



Appeal Decision

Site visit made on 10 January 2024

by L N Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 January 2024

Appeal Ref: APP/U2750/W/23/3330773

The Old Coach House, Thorn Hill to Gouthwaite Bridge, Ramsgill, North Yorkshire HG3 5RJ

- 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 Reservoir View Holiday Cottages against the decision of North Yorkshire Council.
 - The application Ref ZC23/02479/FUL, dated 29 June 2023, was refused by notice dated 13 September 2023.
 - The development proposed is demolition of existing stables and sheds, erection of holiday lodge.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing stables and sheds, erection of holiday lodge, at Thorn Hill to Gouthwaite Bridge, Ramsgill, North Yorkshire, HG3 5RJ, in accordance with the terms of the application, Ref ZC23/02479/FUL, dated 29 June 2023, and the plans submitted with it, subject to the conditions set out in the Schedule at the end of this decision.

Preliminary Matters

2. The main parties agreed a slightly revised description of the proposal prior to the Council's determination, to reflect that it also included demolition. I have therefore used this description in the header above.
3. The National Planning Policy Framework ('the Framework') was revised in December 2023. The content of the Framework has not been materially altered in respect of the main issues before me, and therefore it has not been necessary to go back to the parties in this regard.
4. The site lies within the designated Nidderdale Area of Outstanding Natural Beauty (AONB), which was rebranded in November 2023 to the Nidderdale National Landscape (NL). I have used the AONB description where necessary to reflect existing policy or other references, but for the avoidance of doubt, all such references should also be taken to mean the NL.

Main Issue

5. The main issue is whether the proposed development is in a suitable location for a holiday lodge, having regard to the settlement strategy for the area.

Reasons

6. The appeal site comprises hardstanding and 3 outbuildings, plus the existing access off the public highway also serving the wider site. This contains 3 holiday let buildings, for 23 persons in total. It lies south of the small village of Ramsgill, within the rural area of the Nidderdale NL. The proposal is for a contemporary style holiday lodge to sleep 2 persons, in place of the outbuildings.
7. The site lies outside any settlement development limits, as defined on the Policies Map for the Harrogate District Local Plan 2014-2035 (LP) (2020). The LP Policy G3 identifies that proposals for new development in such locations will only be supported where expressly permitted by other development plan policies or national planning policy. The LP Policy GS6 generally follows the principles set in the Framework, whereby designated sites including AONBs have the highest status of protection in relation to conserving and enhancing landscape and scenic beauty, with great weight to be given to these issues. These areas should only have a limited scale and extent of development.
8. The LP Policy EC7 permits proposals involving the development of new, or extension of existing, visitor accommodation in the countryside, subject to various criteria. Those not in dispute relate to the lodge's scale and layout, impacts on neighbouring occupiers, its benefit to the local economy and improvement to the range of visitor accommodation, and traffic generation. In dispute is criterion (A), whereby it should be demonstrated that the lodge requires a rural location and cannot be accommodated elsewhere.
9. There is no evidence that other sites have been sought. As Policy EC7 specifically includes extensions to existing accommodation sites, I do not find it inevitable that a lettings business could only extend on its own site solely because that is its existing commercial location. While this would likely be more convenient or efficient, it would not be automatically essential.
10. However, the appellant has demonstrated a growing trend for larger group bookings, and restricted availability of accommodation options for such groups within the Nidderdale NL. This is especially so for non-bunkroom style accommodation, with the largest other comparable properties having smaller capacity than the appeal site. Although a 2 person lodge would only be a small addition, on the evidence before me relating to the specific arrangement of the lettings available at the appeal site and the other options, this would specifically increase the site's overall attractiveness and uniqueness. As such, in this instance the proposal would not achieve the commercial requirements in a different location, and therefore it would meet criteria (A) of Policy EC7.
11. In dispute is also the last section of Policy EC7 relating specifically to proposals for caravan, holiday chalets, and camping development, including both new sites and extensions to existing sites. This states they should be accessible to existing local services but should not adversely affect them. Local services are defined in its justification text as a local convenience store and public transport. This also identifies that accessibility to local services is so that the visitor accommodation can be self-sustainable, benefit the local economy, and not place unnecessary pressure on the local road network. In this regard, I find the lodge would benefit the local economy as equally as if it were for example sited within the development limits of Ramsgill a short distance away, and would not place pressure on the road network.

12. The Council considers that the proposal conflicts with this Policy EC7 because its rural location and absence of services and facilities nearby will result in their access by private car. Similarly, the Council considers that tourism cannot be enhanced or sustained through development with a high dependence on the car. I agree that the lodge's future occupants would be most likely to use private vehicles to reach the site, but this would be commonplace for accommodation across much of the NL area, especially where their attraction lies in their peaceful and remote surroundings.
13. The small size of the proposed lodge would only generate very limited additional local vehicle trips. The public house in Ramsgill is accessible a relatively short distance away on foot or by cycle, albeit on an unlit road with no footpaths. From there the Nidderdale Way is a safe pedestrian route to the facilities in Pateley Bridge, with such recreational opportunities often being the attraction of rural accommodation.
14. Paragraph 89 of the Framework recognises 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. It lists factors which will be important in these circumstances, and the proposal would achieve those relevant, in being sensitive to its surroundings, not having an unacceptable impact on local roads, and using previously developed land. On the evidence before me, I therefore find the overall reliance on the private car to be acceptable in this instance.
15. Furthermore, the more general LP Policy GS5 is also relevant, with criteria (F) and (G) providing support if development contributes towards maintaining and enhancing the District's visitor economy, and supports the rural and agricultural economy and its diversification. The Framework paragraph 88 similarly provides support to enabling the sustainable growth and expansion of businesses in rural areas. The holiday lodge would therefore be supported by these policies.
16. The Council considers the proposal's visual impact to be acceptable, being subservient, proportionate, and appropriate to its context. I also conclude that it would not cause harm to the NL, including due to its contemporary materials and colouring, its small size and height in comparison to the other buildings, and its location within the cluster and in relation to the topography. It would also have a slightly reduced footprint and volume compared to the outbuildings it would replace. As such, it would meet relevant LP policies relating to character, and the Framework paragraph 88 in respecting the character of the countryside, and being a well-designed building.
17. Furthermore, while a lack of harm to the character of the area would generally in itself be a neutral matter, due to the specific great weight to be given to preserving the character of designated NLs, it is reasonable to expect there to be very limited more sustainably located sites for new tourist accommodation which could achieve this. The Council confirms it would also contribute to the delivery of the AONB Management Plan objectives. In recognition of these factors, I find the lack of harm from the appeal proposal to be a minor benefit.
18. Therefore, while a relatively finely balanced judgement overall, I find that the need for the proposal's location and its benefits would outweigh the harm, and so it would be in a suitable location for a holiday lodge, having regard to the settlement strategy for the area. It would comply with the LP Policies GS3,

GS5, GS6, and EC7, and guidance in the Framework relating to protection for landscape character, and support for the rural economy.

Other Matters

19. The Parish Council objected that the proposal would lie on a public right of way, but the Council has stated that none run across the site, and I have seen no specific evidence to suggest otherwise.
20. Various appeal and application examples were provided, but each site must be assessed on its own merits. As I have found that the proposal would comply with the development plan overall, it has not been necessary to identify the extent to which these examples may be determinative.

Conditions

21. I have imposed most of the Council's suggested conditions, subject to slight amendment to reflect the Framework paragraph 56 and the Planning Practice Guidance. The appellant has accepted my proposed conditions. I have attached the statutory condition to limit the lifespan of the permission, and one to specify the approved plans to provide clarity for the terms of the permission. As several plans show no written reference, I have used the appellant's electronic file description.
22. The lodge is restricted to being for no other use than as short term holiday accommodation, as it would not be suitable as a permanent dwelling. A record of guests is required to ensure that the condition is enforceable.
23. Details of the materials to be used in the construction of the lodge's external walls and roof are required in order to ensure no harmful impact on the character and appearance of the NL. Conditions relating to contamination and refuse collection are necessary so that any contamination is appropriately identified and remediated, and that refuse is adequately collected.
24. I have not imposed the Council's suggested condition requiring a scheme of sound insulation and details of glazing and mechanical ventilation, as I have not been directed to any specific cause of noise generation. The lodge would be in generally very quiet rural environment, and so I do not find this necessary. I have also not imposed suggested hours of construction. The immediately adjacent buildings which may be affected are in the same ownership as the appeal site. Furthermore, I find it very unlikely that the appellant would compromise the enjoyment of any of their visitors by constructing the lodge at unsocial hours.

Conclusion

25. For the reasons given above, and having regard to all other matters raised, I conclude the development accords with the development plan taken as a whole, and therefore the appeal is allowed.

L N Hughes

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - R287 S01 A - Site Location Plan, Site Block Plan
 - R287 SK01 A - Indicative Site Plan
 - Skylark – Floorplans
 - Skylark – Section
 - Skylark 1-Bed – Elevations 1
 - Skylark 1-Bed – Elevations 2
 - Skylark 1-Bed – Render
- 3) If during the course of development, any contamination is found which has not been previously identified, work shall be suspended and measures for its remediation shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures, and a verification report for all the remediation works shall be submitted to and approved in writing by the Local Planning Authority.
- 4) No above ground construction work shall take place until details of the materials to be used in the construction of the external walls and roof of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, and shall be retained as such thereafter.
- 5) Prior to the first occupation of the holiday lodge hereby permitted, suitable and sufficient provision shall be made for the storage and containment of refuse prior to collection, and access for collection of refuse, which shall be retained as such thereafter. No waste and associated containers used for the storage and containment of waste shall be stored off the premises.
- 6) The holiday lodge hereby permitted shall not be used for any other use than as short term holiday accommodation, and the duration of any stay shall not exceed one month. It shall not be occupied as a person's sole, or main place of residence. An up to date register of the names and home address of all occupiers of the accommodation shall be maintained, and made available to the Local Planning Authority upon request.

END OF SCHEDULE