



Appeal Decision

Site visit made on 14 November 2023

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th December 2023

Appeal Ref: APP/G2713/W/23/3321590

Alouette Cottage, Tholthorpe, York, North Yorkshire YO61 1SG

- 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 Mrs Tracey Stevens against the decision of Hambleton District Council.
 - The application Ref 22/02511/FUL, dated 20 October 2022, was refused by notice dated 10 February 2023.
 - The development proposed is the erection of three holiday cabins.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Hambleton District Council has merged with several councils to form North Yorkshire Council. The development plans for the merged local planning authorities will remain in place for the area within the new authority until such time as they are revoked or replaced. I have determined the appeal on this basis.

Main Issues

3. The main issues of the appeal are:
 - whether the appeal site would be in an appropriate location for the proposed development having particular regard to local and national policy; and,
 - whether or not the proposed development would deliver biodiversity net gain.

Reasons

Location

4. The appeal site comprises an area of agricultural land located to the rear of a detached dwelling known as Alouette Cottage. The surrounding area is rural, mostly agricultural land. The appeal site is located outside of the village of Tholthorpe, within the open countryside.
5. The proposed development would comprise the erection of three holiday cabins. The access to the proposed development would be taken from the highway, through the grounds of the existing house, and an adjoining field.
6. Policy EG8 of the Hambleton Local Plan 2022 (HLP) seeks to direct new tourism related development to the district's market towns and villages. Policy EG8(g)

states that proposals for new visitor accommodation will be supported where it can be demonstrated that a proposal is accessible to local services and public utilities.

7. Thorlthorpe is the closest village to the appeal site, located approximately 280 metres away and is identified as a small village under Policy S3 of the HLP, which sets out the settlement hierarchy for the area. The village has a limited number of services and facilities including, a Butcher's Shop, Public House, Chapel, and Village Hall. The road towards the village is typically rural in character, being unlit, with grass verges and hedgerows on either side. There is no defined footpath or walkway to the village. Although the routes are predominantly flat, they would not therefore be an attractive or safe route for pedestrians.
8. My attention has been drawn to the existence of services and facilities in surrounding villages such as Alne and Tollerton. However, whilst I acknowledge that the surrounding villages contain some services and facilities, the appeal site is in a very rural location, and access to these services and facilities would be by private car and thus not sustainable modes such as walking/cycling.
9. The appeal site is a considerable distance from a larger settlement such as Harrogate, Thirsk, or York, offering a full range of services and facilities and where the majority of new development is directed. I have also had regard to the appellant's suggestion that the local shop in Tollerton would provide a regular delivery service to the site. However, due to the location of the site away from services and facilities and the absence of attractive walking routes, it is therefore likely that journeys to access services and facilities will be reliant upon the use of a private motor vehicle.
10. In terms of public transport, I recognise that provision is a significant challenge in rural areas. Nevertheless, the local plan policies seek to direct development to locations minimise the need to travel and promote sustainable modes of travel. The appeal site has a very limited bus service, which operates Monday to Friday, during term time only and provides just one journey in each direction on each day it operates. It is essentially a school service, which is also accessible to the public. A more regular service between York and Thirsk stops in the villages of Alne, approximately 2.5km from the appeal site and Helperby, approximately 4.8km from the appeal site. These distances indicate that it is unlikely that holiday guests would be willing or able to easily walk to access these public transport connections. Even if guests are willing to cycle these distances, I have not been provided with any evidence that suitable cycle storage exists close to these stops. For these reasons, the proposed development would therefore conflict with Policy EG8(g) of the HLP.
11. Policy EG8(h) of the HLP also states that proposals will only be supported where it is demonstrated that the development cannot be located within or adjacent to the built form of an identified settlement in the hierarchy. It is not disputed that the appeal site is located outside of the built form of the village of Thorlthorpe. The appeal proposal is then not supported by any substantive justification for the proposed location. Furthermore, there is no substantive evidence to demonstrate that the development cannot be located within or adjacent to the built form of a settlement. For these reasons, the proposed development would also be conflict with Policy EG8(h) of the HLP.
12. Paragraphs 84 and 85 of the National Planning Policy Framework (the

13. Framework) offer support for a prosperous rural economy. However, this support is not unconditional. From the information before me this is a new enterprise rather than the expansion or diversification of an existing rural or land-based business and as I have identified, the site has a lack of suitable and sustainable travel options. While paragraph 85 advises that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport, this is contingent on other factors, such as exploiting any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport), these factors would not be met by the proposal.
14. I have had regard to the appellant's submissions in relation to the economic benefits of the proposed development, including the potential support for local businesses. However, whilst I accept that the proposed holiday units may provide a contribution to the local economy, due to the limited scale of the proposed development, the associated benefits are also likely to be small-scale, therefore, I can only attribute them limited weight.
15. Consequently, I therefore find that the appeal site would not be an appropriate location for the proposed development having particular regard to local and national policy. It would therefore conflict with Policies S1, S3, S5, EG8 and IC2 of the HLP, which seeks amongst other things, to direct new development to the most sustainable locations, aiming to minimise the need to travel and promote sustainable modes of travel.

Biodiversity Net Gain

16. The proposals indicate the use of green roofs, and additional landscaping, which would contribute positively to biodiversity within the site. However, I note that the application was supported by limited biodiversity evidence and that no biodiversity net gain metric has been submitted. Policy E3 of the HLP requires all development to demonstrate the delivery of a net gain for biodiversity.
17. In this particular case, given the size of the appeal site, there would appear to be sufficient and suitable land available to achieve a net gain for biodiversity and the Council has confirmed that it is satisfied that this requirement could be dealt with imposition of a suitable pre-commencement condition. Based on the evidence before me, I see no reason to disagree.
18. Therefore, had I been minded to allow the appeal, I am satisfied that the proposed development could deliver a net gain in biodiversity and so there would be no conflict with Policy E3 of the HLP.

Other Matters

19. My attention has been drawn to a planning permission¹ which was granted for the Black Horse Inn for the construction of two wooden cabins. However, in this particular case, whilst the location was considered to be open countryside, the proposed development was located within the built form of a village and intended to support an existing business. This application was also approved under the previous local plan. Therefore, the appeal proposal is not directly comparable.

¹ Planning Application Ref: 21/00523/FUL

20. My attention has also been drawn to an appeal decision² from 2013, which relates to a small-scale tourism development in a different local authority area. Whilst I have not been provided with full details of this scheme, this decision refers to a number of guidance documents, including The Good Practice Guide on Planning for Tourism 2006, which has since been superseded by the National Planning Practice Guidance. I therefore afford this very limited weight.
21. The proposed development includes the creation of a small lake, which could be used for cold water swimming. In support of the appeal, I have been provided with a number of references to studies and research which highlights the benefits of cold and open water swimming. However, the use of this facility by potential holiday guests is likely to be limited given the size of the lake, and small-scale nature of the proposed development. Accordingly, I attribute this limited weight.
22. The North Yorkshire Destination Management Plan is a draft document and so carries little weight, it does not outweigh the provisions of the development plan. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. In this case the proposal is contrary to the provisions of the development plan which is the HLP.
23. The Council has raised no concerns in relation to the effect of the proposal on the landscape character of the area. Based on the evidence before me and my own observations at my visit, I see no reason to disagree. However, the absence of harm is a neutral factor which neither weighs for nor against the proposed development.

Conclusion

24. The proposed development would therefore be contrary to the development plan as a whole and there are no material considerations of sufficient weight which indicate that a decision should be taken otherwise in accordance with the development plan. Therefore, the appeal is dismissed.

K Lancaster

INSPECTOR

² Appeal Ref: APP/L3245/A/13/2193029