



Appeal Decision

Site visit made on 1 November 2022

by C Megginson BA(hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th November 2022

Appeal Ref: APP/G2713/W/22/3303550

Strawberry Fields, Pannierman Lane, Great Ayton TS9 6PP

- 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 Mr A Platts against the decision of Hambleton District Council.
 - The application Ref 21/02937/FUL, dated 9 December 2021, was refused by notice dated 12 April 2022.
 - The development proposed is described as alterations to siting and appearance of approved lodges and car parking area, erection of tiered outdoor seating, outdoor beach area, cinema screen, pergola, internal roads and all other hard and soft landscaping and associated works.
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Decision

1. The appeal is dismissed insofar as it relates to the tiered outdoor seating, pergola and arched walkway. The appeal is allowed insofar as it relates to the alterations to the siting and appearance of approved lodges, service shed extension, the gravel overflow car park, internal roads and pedestrian access paths and outdoor beach area, and planning permission is granted for the alterations to the siting and appearance of approved lodges, service shed extension, gravel overflow car park, internal roads and pedestrian access paths and outdoor beach area at Strawberry Fields, Pannierman Lane, Great Ayton, TS9 6PP in accordance with the terms of the application, Ref 21/02937/FUL, dated 9 December 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted, insofar as it relates to the alterations to the siting and appearance of approved lodges, services shed extension, the gravel overflow car park, internal roads and pedestrian access paths and outdoor beach area only, shall be carried out in accordance with the following approved plans: Drg No: 110 Rev H; Drg No: 105 Rev A; Drg No 111 Rev OR.

Procedural Matters

2. It is evident from my visit and from the evidence before me, that the development has been partially completed. I have determined the appeal on this basis.
3. Following the submission of the appeal scheme, a subsequent application for the same changes to the siting and appearance of the lodges has been granted planning permission by the Council. On this basis, I shall not consider this part of the scheme any further. Because the changes to the lodges are still part of

the appeal scheme, I shall grant planning permission for them, and the appellant can choose which permission to implement.

4. A cinema screen is referenced in the description of development. The evidence before me makes it clear that this does not form part of the appeal.
5. The application form description of development does not include the extension to the Services Shed, or the arched walkway, however, these are included in the plans submitted and the statements and I have therefore included these elements in my consideration of the appeal.
6. The issue of whether the nature of built facilities such as the pergola, arched walkway and tiered seating area have enacted a change of use of the site to an external events venue is in dispute. However, the appeal application is for operational development only and does not include a material change of use under s55 of the 1990 Act. Therefore, whether there is a change of use of the land that comprises development is not a matter before me. I shall confine my consideration to the operational development applied for.
7. The appellant has stated that some of the elements proposed do not comprise development. Nevertheless, these elements are before me to consider.

Main Issues

8. The main issues are the effect of the development on (i) the character and appearance of the area; and (ii) the living conditions of neighbouring occupiers, with specific regard to noise and disturbance.

Reasons

Character and appearance

9. The appeal site sits in an open, rural location, surrounded by expansive open countryside with the backdrop of the hills behind. The holiday lodges are arranged around the lake and their dark colour palette and simple, straightforward design sit comfortably within their countryside setting.
10. The tiered outdoor seating area is described as demountable, however, from my visit I could see that it had been in situ for some time, and I have no evidence before me to suggest that it would be anything other than a permanent structure. The scale, siting, functional design, light colour and metal finish of the seating area, stands out as visually prominent and significantly at odds with its surroundings.
11. The pergola sits close to the tiered seating area and whilst it is a feature that may be found on other holiday parks, its decorative design and bright painted colour, jarringly contrasts with the simple form and dark colour palette of the lodges. Similarly, the arched walkway is also of an elaborate design, painted white and covers an extensive distance around the lake edge and across the field to the road.
12. When viewed from the public right of way and the site access road, across the open site, the walkway, tiered seating area and pergola, stretch across the full width of the appeal site. This draws the eye and they stand out as incongruous against the open countryside and the simple, straightforward design and dark colour palette of the lodges. Whilst the recently approved lodges will be located close to the appeal scheme elements, they will not physically contain the

elements to an extent that would screen them from the harmful views identified above.

13. Consequently, I conclude that the tiered outdoor seating area, pergola and arched walkway cause harm to the character and appearance of the area and are therefore contrary to Policies S1, E1, EG3, EG7 and S5 of the Hambleton Local Plan (2022) (LP) which seek, amongst other things, to ensure that the siting, form, scale, design and materials of new development does not detract from the character of the surrounding area. These elements would also conflict with paragraph 130 of the National Planning Policy Framework (the Framework) which seeks to ensure high quality design that responds to the character of the area.
14. Both parties agree that the proposed extensions to the site store shed would be commensurate with the scale, design and materials of the existing building. Similarly, the outdoor beach area sits neatly against the lake and its modest scale and rustic palette of natural materials complements the wooden fencing around the lake and the countryside surroundings. The proposed gravel overflow car park and internal roads and pedestrian pathways relate well to their surroundings and would be viewed in the context of existing development. As such, these elements of the appeal scheme would be acceptable in terms of their impact on the character and appearance of the area, and therefore in conformity with LP Policies S1, E1, EG3, EG7 and S5 and paragraph 130 of the Framework.

Noise

15. The appeal site sits in a tranquil countryside setting, with neighbouring residential properties located to the west and northwest. Noise monitoring of events carried out in 2021, found disturbance 1.5km away in Great Ayton.
16. The outdoor beach area comprises a sauna, beach bar and seating in the form of sun loungers and deck chairs. It is reasonable to assume that users of the beach area would be dispersed throughout the seating area. Whilst the beach bar could result in noise, its small scale would not result in large numbers of people congregating and therefore such noise is likely to be limited.
17. In contrast, the outdoor tiered seating area is designed to accommodate a large number of people, and whether used by the residents of the lodges or in association with a temporary marquee, would encourage congregation of a much larger group in one place, at the same time. The concentrated nature of such a use would be of such a scale, where the resulting noise would give rise to a general level of noise and disturbance at an intensity that would be disruptive, particularly to the occupiers of the neighbouring properties, resulting in harm to their living conditions.
18. Whilst I appreciate that the lodge residents could sit outside and play music freely at present, subject to licensing parameters, this would be unlikely to generate the same concentrated intensity of noise and disturbance as I have identified above.
19. The Council have highlighted potential noise and disturbance from vehicles entering and leaving the site at unsociable hours. I have no evidence before me to demonstrate that the appeal scheme would give rise to such an impact.

20. I therefore conclude that whilst the use of the outdoor beach area would comply, the use of the outdoor seating area would be contrary to LP Policies S1 and E2 and the Framework, which seek to protect the amenity of existing residents.

Other Matters

21. I recognised the economic benefits of the appeal site to the local economy and that there is policy support for rural businesses under LP Policies S1, EG7 and the Framework, however, these benefits are not sufficient to outweigh the harm identified above.

Conditions

22. In addition to the standard condition which limits the lifespan of the planning permission, I have specified the approved plans in the interest of certainty.

Conclusion

23. For the reasons given above, I conclude that the appeal should be allowed insofar as it relates to the alterations to the siting and appearance of approved lodges, service shed extension, the gravel overflow car park, internal roads and pedestrian access paths and outdoor beach area and dismissed insofar as it relates to the tiered outdoor seating, pergola and arched walkway.

C Megginson

INSPECTOR