



Appeal Decision

Site visit made on 2 May 2025

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2025

Appeal Ref: APP/U2750/W/25/3359016

Land off Daskett Hill, Sheriff Hutton YO60 6QR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr John Wilson against the decision of North Yorkshire Council.
 - The application Ref is ZE24/07180/73M.
 - The application sought planning permission for Change of use of agricultural and equestrian land to allow the siting of 24no. holiday lodges, 1 no warden lodge and 1 no reception building with associated access, parking, infrastructure and landscaping (revised detail to planning approval 20/00701/MFUL dated 15.11.2021) without complying with a condition attached to planning permission Ref ZE/23/01660/MFUL
 - The condition in dispute is No 4 which states that: The holiday accommodation hereby permitted shall be available for commercial let for at least 140 days a year and no let must exceed a total of 31 days in any one calendar year.
 - The reason given for the condition is: It is not considered that the application site is suitable for permanent residential use because it is located in open countryside, in an area where permanent residential development is only permitted in exceptional circumstances and the application has only been considered in relation to holiday use, and to satisfy the requirements of Policies SP20 and SP21 of the Ryedale Plan – Local Plan Strategy.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant submitted a Section 73 application to the Council to remove Condition 4 pertaining to planning approval reference ZE23/01660/MFUL that granted planning permission to change the use of land from 'agricultural and equestrian land' to the siting of twenty-four lodges for holiday accommodation together with other ancillary structures, access, parking and infrastructure and landscaping, subject to a number of planning conditions. Condition 4 sought 'The holiday accommodation hereby permitted shall be available for commercial let for at least 140 days a year and no let must exceed a total of 31 days in any one calendar year.'
3. I have been informed by the parties that the extant permission has not been implemented and have no reason to form an alternative view on the matter.

Main Issue

4. The main issue is whether Condition 4 of permission ZE/23/01660/MFUL is reasonable and necessary having regard to local policies and the National Planning Policy Framework (The Framework).

Reasons

5. The appeal site is a large parcel of grazing land on the corner with Daskett Hill and Cornborough Road in Sheriff Hutton and surrounded to the roadside by high hedgerows and trees. The site is located within the North Yorkshire open countryside.
6. I understand that people's holiday and working patterns have changed and evolved over more recent times and fluidity of accommodation to the appellant's business could be advantageous to them. I also understand the national imperative towards economic growth as pointed to by the appellant. Be that as it may, safeguarding the intrinsic character and beauty of the countryside is of both local and national importance.
7. Policy 21 of the Rydale Local Plan is precise in its objectives for occupancy restrictions and where time limited occupation for this type of accommodation is concerned, shall be available for commercial holiday lets for at least 140 days a year and no let must exceed 31 days. The appellant states that Condition 4 is overly restrictive at a maximum of thirty one days thus threatening the holiday park's success from the beginning, hence they are seeking its removal in its entirety.
8. As part of my assessment, I am aware of the wording of Condition 5 of the approval that requires the operator of the holiday park to hold and make available to the Council an up-to-date register of lettings/occupations of the lodges. Even if the owners/operators of the site provide details of lettings/occupations of the lodges to satisfy Condition 5, this condition provides no mechanism to prevent occupants from residing in the lodges on a more permanent basis, even if the occupants can prove they have another home address would not prevent the occupation of the lodges from becoming permanent. Condition 4 is the only mechanism to do so and works together with Condition 5.
9. The appellant was aware of the requirements of Policy SP21 of the Local Plan when they sought planning permission for the use. Despite the evidence before me from the appellant, I find no compelling reason to justify the removal of Condition 4. Condition 4 passes the tests of reasonableness and necessity as set out in paragraph 57 of the Framework. Furthermore, I have had regard to an appeal decision brought to my attention by the appellant¹ which they consider to be directly relevant to their appeal. As I have read, the Inspector applied weight to the fact that the council identified no policy requirement limiting the tenancy of holiday lets. The appeal before me is not the same circumstances.
10. To conclude on this main issue, the proposal would therefore not meet the policy objectives of Policy SP8 and SP21 of the Ryedale Plan – Local Plan Strategy 2013 that aims to supports tourist accommodation, and restricts occupation in this countryside location.

Other Matters

11. I have read the appellant's Statement of Case where an Inspector applied a condition to prevent the holiday accommodation from becoming a permanent home

¹ APP/B3030/W/19/3239439

for occupants. This is not directly relevant to the appeal before me as this appeal sought the removal of Condition 4.

Conclusion

12. I have considered all matters that have been raised and conclude that the proposal would conflict with the development plan as a whole and there are no other material considerations which lead me to determine the appeal otherwise than in accordance with it. Therefore, for the reasons given, the appeal is dismissed.

Alison Scott

INSPECTOR