



Appeal Decision

Site visit made on 24 February 2026

by C Harding BA (Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2026

Appeal Ref: APP/U2750/W/25/3376340

Part of OS Field 0038, Foss Syke Lane, Sandhutton YO7 4RS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for permission in principle.
 - The appeal is made by JWK Developments (SPV 1) Ltd against North Yorkshire Council.
 - The application Ref is ZB25/01430/PIP.
 - The development proposed is permission in principle for phased residential development of no. 3-4 self/custom build dwellings.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been made by JWK Developments Ltd against North Yorkshire Council. This is the subject of a separate decision.

Preliminary Matters

3. The proposal is for permission in principle ('PiP'). Planning Practice Guidance ('PPG') advises that this is an alternative way of obtaining planning permission for housing-led development. The PiP consent route has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle, and the second ('technical details consent') stage ('TDC') is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
4. The scope of the considerations for PiP is limited to location, land use and the amount of development permitted. All other matters are considered as part of the subsequent TDC application if PiP is granted. I have determined the appeal accordingly.
5. An applicant can apply for PiP for a range of dwellings by expressing a minimum and maximum number of dwellings as part of the application. In this instance, permission is sought for a minimum of three and a maximum of four dwellings.
6. The appellant has used a different appeal site address on the appeal form to the application form. As the address originally used on the application form was vague, I have used the address from the appeal form as it more accurately reflects the location of the site.
7. The appeal includes a draft planning obligation in the form of a unilateral undertaking. I will return to this later in my decision.

8. The appeal results from the failure of the Council to determine the application within the prescribed period. Within its evidence, the Council has not raised concerns regarding the proposed land use or the amount of development and there is nothing before me that would lead me to reach a different conclusion on such matters. Therefore, the main issue, below, focuses on the matter in contention between the main parties, namely whether the site is a suitable location for the proposal.

Main Issue

9. The main issue is whether the site is suitable for residential development, having regard to its location.

Reasons

10. Policy HG2 of the Hambleton Local Plan 2022 ('HLP') sets out the Council's approach to achieving housing development and seeks to address the overall housing requirements, but also specific types of housing to meet the needs of the area.
11. HLP Policy HG5 makes provision for support for windfall housing developments where, among other criteria, such developments are adjacent to the built form of service, secondary and small villages, where it is demonstrated that such development meets Policy HG5 (a) and (b), and that all proposals individually or cumulatively meet Policy HG5 (c), (d) and (e).
12. The appeal site is currently an open field, located adjacent to development at the northern extent of the village. There is no dispute that the proposal would accord with criteria (a), (b) and (c) of HLP Policy HG5, and I have no reason to reach a different conclusion.
13. Criteria (d) and (e) of HLP Policy HG5 require that development should not result in the loss of open space that is important to the historic form and layout of the village, and have no detrimental impact on the character and appearance of the village, surrounding area and countryside, or result in the loss of countryside that makes a significant contribution to the character or setting of that part of the village.
14. The appeal site comprises part of an open field, located to the west of the A167 and to the north of the settlement edge. It adjoins a recent development immediately to the south. To the north is a group of outlying buildings which includes the village hall.
15. Previous Inspectors have considered proposals on a site in close proximity to the appeal site. In those cases, the Inspectors undertook a detailed assessment of the character of the area, including the site subject to this appeal and its immediate environs.
16. I understand that since the 2023 appeal decision¹ that a residential development at the northern edge of the settlement has been completed, however the development appeared to have been under construction at that time, and it was taken into account by that Inspector. I have not been made aware of any other material changes in the area in the interim period, therefore I consider the findings

¹ APP/U2750/W/23/3325101

of these Inspectors to be relevant and worthy of considerable weight in my consideration of this appeal.

17. The northern boundary of Sandhutton is clearly defined with built form extending to a similar extent on both sides of the A167. Thereafter, there is a noticeable gap to the satellite group of buildings to the north. The appeal site is located within this gap. A previous Inspector² identified that there is a pleasant rural feel to approaches into and out of the village, and the existing gap between the northern edge of the main settlement and the outlying buildings further north creates a visual buffer and sense of openness and spaciousness which makes a positive contribution to the setting of the settlement.
18. This Inspector also identified that despite built development being visible upon approaching the development from the north, it is not dominating. They went on to find that the break between built form is an important aspect of the setting of the village.
19. A subsequent Inspector³ reached similar conclusions, also noting that the hedgerows, interspersed trees and open fields make a positive contribution to the setting of the settlement, which can be experienced by both drivers and pedestrians. I agree with the findings of both Inspectors in terms of the character of the approach to the settlement and the value of the open and spacious nature of the edge of the settlement, including the appeal site.
20. As an application for permission in principle, there are no details, indicative or otherwise, of any potential layout of the proposal. Such details, including details of landscaping, are left to be considered at the TDC stage. However, this does not mean that issues relating to the effect of the proposal upon the character and appearance of the area or the setting of the village are wholly outside of the scope of this appeal. Rather, they are relevant insofar as they relate to the matter of "location".
21. The introduction of either 3 or 4 dwellings onto the appeal site would inevitably substantially erode the gap between the existing northern edge of the settlement and the satellite grouping to the north. At present, the appeal site does not have a substantial field boundary addressing the road, is flat and is at a slightly depressed elevation. This currently affords extensive views westwards across the countryside, and the appeal site is markedly open in character.
22. Built form comprising several dwellings, regardless of scale, design or landscape treatment, would inevitably result in a reduced gap between the settlement edge and satellite grouping, and there would be an inherent loss of the positive sense of openness and spaciousness that currently exists.
23. Moreover, the northern edge of the settlement is very clearly defined. Additional development beyond this point would extend the settlement form to the north on the western side of the road, which would appear as settlement creep, an effect which would be heightened by the loss of gap to the satellite group of buildings to the north. This would represent a fundamental and harmful change to the character of the northern edge of the settlement, which is otherwise relatively well-contained.

² APP/U2750/W/23/3325101

³ APP/U2750/W/25/3365803

24. It has been put to me that the existing openness is a construct of modern farming practices following the removal of historic field boundaries, and that the appeal site does not form part of any historic landscape and is not subject to any landscape designation or heightened sensitivity. Be this as it may, the appeal site as it appears today nevertheless has value in terms of its positive effect on the setting of the wider village, and a lack of any specific designation of landscape sensitivity does not negate this.
25. Overall, having regard to the limited information before me, I nevertheless consider that it is unlikely that any landscape buffer, hedgerow reinstatement, view corridor or native planting would overcome the harmful effects of the proposal, which would be as much spatial as visual, in that built form would be introduced into a location where there currently is none. In doing so it would result in the loss of countryside that makes a significant contribution to the character and setting of the village.
26. A number of appeal decisions⁴ have been put before me which are said to indicate that the effect of PiP proposals upon landscape character should not be subject to rigorous assessment, with such effects to be considered at the TDC stage. I have had regard to these decisions.
27. In APP/J1860/W/24/3354156, while the Inspector satisfied themselves that there was sufficient control at the TDC stage to ensure that the proposal could be designed to be in keeping with the edge-of-village location, they did so on the basis of the location plan and site visit observations, so clearly gave the matter some consideration. In saying that landscaping would be a matter for the TDC stage, this Inspector was referring to the introduction of landscaping measures or mitigation, rather than the inherent effect of the proposal.
28. Equally, the Inspector in APP/D0840/W/24/3353618 clearly gave detailed consideration to matters of settlement form, in terms of establishing whether the appeal site was acceptable in locational terms. APP/K0425/W/24/3341869 relates to an application for outline planning permission, which is not directly comparable in terms of procedure. In any case, that Inspector gave extensive consideration to the effects of the proposal upon a National Landscape. Consequently, my approach is consistent with the approach taken in the appeal decisions cited in relation to this.
29. I therefore conclude that the proposal would not be situated in suitable location for residential development. It would be contrary to HLP Policy HG5, the requirements of which I have set out above, as well as HLP Policies S1, S5, E1 and E7 which together and among other factors state that new development respects and strengthens the distinctive character of the landscape and the form and setting of settlements.

Other Matters

30. The appellant states that the proposal would contribute towards meeting the Council's requirements in respect of self-build and custom housing ("SBCH"). A draft planning obligation in the form of a unilateral undertaking has been provided. There is no provision for a PiP to be subject to either planning conditions or planning obligations. However, PPG states that local planning authorities can inform applicants that planning obligations may be needed at the TDC stage. As a result, I see no reason why the self-build nature of the proposal, as set out in the

⁴ APP/D0840/W/24/3353618, APP/K0425/W/24/3341869 and APP/J1860/W/24/3354156

description of the development, could not be secured at the TDC stage, and I therefore afford weight to the self-build nature of the scheme.

31. There is some distance between the parties with regard to the current levels of supply and demand in relation to SBCH. The evidence before me includes correspondence between the parties with regard to the Council's methodology in terms of identifying supply, which indicates that in 2024 there was some acknowledgement by the Council that supply data, particularly from early Base Periods, may contain weaknesses. The appellant has also provided a detailed assessment of relevant SBCH permissions, including how SBCH development is identified, which also casts some doubt on the Council's supply position.
32. I am also mindful of recent appeal decisions within North Yorkshire⁵, which while not in all cases directly comparable in terms of the evidence presented, are nevertheless consistent in concluding that substantial weight should be afforded to the provision of SBCH.
33. The Council's case is largely reliant on the Self-build and Custom Housebuilding Report 2025, which indicates that an appropriate level of supply of SBCH sites exists. However, this document does not clarify the methodology used for identifying SBCH permissions, nor does it address the apparently acknowledged weaknesses in supply data from early Base Periods, or many of the other concerns identified by the appellant in relation to the SBCH position.
34. Taking account of this, it appears that the SBCH position may not be as healthy as suggested by the Council and it is unclear as to whether an appropriate level of supply is being delivered in order to meet the Council's statutory duty in this respect. Given the substantial level of cumulative shortfall in supply identified by the appellant in even the detailed "best case" scenario, I consider that despite the uncertainty, that it is unlikely that sufficient supply has consistently been achieved.
35. I am also mindful of the Government's objective of significantly boosting the supply of homes, including delivering an appropriate mix of housing types for the local community such as SBCH. Taking these factors into account, including the recent findings of other Inspectors, I find that the provision of either 3 or 4 self-build dwellings would make a modest, but nevertheless important contribution to the supply in line with HLP Policy HG2, and I therefore afford substantial weight to the contribution that the proposal would make in terms of SBCH.

Within its evidence, the Council, in considering the effect of the proposal upon the setting of the village, noted that there would be harm to the overall character of the village, part of which is designated as Sandhutton Conservation Area ('the CA'). I understand that the appeal site is not within the CA, and the Council has clarified that it is not alleging harm to the significance of the setting of the CA. As I am dismissing the appeal for other reasons, no harm to the significance of the CA or its setting could occur as a result of my decision. It is not necessary, therefore, for me to consider this matter any further.

Planning Balance and Conclusion

36. In terms of the overall housing land supply, the appellant acknowledges that the Council's most recent position indicates that it can demonstrate around 5.5 years of supply of suitable housing sites for the local plan area. It is stated that the

⁵ APP/U12750/W/24/3350482, APP/U2750/W/25/3359933 and APP/U2750/W/25/3361703

requirement figure is derived from the HLP as it was adopted within the last five years. The Council has not disputed this.

37. It has been suggested by that once the Council moves away from the HLP derived requirement figure, that in the short term the level of supply of suitable sites will fall below five years. While I cannot rule this out, the likelihood of any future shortfall due to target revision is only speculation at this stage and is not substantiated by the evidence which is before me.
38. Therefore, while the contribution of the scheme to the overall housing supply is, in accordance with the government's consistent approach to boosting the delivery of homes, a benefit of the proposal, I am not taken to Paragraph 11(d)(ii) in this instance.
39. As I have set out above, the proposal, due to its location, would result in a high degree of harm to the character and setting of the village. In doing so, it would conflict with several local plan policies, and the development plan as a whole. I therefore collectively afford considerable weight to the harm and conflict with the development plan that I have identified.
40. Weighing against this harm is the contribution that the proposal would make in terms of increasing the Council's supply of SBCH. I also afford modest weight to the general contribution that the proposal would make to housing supply more generally, given the scale of the proposal and the Council's current overall housing supply position. Modest economic and social benefits would also arise from the proposal both during construction and in the longer term, following occupation. Other benefits may also accrue, however as consideration of detailed design would only occur at the TDC stage, these are not apparent from the evidence before me, nor could they be adequately secured at this stage such that they could be afforded meaningful weight.
41. Overall, the degree of harm that I have identified and the ensuing conflict with the local plan is of such gravity that it is not outweighed by the benefits of the proposal. For the reasons set out above, and having taken all other matters raised into account, there are no material considerations that indicate that the proposal should be determined otherwise than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Harding

INSPECTOR