



Appeal Decision

Site visit made on 15 August 2023

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 14th February 2024

Appeal Ref: APP/V2723/W/23/3317473

Akebar Park, Patrick Brompton, near Leyburn DL8 5LY

- 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 Mr Jack Reynard against the decision of Richmondshire District Council.
 - The application Ref 20/00458/FULL, dated 26 June 2020, was refused by notice dated 6 February 2023.
 - The development proposed is the change of use of land to allow extension of existing caravan park and development for 27 additional holiday lodges and caravan holiday homes with associated landscaping scheme.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of land to allow extension of existing caravan park and development for 27 additional holiday lodges and caravan holiday homes with associated landscaping scheme at Akebar Park, Patrick Brompton, near Leyburn DL8 5LY in accordance with the terms of the application Ref 20/00458/FULL, dated 26 June 2020 and subject to the conditions in the attached schedule.

Preliminary Matters

2. Richmondshire 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.
3. The Council's Statement of Case stated that it did not receive the Statement of Case prepared by the appellant for the appeal. The Council was given an opportunity to comment on this as part of the appeal process.
4. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach.

Main Issues

5. The main issues are the effect of the proposed development on: the character and appearance of the surrounding area; and flood risk.

Reasons

Character and appearance

6. The appeal site comprises an area of land featuring grassland, trees, hedgerows, and a waterbody that currently forms part of a golf course and lies to the east of an existing caravan park within a rural area. The proposal seeks to erect 27 holiday lodges and caravan holiday homes at the site.
7. Policy CP10 of the Richmondshire Local Plan 2012-2028 Core Strategy (the Core Strategy) states that in rural areas new tourist accommodation, including the location of caravans, chalet accommodation, and camp sites, should be small scale, low key, and low impact, and will only be supported in the countryside if it does not adversely affect the character and appearance of the area, taking account of the capacity of the site and local area to absorb the development.
8. The existing caravan park to the west of the appeal site has a licence allowing for 180 static caravans and 110 touring caravans and tents, with the Council citing the presence of 178 holiday static caravans and 100 touring caravans and tent pitches. I observed this caravan park during my site visit, and acknowledge that the proposal would result in an overall increase in such accommodation within the rural surrounds of the immediate vicinity.
9. However, the proposal represents a limited extension relative to the overall size of the existing caravan park and, in accordance with submitted plans, would be arranged in a low density manner within the site. As such, despite the resulting increased scale of the caravan park, given the existing context the proposal would not be overwhelming to the immediate surrounds and would remain as a small scale and low key addition. There is also nothing to suggest that either the site or the local area does not have the capacity to absorb this limited, additional development.
10. The proposal would be sited within the current golf course, set back from the main road to the north. It would benefit from existing and proposed planting within the vicinity of the site, comprising trees and hedgerows along with a 1.0m metre earthmound to the north. Accordingly, the proposal would have ample screening, reducing its visual impact on the immediate surrounds and the wider vicinity, and allowing it to successfully integrate with the rural nature of the area.
11. In this regard, I note the conclusions of the appellant's Landscape Character Visibility Appraisal, which found that the proposal would not result in a significant impact on the existing landscape character of the surrounding area. In the absence of specific technical assessments or advice to the contrary I attach great weight to the findings of this appraisal. In any event, any views of the proposal experienced within the immediate vicinity or further afield would occur within the context of the existing caravan park to the west, such that the limited additional increase of tourist accommodation in this location would not appear out of place, visually jarring or contrary to the immediate landscape character.
12. The Council's reasons for refusal also reference harm to the character and appearance of the area due to the loss of a historic wetland. However, I note the submission of the Richmondshire District Council Biodiversity Map for the

Central Richmondshire Sub Area, which includes the appeal site. Even acknowledging the existing watercourses as shown on the government flood maps, the biodiversity map demonstrates that no such designation applies to the site, which I observed to be part of an existing and working golf course.

13. There are existing ponds at the appeal site, which make a positive visual contribution to both the site and the wider golf course. However, these would be retained as part of the proposal, with accommodation units placed around the edge of the ponds so as to integrate them within the wider design of the scheme. Accordingly, no visual harm would result to these ponds or the contribution they make to the character and appearance of the area as a result of the proposal.
14. For the reasons given, the proposal would not result in harm to the character and appearance of the area. As such, it would comply with Policies CP10 and CP12 of the Core Strategy insofar as they seek to ensure that new tourist accommodation does not adversely affect the character and appearance of the area and that development does not have a detrimental impact upon the significance of a natural or man-made asset, including environmental assets.

Flooding

15. The Council has raised concerns that insufficient information has been submitted to ascertain the likely impact of the proposal on flood risk. However, I note that a Flood Risk and Drainage Impact Assessment (FRDIA) was provided with the planning application.
16. The FRDIA concluded that the site, located in Flood Zone 1, was at low risk of surface water flooding and that the proposal would have no effect on fluvial and tide flood risk, ground water flood risk, sewer flood risk, or flood risk elsewhere. While it is recognised that the decrease in permeable area resulting from the proposal will increase peak run off rates, the FRDIA found that this would be mitigated by specific sustainable drainage recommendations. This includes surface water runoff being discharged to the ground and conveyed in shallow swales and ponds at the centre of the site as per submitted indicative drainage plans.
17. In the absence of substantive technical information or advice to the contrary, I attach great weight to the findings of the FRDIA and note that the flood authority, having reviewed the FRDIA, deemed that it demonstrated a reasonable approach to surface water management, recommending conditions relating to the approval of a scheme for foul and surface water drainage, and to the demonstration of suitable maintenance of the scheme.
18. With regard to foul water drainage, the Council acknowledged that package treatment plant is proposed, but that this system has not been shown on the site plan such that it is unclear where this would lie within the redline boundary. Based on my observations, and noting the recommended condition of the flood authority relating to foul water drainage, I am satisfied this could be secured by an appropriately worded condition.
19. For the reasons given, subject to the imposition of the aforementioned conditions, the proposal would not result in a significant adverse effect with regard to flood risk. As such, it would comply with Policy CP14 of the Core Strategy insofar as it seeks to ensure that development provides or enables

the provision of infrastructure made reasonably necessary by that development.

Other Matters

20. I note the representations of interested parties, including those referring to the potential for the proposal to result in water pollution and impacting sites downstream of the appeal site. Concerns have also been raised that the proposal would lead to undue levels of litter, noise and anti-social behaviour, in addition to light pollution. I note that these were not raised as refusal reasons by the Council. There is nothing substantive to suggest the proposal would result in anti-social behaviour or significant litter. In addition, given the context with the existing caravan park and the limited extension proposed as part of the scheme, I do not find that the addition of 27 lodges and caravans would cause undue issue with regard to increased noise, light, and water pollution, and note that a condition requiring the specific details of a foul drainage scheme to be submitted to and approved by the Council prior to the commencement of development is attached to this planning permission.
21. Interested parties refer to the nearby Grade II* Listed Church of St Andrew. The Council did not raise that the proposal would have an effect on this heritage asset or its setting. Based on my observations I have no reason to disagree.
22. Although not a specific reason for refusal, the Council raised concerns that the proposal would not be in a sustainable location. However, even noting the distance of the site from the nearest villages and settlements, given the presence of the established caravan park, the holiday-use nature of the proposal, and the presence of the Friars Head pub and restaurant, the site would be a suitable location for the proposed use.

Conditions

23. I have had regard to the conditions suggested by the Council. The appellant has been given the opportunity to comment on these, including those which are drafted as pre-commencement conditions. The response received has been taken into account.
24. I have attached the time limit condition and a condition relating to plans in the interests of certainty and proper planning, removing superfluous plans and documents as suggested by the Council. A condition is necessary to restrict the use to holiday use as other uses, such as residential, may have different effects to that considered for the proposed holiday use.
25. I have attached conditions relating to the submission of a landscaping scheme and the timeframe for its implementation. These conditions, along with the attached condition relating to the submission of details on the design, materials and colours of the caravans are necessary in the interests of character and appearance. A condition relating to the submission of details on external lighting is also necessary in the interests of both character and appearance and amenity.
26. Conditions relating to the approval of a scheme relating to foul and surface water drainage, and to the demonstration of a suitable maintenance of the scheme are necessary in order to make the development acceptable in terms

of flooding. Finally, a condition relating to the approval of a construction environmental management plan is required in the interests of ecology.

Conclusion

27. For the reasons given, the proposal would accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be allowed in accordance with the conditions in the attached schedule.

C Rafferty

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 and documents: Application Boundaries Location Plan Drawing No. 2013.00 dated June 2020; Indicative Sketch Layout Site Plan Drawing No. 2013.02 dated June 2020; Flood Risk and Drainage Impact Assessment Report 20/028.01 Rev 00 dated 9 February 2021; Pond area calculations 20/dated 28th February 2022; Preliminary Ecological Appraisal prepared by Ecus Ltd dated October 2020; Transport Statement prepared by Robert C Barrs dated 2 November 2020; and Willerby Range Brochure 2020.
3. The accommodation hereby approved shall not be used for any purpose other than as holiday accommodation and shall not be occupied as a person(s) sole or main place of residence. The owners/operators of the site shall at all times maintain an up-to-date register of the names of all owners and occupiers of each individual holiday unit on the site together with the addresses of their main place(s) of residence and shall make this information available on request at all reasonable times to the Local Planning Authority.
4. No part of the development shall be brought into use until there has been submitted to, and approved in writing by, the Local Planning Authority, a detailed scheme of both hard and soft landscaping, including details of the permeable surfaces used on the access track and parking spaces, for the site. Soft landscape works shall include planting plans; written specifications; schedules of plants, noting species, plant sizes and proposed numbers/densities when planted; and (where appropriate) details of phasing. The soft planting shall be designed to maximise biodiversity net gain whilst ensuring sufficient garden/ grassed space for visitors.
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following commencement of the development and prior to occupation of the new static caravans; 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, unless the Local Planning Authority gives written consent to any variation.
6. Prior to any static caravans being brought onto the site, details of the exact design, materials and external colour treatment options for the static caravans shall be submitted to and approved in writing by the Local Planning Authority. Once approved, all new static caravans installed on the site shall be coloured in accordance with the approved schedule of colours.
7. Prior to the erection or installation of any external lighting details the external lighting shall be submitted to, and approved in writing by, the Local Planning Authority. The information shall include a layout plan with beam orientation and schedule of equipment in the design (luminaire type, mounting height, aiming angles, and luminaire profiles) and shall detail any measures to be taken for the control of any glare or stray light arising from the operation of artificial lighting. Thereafter the external lighting shall be installed, operated and maintained in accordance with the approved scheme. Changes to any element of the lighting

scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to the changes taking place.

8. No development shall take place until a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document). The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. Principles of sustainable urban drainage shall be employed wherever possible. The works shall be implemented in accordance with the approved phasing and be maintained and retained in perpetuity. No part or phase of the development shall be brought into use until the drainage works approved for that part or phase has been completed.
9. No development shall take place until a suitable maintenance of the proposed SuDS drainage scheme arrangement has been demonstrated to the Local Planning Authority. Details with regard to the maintenance and management of the approved scheme shall include; drawings showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense, and/or any other arrangements to secure the operation of the approved drainage scheme/sustainable urban drainage systems throughout the lifetime of the development.
10. No development shall take place until a Construction Environmental Management Plan, which shall include detailed measures of how habitats and species can be protected on site, has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be adhered to during the construction phase.

END OF SCHEDULE