant shortfall in deliverable housing land, this contribution would help to meet identified housing need, and I therefore attach very significant weight to this benefit. I also acknowledge that Church Fenton functions as a sustainable settlement with a range of services and facilities, to which I attach limited weight in support of the proposal.
27. However, the presumption in favour of sustainable development does not mean that all sites near to or even adjacent to a sustainable settlement are suitable for development in principle. Sustainability also encompasses the spatial relationship of development to the settlement, its effect on countryside character, and the setting of the village. In this case, I have found that the appeal site lies within open countryside and that its development for residential purposes would harm the character of the countryside and the setting of Church Fenton, in conflict with an up-to-date neighbourhood plan and supporting development plan policies. That harm arises from the location of the site itself and would not be resolved through subsequent technical details.
28. In the particular circumstances of this case, I have concluded that the proposed development would result in substantial harm to the character and appearance of the countryside and setting of the settlement. I therefore attach substantial weight to the conflict with the relevant policies of the NDP, LP and CS. Taken together, those adverse impacts significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply. For the reasons

set out above, and having undertaken the planning balance required by paragraph 11(d) of the Framework, I find that the proposal would also conflict with Policy SP1 of the Core Strategy, which seeks to secure sustainable development.

Conclusion

29. The proposal would conflict with the development plan, when considered as a whole, and there are no material considerations that indicate that a decision should be made other than in accordance with it. I therefore conclude that the appeal should be dismissed.

C Mayes

INSPECTOR