



Appeal Decision

Site visit made on 8 June 2023

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2023

Appeal Ref: APP/G2713/W/23/3314761

White Rose Caravan Park, Hutton Sessay, Thirsk YO7 3BA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (the Act) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by W Harrison against the decision of Hambleton District Council.
 - The application Ref 21/02011/MRC, dated 9 August 2021, was refused by notice dated 7 October 2022.
 - The application sought planning permission for permanent retention of sites for static holiday and touring caravans and tents without complying with conditions attached to planning permission Ref 2/97/074/0001Y, dated 21 August 1997.
 - The conditions in dispute are Nos 2 and 3 which state:
Condition No 2: The permission shall authorise the use of O.S. Field 4775 for touring caravans and tents from 1st March to 31st October each year.
Condition No 3: The caravans situated in O.S. Fields 3900, 4700, 5190 and 5376 shall not be occupied outside the months of March to December in each year.
 - The reason given for both conditions is: to protect the amenities of the locality.
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Decision

1. The appeal is allowed and planning permission is granted for permanent retention of sites for static holiday and touring caravans and tents at White Rose Caravan Park, Hutton Sessay, Thirsk YO7 3BA in accordance with the application Ref 21/02011/MRC, dated 9 August 2021, without compliance with condition numbers 2 and 3 previously imposed on planning permission Ref 2/97/074/0001Y dated 21 August 1997 and subject to the conditions set out in the schedule at the end of this decision.

Applications for costs

2. An application for costs was made by Mr W Harrison against Hambleton District Council. This is the subject of a separate Decision.

Preliminary Matters, Background and Main Issues

3. Due to local government reorganisation, as of 1 April 2023, Hambleton District Council has ceased to exist. From this date, the Local Planning Authority is North Yorkshire Council.
4. The appeal site has an extensive planning history, details of which have been provided by both main parties. Planning permission was granted in 1983¹ for "permanent retention of sites for static holiday and touring caravans and tents". On the basis of the evidence before me, I am satisfied that this

¹ Council Ref 2/74/1N/PA

constitutes the original act of development. In the banner heading and formal decision above, I have therefore used this description.

5. Several variants of this permission appear to have been granted since. In 1997² planning permission was granted to vary a condition on an earlier approval for the site, to permit an extended period of time for the occupation of static holiday caravans.
6. This previous planning permission was subject to a condition (No 2) that authorised the use of O.S. Field 4775 for touring caravans and tents from 1 March to 31 October each year. It was also subject to a condition (No 3) stipulating that caravans situated in O.S. Fields 3900, 4700, 5190 and 5376 shall not be occupied outside the months of March to December in each year.
7. The appeal is seeking to vary condition Nos 2 and 3 to allow up to 30 static caravans to use the field currently authorised for touring caravans and tents, and to allow for the year-round occupation of the park.
8. The main issues are:
 - The effect of the amended proposal on the living conditions of the occupiers of neighbouring properties, with particular regard to noise and disturbance;
 - Whether the amended proposal would provide adequate living conditions for future occupiers, with particular regard to layout, open space provision and recreational facilities;
 - The effect of the amended proposal on highway safety and car parking conditions; and
 - Whether the amended proposal would provide adequate arrangements for foul water drainage.

Reasons

Living conditions of neighbours

9. The appeal site comprises an existing caravan park and associated facilities, accessed via Church Lane. The site lies to the south of a number of residential dwellings in Hutton Sessay, several of which share a boundary with the site and sit close to the site access and recreational facilities.
10. The proposal would allow up to 30 static caravans to be sited in the south-west corner of the site. The evidence indicates that this area is currently authorised for use by up to 50 touring caravans. I recognise that static caravans typically have more accommodation than touring caravans and that occupancy rates will vary. However, given the overall lower number of units proposed, even at maximum capacity any increase in the population of the park at any one time would not be significant.
11. Consequently, any increase in noise and disturbance from increased activity across the wider site or in the surrounding area would be limited. Given its location to the south-west of the park, furthest from neighbouring residential properties, any direct increase in noise and disturbance in this part of the site

² Council Ref 2/97/074/0001Y

- specifically would have little effect on the living conditions of the occupiers of neighbouring properties.
12. For similar reasons, vehicle movements on local roads, at the site access and within the site are also unlikely to be noticeably greater than those generated by the authorised operation. This would therefore not result in unacceptable levels of additional noise and disturbance.
 13. The proposal would also allow occupation of static caravans across the site all year. This would inevitably increase activity within and around the park during January and February. There would also be additional activity in November and December in the south-west of the site, given the current limitations on its use. This could include additional noise from future occupiers and vehicle movements during these times.
 14. However, the additional months of operation would primarily be in winter, when such accommodation is typically less popular and when those that do visit the site will be less likely to spend time outdoors. The level of activity across the site is therefore likely to be considerably lower compared to the rest of the year. In particular, any increase in activity in the outdoor recreation areas close to neighbouring properties would be limited.
 15. Any noise and disturbance associated with operational development would be limited given the nature of the use, and for a temporary period only while plots are prepared for static caravans. Delivery of static caravans would also be infrequent and therefore would not cause significant noise and disturbance.
 16. Notably, no concerns were raised by the Council's Environmental Health Service in respect of the matters above.
 17. I conclude that the proposal would not unduly harm the living conditions of the occupiers of neighbouring properties, with particular regard to noise and disturbance. It would therefore accord with Policy E2 of the Hambleton Local Plan Adopted February 2022 (the Local Plan). This policy, among other provisions, seeks to ensure all proposals provide and maintain a high standard of amenity for users of neighbouring land and buildings, including through ensuring there are no adverse impacts in terms of noise.

Living conditions of future occupiers

18. The plans before me indicate the proposed static caravans would be laid out in a primarily linear arrangement, with a short spur close to the field entrance and regular spacing. Small parcels of incidental open space and planting would be accommodated between and around plots.
19. Policies E1 and E2 of the Local Plan apply to all development. They seek to ensure proposals do not have an unacceptable impact on the amenities of future occupiers, and the physical relationship arising from the design and separation of buildings is not oppressive or overbearing.
20. In the first instance, the proposed static caravans are not buildings and not intended for permanent residential occupation, but as holiday accommodation. While separation distances would be limited, they would be comparable to those between existing static caravans on the wider site, and characteristic of this type of development. The proposal would therefore not amount to

overdevelopment or result in overcrowded conditions that would be harmful to the living conditions of future occupiers.

21. The proposal does not include discrete provision of formal recreation space or facilities within this part of the site. However, there are no planning policy requirements or standards before me that stipulate such provision must be provided in these circumstances.
22. Additionally, I saw during my site visit that the wider site benefits from various recreational facilities, including a recreational field with goal posts and play equipment, areas of incidental open space, indoor and outdoor swimming pools with seating, showers and changing facilities, and an indoor recreation room.
23. Furthermore, I saw on my site visit there are public footpaths and a public house near the site. Given the nature of the site as holiday accommodation and its access to the countryside, future occupiers are likely to seek recreational activities in the local area to supplement any activities on site. Stays at the site are also temporary, and users of the site would be free to holiday elsewhere were facilities insufficient to meet their needs.
24. The large recreational field at the park sits beyond the red line boundary of the appeal site, albeit remains within the control of the appellant. A Lawful Development Certificate (LDC) application was recently sought for use of part of this land for the siting of static caravans. However, this was refused by the Council and there are no other consented proposals before me for the reuse of this land. Even if there were, in view of my findings above, I am satisfied the wider site would still retain sufficient facilities for future occupiers.
25. I conclude that the proposal would provide adequate living conditions for future occupiers, with particular regard to layout, open space provision and recreational facilities. It is in accordance with policies E1 and E2 of the Local Plan. These policies, among other provisions, seek to ensure all development is of a high quality and makes efficient use of the site consistent with this aim. They also seek to ensure development provides and maintains a high standard of amenity for future occupants and users.
26. Policy IC3 of the Local Plan indicates that the Council will seek to protect and enhance open space and recreational facilities, among other provisions. Use of part of the site for touring caravans and tents may provide incidental open space that could be used for informal recreation by occupiers of the site, particularly when it is not at full capacity. However, this is not its primary purpose. It is also private land and there is no evidence to indicate it is accessible to the wider public, or of public value. I therefore do not find any conflict with Policy IC3 of the Local Plan in respect of this main issue.

Highway safety and car parking

27. The plans before me indicate that areas of grass between each new static caravan would be reserved for vehicle parking. Larger caravans may attract additional cars per unit. However, balanced against the overall reduction in units, this would not result in any significant increase in traffic.
28. The evidence indicates parking on grass was common in this part of the site when it was used for touring caravans and tents. The proposed parking arrangements would also be similar to, or in some cases better than, the existing provision for static caravans elsewhere on the site. There is no

compelling evidence before me to indicate the existing arrangements have resulted in undue parking pressure in the area or highway safety issues.

29. The proposal would also result in parking on areas of grass across the site during the months of January and February, and additionally in November and December on the south-west field. I recognise that parking conditions on grass may become more difficult in bad weather. However, such conditions can occur throughout the year. There is no compelling evidence to conclude they would be particularly bad in these months compared to the other months in which the park is authorised to open.
30. Even if there were, given the layout of the park and distance of most units from the main road, it is unlikely those visiting the park would choose to park outside of the site, rather than elsewhere within it, during periods of adverse weather. Additionally, as the levels of activity across the park during the extended period of operation are likely to be lower than at other times, there would be less demand for vehicle parking during this period.
31. Notably, no concerns were raised by the Local Highway Authority in respect of the matters above.
32. I conclude that the proposal would not have a harmful effect on highway safety and car parking conditions. It would accord with Policy IC2 of the Local Plan. This policy, among other provisions, seeks to ensure development is located where the highway network can satisfactorily accommodate the traffic generated by the development, does not compromise highway safety and has appropriate provision for parking.

Foul drainage

33. The proposal would utilise existing foul drainage arrangements and continue to discharge foul water into the public sewer. A letter from wastewater specialists provided by the appellant³ indicates that the use of the touring caravans and tents field for larger static caravans would result in some increase in foul water flows. However, given the reduction in the number of units the site can accommodate, this would be modest overall.
34. Nevertheless, the evidence indicates that the system downstream from the site is prone to overloading at times of rainfall. Any further increase in foul water flows could therefore have an adverse effect on it.
35. Controls to ensure that the foul water generated by the proposed development only be discharged from the site at times of low foul flows from other sources can be employed to reduce the potential for overloading downstream. Additionally, Yorkshire Water has requested the lowest rate of pumped discharge possible while still maintaining self-cleansing velocity. Such measures can be secured through the use of a planning condition to confirm final details of foul drainage, as suggested by the Council.
36. I am therefore satisfied on the basis of the evidence before me that the proposal would provide adequate arrangements for foul water drainage. It is therefore in accordance with Policy RM1 of the Local Plan which seeks to ensure water quality, quantity and foul drainage are appropriately addressed in developments.

³ RA Dalton waste water specialists 15 August 2022 Site Ref: White Rose Holiday Park YO7 3BA

Other Matters

37. The Council contend that provision of extended children's play facilities should be secured through a legal agreement in the event the appeal is allowed. There is no executed legal agreement before me. However, based on the evidence and my own observations, I am satisfied that the park provides sufficient open space and recreational facilities to cater for future occupiers, as set out above. Such an obligation would therefore not be necessary to make the development acceptable in planning terms and so would not meet the relevant tests for planning obligations set out in the National Planning Policy Framework (the Framework).
38. Notwithstanding the above, the evidence before me indicates that the appellant intends to extend the existing recreational space located near to the site entrance, to provide a children's play area. No further details of this are before me. The Council's second reason for refusal however raises concerns that extending existing facilities in this location would pose a health and safety risk.
39. The Planning Practice Guidance (PPG) indicates that changes to an extant planning permission pursuant to Section 73 of the Act must only relate to conditions and not to the operative part of the permission. The provision of play facilities did not feature in the original description of the development, and there is otherwise no compelling evidence before me to indicate this was included in the operative part of the permission.
40. Therefore, the addition of new play facilities, and any health and safety implications arising from the siting of these, cannot be considered as part of this appeal. Accordingly, there can be no conflict with Policy S1 of the Local Plan in respect of this matter.
41. Representations from interested parties have raised concerns regarding the effect of the proposal on surface water drainage and flooding and, anecdotally, indicate that some flooding has occurred in parts of the park recently. The touring caravans and tents field is located within Flood Zone 2 and so has a medium probability of flooding from rivers. However, the risk of surface water flooding across most of the park is low.
42. The application was supported by a Flood Risk Assessment (FRA) that concludes that the proposal will have a neutral impact on any surface water flows. It indicates that there would be no need to increase the capacity of the land to deal with surface water, which is generally dealt with by infiltration.
43. The evidence indicates that surface water typically gravitates to the lower agricultural fields adjacent to the park. Interested parties have raised concerns regarding loss of / harm to farmland due to flooding. However, there is no compelling evidence before me to indicate that surface water arising from the proposal would be harmful to farmland.
44. Notably, the Environment Agency (EA) and the Swale and Ure Drainage Board have raised no concerns in respect of flood risk or surface water drainage matters. Flooding and surface water drainage also did not feature in the Council's reasons for refusal.
45. The appellant's own evidence indicates however that the ground is not very free draining, and that discharging some surface water to a surface water sewer should be considered. Yorkshire Water has also highlighted that there is

an out fall to a watercourse within the site and that this would appear to be the ideal means of surface water disposal. Therefore, while I am satisfied based on the evidence before me that the site can be adequately drained, a condition is required to confirm final details of surface water drainage arrangements, as suggested by the Council.

46. The proposal may result in a degree of increased light pollution. However, any such increase in the south-west field would be modest in the context of the wider caravan site, taking account of its authorised use and having regard to its distance from the public highway. Occupation of the park in January and February may also increase light pollution during these months, though given much of the site already operates most of the year this would not be significant. This also did not feature as a reason for refusal by the Council.
47. Comments have been made regarding the felling of trees and reduction in the height of hedgerow. The removal of unprotected trees within the site is not within the remit of this appeal. However, while detailed landscaping proposals are not before me, the proposed plans show space within the site for soft landscaping. Conditions are required to secure final details of landscaping and to retain boundary hedges in accordance with the previous permissions and in the interests of the character and appearance of the area.
48. Concerns have also been raised regarding the potential for increased dog fouling and rubbish in the local area as a result of the proposal. However, given my findings with respect to the limited levels of additional activity arising from the proposal, levels of dog fouling and litter would not increase significantly.
49. Comments have also been made by interested parties specifically in relation to the aforementioned LDC application. However, this appeal does not relate to that application.

Conditions

50. In addition to those referred to above, the Council has suggested conditions should the appeal be successful. I have considered these and amended where necessary to accord with the PPG and the tests for conditions set out in Paragraph 56 of the Framework.
51. In particular, the PPG states that in granting permission under Section 73 of the Act, new conditions may be imposed provided that they do not materially alter the development that was subject to the original permission and are conditions that could have been imposed on that original permission. Imposing more onerous conditions on the new permission is unlikely to be reasonable.
52. Given the proposal seeks to vary a condition on a permission for a development that has already been implemented, it is not necessary to include the standard time limit condition. It is however necessary to specify the approved plans in this instance as this provides certainty. This includes the plan showing the red line boundary of the site, so the location of the development is clear, and the amended site layout plan referred to in the Council's officer report.
53. Conditions to control the number of new static caravans and limit the use of the park for holiday purposes only are also required to provide certainty. Additionally, a condition controlling the number of caravans in OS Field 5376 is carried over from the previous permission.

54. The Council has requested a condition to secure a Flood Evacuation Plan. A flood warning and evacuation plan has been provided, and there is no compelling evidence before me to indicate this is deficient. In any event, given the authorised use of the site and the type of application, it would not be necessary or reasonable to impose an additional condition in respect of this matter.
55. The Council has suggested a condition to secure a 10% biodiversity net gain. While Policy E3 of the Local Plan requires development to deliver a net gain for biodiversity, the appeal relates only to variation of conditions on an extant permission. In view of this, the imposition of an additional condition not previously imposed to secure a 10% net gain would not be reasonable. Notwithstanding this, additional tree and shrub planting is shown on the proposed plans, final details of which can be secured through the landscaping condition.
56. The Council has indicated that measures to control the separation distance between units and colour of static caravans should be specified. I am satisfied separation distances are dictated through the approved site plan and the limit on the number of units within OS Field 4775. I do not find that controls on the colour of caravans would be appropriate given the authorised use of the field, the wider context and existing boundary screening.

Conclusion

57. The proposed development would adhere to the development plan as a whole and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal succeeds.

Ryan Cowley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing WH1 dated 3 August 2021 and Drawing WH3 Amended site plan.
- 2) The hedge and trees surrounding the site shall be maintained at a height of at least 2 metres.
- 3) No more than 30 caravans shall be sited in OS Field 4775 and no more than 41 caravans shall be sited in OS Field 5376 at any one time.
- 4) The approved development can be occupied on an all year-round basis and the development must comply with the following requirements that:
 - i) the caravans or cabins/chalets are occupied for holiday purposes only;
 - ii) the caravans or cabins/chalets shall not be occupied as a person's sole, or main place of residence;
 - iii) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans/cabins/chalets

on the site, and of their main home addresses. The owner/operator shall advise the Local Planning Authority of the name and address of the holder of the records and shall make the information on the register available at all reasonable times to the Local Planning Authority.

- 5) No static caravans shall be brought onto OS Field 4775 until a scheme of foul and surface water drainage including details of any attenuation and pumping systems has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before any piped discharge of water and the drainage system shall be operated and maintained in accordance with the approved details throughout the lifetime of the development.
- 6) No static caravans shall be brought onto OS Field 4775 until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of static caravans on OS Field 4775 or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

END