



Appeal Decision

Site visit made on 4 February 2025

by D R McCreery MA BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2025

Appeal Ref: APP/U2750/W/24/3356102

The Hideout, Weasdale to Partings Farm, Allerston, Pickering, North Yorkshire, YO18 7PJ

- 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 & Mrs Woodhead against the decision of North Yorkshire Council.
 - The application Ref is ZE24/00420/FUL.
 - The development proposed is erection of two detached outbuildings to support existing holiday lodge business.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Applications for planning permission are to be determined in accordance with the development plan for the area unless material considerations indicate otherwise. I have considered the development plan as a whole, including the policies of relevance to the main issue in the Ryedale Plan – Local Plan Strategy (Local Plan). The National Planning Policy Framework (the Framework) is a material consideration

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area.
 - Whether the proposal accords with planning policy intended to guide the location of development.
 - Whether the proposal is acceptable when regard is paid to highway safety.

Reasons

Character and appearance

4. The character of the area is rural. Despite the proximity to Allerston village, the site is visually perceived as being in an open countryside location. The character of the site is influenced by the rurality of open fields (surrounding it and within the site itself) and the more urban character of the lodges and associated infrastructure. The latter is concentrated toward the front of the site, close to the busy A170.

5. The concentration and configuration of buildings within the site and gaps between structures, along with the sloping topography of the surroundings, and the sites well planted natural boundaries, limits views into it and is successful in preserving the rurality of the location. The most critical of the public views are from the east over a medium distance from the edge of the village, including near the public house and the bus stops as the A170 dips and then climbs up from the pub. These views are more than fleeting and cannot be characterised as being reasonably likely to be mostly experienced only by motorists.
6. The existing buildings that would be replaced by the proposal are small scale and have a limited influence on the character of the site. In this respect, they preserve the character and appearance of the area.
7. The general design approach of the proposed new buildings is consistent with the wider lodge development. It is not, of itself, objectional in terms of pure aesthetics. The location of the proposed buildings, within the core of the lodge development and close to the boundary with the A170, is also the area of the site most likely to be capable of accommodating new built development in principle. However, careful thought is necessary to ensure that any additional buildings on the site preserve a sense of countryside character and balance between built and open space, particularly when seen in the key edge of village views.
8. Paying regard to the extent of screening, scale and location of the proposed gym building, I am satisfied that this part of the development would not harm the character and appearance of the area.
9. However, the location of the proposed treatment room building, closer to the eastern boundary of the site, would leave it more exposed to the edge of village views from the east. The asymmetrical roof of this building would result in the highest part of it facing towards the east, therefore increasing its prominence in the most sensitive views. The extent of glazing in the side elevation would heighten the degree of prominence.
10. The result would be a building that would increase the presence and perception of built forms in public views from the east, where the present view across open fields towards the site largely preserves the countryside location. In this regard, the proposed treatment room would be insensitively located and harm the character and appearance of the area.
11. There may be potential to introduce further landscaping to manage views from the east (for example within the adjacent grassed area). However, on the basis of the evidence available to me, I am not satisfied that landscaping alone would be successful in managing an issue that is a product of an insensitively designed and located building.
12. The Appellant's calculations of built floor space before and after development are a limited consideration. A crude comparison alone does not take appropriate account of how built development would be perceived.
13. For these reasons, the proposal would have a harmful effect on the character and appearance of the area. There is related conflict with the development plan, including Policies SP8, SP13, SP16 and SP20 of the Local Plan which includes requirements relating to respecting the character and context of the locality and the wider landscape.

Location

14. The location of the site is within the open countryside. Under Policy SP1 (Local Plan) development in such areas is restricted to that which, of relevance to this case, is necessary to support a sustainable, vibrant and healthy rural economy and communities. This supports the overall role of the wider open countryside of protecting the landscape and rejuvenating the rural and land-based economy. The land-based and rural economy is addressed in Policy SP9 (Local Plan) which seeks a sustained and diversified economy by supporting, of relevance in this case, provision of new buildings to support appropriate small-scale rural economic activity in line with Policy SP6. The relevant part of SP6 drawn to my attention supports delivery of new buildings for employment in the wider open countryside that are small scale and support appropriate rural economic activity in line with the provisions of Policy SP9 (Local Plan). The circular relationship between SP6 and SP9 does not particularly assist with policy interpretation and judging 'appropriateness'.
15. The proposed treatment room would also be used by visitors not staying at the site. While I appreciate it would have a close functional link to the lodge business, it would have some characteristics of a separate enterprise. It would be small scale and, through condition, could be maintained as such. The existing lodge business is an appropriate rural economic activity. The proposal would support that activity in the following ways.
16. Firstly, offering treatments on site would give the business a unique selling point that may be attractive to visitors. While the strength of this attraction is not well evidenced, it is hard to dispute that there could be a market for a treatment facility with holiday makers. However, given the modest scale of the tourist accommodation business and in the absence of evidence to the contrary, it is reasonable to assume that the treatment room would be commercially reliant on visitors from off site.
17. Secondly, operationally the proposal would allow the Appellant to be on site more to accommodate a change towards a flexible short break booking model. While the effects of such a change on the viability of the business are not well evidenced, the general commercial advantages and potential in terms of occupancy and revenue are set out by the Appellant.
18. The considerations above indicate that the proposal would provide an element of support for the existing lodge business and, therefore, necessity. The Council's questioning of the Appellant's justification on the above points is speculative and does not pay adequate regard to the stated needs of the business, which do not appear unreasonable for a small enterprise, and supporting a prosperous rural economy.
19. Weighed against this, the treatment room aspect of the proposal would harm the character and appearance of the area. While the economic benefits discussed above may have an unquantified short term boost for the wider local economy, the main benefit is private in nature and accrues to the Appellant. There are greater public benefits in this case in preserving the character and appearance of the area, that is aligned with the overall role of the wider open countryside in the Local Plan of protecting the landscape and rejuvenating the rural and land-based economy. As such, the proposal would not accord with Policy SP1 (Local Plan) and the role set

out in the plan for the wider open countryside. In addition, the proposal would not be 'appropriate' and, therefore, accord with Policies SP6 and SP9 (Local Plan).

20. Turning to other aspects of the proposal, an on-site gym would be an ancillary (or even incidental) use. The Council's questioning of whether a small gym would be a value adding offering for holidaymakers does not pay appropriate regard to the Appellants commercial judgement and is unjustifiably paternalistic in approach. In the absence of any harm to the character and appearance of the area resulting from this element of the proposal, it would accord with Policies SP1, SP6, and SP9 (Local Plan).
21. The proposal would not accord with planning policy intended to guide the location of development. There is related conflict with the development plan, including Policies SP1, SP6, and SP9 (Local Plan) which, amongst other things, restricts development in the open countryside to that which is necessary and supports appropriate small-scale rural economic activity.

Highway safety

22. The access to the site would remain unchanged. As such, the question is whether any additional vehicle movements associated with treatment room users who are not staying at the site would present a hazardous risk to highway users.
23. Limitations on the number of users of the treatment room, walk in's, and hours of operation (including keeping weekend use to only people staying at the site) would limit the number of additional vehicle movements. While I have no technical evidence of the matter, paying regard to the existing and proposed level of use, access arrangements and the nature of the A170 locally (including the bend in the road), the level of additional vehicle movements associated with treatment room users would be di minimis. As such, there would not be an unacceptable impact on highway safety or severe cumulative impacts on the road network. There is an absence of justification to prevent or refuse the proposal on highways grounds.
24. Whether a grant of planning permission on the basis proposed may give rise to future applications to relax restrictions is highly speculative. Any such applications would need to be considered on their own merits.
25. The acceptability or otherwise of planting relating to a separate planning permission, and any consequences arising from this, is a matter for the parties. I am not convinced on the evidence that it has any material implications for this appeal, in circumstances where I judge that the level of additional vehicle movements associated with treatment room users would be di minimis.
26. The proposal is acceptable when regard is paid to highway safety. There is no conflict with the development plan, including Policy SP20 of the Local Plan which requires, amongst other things, access to sites by vehicles to not have a detrimental impact on road safety.

Other Matters

27. I have paid regard to comments from other interested parties. Where relevant to the main issues, comments have been considered as part of my assessment on that issue. Other comments do not affect the outcome of the appeal.

Conclusion

28. The proposal would have a harmful effect on the character and appearance of the area and would not accord with planning policy intended to guide the location of development. There is conflict with the development plan for the area that amounts to conflict with the plan as a whole.
29. I have weighed the harm to the character and appearance of the area against the economic benefits in the body of this decision. As the proposal would not be well designed and would not respect the character of the countryside, Paragraph 88 (Framework) does not indicate that the development should be enabled. I recognise the Appellant's stated locational needs for the development to be where it is proposed but also consider that it would not be sensitive to its surroundings. As such, Paragraph 89 (Framework) is not a material consideration.
30. There are no other material considerations (including the Framework) to indicate that a decision should be taken other than in accordance with the development plan.
31. For the above reasons, and having regard to all other matters, the appeal is dismissed.

D R McCreery

INSPECTOR