



Appeal Decision

Hearing held on 11 March 2025

Site visit made on 11 March 2025

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 April 2025

Appeal Ref: APP/U2750/W/24/3354370

Four Acres Holiday Park, Moor Lane, Cliffe Common, Cliffe, YO8 6PA

- 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 R Finney against the decision of North Yorkshire Council.
 - The application Ref is ZG2024/0761/FUL.
 - The development proposed is the erection of a self build manager dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. During the course of the appeal the revised National Planning Policy Framework was published (December 2024, updated February 2025) (Framework). The main parties commented on the Framework at the hearing and I have considered it in my decision. The same applies for the Planning Policy for Traveller Sites (2024) (PPTS).
3. A signed Draft Statement of Common Ground (SoCG) between the main parties was submitted during the hearing. Subsequent to the hearing, the SoCG was amended to correct a duplication of one of the paragraphs that appeared both in the matters of agreement and disagreement. The matters of disagreement set out in the amended SoCG are whether an essential need for the accommodation has been demonstrated in order to justify its location in what is considered to be open countryside; whether the managers dwelling would have a significant adverse impact on the character and appearance of the area or on the open countryside; and, that the appellant has Gypsy/Traveller status which was not addressed at all in the Council's refusal. The appellant has a need for more settled accommodation.
4. At the event, reference was made to a further appeal hearing that had taken place recently concerning Cliffe Meadows Holiday Park, Turnham Lane, Cliffe. That also concerned manager's accommodation. A short time afterwards, that appeal decision¹ was issued. In the interests of openness and fairness, the main parties were given the opportunity to comment on that decision.

¹ Appeal ref: APP/U2750/W/24/3351341

Main Issues

5. Taking account of the above, the main issues are (i) whether the proposal would accord with the spatial strategy for the area, including development in the countryside; (ii) the effect on the character and appearance of the area; and, (iii) if there is harm, whether this is outweighed by other considerations.

Reasons

Spatial Strategy

6. The appeal site comprises the north-west corner of a recently established holiday touring caravan site. It includes an area of grassland, a small building, and the gated access arrangements for the caravan site. A large ancillary building to the caravan site use lies immediately to the south, with the touring caravan area found to the east. Cliffe Common is modest in size. There is a holiday lodge site on the opposite side of Moor Lane to the appeal site and a small number of dwellings alongside nearby Lowmoor Road, as well as limited amounts of other development. The village of Cliffe is physically separate and lies to the south of the site, with open fields in between.
7. The site does not lie within a defined development limit for the purposes of Policy SP2 of the Selby District Core Strategy Local Plan (2013) (Core Strategy) and so is treated as countryside. Criterion A. (c) sets out that development in the countryside will be limited to certain specific types of development. The supporting text to the policy further sets out the Council will resist new isolated homes in the countryside unless there are special circumstances, such as the essential need for a rural worker to live permanently at or near their place of work in the countryside.
8. Similarly, paragraph 84 of the Framework sets out that, amongst other circumstances, decisions should avoid the development of isolated homes in the countryside unless there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.
9. The relevant circumstances in this case relate to the need for a manager's dwelling on the site. This is said to be in order to respond to emergencies and incidents, as well as dealing with arrivals and queries from customers, and maintenance activities. Emergencies and incidents were also said to occur any time day or night. Reference was also made to dealing with disruptive behaviour, including from groups, families and dogs; and assisting customers with manoeuvring their caravans, and their arrivals and departures.
10. While no doubt all of these matters are considerations for the running of the business, it is not compelling why this constitutes an essential need for the proposal for the purposes of Policy SP2 A (c). During the day, a manager could simply be on site. I was informed there was an office/reception as part of the use of the ancillary building. It is also not evident why customers cannot be provided with detailed information to deal with these matters, either on booking or arrival. These include providing emergency contact details that could be used to contact a manager, when outside of daytime hours.
11. The submitted information is also largely of an anecdotal nature. No records have been presented that persuasively support that dealing with this matter requires the proposal, or catalogues each incident. It is also not apparent why remote

surveillance could not be utilised. While this may require travelling to the site on occasion, if the emergency services were required it would be likely more expeditious for customers to contact those services direct. Equally, the extent of the role that I was informed that the appellant has in managing the site opposite is also limited in the context of having to demonstrate an essential need. While I was informed there was a lack of alternative accommodation options close by, the absence of an essential need for the proposal means this only has a limited bearing. I am not unsympathetic to the appellant wanting to have a 24 hour presence on site, but this falls short of what is required under Policy SP2 A (c).

12. As the main parties agree through the SoCG that the dwelling would be classed as an isolated home in the countryside, the same applies regarding essential need for the purposes of paragraph 84 of the Framework. Policy SP2 A (c) is itself broadly consistent with the Framework in this regard and so attracts significant weight in my decision, regardless of its age. It does not contain an inherent balancing exercise but it falls in any event to consider other considerations where there is a lack of policy compliance, when making the overall planning balance. Moreover, paragraph 84 does not in itself contain its own planning balancing exercise.
13. Policy SP2 A (c) also references Policy SP13 of the Core Strategy which concerns economic growth, including the rural economy. The Framework also seeks to support the rural economy. However, these are necessarily concerning development which is itself of an economic development nature, such as the touring caravan site. This does not reasonably apply to housing related development, as is the subject of this decision. As a consequence, this does not alter my conclusion on this issue.
14. The appellant also considers that it was commonplace for such touring caravan sites to have an on-site managers dwelling. My attention was drawn to such an approval by the Council at Sheriff Hutton, but this was based on a different development plan related to the former Council structure in North Yorkshire. I am not aware of the particular circumstances for other sites apart from the Cliffe Meadows Holiday Park appeal, where I reach the same decision as that Inspector.
15. I conclude that the proposal would not accord with the spatial development strategy for the area, including development in the countryside. As such, it would not comply with Policy SP2 A (c) because it does not fall into the limited types of development in the countryside that may be permitted under the policy. It would also not accord with paragraph 84 of the Framework because it would result in the development of an isolated home in the countryside and where none of the circumstances under this paragraph apply. This is a matter which weighs significantly against the proposal.

Character and Appearance

16. The immediate surroundings are characterised by the touring caravan site itself. As well as the large ancillary building and other incidental structures, there are internal access roads and loose stone areas which make up the pitches. The west boundary, which would be located close to the proposal, is defined by a high hedgerow and fencing. Planting is becoming established around the remaining boundaries, and there are also landscaping features within the site itself. Opposite the site, there is also a conspicuous amount of vegetation on the boundary with the holiday lodges site.

17. Beyond the immediate environs of the site and the small amount of buildings which make up Cliffe Common, there is an appreciable expansive agricultural landscape of large open fields and occasional farmsteads. The site however makes a limited contribution to this aspect of the local character because it lies within the touring caravan site and is separated from this landscape by the rest of the touring caravan site, the strong boundary line to the west and the holiday lodges site. It would not therefore unacceptably affect the landscape character of the area.
18. The character of the touring caravan site itself would also not unduly change because the proposal would only cover a modest part and as it would be located close to where there is the existing large ancillary building. It would be sited in a relatively discrete location due to this building and the boundary to the west. Whilst it would be visible beyond the site from Moor Lane to the north, this road is already enclosed by the holiday lodges site and it would be no nearer the road than the touring caravan pitches. The touring caravan site is more open further along the southern and eastern boundaries, but the proposal would be located away from these boundaries and touring caravans would also provide some screening, when they are on-site. As the planting matures along these boundaries, this would also provide further screening from the open fields associated with the countryside character and the views from the road beyond.
19. As the proposal would be single storey, its size and scale would also not appreciably detract from the countryside character and appearance. Its height would be lower than the large ancillary building and not dissimilar to the boundary treatment to the west, even if it would be higher than typical touring caravans. While I was referred to comparisons with lower typical floorspaces and volumes of rural workers dwellings, this does not appear to be a policy requirement and the floorspace is not excessive. It would be a 2 bedroom dwelling with the rooms performing the usual domestic functions.
20. The small amount of buildings there are in Cliffe Common are varied in form, and there is not an obvious coherent design quality to the built development or a building line. Cliffe contains some dwellings which are reflective of a traditional rural form, but also contains a number of infill-like dwellings that are of a noticeable modern type. The proposed double height glazed entrance on the front elevation and the bay windows would be features of the dwelling, but with the variety of built form there is in this area, they would simply add to this mix and not appear incongruous. The only other building which the proposal would be appreciated with would be the large ancillary building on site. Due to its functional form, it does not provide any appreciable context on which to inform the design of the proposed dwelling. The overall effect would not be significant adverse.
21. I conclude that the proposal would not have an unacceptable effect on the character and appearance of the area. As such, it would comply with Policies SP18 and SP19 of the Core Strategy where they set out that the high quality and local distinctiveness of the natural and man-made environment will be sustained by, amongst other factors, identifying, protecting and enhancing locally distinctive landscapes; and, design quality, including making the best, most efficient use of land without compromising local distinctiveness, character and form, and positively contributing to an area's identity and heritage in terms of scale, density and layout.
22. The proposal would also comply with Saved Policy ENV1 of the Selby District Local Plan (2005) where it concerns the effect upon the character of the area and

the standard of layout, design and materials in relation to the site, its surroundings and associated landscaping. It would also accord with section 12 of the Framework which seeks to achieve well-designed places, including where at paragraph 135 it states that planning decisions should ensure developments are sympathetic to local character, amidst other matters.

Other Considerations

23. The appellant has Gypsy and Traveller status. Along with his wife, he is of an age where there is a wish to reduce the travelling scale of their lives and settle in the area permanently in a bricks and mortar dwelling. This is to be near to family, as well as managing the touring caravan site and assisting with the site opposite.
24. I am not unsympathetic on these grounds. However, the appellant confirmed at the hearing that it was not intended that the proposal would be limited to Gypsy and Traveller occupation, as it would be a manager's dwelling. As a bricks and mortar housing development, it is to be considered under the development and national planning policies for housing, as I have done so earlier in my decision. Nor does such an approach exclude the consideration of bricks and mortar development for the Gypsy and Traveller community, where they have ceased to travel permanently for the purposes of the PPTS.
25. There would be minor economic benefits which arise from the construction and operation of the proposal. These include where the occupier of the proposal would point customers to local services which they may wish to use. It would also provide one housing unit, albeit it would not be open to general market occupation. These matters attract limited weight in favour of the proposal.
26. It was confirmed at the hearing that the 'self-build' nature of the proposal was intended to reflect simply that the appellant would build the dwelling, rather than the definition that is set out in the Framework and the associated legal definition. Nor was a mechanism to restrict the proposal to self-build before me. It does not therefore weigh in favour of the proposal, over and above it being a dwelling.
27. The appellant has also pointed to the existence of a caravan close to the large ancillary building that has historically been used for residential occupation. While this does not benefit from a planning permission or lawful development certificate, the evidence of its existence is largely uncontested. However, it predates the touring caravan site and it is not evident how its historical use can relate to either the proposal or the touring caravan site. As a fallback position, it does not sufficiently justify the proposal.

Planning Balance and Conclusion

28. The proposal would not accord with the spatial development strategy for the area, including development in the countryside. It fails against the development plan as regards Policy SP2. As such, it conflicts with the development plan as a whole. It is also in conflict with paragraph 84 of the Framework. While I have considered the appellant's circumstances, the proposal would not result in a Gypsy and Traveller tied development. The benefits which arise are of a minor nature. All other matters do not weigh for or against the proposal.
29. I am also mindful of my duties under the Public Sector Equality Duty (PSED) contained within the Equality Act 2010 which sets out to eliminate discrimination,

harassment and victimisation, advance equality and foster good relations, and the protected characteristics under the PSED, including for Gypsy and Traveller groups, and related to age. I am also aware of my duties under Article 8 of the Human Rights Act 1998 (Article 8) that bestows the right to private and family life and for the home.

30. Matters related to resisting new isolated homes in the countryside, and the need to demonstrate there is an essential need for a rural worker to live permanently at or near their place of work in the countryside, are however matters of legitimate public interest. This is reflected by Policy SP2, as well as the Framework. Taking into account all of the considerations, I am satisfied this objective can only be adequately safeguarded if the proposal does not proceed. Not granting planning permission would therefore be a proportionate response that would not violate the appellant's human rights. In reaching this view, I have also had due regard to my duty under the PSED, as well as under Article 8.
31. In drawing these matters together, I have considered all matters that have been raised, but the benefits that would arise would not outweigh the harm caused by the proposal. For the reasons that I have set out, I conclude that the proposal conflicts with the development plan as a whole and there are no material considerations to outweigh this conflict. Therefore, the appeal should be dismissed.

Darren Hendley

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mark Simmonds

Mark Simmonds Planning Services

Angela Simmonds

Mark Simmonds Planning Services

Ron Finney Senior

Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Jac Cruickshank

Senior Planning Officer

Gareth Stent

Principal Planning Officer

DOCUMENTS SUBMITTED AT/AFTER THE HEARING

1 Signed version of Draft Statement of Common Ground

2 Thirsk and Malton Area Planning Committee minute of meeting held on 15 August 2024 – ZE23/01660/MFUL Land off Daskett Hill, Sheriff Hutton

3 Signed version of Statement of Common Ground