



Appeal Decision

Hearing held on 30 April 2025

Site visit made on 29 April 2025

by L N Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 May 2025

Appeal Ref: APP/C9499/W/25/3358556

New Laithe, Chapel House, Kilnsey, Skipton BD23 5PR

- 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 Peter, William, and Anthony Roberts of Kilnsey Estate against the decision of the Yorkshire Dales National Park Authority.
 - The application Ref is C/20/110G.
 - The development proposed was originally described as the change of use from a mixed use of Sui Generis and C1 (shoot lodge and accommodation) to a mixed use of Sui Generis and C1 (shoot lodge with accommodation and short term holiday let).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from sui generis (shoot lodge with accommodation) to a mixed use of sui generis (shoot lodge with accommodation, and short term holiday let), at New Laithe, Chapel House, Skipton, BD23 5PR, in accordance with the terms of the application, Ref C/20/110G, and the plans submitted with it, subject to the conditions in the attached Schedule.

Applications for costs

2. An application for an award of costs was made by Mr Peter, William, and Anthony Roberts of Kilnsey Estate against the Yorkshire Dales National Park Authority. This is the subject of a separate Decision.

Preliminary Matters

3. The description of development set out in the banner header above is taken from the application form, although I have removed the term 'retrospective' as not being a development type. However, the parties agreed at the hearing that this description should be slightly revised, which I have reflected in my decision description; *"Change of use from sui generis (shoot lodge with accommodation) to a mixed use of sui generis (shoot lodge with accommodation, and short term holiday let)."*
4. This is because I found no evidence of an existing Use Class C1 permission relating to the site, i.e. *"Use as a hotel, boarding or guest house or as a hostel where, in each case, no significant element of care is provided"*. No previous permission specifies use classes in their descriptions of development.
5. The first relevant implemented permission was *"demolition of redundant structures (including grain silos) and provision of accommodation to provide on site facilities for shoot functions"* (C/20/110B, March 2019). It had no restriction limiting the

number of days for this use. The second implemented permission added two double bedrooms' *"erection of extension to existing shoot lodge to provide bedroom accommodation"* (C/20/110D, December 2019). This was subject to condition 7; *"the accommodation provided shall be used solely in conjunction with the Kilnsey shoot for up to and including 42 days per calendar year."*

6. Its Officer Report states; *"the planning use of the building as a shooting lodge is sui generis; the use of the two rooms for accommodation, whereby all food, cleaning, and other related services are provided is akin to that of a hotel, boarding or guest house which is class C1. The use of the rooms as part of the 'shoot package' for the shoot leader or their guests is wholly dependent on the wider shoot services offered by the shooting lodge and the rooms cannot be used independently of the lodge. As the use of the rooms is ancillary to that of the shooting lodge, the whole building would have a mixed sui generis use."* With no convincing evidence suggesting otherwise, I therefore find that the permitted use is a sui generis use comprising a shooting lodge with ancillary accommodation.
7. The proposal seeks to retain this use, but to also use the whole building for short term holiday lettings for part of the year. This would be a mixed use, which would also fall under a sui generis use. My determination has been made on this basis.
8. No physical amendments are proposed, and the change of use is described as retrospective as a holiday let use commenced in May 2021. However, due to the initial lack of clarity of this use in comparison with the extant use, I have assessed the proposal on the basis of it commencing from the date of this decision.
9. The emerging Yorkshire Dales National Park Local Plan (2025-40) is at Publication Draft Regulation 19 stage, and public consultation closed in early May 2025. The Authority has only put forwards its Policy C5, but otherwise identifies that with respect to this appeal, the emerging LP is very similar to that in the extant Yorkshire Dales National Park Local Plan 2015-2030 (2016) (LP). No emerging policies are raised in support by the appellants.
10. A revised version of the National Planning Policy Framework ('the Framework') was published in December 2024, but I do not find its changes to be substantive or determinative in relation to this appeal outcome. I have updated paragraph numbers where necessary.

Main Issues

11. The main issues are whether the proposed development:
 - would be in a suitable location, with regard to the spatial strategy; and
 - would be contrary to the purposes of the Yorkshire Dales National Park.

Reasons

12. New Laithe is a timber clad building built in 2019 as a shooting lodge to serve the Kilnsey Estate, and lies in the countryside within the Yorkshire Dales National Park. It includes two double bedrooms, originally intended for the shoot leader and guests to stay overnight. It is accessed from the B6160 road along a long tarmacked single driveway.
13. I received a detailed explanation of the functioning of the Kilnsey shoot. This includes the wider shoot management on the Estate and the raising of around 38,000 birds per year, and the building's function for shooting parties. Local part-

time employees come in to provide the guest meals, plus beaters. Partridge shooting commences on 1st September and pheasant shooting starts in mid-October, both running to the end of January. The 42 day limit for the ancillary bedroom accommodation was based on the evidence at the time of the likely number of shoot days during this period.

14. The appellants' written appeal evidence indicated an ongoing decline in shooting activity on the Estate, and that game rearing and sporting shoots do not align with its future intentions. This was in part due to unpredictability following the pandemic, and from the relatively short notice business interruption and ongoing uncertainty caused by DEFRA and Natural England restrictions.
15. However, the appellants' verbal evidence presented at the hearing presented a very different and positive picture. The shoot is currently under a 5 season lease for between 1st September to 1st February, with 3 seasons remaining. This local leaseholder has had great success, with more demand than they can supply. The shoot is acknowledged as one of the best in the UK/Yorkshire, due to the topography making for different and difficult shooting. No future issues are expected with DEFRA licencing. There is no intent to reduce the shooting, or restrict its lease.
16. The hearing also identified that outside of the shooting season itself, the building was rarely used (notwithstanding the unauthorised short term holiday let use). This would remain the case if I dismiss this appeal. The shoot leaseholder now directly employs gamekeepers, with none present on site outside of the shooting season. The adjacent storage building is still used throughout the year in relation to the shooting function, with no conflict with the short term holiday let use, but other buildings and the Estate farm are used for maintenance tasks and bird rearing.
17. This is a clear change from the initial position which in part justified the building's construction and use under permissions C/20/110B and C/20/110D. However, it is unnecessary for me to speculate as to whether an earlier identification of this would have led to a different outcome at that time. The position before me is a building well used for 5 months of the year for a purpose directly relating to the Estate's land management, being the legal maximum for the shooting season. It is effectively unused under the terms of its permitted use for the remaining 7 months.
18. The LP Policy T3 relates to 'sustainable self-catering visitor accommodation', confirmed in the justification text as being fixed but reversible short stay visitor accommodation of sympathetic design, including wooden cabins, camping pods, shepherd huts, railway carriage conversions, yurts, and other types of off-grid/eco accommodation. The LP also contains other policies for camping, touring caravan sites, and visitor facilities. As the proposal is for permanent visitor accommodation, none of these policies therefore apply. Policy L2 similarly is not applicable, as it only relates to the conversion of traditional buildings. Policy BE3 does refer to the re-use of modern buildings, but only in relation to new business and employment uses. Its silence on a potential change to a short term holiday let, indicates that the policy is not relevant to such a proposal.
19. The Authority explains that permanent visitor accommodation facilities including short term holiday lettings are consistently treated as dwellings for decision making purposes. I accept that such accommodation shares many similarities with dwellings, and indeed, is most aligned with that use. The case law examples put

- before me identify that both uses can interchangeably fall under Use Class C3, being a matter of fact and degree as to whether a material change has taken place.
20. However, in this instance the proposal would be for sui generis. It would not solely be a short term holiday let, but must be assessed in conjunction with its shoot lodge function. Due to this and the imposition of relevant restrictive conditions, the building could not undergo a material change to a dwelling in future, or intensify the holiday let use, without gaining specific permission.
 21. The Authority refers to the loss of a permanently occupied dwelling causing harm from the loss to the local economy, key services, and the sustainability of communities, and that the building's use as a holiday let would deny the opportunity for the building to be occupied as a permanent dwelling for a local need. However, the proposal would not result in the loss of a dwelling as no dwelling exists at present. The development plan does not mandate any kind of sequential test to consider an alternative potential use. Notwithstanding this, the appellants have briefly explained how other uses for the building were considered, but that a short term holiday let was the most compatible.
 22. Overall, I am therefore unpersuaded that the LP housing policies are of direct relevance in this instance, including Policy C1 cited in the reason for refusal. I find similarly for the draft Policy C5 in the Publication Draft LP.
 23. As such, the LP policies of key relevance are those relating to the broad spatial strategy, and the identification of sustainable development. The LP Policy SP1 presumes in favour of sustainable development, defined as development that either achieves or does not prejudice the achievement of several criteria. I find no conflict with criteria (a) relating to making the National Park a high quality place to live and work. Criteria (c) to (e) and (h) to (n) relate to physical matters or those not of direct relevance in this instance, and so I find no conflict because the proposal involves no physical changes. The parties dispute criteria (b), (f), and (e), which in combination aim to encourage mixed uses to reduce the need to travel, improve public access to, and enjoyment of, the National Park's Special Qualities, and to reduce greenhouse gas emissions. I find no conflict with (f) because the accommodation would allow additional access to a private estate.
 24. The majority of visitors would arrive by private car due to the lack of direct public transport access, and the need to carry luggage. There are no pavements on the main road such that trips along it on foot would be unlikely, and no nearby bus stops have been identified. Although shops and eating establishments are relatively accessible by bike, with cycling being a leisure activity in this location, I find most visitors would be likely to use the private car during their stay.
 25. Although trips to and from the appeal site would likely be undertaken in a single car due to the size of the accommodation, there would be a cumulative impact of multiple such journeys. As such I find conflict with Policy SP1 criteria (b) and (g), but one which would be minor. The Framework paragraph 89 does acknowledge that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.
 26. The LP Policy SP3 identifies amongst other matters that new development will be located within or adjacent to specified settlements unless there are justifiable reasons why another location is more sustainable, and that development outside

these locations needs to demonstrate one of 4 criteria. Criterion (c) requires that the development is ancillary to an existing use at the site. While the proposal overall would be a mixed sui generis use, the short term holiday let would not be the building's main function, or form the reason why the building is where it is, and would not involve new physical works. As such and in taking a pragmatic approach, I do deem it to be ancillary to that already present for the purposes of Policy SP3, and therefore find no conflict.

27. Overall therefore, the proposal would only be in minor conflict with the LP Policy SP1, and would cause minor harm in this regard by not reducing the need to travel or reducing greenhouse gas emissions.

National Park Purposes

28. The statutory purposes of the Yorkshire Dales National Park are to (a) conserve and enhance its natural beauty, wildlife and cultural heritage, and to (b) promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public. I have a statutory duty under the Levelling-up and Regeneration Act 2023 to seek to further these statutory purposes in performing a function in relation to land in a National Park. The LP Policy SP2 also identifies that development that prejudices these purposes will not be permitted.
29. The Authority considers that the proposal would be contrary to purpose (a), and the guidance in paragraph 189 of the Framework whereby great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, and to the conservation and enhancement of their wildlife and cultural heritage. Paragraph 189 further identifies that the scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.
30. However, no physical changes are proposed, with no negative impact on natural beauty, and there is no evidence to suggest that the proposal would negatively effect wildlife. As such, these elements would be conserved. Cultural heritage would be enhanced, albeit minimally, through the additional spending available to the Estate for its land management function. The ability for additional visitors to see a part of the National Park which is currently private, would further purpose (b). The proposal would also foster the economic and social well-being of local communities within the National Park by enabling additional employment and local visitor spending. Allowing this appeal would thus further the National Park statutory purposes, and comply with the Framework paragraph 189.
31. The reason for refusal also states that the proposal would set an undesirable precedent. I find this unlikely due to the specific circumstances and somewhat unusual history and use of the appeal site.

Other Matters

32. The beneficial use of an otherwise empty building for a large period of the year, would be supported by the LP Policy BE2: "Diversification of existing land-based enterprises will be permitted if it assists the viability and supports the beneficial aspects of land management and will meet the criteria in Policy SP4." The justification text explains that diversification encompasses activities that supports shooting estates, and includes particular opportunities for visitor accommodation that make use of the special qualities of the area. The policy encourages the

adaptation of existing buildings, and supports and encourages well-conceived diversification schemes that will increase spending, create jobs, improve economic resilience, deliver services, and help manage land in accordance with National Park purposes.

33. The Framework paragraph 88 also aims to support a prosperous rural economy, whereby decisions should enable the sustainable growth and expansion of all types of business in rural areas, including through conversion of existing buildings, and the development and diversification of land-based rural businesses.
34. The Authority argues that the increased popularity of the shoot function further indicates that the short term holiday let is not needed for the viability of the building or the wider Estate. They identify that no specific viability evidence has been provided. However, the additional income would be spent within the Estate on its land management function or to enhance the wider environment. This would assist viability and be an economic benefit even in the absence of a specific viability issue. It would also help to mitigate the business risk if the shooting function were to decline in future years. It is therefore unnecessary to have sight of detailed viability evidence in this instance. No conflict with Policy SP4 has been identified, a position with which I agree. Policy BE2 therefore provides strong support.
35. The holiday let would complement the existing 5-bed holiday cottage within the Estate, and increase its appeal as a wedding venue. That the appeal site offers level access is a slight additional benefit by increasing the ability for a wider range of visitors to experience the National Park. The increase in demand for weddings would transfer into increased local spending on other accommodation and services. The appellants identify additional local visitor spending of £4,000 per year, and additional employment of 0.5 full time equivalent with associated multiplier figures. I give the proposal's benefits moderate weight overall.
36. At the hearing the Authority also identified potential harm relating to the intensity of use affecting the living conditions of neighbours, and I note the interested party objection on this matter. However, I agree with the position in the officer report which considered that potential noise and disturbance could be mitigated by conditions, such that no harm would arise. Impact on the living conditions of neighbours was not a specific reason for refusal. Any impact from increased traffic and disturbance, would also be less for a holiday let use than for a shooting party.

Conditions

37. I have imposed the Authority's suggested conditions as agreed by the parties, subject to slight amendment to reflect paragraph 56 of the Framework and the Planning Practice Guidance. The statutory condition would limit the lifespan of the planning permission (condition 1), and specifying the approved plans would provide clarity for the terms of the permission (2).
38. It is appropriate to restrict and specify the short term holiday let use and provide visitor parameters, to ensure this does not overwhelm or reduce the shoot lodge use (3, 4). This includes carrying through the wording of C20/110D condition 7 for the period of the shoot, which requires the bedroom accommodation to be used solely in conjunction with the Kilnsey shoot for up to and including 42 days per calendar year.

39. The Authority proposed to restrict the holiday lettings use to 185 days. This was reasonably explained as being an even 6 month split between that use and the shoot use, so that the holiday let does not become the predominant use and outweigh the building's initial justification. However, this would leave approximately one month where the building would effectively be empty. This would not to my mind have any noticeable beneficial effect, but would result in reduced economic benefits. As such, I find this would be unreasonable. Instead, as the shooting season is restricted by licencing and legal requirements to the 154 days between September 1st and February 1st, I have thus allowed the remaining 211 days for the holiday lettings use. In specifying days rather than months, this allows for some flexibility depending on when the shoots starts in practice each year.
40. A condition to require details of any lighting is necessary for the protection of wildlife and the character and appearance of the area (5). The Authority suggested a condition to restrict various forms of development which may otherwise be allowed under the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO), in the interests of character and appearance. However, as no physical changes are proposed for this appeal and the previous permissions did not include such a condition, I find this would be unnecessary.
41. A Visitor Management Plan is necessary in order to control any potential impact on the living conditions of neighbouring occupiers (6). As the building is already booked for future short term holiday lettings, it is unlikely that a negatively worded condition could secure the approval and implementation of the Visitor Management Plan before the development takes place. Therefore condition 6 will ensure that the development can be enforced against if the requirements are not met.

Conclusion

42. For the reasons given above, and having regard to all other matters raised, I conclude the proposal would result in minor conflict with elements of one development plan policy, but would be supported by another. I find the material consideration of its benefits to weigh in its favour to the extent of outweighing this conflict and the harm. I therefore allow the appeal.

L N Hughes

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans;
Site Location Plan 011801-10 Rev C
Site Layout and Floor Plan Existing and Proposed - No Changes 011801-51 Rev B
- 3) The property known as New Laithe, Chapel House, Kilnsey, Skipton, shall not be used at any time other than as a shoot lodge with ancillary bedroom accommodation for up to 154 days in a single calendar year with the bedroom accommodation to be used during this time for no more than 42 nights and solely in conjunction with the Kilnsey shoot, or as short term holiday let accommodation for up to 211 days in a single calendar year as part of the Kilnsey Estate.
- 4) The development shall be occupied as short term holiday accommodation only and shall not be occupied as a sole or main place of residence or by any persons exceeding a period of 28 consecutive days in any calendar year or for no more than a total of 56 days in any one calendar year. An up to date register of the names of all of the occupiers of the accommodation, their main home addresses, and their date of arrival and departure from the accommodation, shall be made available for inspection by the local planning authority upon request.
- 5) Prior to the installation of any external lighting, full details including height, design, location, and intensity shall be submitted to and approved in writing by the local planning authority. The lighting installation shall then be carried out in accordance with the approved details and maintained as such for the lifetime of the development.
- 6) Within 2 months of the date of this permission, a Visitor Management Plan shall be submitted to the local planning authority. Additional details or a revised Visitor Management Plan must be submitted if requested by the local planning authority, within its stated timescale. Once approved in writing, the approved Visitor Management Plan shall be implemented within 2 months, and be maintained thereafter for the lifetime of the development.

END OF CONDITIONS

APPEARANCES

FOR THE APPELLANTS:

Mrs Lisa Allison – Associate Director, Rural Solutions
Ms Arevik Jackson – Barrister, Kings Chambers
Mr Peter Roberts – Kilnsey Estate
Mr Anthony Roberts – Kilnsey Estate

FOR THE LOCAL PLANNING AUTHORITY:

Mrs Clare Bland – Senior Planning Officer
Mrs Janet Perry – Planning Assistant
Ms Alison Pilkington – Enforcement Officer

DOCUMENTS SUBMITTED AT/FOLLOWING THE HEARING

1.	Authority	Emerging Local Plan information from website
2.	Appellants	Information pack of historic lettings including terms and conditions for Yorkshire Escapes