



Appeal Decision

Site visit made on 13 December 2022

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2023

Appeal Ref: APP/N2739/W/22/3302506

Squires Cafe Bar Newthorpe Lane Newthorpe South Milford, Leeds LS25 5LX

- 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 G Bowness against the decision of Selby District Council.
 - The application Ref 2021/1144/COU, dated 10 September 2021, was refused by notice dated 4 March 2022.
 - The development proposed is described as 'Planning application for change of use of land to form extension to caravan and camping area, together with associated works (part retrospective)'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit, some aspects of the development had already been carried out. A dog exercise area had also been created between the appeal site and part of the railway line, which is not shown on the appeal drawings. However, I have based my decision on the submitted plans and my observations.
3. The development plan for the Selby District comprises the Selby District Core Strategy Local Plan adopted 22nd October 2013 (the SDCS) and those policies in the Selby District Local Plan adopted on 8 February 2005 (the Local Plan) which were saved by the direction of the Secretary of State, and which have not been superseded by the policies in the SDCS.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the National Planning Policy Framework 2021 (the Framework) including the effect upon the openness and purposes of the Green Belt;
 - the effect upon the character and appearance of the area, with particular regard to the Locally Important Landscape Area (LILA); and
 - if the proposal is found to be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

Reasons

Whether inappropriate development

5. The appeal proposal would be associated with a recreational and tourism site. This is comprised of a variety of establishments primarily including a café bar building, camping and caravan facilities, associated ancillary structures, and extensive car park. It is situated in open countryside to the south-east of Sherburn in Elmet and close to the A1(M) motorway with access to the B1222 Newthorpe Lane.
6. Policy SP2 of the SDCS sets out the Council's spatial development strategy and requires development within the Green Belt to conform to Policy SP3 and the National Planning Policy Framework (the Framework). Accordingly, Policy SP3 insofar as it is relevant to this appeal reflects the Framework requirements which set out that inappropriate development in the Green Belt should not be approved except in very special circumstances.
7. Paragraph 150 of the Framework sets out the categories of development which may be regarded as not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it. This includes b) engineering operations, such as the construction of hard surfacing, pitches and permanent changes to the landform associated with the proposal and e) material changes in the use of land, such as the proposed recreation use as a caravan and campsite. This aspect is not in dispute.

Openness

8. Openness is an essential characteristic of the Green Belt and is capable of having a spatial aspect as well as a visual aspect. The proposal would create two rows for caravans/motorhomes with a central access leading from the existing site. The central access loops back round to the established pitches on the lower part of the site. The appeal proposal is separated from the lower site by an embankment, hedgerow and trees. The appellants photographic analysis explains that the caravan and camping pitches have been cut and shaped into the sloping topography forming a small embankment, consistent with what I saw at my site visit.
9. I visited the site in December, the established pitches and some of parts of the appeal site were in use with motor homes, caravans and cars. Given that no seasonal restriction is proposed, there is the potential that many of the pitches could have caravans/motorhomes on all holiday season and potentially all year.
10. I observed that the established pitches, which would be used in a similar way to the appeal proposal had a degree of domestic appearance to them and around them, including items such as storage and washing lines. Photographs provided with the appellants evidence also show the appeal site pitches in use. The site appears occupied with caravans and cars with associated awnings and flags. During weekends and peak holiday time, given the demand already experienced by the existing park, it is likely that the majority of the pitches would be occupied.
11. Whilst the grading of the land, hardstanding for the access road and pitches and electricity points would be permanent features, some, if not many of the caravans/motorhomes would also potentially be present on the site all year round. Overall, the access road, pitches and the occupation of the pitches by

caravans/motorhomes and activity from people and vehicles would also increase significantly on the site and would result in the spread of development across the field. Although the full extent would be more seasonal in its impact it would all add appreciably to the presence of development to the detriment of its openness.

12. Turning to visual effects, the wider site rises in height from the main B1222 road to the existing pitches with the appeal site set higher than these. Within the site views of the proposal would be seen in the context of the existing caravans and numerous buildings associated with the café bar and ablutions block on the wider site. It would also be seen in the context of the rising open and agricultural land. Due to the undulating topography, intervening vegetation and banking around the car park and within the wider site, there would be limited visibility of the appeal site, although it may possibly to views glimpses of the tops of caravans from various viewpoints around Gorse Lane, the B1222 and the railway line which would be greater in winter depending on their siting.
13. Therefore, although there would be limited views, the proposal would still reduce the openness of the Green Belt through the spread of development across an open area. Although landscape screening is proposed here, the current predominance of openness, would be replaced by closely spaced more permanent features and pitches which would be occupied by caravans/motorhomes with cars to the side and little space between them. The fact that the proposal would be sited with screen landscaping surrounding it, viewed within the context of the wider site with limited public views does not affect the concept of spatial openness.

Purposes

14. The purposes of Green Belt are set out in paragraph 138 of the Framework. Due to the location of the site away from settlements it does not necessarily have a role in ensuring neighbouring settlements do not merge or in preventing unrestricted sprawl of built-up areas.
15. However, even with the alterations that have been undertaken and the screening that is proposed, the appeal site appears more akin to the wider part of the site as it is on higher land. The site clearly forms part of the countryside, and the proposal would result in physical encroachment of development into and onto the site that are currently free from development. In this location the proposal would not safeguard the countryside from encroachment, causing moderate harm.

Conclusion on whether inappropriate development

16. The proposal would not preserve the openness of the Green Belt and would be contrary to the purposes of including land within it. The proposal is regarded as inappropriate development in the Green Belt which SDCS Policies SP2 and SP3 require very special circumstances to justify why permission should be granted. These policies aligns with the advice within paragraph 147 and 150 of the Framework.

Character and appearance

17. The Selby District Landscape Character Assessment 2019 (LCA) sets out the site falls within LCA Area 8: West Selby Limestone Ridge. This character area is widely designated as a Locally Important Landscape Area (LILA). The wider

parcel of land within which the appeal site is located and surrounding land displays some of the key characteristics such as the large-scale rolling landscape, irregular shaped, fields, varying landform and tree cover. The LCA also acknowledges the major roads, mineral sites and energy structures within it.

18. The appeal site does not appear to be farmed and is therefore different to the surrounding agricultural fields in that respect. However, it still shares the character of the surrounding area in terms of the undulating and open landscape. Thus, it makes a positive contribution to the character and appearance of the countryside and LILA.
19. The Council has referred to aerial imagery from 2008 and various alterations and activity on the appeal site. However, I have no evidence that the images described relate to permanent proposals which have the benefit of planning permission or are one-off events. Nor has the appellant provided evidence of this. As such, there is nothing to suggest that the site was originally not unlike the open and undeveloped portion of the land which comprise the wider site before it was regraded.
20. The extensive nature of the proposals, including the regrading of the land appear as distinct intrusions into the landscape. The proposals are not a small-scale extension of the original site, they are similar in length and depth of the existing pitch area. The amount of land proposed for the use, the layout of the pitches would be extensive.
21. I also do not find the proposed site layout to be particularly well related to the existing site which has a closer relationship with main buildings, being at a lower land level and closer to the B1222. The existing pitches are clearly bounded by vegetation marking the extents of the permanent development of the site. As such I find the proposal would harmfully and incongruously encroach into the countryside affecting the rural character and appearance of the area and LILA.
22. The visual effects would be localised and would reduce over time due to screening. Although there is mature native planting proposed to the extents of the wider site, the proposed screening around the caravans would not appear natural due to their regular alignment nor mitigate the encroachment into the countryside.
23. I conclude that the proposed development would have a harmful effect on the character and appearance of the area and LILA. The proposal would be contrary to 'Saved Policies' ENV1, ENV15 and RT12 of the Selby District Local Plan 2005 (SDLP) and SDCS Policy SP18. This is to the extent that they seek to respect the character and appearance of the countryside and ensure that the design of caravan and camping facilities conserve or enhance LILA's. The proposal would also be contrary to paragraph 174 of the Framework where it seeks to contribute and enhance the natural environment by recognising the intrinsic character of the countryside.

Other considerations

24. The proposal would be inappropriate development in the Green Belt, which is, by definition, harmful and should only be approved in very special circumstances. Paragraph 148 of the Framework indicates that substantial

weight has to be given to any harm to the Green Belt. It is therefore necessary to consider whether the harm by reason of inappropriateness, or any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

25. It has been suggested that if the appeal were dismissed that this would inevitably lead to job losses. However, no substantive evidence has been provided to show that the appeal scheme is necessary to ensure the viability of the existing holiday park, which the appellant's own evidence shows is very popular. Nonetheless, the proposal would support the business and provide benefits to the local economy both through increased visitor spend and indirectly through the supply chain. In addition, it is indicated that 5 new jobs would be created.
26. I am mindful of the guidance within Chapter 6 of the Framework within paragraphs 81, 84 and 85 where decisions should enable the sustainable growth and expansion of businesses in rural areas. However, whilst I acknowledge the need to support economic growth, the overall scale of the economic benefits would in this instance be modest. The Framework further advocates that such rural development should also be compatible with the character of the countryside and sensitive to its surroundings. Therefore, I attach moderate weight to these benefits.
27. It is appreciated that the Council granted permission for the use of the land for camping. However, it does not follow that further expansion of the site would be acceptable. This is particularly the case where development is subject to specific national and local policy requirements such as the effect on the openness of the Green Belt. I also find that the Council's policies provide support for economic growth and tourism in a manner which is consistent with the Framework.
28. The summary of analysis provided within the Farmers Weekly article provided by the appellant suggest a variety of factors will result in strong demand for all types of UK holiday accommodation including camping bookings. Whilst the appellants evidence is reflective of this showing an increase in bookings, including pitch ups between 2019/2020 to 2021/2022, the article only provides very broad conclusions, and it is not clear whether growth in demand could relate to this surrounding area or more generally could potentially be accommodated elsewhere where it would not cause harm to the Green Belt. I consider the benefits from this aspect to be of limited weight.
29. As evidenced above, it is not doubted that this is a very popular business, and the extensive number of signatures on the petition demonstrates how many people local to the site and tourists are in favour of the proposal. However, this does not outweigh the requirement to determine the application other than in accordance with the development plan and the Framework.
30. The proposal would cater to the biking enthusiast community, with which the associated businesses have a strong relationship with. In terms of wider benefits, a camping and caravan site to my mind would not provide a community facility as it is seemingly less likely that local people would use the pitches on a regular basis for overnight stays. Therefore, these aspects attract limited weight.

31. The proposed landscaping schemes would include native woodland. However, as set out above it would not fully mitigate the effects of the proposal on landscape character and appearance. Therefore, this is a neutral factor.
32. The appellants have referred to their permitted development rights relating to temporary uses of land set out within The Town and Country Planning (General Permitted Development) (England) Order 2015. During the pandemic this was increased to 56 days. The temporary use of land does not confer a permanent grant of planning permission. Nor does Part 4 Class B permit the use of land for a caravan site. Notwithstanding the caravan restrictions, or the extended 56 day permitted development rights, for over 300 days of the year the site would remain open, and therefore any impact on openness from this is temporary, would be short lived and therefore not directly comparable to the appeal proposal.

Other Matters

33. The conclusions of the associated appeal decisions¹ found that very special circumstances justified allowing the appeals. However, the 'fallback' position arose from the permission granted by the Council. The Inspector found that the loss of openness and harm to the visual amenity of the Green Belt and the LILA, as well as the encroachment into the countryside would be similar to that which the Council approved. There is no such similar case or approval in this respect.
34. In addition, significant benefits arose from the improvements to the access arrangements and traffic management. These factors combined with economic benefits, which the Inspector afforded minimal weight on their own, taken together resulted in very special circumstances. I therefore do not find that the circumstances are the same.

Planning Balance and Conclusion

35. I must consider the great importance the Government attaches to Green Belts. The Framework advises that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
36. The other considerations do not clearly outweigh the substantial weight that I give to the harm to the Green Belt, by reason of inappropriateness, effect on openness and encroachment into the countryside. The proposals would also harm the character and appearance of the countryside and LILA, which is a further detractor. Consequently, the very special circumstances necessary to justify the development do not exist.
37. The proposal does not constitute sustainable development for which there is a presumption in favour as set out in the Framework. Even if paragraph 11 d) of the Framework was engaged, there are no very special circumstances. Consequently, returning to Policies SP2 and SP3 of the SDCS, the proposal is contrary to them in their entirety, as the proposal does not demonstrate that very special circumstances exist to justify why permission should be granted.

¹ APP/N2739/A/11/2154463 and APP/N2739/A/11/2154464

38. For the reasons set out above, the proposal would conflict with the development plan, when read as a whole and the Framework. Material considerations do not indicate that a decision should be taken other than in accordance with that plan. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

K Williams

INSPECTOR