



Appeal Decision

Site visit made on 6 June 2024

by Diane Cragg Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 June 2024

Appeal Ref: APP/U2750/W/24/3341742

**The Woodlands, Ingmanthorpe Grange, Ingmanthorpe, Wetherby
LS22 5HL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Alex Moodie against the decision of North Yorkshire Council.
 - The application Ref is ZC23/02252/FUL.
 - The development proposed is a total of one handmade timber glamping pod for guest use along with a cycle store, storage hut, refuse/recycling bins, one electric vehicle charging point and three additional parking bays. An existing built-up permeable area is to be utilised for the pod, access, and parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant clarifies that permission is sought retrospectively for the 2.4 metres high steel security fence, gravel drive, motorhome parking areas, raised timber platform, outdoor kitchen with canopy and the package sewage treatment plant. I have considered the appeal on this basis.

Main Issues

3. The main issues are:
 - whether the appeal site is an appropriate location for the proposed development having regard to national and local planning policies in respect of tourist development; and
 - the effect of the development on:
 - the character and appearance of the area;
 - trees; and
 - biodiversity.

Reasons

Location

4. The appeal site is outside of any development limits. In such locations Policy GS3 of the Harrogate District Local Plan 2014 - 2035 (HDLP) only supports proposals where expressly permitted by other policies of the development plan or the National Planning Policy Framework (the Framework). There is policy

support in general terms for development that contributes towards maintaining and enhancing the district's visitor economy through Policy GS5.

5. Policy EC7 permits proposals involving the development of new visitor accommodation in the countryside, subject to various criteria. Those criteria not in dispute relate to the glamping pod's impacts on neighbouring occupiers, its benefit to the local economy, improvement to the range of visitor accommodation, and traffic generation.
6. Nevertheless, criterion A of Policy EC7 seeks demonstration that the glamping pod requires a rural location and cannot be accommodated elsewhere. In addition, the policy sets out that camping and chalet development should be accessible to existing local services but not adversely affect them.
7. I acknowledge that there is a limited range of hotel and guest bedrooms available around Wetherby, but the evidence about the availability of caravan, holiday chalets and camping sites in the area has not been provided. Even though glamping pods will often be in rural locations, there is little before me to suggest that a rural location is needed in this case or that other sites could not accommodate the proposed development. Therefore, the proposal conflicts with criterion (A) of Policy EC7.
8. The appeal site is some distance from Wetherby town centre. Because of the distances involved, the nature of the surrounding roads, the limited footpath provision adjacent to much of Loshpot Lane and the lack of street lighting for parts of the route, it is likely that those using the site would access facilities in Wetherby by car. The Wetherby service area can be reached on foot via the public footpath but is not suitable for accessing services and facilities given the nature of the route and the lack of lighting along it.
9. Public transport is some distance from the site and would not provide a credible alternative to the car for access to local services. Therefore, even if the appellant promotes local services and use of local produce, the appeal site is not near a convenience store or public transport. Given the particular site circumstances, I conclude that the appeal site is not accessible to local services in the terms of Policy EC7.
10. Furthermore, although the scale, layout, and design of the building is acceptable, for the reasons I set out below there would be harm to the natural environment in conflict with criterion (B) of Policy EC7.
11. The Framework seeks a prosperous rural economy by enabling sustainable rural tourism development that respects the character of the countryside. While the Framework also recognises that sites for local businesses may have to be found beyond existing settlements and in locations that are not well served by public transport, opportunities should be taken to improve the scope for access on foot, by cycling or by public transport. Development should also be sensitive to its surroundings. For the reasons I have set out in this decision the proposal would not meet these Framework requirements.
12. The fact that the site already accommodates tourists and that some tourist sites are certified through other mechanisms does not change my conclusions regarding policy compliance.
13. Overall, I conclude that the appeal site is not an appropriate location for the proposed development having regard to national and local planning policies in

respect of tourist development. The proposal would conflict with Policies GS3, GS5 and EC7 of the HDLP, it would also conflict with the Framework.

Character and appearance

14. The appeal site is part of a small area of semi mature mixed deciduous and coniferous plantation woodland. The woodland area is adjacent to a small enclave of dwellings and buildings in a rural setting. It provides an attractive landscape feature that contributes to the character of the surrounding area and provides a backdrop to buildings within Ingmanthorpe.
15. The Council's landscape character assessment notes the woodland blocks within the intensively managed arable farmland. The character assessment acknowledges that there is some capacity for change because of the lack of extensive views and the strong landscape pattern. In this case, there would be limited views of the proposed development from Loshpot Lane. While the removal of trees to facilitate the existing development has reduced the woodland tree canopy, there is little visual effect on the natural appearance of the woodland from surrounding roads.
16. Nevertheless, a public footpath runs adjacent to the edge of the woodland. The footpath appears well trodden in its current position. It may run through the appeal site; its exact route is a matter to be determined elsewhere. Even so, on either route the proposed development would be next to the footpath. The woodland is relatively open at lower level because trees are close together with clear stems, and there is limited understorey planting.
17. The proposed marginal planting at the edges of the cleared area adjacent to the access track may lessen the overall visibility of the site to a degree. However, the development including lighting, fences and gates, decking, seating areas and the proposed cabin, cycle shed and storage hut would introduce significant built form into the wood. The development would be conspicuous from the footpath, it would harmfully erode the tranquil rural character and appearance of the wood and the footpath's attractive woodland setting.
18. A scheme where fencing is of a more limited height that could be permitted development is not before me. I am considering the fencing as constructed and an alternative fencing proposal does not influence my conclusions on the appeal scheme.
19. Overall, the development would be detrimental to the character and appearance of the area in conflict with Policies HP3, HP5 and NE4 of the HDLP where collectively these policies seek to protect landscape character, local distinctiveness, and the amenity value of rights of way.

Trees

20. The Arboricultural Implications and Mitigation Assessment acknowledges that the development at the site has resulted in loss and damage to trees. The report provides a means to manage the damage and I have no reason to conclude that remediation works would not be beneficial given the existing situation.
21. Nevertheless, the appeal site is surrounded by woodland protected by a Tree Preservation Order (TPO) which confirms the woodland's amenity value. Trees

are close to the existing structures and hard surfacing which would be shaded at most times. In addition, the new structures would be sited close to trees, likely constructed within the root protection areas of the closest trees, and tree canopies would overhang them. Therefore, the development could not be accommodated without further detriment to trees. There would also be pressure for future tree growth to be curtailed given the proximity of the development to trees and the proposed use of the site. Consequently, the proposal would result in the erosion of the amenity value of the woodland and would be detrimental to the woodland setting of the footpath and surrounding buildings.

22. The proposal would have a harmful impact on trees in conflict with Policy NE7 of the HDLP where it seeks to protect and enhance existing trees that contribute to the character and/or setting of a settlement and ensure a satisfactory relationship between buildings and existing trees.

Biodiversity

23. Policy NE3 of the HDLP seeks to protect the natural environment and provide net gains in biodiversity. The appeal documentation includes a Preliminary Ecological Appraisal dated May 2021 which originally supported an earlier permission. Although this document is somewhat over two years old, I agree with the Council that the general comments within it will still be relevant. In addition, the Arboricultural Implications and Mitigation Assessment sets out measures that could contribute to biodiversity net gain.
24. The Council is seeking a Biodiversity Net Gain Assessment. However, there would appear to be sufficient and suitable land available to achieve a net gain for biodiversity and measures are set out within the evidence of how net gains could be achieved.
25. Therefore, I am satisfied that the proposed development could deliver a net gain in biodiversity which could be sought by condition, and so there would be no conflict with Policy NE3 of the HDLP.

Other Matters

26. While I acknowledge that there are economic benefits associated with the scheme and a small increase in the range of visitor accommodation, given my conclusions on the main issues and the Framework approach to rural tourism, these benefits attract limited weight.
27. There are letters of support and letters of objection to the scheme. I have considered all the matters raised, but none of these change my conclusions that the scheme conflicts with the development plan.

Conclusion

28. The proposal would conflict with the development plan and there are no material considerations that would indicate a decision other than in accordance with it. Therefore, the appeal is dismissed.

Diane Cragg

INSPECTOR