
Appeal Decision

Inquiry held on 14, 15, 16 & 22 March 2017

Site visit made on 22 March 2017 and other dates unaccompanied

by Sarah Housden BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 June 2017

Appeal Ref: APP/E2001/W/16/3151708

Former Allerthorpe Park Golf Course, Allerthorpe, York YO42 4RL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Turnwalk Ltd and Park Leisure 2000 Ltd against the decision of East Riding of Yorkshire Council.
 - The application Ref DC15/03678/STPLF/STRAT, dated 23 November 2015, was refused by notice dated 10 March 2016.
 - The development proposed is 'change of use application in respect of the siting of 150 holiday use only luxury lodges and static caravans, together with ancillary landscape, access, drainage and engineering works'.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use for the siting of 150 holiday use only lodges and static caravans together with ancillary landscape, access, drainage and engineering works at the former Allerthorpe Park Golf Course, Allerthorpe, York YO42 4RL in accordance with the terms of the application, Ref DC15/03678/STPLF/STRAT, dated 23 November 2015, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues in this case are:
 - the effect of the proposed development on landscape character and on the character and appearance of Allerthorpe;
 - whether or not the site would be in a suitable location for the proposed development having regard to the availability and accessibility of local facilities and services and the highway conditions for all users; and
 - whether or not the proposed development would result in the loss of open space for leisure and recreation.

Procedural Matters

3. The development plan comprises the *East Riding Local Plan Strategy Document* 2012 – 2029 and the *East Riding Local Plan Allocations Document* (ERLP) which were adopted in April and July 2016 respectively. The ERLP policies replace those within the former Joint Structure Plan and East Yorkshire Borough Wide
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Local Plan which were referred to in the reasons for refusal and consequently the relevant policies can be afforded full weight in this decision.

4. The application is for a change of use of the land but was accompanied by a proposed site layout (Drawing No H2/140601/9 Rev B) which shows the route of the main access roads, the general layout of pitches and landscaping, footpath links and the location of the activity and dog walking areas. I have treated this plan as a guide to how the site might be developed, were the appeal to succeed.
5. Allerthorpe Parish Council was granted 'Rule 6' status at the Inquiry (*the Rule 6 party*). The Allerthorpe Neighbourhood Plan is at an early stage of preparation and as such, has limited weight in the determination of this appeal.
6. The golf course has been maintained since the golf business ceased trading in January 2013. It is a matter of common ground between the Council and the appellants that its use as an 18 hole course could be reinstated without a further grant of planning permission. Having regard to the layout and condition of the site, I see no reason to come to a different conclusion.

Reasons

The site and its surroundings

7. The appeal site lies approximately 2km to the south of the A1079 York to Hull Road and approximately 0.5km to the south of Allerthorpe. It forms part of the former Allerthorpe Park Golf Course, an 18 hole course covering approximately 39 hectares with a clubhouse/shop, maintenance buildings, management dwelling and a car park. The course boundaries are enclosed by a combination of boundary hedgerows, tree planting and earth bunding and it is interspersed with mixed deciduous/coniferous tree belts, earth mounds and water features, including the Stone Beck watercourse. The proposed static caravans and lodges (*'the holiday units'*) would be located on holes 9 to 15 of the course covering 15 hectares. The remainder of the site would be re-opened as a 9 or 11 hole course.
8. Allerthorpe is a small village with approximately 68 houses within the main built-up area. It has a strong linear form which follows the main road with a rear lane to the north-west. The wide grassed verges, traditional houses and cottages fronting the road and groups of mature trees create an attractive and verdant appearance and contribute to the significance of Allerthorpe Conservation Area as a designated heritage asset. Notwithstanding the presence of the road, the village has a peaceful and rural character.

Policy Context

9. The site is located outside the Allerthorpe development limit on the ERLP adopted Policies Map and for the purposes of planning policy is within the open countryside.
10. A number of policies in the ERLP accord with the National Planning Policy Framework's (*the Framework's*) advice to support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors and which respect the character of the countryside.

11. ERLP Policy S4(A) supports development in the countryside where it is of an appropriate scale to its location taking into account the need to support sustainable patterns of development. ERLP Policy S4(C) indicates that in the countryside, tourism development will be supported where proposals respect the intrinsic character of their surroundings. Alongside these policies, ERLP Policy ENV1 requires development to safeguard and respect the character of the surrounding area and to be of an appropriate scale. Policy ENV2 seeks to ensure that development is sensitively integrated into the landscape and makes the most of opportunities to protect and enhance landscape characteristics and features.
12. Tourism accommodation is encouraged under ERLP Policy EC2, to help to strengthen and broaden the tourism offer across the District, particularly where it would help to meet existing deficiencies. More detailed criteria for assessing tourism development in the countryside are set out in Policy EC2(B), subject to the overall proviso that their scale and cumulative impact is appropriate for the location.
13. The '*Planning for Tourism Accommodation: A Guidance Note for Developers*' (2011) ('*2011 Guidance Note*') and The *East Riding Tourism Accommodation Study* (2016) ('*2016 ERTAS*') provide more detail on the tourism accommodation needs within the East Riding and its tourism character areas (TCAs). Whilst not a Supplementary Planning Document, the *2016 ERTAS* updates the evidence supporting the *2011 Guidance Note* and it is a material consideration to which I have had regard in the determination of this appeal.
14. The *2016 ERTAS* identifies the need for self-catering accommodation to attract visitors to the Yorkshire Wolds and diversify accommodation in the area. In relation to holiday parks, the report recommends that a significant proportion of the stock should be restricted to self-catering lets on the basis that their occupants generate more expenditure in the visitor economy compared with owner occupiers¹. It also indicates that new holiday parks should form part of a broader leisure 'offer' which can be equally accessed by the local community.
15. The site is designated as 'open space' on the ERLP Policies Map. The overall aim of Policy C3 as outlined in the supporting text is to safeguard and provide access to good quality open spaces, including opportunities for sport and recreation. The quantity, quality and accessibility of open space is required to be maintained and/or enhanced as part of development proposals under ERLP Policy C3 and any loss will only be supported where certain criteria are met.

Character and appearance

16. The East Riding of Yorkshire Council Landscape Character Assessment (2005) (ERLCA) assesses the landscape quality of the Newton upon Derwent, Wilberfoss, Allerthorpe and Hayton Farmland Landscape Character Area 1C (LCA) within which the site is located as 'ordinary'. In acknowledging the presence of other recreation and tourism developments within the LCA, the ERLCA indicates that with appropriate mitigation the landscape has the capacity to accommodate moderate scale recreation/tourism development which should avoid impacting on key characteristics and enhance landscape character by reintroducing key characteristics such as hedgerows.

¹ AECOM Tourism Accommodation Study for East Riding of Yorkshire Council (2016) para 9.42

17. The appeal site is within a predominantly arable landscape interspersed with occasional blocks of woodland and farmsteads. Whilst it is pleasant open countryside, notable detractors include power lines, large agricultural buildings and stabling and paraphernalia associated with horse keeping. As such, I concur with the findings of the appellant's Landscape and Visual Appraisal Impact Assessment (LVIA) that the landscape quality of the site and surrounding area is no more than 'ordinary' and the landscape character sensitivity is 'low'. The LVIA concludes that the proposed magnitude of change arising from the development would be negligible.
18. By reason of the vegetation and earth mounding on the site boundaries, the golf course has an enclosed character in contrast to the openness of the wider LCA. The man-made and managed appearance of the site is also different from the more natural character of the wider landscape. The character and appearance of the site would change further with the introduction of 150 holiday units, surfaced access roads and parked vehicles and would have a semi-developed appearance compared with its existing undeveloped condition.
19. I concur with the LVIA's conclusions that there are no views over the site from elevated positions because of the relatively level topography. Due to the degree of enclosure created by the boundary screening, the appeal site is not visible from the longer distance viewpoints identified in the LVIA. In my view, the introduction of holiday units on the site would not be perceptible from these longer distances.
20. At my site visit which was undertaken when deciduous species were not in leaf, views into the site from closer vantage points along Melbourne Road and from the access track to Manor Farm were restricted to glimpses between existing trees and shrubs. Whilst the emergency access route at the south-west corner would open up views into the site, the holiday units would be set away from the site boundaries. The retention and reinforcement of boundary planting and the appropriate siting of holiday units separated by areas of open space would help to mitigate the visual impact of the development when viewed from the closer viewpoints in the LVIA.
21. The site would be separated from the main built-up area of Allerthorpe by an intervening area of agricultural land and the retained golf course. The development would not encroach onto the built-up area of the village and the character and appearance of the Conservation Area would be preserved. Whilst the southern edge of the village would be visible from gaps within the planting on the northern boundary of the golf course, the holiday units would be located further to the south-west. There would be very limited intervisibility between Allerthorpe and the proposed development and the identity of the village as a separate settlement would not be harmed or compromised.
22. Evidence² presented to the Inquiry demonstrated that the larger holiday parks tend to be located along the coast. The scale of the proposed development would be significantly larger than Allerthorpe Lakeland Park to the south which has 33 statics/cabins and 33 touring pitches, and Conifer Lake immediately to the north of the appeal site which has 10 lodges/statics and 22 touring pitches.
23. However, the number of holiday units proposed and the potential number of occupants in relation to the population of Allerthorpe does not of itself mean

² ID11 Slides presented by Mr B Bennett

that the proposal would have a harmful impact. The issue in relation to scale is whether there would be an unacceptable increase in activity through and within the village which would erode its existing peaceful and rural character, in conflict with ERLP Policies S4, EC2, ENV1 and ENV 2.

24. No alternative evidence has been submitted to challenge the appellants' estimates of trip generation rates. Those estimates appear to me to be reliable given that they are based on the TRICS database which draws on traffic generation of similar developments. Based on the location of attractions such as York and local facilities at Pocklington accessed via the A1079, the appellants' estimate that approximately 65% of vehicular movements would pass through Allerthorpe is reasonable. Based on the appellants' Transport Assessment, approximately 178 two way vehicle trips would be generated by occupiers of the holiday units during a 15 hour weekday³. In the context of existing traffic flows through Allerthorpe of approximately 3500⁴ vehicles over a 24 hour period, I consider that the additional increase in traffic would neither be discernible to residents nor would it cause material harm to the rural character of the village.
25. Traffic movements that would be generated by the retained golf facility are estimated by the appellants' to be 109 two-way movements during a 14 hour period⁵. This is based on a weekend and takes into account that the facility would operate on a 'pay and play' basis which could be expected to generate more traffic movements from 'casual' customers travelling to the facility compared with a privately run club.
26. Apart from the 20% of units to be retained for rental, start and finish times for occupation of the holiday units would vary and as such vehicular movements would be likely to be dispersed throughout the day. The golf course together with other nearby visitor attractions such as Allerthorpe Lakeland Park and Conifer Lake would be accessible on foot or cycle which would also be likely to reduce the concentration of vehicular movements for day trips during peak hours. For these reasons, I conclude that traffic generation during peak hours would be unlikely to be sufficiently concentrated to be perceptible or cause material harm to the living conditions of local residents.
27. The appellants' traffic survey of two-way flows through Allerthorpe which was undertaken in November 2016 takes account of vehicle movements from Allerthorpe Lakeland Park and Conifer Lake. Overall traffic levels would be likely to be higher during the peak holiday periods. However, there is nothing to indicate that vehicle movements from the appeal proposal would increase traffic flows to a level which would be materially harmful to the rural and peaceful character of Allerthorpe or to residents' quiet enjoyment of their properties.
28. Pedestrians and cyclists using the Public Right of Way (PROW) along Waplinton Lane and Main St to the village and facilities in Pocklington would be unlikely to generate noise and disturbance that would cause material harm to the living conditions of local residents or adversely affect the peaceful and rural surroundings of the village.

³ Appellant's Transport Proof of Evidence para 2.3.11

⁴ Appellant's Transport Proof of Evidence para 2.3.5

⁵ Supplementary Transport Statement (September 2015) Table 3

29. Whilst the scale of the proposal would be larger than Allerthorpe Lakeland Park and Conifer Lake, it would not have a harmful impact on the landscape character of the Newton upon Derwent, Wilberfoss, Allerthorpe and Hayton Farmland Landscape Character Area 1C. Allerthorpe would retain its identity as a separate village and the proposal would not cause material harm to its peaceful and rural character or to the living conditions of local residents. For these reasons, I conclude in relation to the first main issue in this case that the development would be of an appropriate scale for its location and would respect the character of the wider landscape and the character and appearance of Allerthorpe. Accordingly, I find no conflict with ERLP Policies ENV1, ENV2, S4 and EC2 in this regard.

Location

30. The nearest bus stop is in Allerthorpe and services to Pocklington and York are to be reduced to four times a week. Whilst the private car is likely to be the main mode of transport for occupiers at the start/end of holiday periods, there would be facilities on-site including the golf course, restaurant and bar within the existing clubhouse. Water recreation and a cafe at Allerthorpe Lakeland Park and fishing at Conifer Lake would be close to the site and would be accessible on foot and cycle.
31. Footpaths within the site would have an access point onto Waplinton Lane PROW. This would facilitate access on foot or cycle to the wider PROW network to the west and to the church, village hall and public house in Allerthorpe. For this reason it would not be reasonable to require an additional cycle/footway to be provided from the existing site access to the Waplinton Lane junction along the west side of Melbourne Road. A wider range of services and facilities would be available at the nearby service station on the A1079 and in Pocklington both of which are accessible from Allerthorpe via a short section of footway and thereafter by a dedicated cycle/pedestrian lane which starts to the south of the A1079/Main St roundabout.
32. The use of Waplinton Lane by large agricultural vehicles is evident from the eroded verges and repairs within the carriageway. However, forward visibility is reasonable and the road is of sufficient width to enable pedestrians to stand aside for vehicles to pass safely.
33. A Travel Plan which could be secured through conditions would encourage the use of more sustainable modes of travel to and from the site including walking, cycling and a shuttle minibus service to be provided by the operator.
34. I conclude in relation to the second main issue that having regard to the availability and accessibility of local facilities and services by sustainable modes of transport, the site would be in a suitable location for the proposed development. Accordingly, I find no conflict with ERLP Policy S4 which indicates that development in the countryside will be expected to support sustainable patterns of development.

Open space

35. Whilst the site is not currently publicly accessible, I concur with the view of the Rule 6 party that the appeal site has the potential to provide opportunities for outdoor recreation. Notwithstanding that only 2.77 hectares of the site would be occupied by the development, the remaining open areas of the appeal site

would operate in conjunction with the holiday use and would no longer be available to the wider public for outdoor recreation. Golf course provision is not monitored as part of the Council's open space standards and in the absence of a local standard, a judgement has to be made in assessing whether or not the land is surplus to requirements for the purposes of Policy C3.

36. Marketing of the golf course commenced in early 2013 and has continued since that date. The marketing exercise was somewhat restricted with no evidence of advertising in specialist golf publications and no sale boards at the site. Notwithstanding this, it has been marketed over a reasonable period during which there have been no offers for the property as an 18 hole golf course. There is an 18 hole course at Kilnwick Percy approximately 6.5km from the site and evidence suggests that participation in golf has declined in Yorkshire in common with the rest of England⁶. On the basis of the evidence before me, I am satisfied that the site is surplus to requirements as an 18 hole facility.
37. Currently no part of the site is available for outdoor recreation. The proposal would include the re-opening of part of the course as a 9 or 11 hole facility which could be used by occupiers of the holiday units and the general public on a 'pay and play' basis. Whilst the efficacy of the condition to secure the re-opening of the golf course has been challenged by the Rule 6 party, no other mechanism is before me to consider. The viability of the course is a commercial matter and there is no guarantee that its future would be more secure through the use of a s106 planning obligation.
38. The golf course would be used by occupiers of the holiday units as well as the general public. Whilst there are four other 9 hole courses within 45 minutes drive time of the site, in addition to a 12 hole course, the effect of competition and changing economic circumstances on continued viability is common to all commercial enterprises and is a matter for the operator. Accordingly, it is not a matter to which I accord significant weight in the determination of this appeal. Any future proposals for an alternative use of the retained golf course would be considered against the relevant policies in the development plan.
39. I conclude in relation to the third main issue that the loss of approximately 15 hectares of designated open space would be contrary to the aim of ERLP Policy C3 to safeguard existing areas of open space for outdoor recreation. However, currently no part of the site is publicly accessible for outdoor recreation and based on the evidence before me, I am satisfied that the site is surplus to requirements as a private 18 hole golf course. Its re-opening in a different format would contribute to the provision of outdoor recreation opportunities for both visitors and the wider community. In my view, these are material considerations which must be weighed in the overall planning balance.

Other matters

40. The issue of compliance with conditions attached to three of the previous planning permissions for the golf course requiring re-instatement of the land to agricultural use should the golf use cease is a matter for the Council and I have determined the appeal based on the current circumstances of the site and the evidence before me.

⁶ DPP Planning Statement October 2014 Table 5 'Respondents playing golf at least once a week in Yorkshire and England' and Colin Robinson Proof of Evidence para 8.78 'Sport England (2016) Once a Month Participation rates

41. The existing site access onto Melbourne Road would serve the proposed development. This meets the requirements of the Highway Authority (HA) for visibility having regard to vehicle flows and speed limits. The HA is satisfied that the road has capacity to accommodate the additional traffic movements without adversely affecting the free flow of traffic or the safety of other highway users and there is nothing in the evidence which would lead me to a different conclusion.
42. All of the proposed holiday units would be located within Flood Zone 1 and the Environment Agency has not raised any objections on the grounds of flood risk. A connection to a foul sewer would be the preferred means of foul water drainage, but if further investigation confirms this to be unviable, a package treatment plan would be the preferred option. This investigation together with details of measures to control surface water runoff and to ensure that the development is carried out in accordance with the submitted Flood Risk Assessment can be secured by means of conditions. Subject to satisfactory details being submitted for foul drainage, the development would not increase the risk of flooding to property or people.
43. No substantive evidence has been put forward to support the concerns regarding the effect on wildlife. With the exception of the mature trees and the Stone Beck watercourse, the appellants' assessments confirm that habitats are generally of low ecological value commensurate with the intensive management of the site as a golf course. Measures to enhance biodiversity as part of a Landscape and Habitat Creation and Management Plan could be secured through a condition. Whilst protected species were not found to be present on the site, a number of surveys are recommended prior to commencement which can be secured through conditions. The choice of method for foul water disposal should also have regard to the effect on Stone Beck and nearby protected sites⁷.
44. Concerns that the holiday units would be used as permanent residential accommodation can be addressed through the use of a condition. Whilst the efficacy of the proposed condition has been challenged, it is regularly used by the Council to ensure that tourism accommodation is not occupied as a permanent dwelling. Together with a condition to secure ongoing monitoring of the holiday occupancy condition, I am satisfied that the proposal would not lead to the occupation of the proposed units as permanent residential accommodation.
45. There is nothing in the evidence to indicate that the proposal would lead to any material increase in anti-social behaviour in the area.

The Planning Balance

46. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.
47. The contribution of the proposal to the economic dimension of sustainable development is a material consideration in the determination of this appeal but the extent of those benefits has been disputed. As the golf use could be re-

⁷ Allerthorpe Common, White Carr Meadow and Pocklington Canal Sites of Special Scientific Interest, Lower Derwent Valley Special Protection Area, Special Area of Conservation and National Nature Reserve and River Derwent Special Area of Conservation

instated without a further grant of planning permission, I have assessed the economic contribution arising from the proposed holiday units.

48. I see no reason to dispute the appellants' estimate that 17 full-time equivalent jobs would be created by the holiday units. Whilst local manufacture of the units is likely to be expedient given the complexity of transporting them, there is no mechanism before me to secure this within the East Riding and Hull and such a condition would be unlikely to meet the test of reasonableness set out in the Framework and Planning Practice Guidance. Accordingly, I attach no weight to this as an economic benefit of the proposal.
49. The appellants' estimate of net annual visitor expenditure of £409,000⁸ would be likely to benefit the local economy including tourism businesses. I recognise that the 2016 ERTAS points to the generally lower visitor expenditure in the East Riding compared with national averages, reflecting the nature of the existing holiday accommodation stock. However, even at the rate of £48 per night for overnight visitors indicated in the 2016 ERTAS⁹, there would be a boost to the visitor economy and local facilities and attractions would be likely to benefit.
50. The proximity of the site to Pocklington and the Yorkshire Wolds would help to meet the need for self-catering accommodation identified in the 2016 ERTAS to attract visitors to the Wolds. Whilst the report recommends that the demand for further holiday park complexes in the Vale of York TCA should be monitored, there is no suggestion in the 2016 ERTAS that such provision has reached saturation point.
51. The appellant has indicated that at least 20% of the proposed units would be retained within their control for short term rental rather than owner occupation. This would not be a 'significant' proportion as recommended by the 2016 ERTAS but it would form part of a broader leisure facility which could be accessed by the local community as recommended by the 2016 ERTAS. This aspect would also accord with the requirement in ERLP Policy EC2(B) that tourism development in the countryside should support an existing countryside attraction providing existing buildings are re-used. Bringing the site back into productive use and the synergy with adjoining tourist attractions would be of benefit in attracting visitors to the Yorkshire Wolds and Vale of York TCAs.
52. My conclusion is that the appeal proposal would contribute to sustainable tourism without harm to either landscape character or to the character and appearance of Allerthorpe. There would be opportunities to access nearby services, facilities and other tourist attractions by sustainable modes of transport. These aspects of the proposal would comply with ERLP Policies S4, EC2, ENV1 and ENV2.
53. The proposal would be contrary to the aim of ERLP Policy C3 to safeguard existing areas of open space for outdoor recreation. However, the benefits associated with bringing the retained golf facility back into productive use for outdoor recreation represent a material consideration of sufficient weight to justify a decision other than in accordance with ERLP Policy C3. The site would be a suitable location for the proposed development and the proposal would comply with the development plan when read as a whole. It would also be in

⁸ Colin Robinson Proof of Evidence Table 8.10

⁹ AECOM Tourism Accommodation Study for East Riding of Yorkshire Council (2016) para 2.60

accordance with the provisions of the Framework to support sustainable rural tourism and leisure developments.

54. I recognise that my decision will be disappointing to those who have expressed concerns about the proposed development. I do not dismiss the concerns of local residents lightly, but neither these nor any other considerations on their own or in combination outweigh my conclusions on the main issues in this case.

Conditions

55. I have considered the conditions put forward during the Inquiry against the tests set out in the Framework and Planning Practice Guidance. I have made consequential amendments in the light of clarifications discussed at the Inquiry and to avoid repetition and duplication.
56. In addition to the standard time limit for commencement of development, conditions to ensure that the holiday accommodation is not used for permanent residential accommodation and to enable associated monitoring are necessary.
57. A condition requiring the development to accord with the site location plan, proposed layout and bridge details are necessary in the interests of the character and appearance of the area. A condition limiting the number of holiday units to 150 is necessary for clarity and in the interests of retaining sufficient areas of open space to secure a satisfactory layout and appearance for the development.
58. Conditions to ensure that the development is carried out in accordance with the submitted FRA and that details of foul and surface water drainage and floor levels are submitted are necessary to ensure a satisfactory means of drainage and to reduce flood risk to people and property.
59. In the interests of highway safety, a condition restricting the use of the emergency access is necessary.
60. Conditions to secure compliance with the Ecological Appraisal and Great Crested Newt Survey and the submission of a Construction Management Plan and Ecological Enhancement and Management Plan are necessary to safeguard biodiversity. Details of measures to safeguard the long term health of retained trees and a landscaping scheme are necessary in the interests of the satisfactory appearance of the development.
61. Other areas where conditions at this stage are necessary for the proper implementation of the development include details of site levels, lighting and waste disposal.
62. Conditions to deal with unexpected contamination and hours of work during construction are necessary in the interests of the health and safety and living conditions of existing and future occupiers.
63. A condition requiring the submission and implementation of a Travel Plan is necessary to support sustainable modes of travel to and from the site.
64. A condition to require the re-opening of the golf course is necessary to secure the re-use of the site for outdoor recreation purposes. In the interests of clarity, I have specified that this relates to the site area outside the red line on Drawing No H2/140601/1 dated 14.10.15.

65. A condition requiring details of a scheme securing the management of at least 20% of the holiday units for short term holiday lets is necessary to secure a diverse mix of holiday accommodation which supports the tourism economy.
66. The Planning Practice Guidance advises that care should be taken when using pre-commencement conditions which prevent any development authorised by the planning permission from beginning until the condition has been complied with. It is necessary for conditions 8, 11, 13, 15 and 22 to be pre-commencement as the details that they require are fundamental to the satisfactory appearance and operation of the development.

Conclusion

67. For the reasons outlined above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Sarah Housden

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr A Gill of Counsel

Instructed by Mr P Atkinson, Senior Solicitor,
East Riding of Yorkshire Council

He called

Mrs A Phipps BA (Hons)
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Development Management Team Leader, East
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FOR THE APPELLANT:

Mr A Williamson

Instructed by Mr M Lane, DPP Planning

He called

Mr S Heward Dip LA
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Landscape Consultant, Landscape Planning
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Mr S Windass BSc
(Hons) MSc(Eng) MCIHT
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Principal Transport Planner, Local Transport
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Mr M Dewhurst

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Mr C Robinson BA
(Hons) MTP(Dist) MRTPI
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Nathaniel Lichfield Planning

Mr M Lane BA (Hons)
MRTPI
Mr R Weston

Planning Consultant, DPP Planning

Brooks Ecological

FOR ALLERTHORPE PARISH COUNCIL:

Mr F Humphrey

He called

Mr K Gallagher BA
(Hons) MRUP, MRTPI

Planning Consultant, Gallagher Planning

INTERESTED PERSONS:

1. Councillor M Stathers

2. Ms A Batty (on behalf of Mr A
Moll)

3. Ms L Brennan
4. Councillor A Burton
5. Mr G Gilbert
6. Mr J Mills
7. Mr B Bennett

DOCUMENTS SUBMITTED AT THE INQUIRY

- ID1 Final Statement of Common Ground dated 13.3.17
- ID2 Appellant's opening statement
- ID3 Council's opening statement
- ID4 Rule 6 Party's opening statement
- ID5 Letter from Mr
- ID6 Statement by Mr A Moll – Drainage and Ecology matters
(including report from Weetwood Services Ltd dated 29.1.17)
- ID7 Statement by Mr J Mills
- ID8 Copy of Allerthorpe Parish Council's press release
- ID9 Statement by Ms L Brennan
- ID10 Statement by Mr G Gilbert
- ID11 Presentation by Mr B Bennett
- ID12 Transcript of statement by Cllr M Stathers
- ID13 Edited version of Mr B Bennett's presentation
- ID14 Letter from JBA Consulting dated 15.3.17 (submitted by the
appellant)
- ID15 Note from Brooks Ecological dated 15.3.17 (submitted by the
appellant)
- ID16 Note from Local Transport Projects dated 16.3.17 (submitted by
the appellant)

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The lodges and static caravans shall be occupied for holiday purposes only.
3. The lodges and static caravans shall not be occupied as a person's sole or main place of residence.
4. The site owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual lodges and static caravans on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Authority.
5. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing Numbers:

H2/140601/1 - Location & Red Line Plan – Dated 14.10.15

H2/140601/9B - Proposed Site Layout – Dated 2.11.15

2014s1295-002A – Sections and Typical Bridge Detail – Dated 17.11.14

6. The total number of pitches on the site, whether occupied by lodges or static caravans, shall not exceed the maximum of 150 and these shall only be laid out as shown on drawing no. H2/140601/9B (Proposed Site Layout) or otherwise in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.
7. The development shall be carried out in accordance with the submitted flood risk assessment and the following mitigation measures it details:
 - i) Finished floor levels set 600mm above existing ground level and no lower than 13.5m above Ordnance Datum (AOD).

These measures shall be fully implemented prior to occupation, and according to the scheme's phasing arrangements (or with any other period, as agreed in writing, by the Local Planning Authority).

8. The development hereby approved shall not be commenced until details of the works for the disposal of foul and surface water have been submitted to and approved in writing by the Local Planning Authority. Details of the works for the disposal of foul water shall be supported by a study which assesses the feasibility of connecting to the mains sewer for foul water drainage. The development shall then not be first occupied until these works have been carried out in accordance with these approved details.
9. Means of vehicular access to the permitted development shall not be from the proposed Emergency Access on the track leading to Manor Farm except in the case of access and egress for Emergency Vehicles and for construction traffic during the construction phase of development.

10. No development shall take place unless in strict accordance with all of the recommendations for mitigation set out in the Ecological Appraisal (Brooks Ecological, June 2014) and Great Crested Newt Survey (Brooks Ecological, June 2014) as submitted with the application in all respects. Any variation thereto shall be agreed in writing by the Local Planning Authority before such change is made.
11. Prior to the commencement of development, a Construction Environment Management Plan (CEMP) and Ecological Enhancement and Management Plan (EEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP and EEMP shall be compiled by a suitably qualified ecologist, include a timetable for implementation and a detailed plan. The scheme shall provide full details of all ecological mitigation, enhancement and management measures and a programme for the implementation and monitoring for each element of the development. The scheme shall include:
 - i) Full details of measures to ensure protection and suitable mitigation to all legally protected species and those habitats and species identified as being potentially present during construction, including consideration and avoidance of sensitive stages of species life cycles, such as the bird breeding season;
 - ii) Full details and plans of measures to protect features to be retained, including hedgerows, trees, water courses (such as the buffer zone around Stone Beck), ponds and drainage ditches from mechanical damage;
 - iii) Full details and plans of measures to protect water features from run-off, pollution, adverse changes in water quality and flow;
 - iv) Full details of precautionary Methods of Working (PMW) for works, such as tree felling and the clearance of vegetation outside of the bird breeding season in relation to potential impacts on bats and breeding birds;
 - v) Full details of relevant on-site working practices, including action to be taken if protected species are found during construction;
 - vi) Plans and full details showing the layout and design of biodiversity enhancement measures for wetland areas and water features that will be retained and created;
 - vii) Plans and full details for the layout and design of biodiversity enhancement measures for green corridors and the creation and establishment of new habitat features including a method statement for site preparation and establishment of target features, the extent and location of proposed works, details of aftercare and long term management (where necessary);
 - viii) Details of measures for incorporating bird nesting boxes and bat boxes within the site.

All aspects of the approved CEMP and EEMP shall be implemented in full in accordance with the approved measures and timetable unless otherwise agreed in writing by the Local Planning Authority.

12. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (i) and (ii) below shall have effect until the expiration of 5 years

from the date of the occupation of the development hereby approved for its permitted use:

(i) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998:2010 Tree Work – Recommendations;

(ii) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size, species and maturity, and shall be planted at such time, as may be specified in writing by the Local Planning Authority;

(iii) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

13. No development shall take place until full details of a soft landscaping scheme for the whole site together with a programme of implementation has been submitted to and approved in writing by the Local Planning Authority. This scheme should include:

- i) Species of trees/shrubs to be used;
- ii) Quantities/densities of trees/shrubs to be used;
- iii) Locations of trees/shrubs to be used;
- iv) Sizes of trees/shrubs to be used;
- v) Details of planting methods/materials proposed.

These works shall be carried out as approved prior to the occupation of any part of the development or as may be otherwise agreed in writing by the Local Planning Authority.

14. If within a period of 5 years from the date of the planting of any tree or shrub that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies (or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective) another tree or shrub of the same species, size and maturity as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
15. No development shall take place until details of the existing and proposed levels of the site and the surrounding land have been submitted to and approved in writing by the Local Planning Authority. Those details shall include both cross-sections through the site illustrating the relationship of the levels with existing adjoining land levels and a site survey illustrating the

relationship of existing and proposed levels on the site and adjoining land. The development shall then be carried out in accordance with the approved levels.

16. Before the development hereby permitted is first brought into use details of an external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be designed to provide dark corridors for bat foraging and nesting birds and reduce light pollution to the occupiers of neighbouring residential properties and shall be operated throughout the life of the development.
17. Before the development hereby permitted is first brought into use, a detailed scheme for the method of storage and disposal of refuse and waste products generated by the use of the lodges and static caravans shall be submitted to and approved in writing by the Local Planning Authority. The use shall thereafter be operated in accordance with this approved scheme.
18. In the event that contamination is found at any time when carrying out the approved development it must be reported immediately to the Local Planning Authority. An appropriate investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be prepared by competent persons and submitted to the Local Planning Authority for approval. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.
19. The hours of site clearance and construction works shall be restricted to the hours 08.00 to 18.00 Mondays to Fridays, 08.00 to 14.00 Saturdays and at no time on Sundays or Bank Holidays unless otherwise agreed in writing with the Local Planning Authority. This includes construction deliveries to the site.
20. Prior to the first occupation of any lodge or static caravan a Travel Plan shall be submitted to and approved by the Local Planning Authority. The Travel Plan shall include details of: -
 - The appointment of a travel co-ordinator;
 - Up-to-date details of public transport services;
 - Measures to encourage alternative modes of transport other than the private car, including a shuttle bus service and cycle hire;
 - Continual appraisal of travel patterns and measures provided through the Travel Plan;
 - A programme for the implementation of such measures and any proposed physical works;
 - Procedures for monitoring uptake of such alternative modes of transport and for providing evidence of compliance with the terms of the Travel Plan.

The Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the Travel Plan.

21. Prior to first occupation of any lodge or static caravan hereby approved the golf course (9/11 holes) as shown on Drawing No H2/140601/1 dated 14.10.15 shall be reopened for use by the holiday park residents and the public on a 7 days a week basis.
22. No development shall commence until a scheme for the management of at least 20% of the lodges and static caravans hereby approved has been submitted to and approved in writing by the Local Planning Authority. The scheme will require that by the third anniversary of the first occupation, at least 20% of the lodges or static caravans then on the site, should be for short term holiday lets only, and made available to staying holiday makers using lodges or static caravans not owned by them. Following the third anniversary of first occupation, the level of lodges and static caravans available to let under the scheme shall at all times be maintained at least 20% of those units on the site.