



Appeal Decision

Site visit made on 3 May 2023

by L Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 June 2023

Appeal Ref: APP/G2713/W/22/3310923

Toft Hill Caravan Park, Hill Road, Kirkby in Cleveland TS9 7HJ

- 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 Deepdale Cove Limited against the decision of Hambleton District Council.
 - The application Ref 21/01431/FUL, dated 27 May 2021, was refused by notice dated 3 October 2022.
 - The development proposed is the extension of existing holiday park to provide space for 14 additional holiday lodges with associated landscaping, parking and new access.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and landscape of the countryside, including on the setting of the North York Moors National Park (NYMNP).

Reasons

3. Toft Hill Caravan Park is located within relatively flat open countryside to the south of the village of Kirkby in Cleveland. It has space for 30 static caravans of a consistent style, coloured green with dark roofs. There is additional hardstanding and various ancillary storage structures, with landscaping around. The site is accessed via Hill Road, a generally single track lane ending adjacent to the caravan park.
4. The site lies just outside the boundary of the NYMNP, which encompasses the Cleveland Hills. These rise steeply up from the south of the site to form a long ridge. They incorporate numerous footpaths and bridleways, with the long-distance Cleveland Way National Trail running along the top of the ridge.
5. The appeal proposal would extend the existing park northwards onto part of a relatively flat and open agricultural field. It would involve 14 additional similar static caravans, along with hardstanding, landscaping, and a new access track using an existing entrance into the field from Hill Road. My site visit identified that this access has been constructed. The scheme would provide a substantial increase in the number of caravans and in the overall site area.
6. The Hambleton Local Plan (HLP) (2022) Policy EG8 allows for new tourist accommodation subject to criteria. While I agree with the main parties that criteria e) to h) are met, there is disagreement whether it meets criteria d). This requires that the scale, form, layout, and design of the proposed

development is appropriate to its location, and that it would not unacceptably harm the character, appearance, or amenity of the surrounding area or wider countryside.

7. The appellant's Landscape and Visual Appraisal (LVA) includes 6 representative viewpoints from which to assess the proposal's impact¹. Of these, 2 are categorised with high susceptibility to change and high visual sensitivity. The 3 within the NYMNP are categorised with very high susceptibility to change and very high visual sensitivity. From this evidence and from my site visit, the site clearly lies in a sensitive location, and has a strong associative and experiential relationship with this part of the NYMNP.
8. Although the proposal would be visible along Hill Road, it would not appear unduly prominent, especially with additional landscaping along the boundaries.
9. However, despite its mature landscaping, on my site visit the existing caravan site as a baseline context was noticeably visible from the hillside footpaths. The other scattered buildings across this panorama are clearly agricultural in nature or individual dwellings. Due to the caravan park's different appearance and layout, it is somewhat incongruous within this landscape. The recently constructed access road is also already relatively visible as an engineered access, compared to the farm tracks in surrounding fields.
10. The proposed site coverage increase is substantial, and moreover would broaden the current shape beyond its narrow extent so would not be within the same perceived curtilage. Altogether, the new caravans, extent of hardstanding, and the parked cars and domestic paraphernalia, would be apparent and appear incongruous. Indeed, the LVA summary of the proposal's effects on the 3 NYMNP viewpoints is categorised as a moderate/minor adverse level even 15 years after development.
11. I accept that that the proposed landscaping would provide some screening mitigation and enhance some typical features. However, alongside the evidence in the LVA, I find that the extension of the caravan park would be relatively exposed and visually prominent. It would thus have an unacceptable impact on the landscape as a shared public resource, and to perceptual qualities of the NYMNP for its receptors.
12. In this regard I make the same conclusion as the previous appeal decision for a similar extension proposal², albeit that those existing caravans were a variety of styles and generally lighter in colour, and the proposed caravans were also different to those now before me. That decision also found that the new caravans would appear incongruous in the generally open and rural landscape, particularly from the Cleveland Way and despite existing or proposed landscaping.
13. I acknowledge that the National Planning Policy Framework ('the Framework') (2021) supports a prosperous rural economy. Paragraphs 84 and 85 recognise that sites to meet local business needs in rural areas may have to be found beyond existing settlements, and that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, and sustainable rural tourism and leisure developments. However, this support is

¹ The LVA refers that viewpoint 4 is on the Cleveland Way and 5 is on a different Public Right of Way, but these are mislabelled between each other within its appendices and mapping.

² Reference APP/G2713/A/10/2124585, dismissed in 2010.

predicated on such new buildings being well-designed, and that developments respect the character of the countryside and are sensitive to their surroundings. I have explained above that this would not be achieved by the proposal.

14. In conclusion therefore, the proposed development would have a harmful effect on the character and landscape of the countryside and on the setting of the NYMNP. This would be contrary to the HLP Policies S5, EG8, E6 and E7. These resist development which would harm the character, appearance, and environmental qualities of the area, would have a harmful impact on the natural beauty and special qualities of the setting of the NYMNP or on the objectives of its management plan, or would not protect the distinctive landscape, including taking into consideration the degree of openness and special characteristics. The proposal would also conflict with the Framework, and specifically Chapter 15 in its emphasis on recognising the intrinsic character and beauty of the countryside, and Paragraph 176 which identifies that development within the setting of National Parks should be sensitively located and designed to avoid or minimise adverse impacts on them.
15. While the Council cites Policy S3 of the HLP in the reason for refusal, part j) of that policy does support the growth and diversification of the rural and agricultural economy, and more generally directs growth to certain areas but does not preclude it in principle at the appeal site. I therefore do not find a direct conflict in this instance.

Other Matters

16. The appellant identifies that the proposal would allow a response to growing market demand. The site reached full capacity in early 2020, and owners' names are provided. However, there is no detailed evidence of unmet demand, such as a waiting list or record of enquiries, or details of wider market trends or comparison against any other nearby sites. I therefore give this benefit limited weight.
17. The proposed landscape and ecological enhancements and green infrastructure for both sites would improve the local landscape and habitat value. At the local level this would be a benefit, and I give this limited weight.
18. The proposed offsite highway works would provide a public safety benefit for all users, and Hill Road is a recreational asset well used by residents and visitors. However, the removal of 2-way caravan park traffic would only be along a small stretch of Hill Road. Furthermore, these works are required to make the proposal acceptable in highway safety terms, and in acknowledgement of the additional traffic which would be generated from the additional caravans. Therefore, I only give this benefit limited weight.
19. While the appeal site may be the only logical direction in which the existing park could grow, this is a neutral matter in the context of my determinations above. Visual improvements to the existing site already achieved in comparison to previous owners are not benefits of the current proposal.
20. Although the appellant considered that the Council should have used a Landscape Officer or professional equivalent in its determination, I have come to the same conclusion as the Council overall. This matter has therefore not been determinative in relation to the evidence before me.

21. Natural England has identified that The Teesmouth and Cleveland Coast Special Protection Area (SPA) is being adversely affected by nutrient pollution. The site lies within the River Tees catchment area for this SPA, which is a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). It is incumbent upon me as competent authority to consider whether the proposal would be likely to have a significant effect on the integrity of the SPA. However, Regulation 63(1) indicates that the requirement for an appropriate assessment is only necessary where the competent authority is minded to give consent for the proposal. As I have concluded that the appeal should be dismissed, it is therefore not necessary for me to consider this matter further.

Conclusion

22. The proposal conflicts with the development plan as a whole. With no other material considerations outweighing this conflict, for the reasons given above I conclude that the appeal is dismissed.

L Hughes

INSPECTOR