



Appeal Decision

Hearing held on 11 March 2025

Site visit made on 11 March 2025

by Zoë Franks, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 28 MARCH 2025

Appeal Ref: APP/U2750/C/24/3357808

Oakridge Stables, Land to the south of The Woodyard, Amplecarr, Husthwaite, North Yorkshire, YO61 4PW

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr Charles Andrew Price against an enforcement notice issued by North Yorkshire Council.
 - The notice was issued on 20 November 2024.
 - The breach of planning control as alleged in the notice is the material change of use of the Land to residential use which includes the siting of a static caravan, a touring caravan and engineering operations comprising of the laying of hardstanding comprising of hardcore.
 - The requirements of the notice are to: a) Cease the residential use of the Land; b) Remove the static caravan and touring caravan from the Land; and c) Remove all hardstanding/hardcore from the Land and reinstate the land to its previous condition by re-seeding the land with grass.
 - The period for compliance with the requirements is nine months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (e), (f) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the applications deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the material change to residential use which includes the siting of a static caravan, a touring caravan and engineering operations comprising of the laying of hardstanding at Land to the south of The Woodyard, Amplecarr, Husthwaite, North Yorkshire, YO61 4PW as shown on the plan attached to the notice and subject to the conditions in the schedule to this decision.

Applications for costs

2. An application for costs was made by the Appellant against the Council and is the subject of a separate decision.

Ground (e)

3. Whilst an appeal was brought on ground (e), that copies of the enforcement notice were not served as required by the 1990 Act, the appellant accepts that the points raised related to issues of expediency and were better considered in relation to the costs application. The appeal under ground (e) was therefore not pursued.

Ground (a) and the deemed planning application

4. The main issues are:

- Whether the development is located in the open countryside or in an unsustainable location;
- The effect of the development on the character and appearance of the area; and
- The effect of the development on highway safety;

5. The appellant falls within the definition of “gypsies and travellers” in the Planning Policy for Traveller Sites 2024 (“the PPTS”). He lives on the appeal site with his partner and 9 children, and no longer travels as much as he used to due to various factors. Some of his children attend school and it is no longer possible to stop on the roadside. The appellant and his partner make their living buying and selling horses, and travel to collect and deliver them.

Location of site

6. The appeal site is located just outside of the village of Husthwaite, and adjacent to other buildings. I do not therefore find that it is in the open countryside.
7. I heard that the appellant and his wife have a good relationship with their neighbours, are registered with a GP, have 6 children attending the local pre-school and primary school in the village. They now have a settled base on a site with acceptable living conditions and no concerns over noise and air quality which is not in an area at high risk of flooding. And as the appeal development only comprises one pitch for the appellant and his family, the site is well-related to Husthwaite and its scale clearly does not dominate the village. There is no evidence that it is placing demand on local infrastructure which cannot be accommodated.
8. I agree, that the site is therefore sustainable economically, socially and environmentally in the terms as set out in the PPTS. It also generally accords with Policy HG6 of the Hambleton Local Plan (“the HLP”) relating to gypsy and traveller sites, and the Council accepts that the family does have an identifiable need that cannot be met through the supply of existing vacant pitches.
9. The Council's concerns when considering Policy HG6 relate to the effect on the landscape character of the area which I address below.

Character and appearance

10. The site boundary with the single carriage road leading into Husthwaite has a fence and established hedgerow and trees. The level of much of the site is lower than the road, and the entrance is located in the corner closest to the village. This means that there are limited views from the road into the area on which the hardstanding and caravans are located, even in March when the site visit took place and the leaf cover is at its least. Further screening along the boundary with the road can be provided and this can be secured by the imposition of a condition requiring that a landscaping scheme must be agreed, implemented and maintained.

11. The aerial photographs show that the site had a green appearance prior to the development and laying of the hardstanding.
12. The site adjoins The Woodyard to the north and woodland to the west and south. The Woodyard site has a mix of single-storey buildings which appear agricultural and domestic. The appellant's evidence (submitted as a statutory declaration from his partner) is that when they acquired the appeal site, it contained a large shed (which still remains) and polytunnel on scrappy hardstanding. It was vacant in terms of use at that time and was overgrown. He states that he had to arrange for it to be cleared of fly-tipped waste on several occasions prior to moving onto the site, and that the appearance is now, much better than it had been when unused.
13. Whilst the appearance of the site has changed since the residential use began when compared to its unused appearance immediately before then, I do not find that it causes harm to the landscape character and appearance of the area. The original boundary treatments with the road remain and can be enhanced, and the location of the site which is not in open countryside but next to the other buildings just outside of the village does not appear incongruous or out of place.
14. The site does have less greenery on it than previously, but views into the site are limited, it is well-maintained, and is not causing harm to the surrounding area in terms of its appearance.

Highway Safety

15. The site entrance is on a single carriage country road with 60 mph speed limit. However, the appellant's evidence which was not disputed is that the actual average 85th percentile speed measured were 35 mph going north and 35.1 mph going south.
16. Whilst the Highways Authority ("the HA") had previously provided advice regarding highway safety associated with use of the site this was several years ago and based on the guidance in the Design Manual for Roads and Bridges. The HA has confirmed to the appellant that the standards are now applied less rigidly, in a manner that is appropriate to each location so that the standards in Manual for Streets 1 and 2 ("MfS") can be applied here.
17. The HA therefore advised that the starting point for the visibility splays required at this site are 2.4m x 54 m. The distances measured by the appellant, and which were not disputed, are 2.4m x 68.5 to the north and 2.4 x 50.2 to the south. The visibility to the south is therefore less than the standard set out in MfS by 3.8m. However, there can be circumstances where visibility splays which are shorter than the standards can be used without causing a significant problem in terms of highway safety.
18. The data provided shows that the road is not heavily used, with an average of around 300 vehicles going each way each day. The road is undulating and with many bends, which will cause drivers to pay attention to their surroundings. The CrashMap data records few accidents shown on the road, and none immediately outside of the site despite the fact that it was previously used as is evidenced by the large pre-existing shed. There is no footpath alongside the road so that any pedestrians will also be mindful that they need to take extra care.

19. The appellants have improved the access and visibility by increasing both its width and the width of the lane leading up to it. As the development is only for the residential use of one family, it can be expected that the comings and goings will be fairly limited.
20. Taking into account the specific circumstances of this site as set out, the fact that the visibility splay to the south is 3.8m shorter than recommended generally in MfS will not lead to a significant problem in this location with the level of use of the road and site.
21. I do not therefore find any conflict with Policy IC1 of the HLP.

Conclusion on ground (a)

22. I do not find that the development causes harm or that it is in conflict with the HLP policies which are most relevant namely S1, HG6, and IC2. The development is therefore in accordance with the HLP as a whole and, as there are no material considerations that indicate otherwise, should be granted permission with the conditions imposed as set out below.

Conditions

23. Condition 1 is necessary as permission is granted because the development is a Gypsy and Traveller Site and in compliance with Policy HG6.
24. Conditions 2, 3, 4, 5 and 6 are required to provide certainty, and to protect the character and appearance of the area, and highway safety.
25. Condition 4 is imposed to ensure that the required details are submitted, approved and implemented so as to make the development acceptable in planning terms. There is a strict timetable for compliance because permission is being granted retrospectively, and so it is not possible to use a negatively worded condition to secure the approval and implementation of the outstanding matters before the development takes place.
26. The condition will ensure that the development can be enforced against if the required details are not submitted for approval within the period given by the condition, or if the details are not approved by the local planning authority or the Secretary of State on appeal, or if the details are approved but not implemented in accordance with an approved timetable.

Conclusion

27. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the development as described in the notice. The enforcement notice will be quashed.
28. In these circumstances the appeal on grounds (f) and (g) do not fall to be considered.

Zoë Frank

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Andrew Price, Appellant

Brooke Lee

Michael Hargreaves, MH Planning

Tom Beer, MH Planning

FOR THE LOCAL PLANNING AUTHORITY:

Craig Allison, Principal Enforcement Officer

Anne Rawlinson, Planning Enforcement Manager

SCHEDULE OF CONDITIONS

1. The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, and all other people with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
2. No more than 3 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended (of which no more than 2 shall be static caravans) shall be stationed on the site at any time.
3. No more than 2 commercial vehicles shall be kept on the land for use by the occupiers of the caravans hereby permitted, and they shall not exceed 3.5 tonnes in weight. No commercial activities shall take place on the land, including the storage of materials.
4. The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 56 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 3 months of the date of this decision a scheme for: the means of foul and surface water drainage of the site; proposed and existing external lighting on the boundary of and within the site; internal layout of the site, including the siting of caravans, parking and amenity areas; and landscaping including details of species, plant sizes and proposed numbers and densities; (hereafter referred to as the site development scheme) shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - ii) If within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.
5. At the same time as the site development scheme required by condition 4 above is submitted to the local planning authority there shall be submitted a schedule of

maintenance for a period of 5 years of the proposed planting beginning at the completion of the final phase of implementation as required by that condition. The schedule shall make provision for the replacement, in the same position, of any tree, hedge or shrub that is removed, uprooted or destroyed or dies within 5 years of planting or, in the opinion of the local planning authority, becomes seriously damaged or defective, with another of the same species and size as that originally planted. The maintenance shall be carried out in accordance with the approved schedule.

6. All new, repaired or replaced areas of hard standing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the boundary of the site.