



# Appeal Decision

Site visit made on 4 December 2023

**by B S Rogers BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 December 2023**

**Appeal Ref: APP/E2734/C/22/3309379**

**Grantley Hall, Grantley, RIPON, North Yorkshire, HG4 3ET**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Grantley Hall Group Limited against an enforcement notice issued by Harrogate Borough Council.
- The notice was issued on 8 September 2022.
- The breach of planning control as alleged in the notice is 1) without planning permission, change of use of the land to a mixed use as a hotel and for the use for helicopter landings and take-offs; and 2) Operational development as indicated on the attached plan in blue consisting of the construction of a helipad, block paving with built in lights and hard surfaced access path.
- The requirements of the notice are: i) cease the use of the land for the taking off and landing of helicopter flights; ii) remove from the land the helipad, block paved surround, spotlights, hard surfaced path and all materials used in their construction as indicated in blue on the attached plan; and iii) lay the land concerned to lawn using either turf or seed in a manner which matches the immediate surroundings.
- The period for compliance with the requirements is 3 months from the date upon which the notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.]

**Summary of Decision: The appeal is allowed, the enforcement notice is quashed and planning permission is granted in the terms set out below in the Formal Decision.**

## Formal Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the change of use of the land to a mixed use as a hotel and for the use for helicopter landings and take-offs; and the construction of a helipad, block paving with built in lights and hard surfaced access path as shown on the plan attached to the notice, and subject to the 6 no. conditions set out in the schedule at the end of this letter.

## Preliminary Matters

2. The appellants and the Council have submitted an agreed Statement of Common Ground (SoCG), signed by both parties and dated 5 January 2023.
3. The appellants have submitted a Unilateral Undertaking, dated 20 April 2023, which undertakes to pay to the Council a monitoring fee to help fund the monitoring of flights in the event that planning permission is granted for helicopter flying to resume.

## **The Appeal on ground (a) and the deemed application**

4. Grantley Hall operates as a high quality hotel, with associated facilities such as restaurants, a spa and staff accommodation. The Hall is Grade II\* Listed and its Japanese Garden is a Registered Park and Garden. The site lies within the Nidderdale Area of Outstanding Natural Beauty (AONB), now termed a 'National Landscape'. It is within the Skell Valley Special Landscape Area. Around 3km to the east is Fountains Abbey and Studley Royal Park World Heritage Site. Some 3 km to the west is the North Pennine Moors Special Protection Area (SPA). Within a radius of some 2km of the site are the villages of Grantley, Sawley and Winksley. There are farms and other rural dwellings in the locality and, immediately to the south of the Hall grounds, lies the Grantley saw mill.
5. The main issues in this case are: i). the impact of the noise and disturbance of helicopter flights to and from the site a) on the historic and natural environment of which the appeal site forms part, and b) on nearby residents; ii). whether there are benefits to the use which outweigh any identified harm; and iii). the impact of the helipad on the setting of Grantley Hall and its gardens.

### *Noise and disturbance*

6. The airspace in the wider environs of the appeal site is Class G "uncontrolled" airspace, which could be overflowed by aircraft, including helicopters. However, the use of the helipad is subject to planning control and Harrogate District Local Plan (HDLP) Policy HP4 is consistent with the National Planning Policy Framework in seeking to reduce the impact of development on the amenity of occupiers and neighbours. Although there are existing sources of noise nearby from road traffic, from farming activities and from the nearby operational saw mill, which generates audible background noise most days, it is common ground that disturbance by way of noise and vibration from the flight path and landing/take off movements of helicopters is not normal for this location. As such, the uncontrolled use of the appeal site by helicopters would not be acceptable in this highly sensitive location.
7. Following discussions with the Council, the appellants have produced the Grantley Hall Hotel Helipad Aviation Summary Report (HASR), dated 5 December 2022. This sets out a strict set of parameters, enabling numbers, frequencies, timings and flight paths of helicopter movements to be controlled and monitored.
8. The appellants propose that annual helicopter visits are limited to 72 (i.e. 144 movements), operating days per month are limited to 3 or 4, with no more than 2 visits (i.e. 4 movements) per day. Hours of operation would be limited, with no night-time flying, and engine running on the helipad would be minimised, subject to meeting safety requirements. Pilots should fly in accordance with best UK practice. Prior permission would be required to use the helipad, with full details of the helicopter, its times and take-off location to be recorded. There is a plan indicating a requirement to use an identified NE-SW approach/departure route (the green areas) and to avoid overflying the World Heritage Site, the SPA, the Hall itself and the 3 nearby villages (the red areas).
9. The appellants have also submitted a Grantley Hall Noise Impact Assessment, in which it assesses that the implementation of the above proposals would

result in a noise exposure of some 44 dB LAeq-16hr. This is substantially lower than the Lowest Observed Adverse Effect Level of 51 dB LAeq-16hr Air Navigation Guidance, which is the level of noise exposure above which adverse effects on health and quality of life can be detected. The Assessment records an observation of a helicopter visit to the site, whose total duration was 5 minutes from initial audibility on approach to final audibility on departure. Whilst there has been criticism of the methodology in the third party representations, this appears to be based on experience of a significantly higher number of flights than now proposed.

#### *The Historic Environment*

10. Policy HP2 of the HDLP is consistent with The Framework in seeking the protection or enhancement of designated heritage assets, which here are very significant. Grantley Hall is a large, multi-phased mansion, with its origins probably dating from the 17<sup>th</sup> Century. The noise and disturbance of a helicopter and its visual intrusion do not sit comfortably with the setting of the Hall and its Japanese Garden. However, the Hall's current use clearly supports its conservation and, as a 5-star luxury hotel, the additional benefit of helicopter access appears to enhance to some degree its viability, a matter I refer to below. The limited duration and frequency of this less than substantial harm attributable to helicopter flights appears tolerable in this context.
11. The World Heritage Site, including the remains of Fountains Abbey, is a location where tranquillity is of the essence. However, the requirement not to overfly the site, together with the proposed limit to the number of, and the short duration of, the flights to my mind renders tolerable the less than substantial harm to this extremely important heritage asset.

#### *The natural environment*

12. Policy GS6 of the HDLP seeks to conserve and enhance the natural beauty and special qualities of the Nidderdale AONB. Although I pointed in para.6 above to certain existing sources of noise in the local area, there remains a certain tranquillity which would be disturbed by helicopter flights. However, the number of, and the short duration of, the flights, to my mind renders the impact on the AONB and the more localised Skell Valley SLA tolerable.
13. Policy NE3 seeks to protect and enhance the natural environment. The North Pennine Special Protection Area lies some 3km to the west of the site. The Appropriate Assessment found that, with the mitigation provided by the proposed limit to number and direction of flights, including a prohibition on overflying the SPA, the development would have no likely significant impact.
14. A bird survey has also been carried out of the Hall grounds and concluded that, with the above mitigation, the development would not be unduly harmful.

#### *Residential amenity*

15. The proposed aviation scheme seeks to ensure compliance with Policy HP4 by avoiding overflying the 3 nearby villages of Winksley, Grantley and Sawley, together with the other limitations, including on the number and frequency of flights. The occupants of those rural dwellings in close proximity to the site would notice a higher level of disturbance, albeit not to the level that gave rise to their objections when flights were much more frequent than now proposed. However, along with the Council's Environmental Health Officer, I regard the

proposed scheme to be tolerable. This is also a conclusion which I have reached on the issue of privacy as the flights would henceforth be more strictly controlled than in the past, when loss of privacy has been a concern.

#### *Conclusion*

16. As indicated above, it is common ground that the uncontrolled use of the appeal site by helicopters would not be acceptable in this highly sensitive location. However, adoption of the HASR proposals would to my mind result in the operation of the helipad in a manner which would not unduly harm the historic environment, the natural environment or the living conditions of local residents. As such, the development would not unduly conflict with the provisions of the development plan or of national policy.

#### *Economic benefits*

17. The appellants have indicated that the financial return to be generated from the proposed limited number of flights would make a noticeable contribution to the overall financial performance of the hotel, bearing in mind the profile of the clients it seeks to attract. It is a significant local employer and the income to the hotel benefits the wider local economy by supporting local businesses that provide services or products directly to the hotel. There are also benefits from visitors' spending money in other areas of the local economy. The expansion of existing businesses and rural tourism is supported by Policies EC2 and EC7 of the HDLP and, on this issue, the public benefits of the proposal to the local economy merit a modest degree of weight.

#### *The helipad*

18. The helipad is located in the NE corner of the Hall's landscaped grounds, on an extensive area of lawn. It is flush with the ground and has a synthetic turf surface, enclosed by ring of block paving, with inset lights. It is linked to an established footpath and an established garden room by a short, gravel path. The helipad is itself visually unobtrusive and is a significant distance from the Hall, from which it appears not to be visible due to an intervening group of mature trees. Whilst it is closer to the Japanese Garden, its circular shape mirrors the circular form of a number of the garden features. I find that the helipad does not unduly harm the setting of either the Hall or the Japanese Garden.

#### **Conditions**

19. My conclusions above rely on the implementation and effective compliance with the HASR. The SoCG includes a number of draft planning conditions to enable the flight numbers, frequency and routes to be controlled and monitored. I am satisfied that, with minor modifications to their wording, these meet the tests set out in Planning Practice Guidance and would be able to be effectively enforced. The Unilateral Undertaking would provide the Council with financial resources to monitor the use.
20. Draft condition no.2) needs to refer to the proprietor of the hotel at the relevant time, rather than the developer, to allow for a future change of ownership. Draft condition 4) leaves the maximum number of operational days per calendar month as either 3 or 4. I favour the latter figure as being more reasonably flexible to allow for variations in demand throughout the year. This would have no bearing on the total number of flights per annum.

## **Overall Conclusion**

21. Subject to the above conditions, I conclude that the formation of the helipad and its use in a manner compliant with the HASR would not unduly harm the historic environment, the natural environment or the living conditions of local residents. It would provide a small but significant additional benefit to the local economy. As such, the development would not unduly conflict with the provisions of the development plan or of national policy. The appeal on ground (a) and the deemed application are allowed and the enforcement notice will be quashed.

*B S Rogers*

INSPECTOR

## **Schedule of 6 Planning Conditions**

1. The use hereby permitted shall not operate other than in full compliance with "Avigation's Recommendations", numbered 1-8, of the Grantley Hall Hotel Helipad Aviation Summary Report, prepared by Avigation (V1 dated 05 December 2022). More particularly, the approach and departure profiles and local areas to be avoided as per those recommendations shall be as shown green and red on Plan 30 rev A prepared by architecture:ab ltd (submitted 04.01.2023)
2. The proprietor of Grantley Hall Hotel at the time any helicopter flights take place shall monitor compliance with condition no.1 above through a service provided by Flight Radar 24 (or similar service provided by an alternative service provider). The proprietor shall retain and record the data from such monitoring and shall provide the data quarterly to the local planning authority during the period of 12 months following the date of this permission and thereafter within 21 days of receipt of a written request from the local planning authority.
3. No helicopter flight shall arrive or depart from the helipad hereby approved other than between 0900 and 1900 hours. There shall be no flights other than during the published hours of daylight.
4. There shall be no more than 4 operating days of helicopter flights per calendar month.
5. There shall be no more than 2 helicopter visits to the site per day (a maximum of 4 arrival/departure movements).
6. There shall be no more than 72 helicopter visits to the site per year (a maximum of 144 arrival/departure movements).