



Appeal Decision

Site visit made on 5 February 2025

by D R McCreery MA BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th March 2025

Appeal Ref: APP/U2750/W/24/3355082

Newlyn, Oulston Road, Easingwold, North Yorkshire, YO61 3PR

- 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 M Hateley against the decision of North Yorkshire Council.
 - The application Ref is ZB24/00145/FUL.
 - The development proposed is change of use of land for the siting of 5 holiday lodges, improvements to existing access and associated infrastructure works.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs is the subject of a separate decision.

Preliminary Matters

3. 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 issues in the Hambleton Local Plan (Local Plan). The National Planning Policy Framework (the Framework) is a material consideration.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the area.
 - The effect on the living conditions of the occupants of existing houses in the area, with particular regard to site management.

Reasons

Character and appearance

5. The site is in an edge of town location, bordered by agricultural fields giving way to long views across open countryside on two sides. The host property and Oulston Road are at the other boundaries, with natural planting and buildings providing a degree of screening.

6. While the site itself slopes gently from north to south, level changes are more pronounced elsewhere, resulting in an undulating landscape. The level change between the site and Oulston Road as it passes is noteworthy as it places the site on higher ground.
7. I also note the differences in character between the respective sides of Oulston Road in this area, with the site sitting in a lower density location with a greater degree of interface with the open countryside and rurality to the opposite side of the road where housing with suburban characteristics (referred to in the evidence as the Copperclay Estate) is more evident.
8. The proposal would inevitably change the character of the site from open field to one visually and functionally dominated by built development and a greater intensity in land use. This is evident from the proposed layout, which would see lodges encircling much of the inner perimeter of the site and bringing a high degree of built enclosure where there is currently openness. The sense of openness across the site is contiguous with the agricultural fields beyond it and a feature that contributes positively to the rural characteristics of this side of Oulston Road.
9. While visually associated with the host property, the proposal would represent an encroachment of built development into the open countryside in circumstances where a substantial absence of it on this side of Oulston Road makes a positive contribution to the character and appearance of the area.
10. The public perception of this effect would be principally felt in close views from Oulston Road, longer views on the northern approach along Oulston Road, and longer views from the public right of way to the east.
11. Close views from Oulston Road would, in part, be filtered through existing boundary vegetation. Given its seasonality and gaps (including the site access), existing vegetation is only partially successful in screening the site. Additional planting would boost the level of screening. However, there would remain substantive views of the proposal through the access and gaps in vegetation. In these views, the character change described above would be profoundly felt. While localised, the effect on the character and appearance of the area would be harmful.
12. The site is seen in longer views on the northern approach along Oulston Road. It is part of a pleasant approach through open countryside towards Easingwold, with extensive views across open fields punctuated by trees and other natural features, which the site contributes positively towards. The proposal would change the character of these views, particularly in respect of the lodges close to the northern boundary. The built influence would have a negative impact on the character and appearance of the area. The presence of overhead wires and similar infrastructure designed to serve the wider community does not justify visually intrusive private development.
13. Views from the public right of way to the east would be across open fields. Visibility of the proposal would be restricted to a degree by the topography and the single storey scale of the lodges that would be seen within the context of the existing dwelling. Nevertheless, where seen, the proposal would be viewed as encroachment into the open countryside with an adverse impact on the character and appearance of the area.

14. I have paid regard to the Appellants' proposal to boost landscaping within the site. I do not disagree that existing trees and landscape features assist with screening. I have also considered the topography of the site and wider area, supported by the Appellants' site level plans. Additional landscaping could provide further screening, notably hedging around the perimeter that is currently visually exposed to agricultural fields and tree planting toward the site entrance.
15. However, on the evidence provided, I am not persuaded that the extent of landscaping proposed would screen the site to an acceptable degree given the identified harm to the character and appearance of the area. Similarly, while the scale and materials of the lodges are mitigating elements, they would not reduce the identified harmful effects to an acceptable degree.
16. I have paid regard to the appeal decision from 2017¹ and do not agree with the Appellants that it should not be given any weight at all. It was an outline proposal for four self build housing plots and therefore a development with some different characteristics to the proposal. However, I note that scale, layout and appearance were reserved matters. The comments of the Inspector in that case were focused on the principle of extending built development into the open countryside in this location. As such, there are commonalities with the proposal in terms of considering the effects of character change on the land. In this respect, I share some of the concerns expressed in relation to the effects on the character and appearance of the area.
17. The harm identified above generates conflict with Policy EG8(d) (Local Plan). While I have paid regard to the policy as a whole, including the important role tourism plays locally, accordance with other aspects of EG8 (including criteria at f and g) does not in itself lead me to conclude positively against the policy.
18. For these reasons, the proposal would not have an acceptable effect on the character and appearance of the area. There is conflict with the development plan, including Policy EG8 (Local Plan) in respect of proposals demonstrating appropriateness to their location and not unacceptably harming the character and appearance of the surrounding area or wider countryside.

Living conditions

19. The proximity of the site to residential properties within the Copperclay Estate justifies using the planning system to provide a level of oversight of site management to manage the risk of nuisance, including noise and disturbance, rather than simply relying on other regulatory regimes. I appreciate the distances between the site and residential properties and their orientation towards it, as well as the likely buffer that natural features would provide. On the other hand, the higher ground of the site in relation to houses across the road creates a level of risk that sound may travel at quieter times of day.
20. The Appellants' draft site management plan (June 2024) illustrates that issues of potential concern are reasonably capable of being managed. It also signals the Appellants' willingness to accept a condition that would allow the final detail of the management plan to be agreed.

¹ APP/G2713/W/16/3162960

21. This approach is consistent with the Council's Environmental Health Officer's comments and reasonable in the circumstances where finer details of site management and operations are unlikely to be capable of finalisation at the planning application stage.
22. I appreciate the concerns raised by other interested parties and the wish to have a high degree of certainty on site management. However the Council's wish, as expressed in their reason for refusal, for submission of a definitive site management plan upfront is a disproportionate response to the potential risks.
23. Subject to conditions, the proposal would have an acceptable effect on the occupants of existing houses in the area, with particular regard to site management. In this respect, there is no conflict with the development plan, including Policy EG8 (Local Plan).

Other Matters

Principle of development

24. The Appellants' arguments in relation to whether the principle of development is acceptable when regard is paid to Policies EG7, EG8, and S5 (Local Plan) are largely predicated on the proposal having acceptable effects on the character and appearance of the area. For the reasons set out above, that would not be the case. While I acknowledge there may be potential upsides in terms of tourism provision and economic development, although these considerations are not substantially evidenced, I do not agree with the Appellants' assessment in relation to whether the principle of development accords with development plan policy.

Fallback

25. Evidential support for the Appellants' claimed fallback of being able to operate a site on an exempted basis is a letter from the Freedom Camping Club from 2019. The letter is not current and, in any event, signals only an agreement in principle. As such, I am not of the view that the strength of evidence of a fallback is a material consideration.

Other interested party comments

26. I have paid regard to comments from other interested parties. Where they relate to the main issues they have been considered as part of my conclusions on that issue. Other comments do not affect the outcome of the appeal and, as such, addressing them specifically serves limited purpose.

Conclusion

27. The proposal would not have an acceptable effect on the character and appearance of the area. There is conflict with the development plan that amounts to conflict with the plan as a whole.
28. While economic and tourism benefits can be assumed, and I place significant weight on the need to support economic growth and productivity, the proposal would not support a prosperous rural economy in the sense set out in Section 6 (Framework). The lodges would not be appropriately located and, therefore, would not be well designed and the proposal would not respect the character of the countryside.

29. While I recognise the locational needs of business, and do not think the site is poorly located when regard is paid to sustainable transport, the proposal would not be sensitive to its surroundings. Overall, while the economic benefits may have an unquantified knock on boost for the wider local economy, the main benefit is private in nature and accrues to the Appellants. It comes at the expense of the character and appearance of an area that is in itself a positive driver of economic success in terms of attracting tourism. While I pay regard to potential economic and tourism benefits, they do not weigh materially against the harm I have identified.
30. Further, the harm in relation to character and appearance does not lead me to conclude that the proposal finds support when regard is paid to national policy in Section 12 (Framework) on achieving well designed places.
31. The three objectives in the Framework (economic, social, and environmental) are capable of pulling in different directions. They are not criteria against which every decision can or should be judged. Instead, it is a purpose of the planning system to balance the objectives with the aim of achieving sustainable development within the context of a plan led system.
32. There are no material considerations (including the Framework) to indicate that a decision should be taken other than in accordance with the development plan.
33. For the above reasons, and having regard to all other matters, the appeal is dismissed.

D R McCreery

INSPECTOR