



Appeal Decision

Site visit made on 12 May 2025

by **L Wilson BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30th May 2025

Appeal Ref: APP/U2750/W/25/3360044

Land adjacent to Church Lane, East Marton, Skipton, North Yorkshire BD23 3LR

- 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 Mrs Lucinda Mullin against the decision of North Yorkshire Council.
 - The application Ref is ZA24/26149/PPP.
 - The development proposed is construction of 2no semi-detached houses and garages with new private drive.
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Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a minimum of 2 and a maximum of 2 dwellings at Land adjacent to Church Lane, East Marton, Skipton, North Yorkshire BD23 3LR in accordance with the terms of the application Ref ZA24/26149/PPP.

Preliminary Matters

2. 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 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 is when the detailed development proposals are assessed. This appeal relates to the first of these stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.
4. Drawings have been submitted showing possible layouts, these have been considered as indicative only.
5. The reason for refusal refers to Policy ENV3 of the Craven Local Plan 2012 to 2032 (2019) (LP). The Council has confirmed that it should instead reference Policy ENV2.

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.

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

Reasons

7. Policy SP4 of the LP identifies East Marton as a tier 5 settlement. Part J of the policy supports proposals for housing within the main built up area of Tier 5 settlements which is necessary to maintain a sustainable, vibrant and healthy rural economy and communities, provided that the proposal is in accordance with the set out criteria. The policy defines the term 'main built up area'.
8. The site comprises an enclosed pasture field with mature trees to the northern boundary and western end of the site. Towards the south and west of the site is residential development. Immediately to the north is the A59 and to the north-east is further residential development. A large agricultural field abuts the site to the east.
9. The site aligns with the policy's 'main built up area' definition as the land relates more to the main built up area of East Marton than the surrounding countryside. This is because there is residential development surrounding the site towards the south, west and north-east. Furthermore, I observed on my site visit that the eastern boundary of the site broadly aligns with the boundaries of the dwellings towards the south. There is also residential development immediately adjacent to the A59 towards the west. Consequently, the site is visually and physically distinct from the adjacent open countryside.
10. The proposal is small in scale compared to the size of East Marton and would be for less than 4 dwellings. In principle, it would also comply with criteria i) to vi), as required by part J of Policy SP4, and this has not been specifically disputed by the Council.
11. As the site is located within the East Marton Conservation Area (CA) and there are nearby listed buildings, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Paragraph 212 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
12. Based on the evidence presented, the CA is characterised by traditional, vernacular dwellings and farms located close to the busy A59, Church Lane and Bank Newton. The small village green, public house, St Peter's Church, canal, and open countryside are also key features of the CA.
13. As the proposal is for permission in principle, the extent to which the development's effect on the CA can be determined is limited. The mature trees and verdant nature of the site positively contribute to the CA. Whilst the site is open as it is undeveloped, it visually and physically has a sense of enclosure given it is bounded by mature trees, the dwelling at 1 Church Lane, fencing, and stone wall. It therefore does not form part of the adjacent agricultural field.
14. Due to the nearby built development, characteristics of the site (including surrounding development, mature trees), and scale of the proposal (in relation to the size of the plot, wider CA and open fields), I see no clear reason at this stage to conclude that the proposal would not preserve the character and appearance of the CA. Thus, based on the evidence presented, in principle, the proposal would have a neutral effect on the CA.

15. In terms of the nearby listed buildings, Marton House is a two-storey part rendered and part stone building with quoins, windows with mullions and prominent chimneys. The building has been subdivided into flats and is adjacent to the A59 as well as later built housing. Church Lane as well as a bungalow and mature trees are located between Marton House and the appeal site.
16. Tempest Farmhouse is a three-storey, stone built dwelling with sash windows and stone slate roof. The dwelling sits higher than the highway but is not prominent from the A59 due to the open grassed area, trees and vegetation.
17. In principle, the proposal would not unduly interrupt views of the listed buildings, nor would it have any notable impact on how the heritage assets are experienced. Consequently, given the distance between the appeal site and the listed buildings, intervening development and mature trees as well as the existing setting of the listed buildings, at this stage, I am satisfied that the development would have a neutral effect on the heritage assets and would preserve the special interest of the buildings. Consequently, the proposal would satisfy the requirements of the Act.
18. For the reasons given above, I conclude that the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development. Consequently, it would accord with Policies ENV2 and SP4 of the LP. These seek, amongst other matters, to ensure a sustainable pattern of growth is promoted to deliver the spatial strategy of the plan and ensure that the historic environment will be conserved and, where appropriate, enhanced. It would also comply with the National Planning Policy Framework (the Framework) which promotes sustainable development in rural areas, and seeks to conserve and enhance the historic environment.

Other Matters

19. The consultation responses and objection comments relate to matters addressed above and a wide range of other matters. These include impact upon trees, archaeology, highway safety, sewerage system, biodiversity, wildlife, impact on the climate, and living conditions. There is no compelling evidence before me to suggest that these matters cannot be addressed at the technical details consent stage.
20. Each development proposal must be considered on its own merits. Whilst I have found this scheme to be acceptable, it would not set a precedent, and it does not follow that other schemes would be permitted elsewhere in the local area. Furthermore, the development is for two open market dwellings, rather than affordable housing. In addition, given that I have found that the proposal accords with the development plan as a whole, there is no need for me in this case to consider paragraph 11 of the Framework.
21. The Council did not refuse the planning application on the other matters raised and there is no credible evidence before me that would justify the dismissal of the appeal on these grounds raised.

Conditions

22. The Council has not suggested any conditions, and in any event the PPG states that it is not possible for conditions to be attached to a grant of permission in principle².

Conclusion

23. For the reasons set out above, I conclude that the appeal should be allowed.

L Wilson

INSPECTOR

² Paragraph: 020 Reference ID: 58-020-20180615