



Appeal Decision

Site visit made on 5 July 2021

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2021

Appeal Ref: APP/N2739/W/21/3271978

Field House Farm, Skipwith, Selby, North Yorkshire YO8 5SN

- 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 Ms Wendy Tomlinson against the decision of Selby District Council.
 - The application Ref 2020/0684/COU, dated 30 June 2020, was refused by notice dated 8 February 2021.
 - The development proposed is change of use of land to allow siting of 3 static caravans for holiday use.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of land to allow siting of 3 static caravans for holiday use at Field House Farm, Skipwith, Selby, North Yorkshire YO8 5SN in accordance with the terms of the application, Ref 2020/0684/COU, dated 30 June 2020, subject to the conditions set out in the Schedule at the end of this decision.

Application for Costs

2. An application for costs was made by Ms Wendy Tomlinson against Selby District Council. This application is the subject of a separate Decision.

Preliminary Matter

3. A revised version of the National Planning Policy Framework (the Framework) has been published since the appeal was lodged. Both main parties were given the opportunity to comment on any relevant implications for the appeal.

Main Issues

4. The main issues in this appeal are:
 - The effect on the character and appearance of the area; and
 - Whether the appeal site is a suitable location for tourist accommodation with regards to local and national planning policy.

Reasons

Character and Appearance

5. When viewed on plan, the extent of the appeal site follows an arbitrary boundary projecting into an open field. The proposed boundary does not respect the established field pattern.
6. However, the site is not readily visible from the public realm, and would not be unduly incongruous in views from the touring caravan site or nearby properties. There are also developments projecting into the countryside in this immediate area, including caravan storage and a field shelter. Any harm arising from the arbitrary extent of the development can also be mitigated through a condition requiring the submission of a landscaping scheme.
7. Due to the secluded location of the site and the relationship with nearby development, as well as the imposition of appropriate conditions, I consider that the proposal would not lead to unacceptable harm to the character and appearance of the area. The proposal would therefore not conflict with the character and design considerations of policy ENV1 of the Selby District Local Plan 2005 (the Local Plan) or of policies SP18 and SP19 of the Selby District Core Strategy 2013 (the Core Strategy).
8. The Council refers to policy RT12 of the Local Plan, although this relates to touring caravan and camping facilities rather than static caravans, and is therefore not relevant to the appeal proposal.

Location

9. The appeal site is located adjacent to Field House Farm, which has a relatively unusual background for a rural area in that the evidence suggests it was previously used as a scrap yard. Although the scrap yard is no longer in place, the site is used for the storage of a significant number of caravans, as well as a caravan site and farmyard.
10. The appeal site is not within defined development limits and is therefore considered to be within the countryside for development plan purposes. Although the site is adjacent to existing development, it is located remotely from settlements and services.
11. Policy SP2A(c) of the Core Strategy sets out a number of requirements which development in the countryside should comply with. These requirements relate to new built development or the re-use of existing buildings. As the proposal would consist of the change of use of land, it would not meet the requirements of the policy. However, in effect, policy SP2A(c) would prevent any change of use of land in the countryside. In respect of my consideration of this appeal, this policy does not reflect the Framework which seeks to support a prosperous rural economy through measures such as the diversification of agricultural and other land-based rural businesses as well as sustainable rural tourism. On that basis, whilst the proposal would conflict with policy SP2A(c), I give this little weight in my consideration of this appeal.
12. Of more relevance in this appeal is policy SP13 of the Core Strategy, which includes provisions relating to the rural economy. This policy reflects the Framework with regards to the diversification of land based rural businesses as well as rural tourism. The proposed static caravans would complement the existing touring caravan site and would diversify the tourism facilities offered at the site. Although customers of the proposal would likely rely on the private car to access services, within the context of the existing caravan site and caravan

storage I do not consider that the increase in trips would be of an unsustainable degree. The proposed tourism development would represent the sustainable diversification of a rural business, and would therefore comply with policy SP13 of the Core Strategy with regards to sustainable economic growth.

13. The appellant refers to policy EMP9 of the Local Plan which supports the extension of existing business uses outside development limits, subject to a number of considerations including the effect on character and appearance. As I have concluded that the proposal would not harm the character and appearance of the area, the proposal would also comply with policy EMP9.
14. The proposal would conflict with policy SP2A(c) of the Core Strategy, as the provisions of that limb of the policy only relate to buildings. However, I have concluded that that policy is overly-restrictive in respect of changes of use of land in the countryside, and that the proposal complies with other policies in the development plan as well as the policies of the Framework. These are material considerations that indicate the application should be determined other than in accordance with policy SP2A(c) of the Core Strategy. On that basis, the appeal site is a suitable location for tourist accommodation with regards to local and national planning policy.

Conditions

15. The Council, appellant and consultees have suggested a number of planning conditions which I have considered against the advice in the Planning Practice Guidance and the Framework. As a result, I have amended some of the conditions for clarity, precision and to reflect the nature of the proposal.
16. In addition to the standard 3 year time limitation for commencement, I have imposed a condition requiring the development to be carried out in accordance with the submitted plans in the interests of certainty. The appellant has questioned whether it is appropriate to control the siting of the static caravans as they consider that this is controlled by a Caravan Site Licence. However, this Licence primarily relates to issues such as fire safety and service provision. The inclusion of the Layout Plan is therefore necessary to provide certainty in respect of character and appearance.
17. A condition in respect of surface water drainage is required to ensure that the site is properly drained and in the interests of managing flood risk. Should soakaways prove unfeasible then this is a matter which can be addressed separately with the Council.
18. A condition in respect of landscaping is required in the interests of biodiversity as well as character and appearance. These details should be submitted to and approved by the local planning authority at the pre-commencement stage as they relate to matters which need to be established before the commencement of development.
19. A condition limiting the number of pitches and static caravans is appropriate in the interests of character and appearance and to retain control over the form of the development. To avoid conflict with the Council's spatial strategy for housing and the countryside, a condition restricting the occupation for holiday purposes only is reasonable and necessary. A condition in respect of access and parking is required in the interests of highway safety and to ensure that the site is properly serviced.

20. The Council has suggested a condition limiting the pitches to those areas specified on the submitted drawings. However, I do not consider that this condition is necessary as suitable control over the development is provided by other conditions placed on the permission.

Conclusion

21. For the reasons given above, I conclude that the appeal should be allowed.

David Cross

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: LOC01 – Location Plan; LAY02 – Layout Plan; 01 Amended Red Line Plan including access road; and 03 – Access Plan.
- 3) Prior to the development hereby approved being brought into use, the development shall be carried out in accordance with the surface water drainage details submitted to the council under application reference 2020/0684/COU unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt, soakaways must be able to accommodate a 1:100 year storm event, plus a 30% allowance for climate change.
- 4) No development shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:
 - a) Details of soft landscape works (including tree/hedgerow planting) shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate;
 - b) means of enclosure and boundary treatments;
 - c) vehicle parking layouts;
 - d) hard surfacing materials;
 - e) external lighting;
 - f) the retention and protection measures in respect of existing trees, hedgerows and planting;
 - g) an implementation programme;
 - h) a landscape management plan for the lifetime of the development, including management responsibilities and maintenance schedules.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is brought into use

or in accordance with the agreed implementation programme. The landscape management plan shall be carried out as approved.

- 5) There shall be no more than 3 pitches on the site, and on each of the 3 pitches hereby approved no more than 1 static caravan shall be stationed at any time.
- 6) The site shall be occupied for holiday purposes only and no static caravan shall be occupied on a permanent basis. Furthermore, a record of bookings shall be retained and made available upon request.
- 7) No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for the development have been constructed in accordance with details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

End of Schedule