



Appeal Decisions

Hearing Held on 3 June 2025

Site visit made on 3 June 2025

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 July 2025

Appeal A Ref: APP/U2750/W/25/3358480

Land off Cornborough Road, Sherriff Hutton, York, YO60 6QL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr O Sykes against the decision of North Yorkshire Council.
 - The application Ref 22/00102/FUL, dated 18 January 2022, was refused by notice dated 20 August 2024.
 - The development proposed is described as *"change of use of land to Gypsy/Traveller site with four family pitches to include amenity block/day room and bio-disk treatment plant"*.
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Appeal B Ref: APP/U2750/W/25/3358681

Land off Cornborough Road, Sherriff Hutton, York, YO60 6QL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr O Sykes against the decision of North Yorkshire Council.
 - The application Ref ZE23/00437/FUL, dated 25 April 2023, was refused by notice dated 20 August 2024.
 - The development proposed is described as *"part retrospective application following planning approval (Ref 19/00603/FUL) for aesthetic changes to existing building used for dog breeding kennels to include a building extension of ladies and gents toilet"*.
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Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for change of use of land to a Gypsy/Traveller site with 4 family pitches each with 1 static caravan, 1 touring caravan, 1 dayroom/amenity block and parking spaces; together with the installation of 1 bio-disc treatment plant and associated landscaping at Land off Cornborough Road, Sheriff Hutton, York, YO60 6QL in accordance with the terms of the application, Ref 22/00102/FUL, dated 18 January 2022, subject to the conditions set out in the attached schedule.

Appeal B

2. The appeal is allowed and planning permission is granted for change of use of former agricultural building for use as dog breeding kennel and domestic storage together with an extension to the building to provide toilets and external alterations including the installation of insulated acoustic sheeting to the exterior of the building (part retrospective) and the change of use of

agricultural land to dog exercise area at Land off Cornborough Road, Sheriff Hutton, York, YO60 6QL in accordance with the terms of the application, Ref ZE23/00437/FUL, dated 25 April 2023, subject to the conditions set out in the attached schedule.

Procedural Matters

3. The descriptions of development given in my formal decisions, above, are taken from the Decision Notices rather than the planning application forms. These descriptions reflect changes that were made at application stage, and the proposals were determined on that basis.
4. The Appeal B proposal is partly retrospective in nature. In this regard, the exterior of the building has been altered and hardstanding has been laid in order to create a parking/turning area. However, the proposed use of the building as a dog breeding kennel has not yet commenced.

Main Issues

5. The main issues are:
 - (a) The effect of the proposed Gypsy and Traveller pitches on the character and appearance of the countryside; and
 - (b) If the Appeal A proposal is contrary to local planning policy, whether there are any material considerations that indicate that the appeal should be determined other than in accordance with the development plan.

Reasons

Character and appearance

6. The appeal site comprises an existing agricultural building and part of an open field on the southern side of Cornborough Road. It is positioned on rising ground that slopes away to the south and is surrounded by mature hedgerows. The site is set within a wider landscape that is characterised by open fields defined by hedgerows, scattered farmsteads, and long-distance views towards the Vale of York.
7. The proposed Gypsy and Traveller pitches would be largely screened in views from along Cornborough Road by existing boundary hedgerows, and these could be supplemented with additional planting. In this regard, any residual views of the caravans from the road would be partial and transitory in nature, being experienced mainly by passing motorists and cyclists. However, the pitches would be clearly visible from nearby footpaths to the south, including a path that runs along the southern edge of the field in which the appeal site is located. From along this path, the pitches would be a prominent feature in the landscape, and they would have a developed character at odds with the rural surroundings. The development would also introduce parked vehicles, domestic paraphernalia, and activity that would detract from the character of the landscape.
8. The proposed pitches would also be visible in views from short sections of 2 other nearby footpaths that run roughly north to south, from where their effect on the rural character of the area would also be perceived. However, their visibility from other footpaths in the area would be restricted by intervening

trees and hedgerows. Moreover, any longer views from along Moxby Lane to the south would be more distant in nature and would be experienced mainly by passing motorists and cyclists whose focus would be on the road. Accordingly, the main impact of the proposed pitches would be localised to relatively short sections of nearby footpaths. Moreover, additional landscaping (as illustrated in plan Ref 71239:1001 Rev C) could be secured by condition to integrate the development into the landscape and soften its impact. As this landscaping would serve to delineate internal boundaries within the site, it is unclear why there would be any incentive to remove it once the typical 5 year time period for such a condition had expired.

9. Separately, the ruins of Sherriff Hutton Castle are visible in the wider landscape over longer distances due to their height. However, there are only a couple of brief viewpoints from the nearby footpaths where both the appeal site and the castle ruins are visible. From these positions, the development would not obstruct or significantly alter views of the castle ruins, which in any case are distant in nature with modern housing in the foreground. Accordingly, the proposal would not result in harm to views of the castle ruins or effect how they are experienced and appreciated.
10. For the above reasons, I conclude that the development would result in some harm to the character and appearance of the countryside. The development would therefore be in conflict with Policy SP13 of the Ryedale Local Plan Strategy (2013). This policy seeks to ensure, amongst other things, that development proposals contribute to the protection and enhancement of distinctive elements of landscape character. I return to this matter in the 'planning balance and conclusion' section of this decision, below.

Material considerations

11. The most recent assessment of the need for Gypsy and Traveller pitches is the Ryedale Gypsy and Traveller Accommodation Assessment ('GTAA'), which was published in 2022. This pre-dates the creation of North Yorkshire Council. However, the Council is currently using GTAAs from each of the former districts as the basis for calculating need until a new assessment is published to inform the emerging North Yorkshire Local Plan. The current GTAA found that there is a need for 16 pitches¹ in the Ryedale area between 2022-2038. Importantly, this is a net figure which took into account vacant pitches at the existing Tara Park site at the time the study was undertaken.
12. Set against this need, the Council confirmed that it had not granted any permissions for new Gypsy and Traveller pitches since 2022, nor has it allocated any pitches through the development plan process. Accordingly, the current supply of pitches is zero. The agreed 5 year requirement is for 7 pitches, and the Council accepts that it is therefore unable to demonstrate a 5 year supply, as is required by Planning Policy for Traveller Sites ('PPTS'). Overall, the inability to demonstrate a 5 year supply, and the lack of any sites to meet this, is a material consideration that weighs significantly in favour of the Appeal A proposal.

¹ This includes pitches required by households who were found not to meet the planning definition of 'Gypsies and Travellers' at the time the GTAA was produced, but who would now meet the revised definition in the most recent iteration of PPTS.

13. In terms of alternative sites, the only available site in the Ryedale area is at Tara Park on the edge of Malton. However, the Council confirmed that there are currently only 3 pitches available at Tara Park, and it would therefore be unable to accommodate the 4 pitches that are proposed here. Moreover, some of the family group previously left Tara Park due to a number of issues at the site, and the Council confirmed that the Appellant would not be eligible to stay there in any event as he keeps poultry.
14. The emerging North Yorkshire Local Plan is at an early stage of preparation and no draft Gypsy and Traveller allocations have yet been identified. The Council anticipate that the emerging Local Plan will not be submitted for examination until 2028, with adoption following in 2029. The absence of any alternative Gypsy and Traveller sites in the Ryedale area, and the time delay until any new sites are allocated through the Local Plan, also weigh significantly in favour of granting planning permission.
15. In terms of accessibility to services and facilities, the site is located around 1 km to the west of the village of Sherriff Hutton, which contains a primary school, a village shop, a bus service, and other facilities. There is no dedicated footway along Cornborough Road, although there is a footpath connection from the southern edge of the wider site into the village. However, this footpath is both unlit and unsurfaced and so most journeys to and from the site would likely be undertaken by car. However, Paragraph 110 of the National Planning Policy Framework ('the Framework') recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. In this regard, the appeal site is located a relatively short distance from nearby services and facilities, and public transport connections, considering that it is a rural Gypsy and Traveller site. Given its position relative to Sheriff Hutton, I do not consider that the site is 'away from existing settlements' for the purposes of paragraph 26 of Planning Policy for Traveller Sites ('PPTS').
16. A number of children who currently live at the site attend a nearby local primary school. The availability of a settled base from which to access educational facilities is clearly in the best interests of these children. In addition, members of the family group have health conditions that require regular doctor and hospital appointments, visits from specialists, and ongoing care. These conditions and their associated care arrangements were described in detail at the hearing. The availability of a settled base would allow for healthcare professionals to visit and for correspondence regarding appointments to be received. Were the Appellant and his family required to leave the site, then it is likely they would have to live in temporary unauthorised locations. This would inevitably disrupt the education of the children, and the ongoing care arrangements of those family members. In my view, substantial weight should be attached to these personal circumstances.
17. A Written Ministerial Statement ('WMS') was made on 27 December 2015 which confirmed that 'intentional unauthorised development' is a material consideration in the determination of planning applications and appeals. In this regard, the Appellant and his family moved onto the site and occupied it in the knowledge that planning permission did not exist. In view of the WMS, this is a material consideration that weighs against the granting of planning permission. However, the Appellant and his family have not implemented the Appeal A proposal but have instead occupied the site in touring caravans only. Accordingly, this breach would be readily reversible. Moreover, when the

Appellant left Tara Park (due to circumstances they describe as "*intolerable*") there were no alternative sites available in the Ryedale area, and an application for planning permission was made promptly in 2022. With regard to the Appeal B proposal, the dog breeding kennels use has not been implemented. In these circumstances, I attach only limited negative weight to the intentional unauthorised development that has taken place.

Other Matters

18. With regard to the Appeal B proposal, the Council's sole reason for refusal states that "*planning permission for a Gypsy and Traveller site does not exist and as such the proposed use of the building for incidental residential storage is not justified*". In its appeal statement, the Council states that were Appeal A to be allowed then its objection to the Appeal B proposal would fall away. I see no reason to take a different view.
19. Planning permission (Ref 19/00603/FUL) for dog breeding kennels was granted at this site in 2020. That application was supported by a Noise Assessment, which found that the installation of acoustic measures would ensure that the proposed kennels use would not result in increased ambient noise levels in the vicinity. Accordingly, the Council accept that noise and disturbance arising from the proposed kennels is capable of being controlled by condition, and I concur with that view. Similarly, any light pollution arising from the Appeal A and Appeal B proposals is also capable of being controlled by condition. I further note that this position is accepted by the Council's Environmental Health section.
20. Both the Appeal A and Appeal B proposals are small in scale and would generate only limited amounts of traffic. Accordingly, any effect on the highway network would not be significant. The Highway Authority has also not raised any highway safety or network capacity objection.
21. A previous appeal for a rural worker dwelling was dismissed² at this site in 2015. However, that proposal did not meet the policy requirements for rural worker dwellings as set out in both local and national planning policy, and so the appeal was dismissed. In this regard, the current appeal proposals are for a different type of development and fall to be considered against a different policy context to the previous appeal scheme. Accordingly, the previous appeal decision has limited relevance to the current proposals.
22. The site comprises agricultural grassland and the Council's Ecologist states that it is likely to be of negligible ecological value. Moreover, a scheme to secure a net gain in biodiversity within the site, or on adjacent land, is capable of being secured by condition.
23. The development would involve the loss of agricultural land. However, this would be very modest in scale and would therefore have no significant implications for food security.
24. It is a long-established principle that the planning system does not exist to protect private interests such as the value of land and property.

² Refs APP/Y2736/C/14/2222588, APP/Y2736/C/14/2222592 and APP/Y2736/C/14/2222594

Conditions

25. Lists of conditions were suggested by the Council in relation to both the Appeal A and Appeal B proposals. I have edited a number of these conditions for clarity and enforceability.

Appeal A

26. In addition to the standard time limit condition, I have imposed a condition that requires the development to accord with the approved plans. This is necessary in the interest of certainty. However, it is unnecessary for this condition to refer to a plan that shows a 'typical static caravan floor plan and elevations' as this plan is for illustrative purposes only.
27. A pre-occupation condition that requires the submission and approval of a scheme to secure a net gain in biodiversity is necessary to comply with Policy SP14 of the Ryedale Local Plan. Further pre-occupation conditions relating to the implementation of access/parking/manoeuvring areas, and a scheme of landscaping, are necessary to ensure that these areas are available to future occupiers, and to limit the effect on the character and appearance of the area.
28. A condition relating to lighting is necessary in the interests of character and appearance and to control any light pollution associated with the site. Further conditions restricting the number of caravans to 8, commercial activities and the storage of materials, and the stationing of vehicles over 3.5 tonnes on the site, are necessary in the interests of character and appearance. A condition relating to foul drainage is also necessary to ensure that the amenity/day room buildings are connected to the proposed foul drainage system. Another condition removing permitted development rights relating to fences, gates and walls is necessary in order to protect the character and appearance of the area and in the interests of highway safety.
29. A condition restricting the occupancy of the site to Gypsies and Travellers only is necessary given that I have attached weight to the general need for Gypsy and Traveller sites in the Ryedale area. However, I do not consider that a personal condition is necessary, as the Appellant and his family's personal circumstances did not 'tip the balance' in favour of granting permission in this case. In this regard, even if the Appellant's personal circumstances did not apply, the other material considerations described above would have justified granting permission in the circumstances of this appeal.
30. Separately, a condition relating to the colour of the proposed caravans is unnecessary given the extent of landscaping that is proposed.

Appeal B

31. I have imposed a condition that requires the development to accord with the approved plans, which is necessary in the interest of certainty. Conditions requiring the submission and approval of details of the proposed ventilation system, and acoustic testing of the building, are necessary to protect the living conditions of neighbouring occupiers. Other conditions restricting the times the proposed dog exercise area can be used, requiring doors to the building to be kept closed, and restricting the number of dog kennels to 6, are also necessary to protect the living conditions of neighbouring occupiers.

32. A condition that would require a Waste Management Plan to be submitted and approved is necessary in the interests of hygiene and residential amenity. A condition relating to lighting is also necessary in the interests of character and appearance and to control any light pollution associated with the site. Other conditions relating to the means of enclosure to the dog exercise area, and the foul drainage system, are necessary in order to protect the character and appearance of the area and to ensure these facilities are connected. A further condition requiring that the building is not occupied separately from the adjacent Gypsy and Traveller pitches is necessary in order to protect their residential amenity. Finally, a condition removing permitted development rights relating to fences, gates and walls is necessary in order to protect the character and appearance of the area and in the interests of highway safety.
33. Separately, as the Appeal B proposal is partly retrospective (and has therefore commenced) the standard time limit condition is unnecessary. A condition requiring the parking/turning/manoeuvring areas to be implemented prior to occupation is also unnecessary as these areas have already been installed. Moreover, a separate condition preventing the installation of new doors and windows in the existing building is unnecessary as this matter is already addressed by Condition 3. Another condition that would have required the domestic storage use to cease if the proposed Gypsy and Traveller pitches were vacated is also unnecessary, as it is unclear what harm would arise from the retention of this use in those circumstances.

Planning Balance

34. As set out above, the Appeal A proposal would result in localised harm to the character and appearance of the area, and there would be conflict with the development plan in this regard. Moreover, negative weight is attached to the intentional unauthorised development that has taken place. However, no significant harm would result from the site's accessibility to local services and facilities and so this is a neutral consideration in the planning balance.
35. Set against this is the inability of the Council to demonstrate a 5 year supply of Gypsy and Traveller sites, and the lack of any identified sites to meet the need for pitches in the Ryedale area. Moreover, the emerging Local Plan is at a very early stage of preparation and so this supply shortfall is unlikely to be resolved in the near future. There are also no existing authorised sites that could accommodate the proposed pitches. Given the extent of the need for new pitches, these considerations weigh heavily in favour of the Appeal A proposal.
36. In addition, the personal circumstances of the Appellant and his family, including the best interests of the children, carry substantial weight in favour of the Appeal A proposal.
37. In my view, the harm that would arise from granting permanent permission is clearly outweighed by the benefits of allowing the appeal. In the circumstances of this case, the conflict with the development plan is therefore outweighed by other material considerations.
38. With regard to the Appeal B proposal, the Council accepts that its objections would fall away if the Appeal A proposal were allowed. As set out above, I see no other reason to withhold consent from the Appeal B proposal.

Conclusion

39. For the reasons given above I conclude that both Appeal A and Appeal B should be allowed.

Thomas Hatfield

INSPECTOR

Schedule of Conditions – Appeal A

- 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: Location Plan; 71239:1001 Rev C; 71239:1004.

Pre-occupation conditions

- 3) Prior to the first occupation of the pitches hereby approved, a scheme to secure a net gain in biodiversity within the site or on adjacent land under the applicant's control, and an implementation timetable, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be delivered in accordance with the approved implementation timetable.
- 4) Prior to the first occupation of the pitches hereby approved, the proposed access, parking and manoeuvring areas shall be implemented in accordance with plan Ref 71239:1001 Rev C.
- 5) Prior to the first occupation of the pitches hereby approved, a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes, the proposed numbers and densities, and an implementation programme. The landscaping shall be planted in accordance with the approved implementation programme. Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become seriously damaged or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season with others of similar size and species.

Other conditions

- 6) Prior to the dayroom/amenity blocks hereby approved being brought into use, the associated foul water drainage system shall be installed and shall be operational.
- 7) Prior to its installation, details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the position, height, angle of lighting, illuminance level and hours of operation. All lighting shall be installed and maintained in accordance with the approved details.
- 8) The site shall not be occupied by any persons other than Gypsies and Travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites (or its equivalent in replacement national policy).
- 9) No more than 8 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 4 shall be static caravans) shall be stationed on the site at any time.
- 10) No commercial activities shall take place on the land, including the external storage of materials, other than those approved under permission Ref ZE23/00437/FUL.

- 11) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no fences, gates or walls shall be erected on land adjacent to the highway verge and no gates shall be erected at any point along the first 20 metre length of the existing access track shown on drawing No 71239:1001 Rev C as measured from the boundary with the highway verge and along the central line of the access track.

Schedule of Conditions – Appeal B

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; 71328:1002 Rev B; 71328:1001.

Pre-occupation conditions

- 2) Prior to the use of the building as dog breeding kennels, full details of the proposed ventilation system shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full before the dog breeding kennels use is commenced and shall thereafter be maintained for the lifetime of the development.
- 3) Prior to the use of the building as dog breeding kennels, acoustic testing of the building shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The submitted acoustic testing shall confirm that the noise levels achieved at the nearest noise sensitive receptors identified in the noise report Ref R001163 v.3 of approval Ref 19/00603/FUL shall be no more than the current background (L90) for daytime (40dB) and night-time (37dB). The measures installed to achieve these sound levels shall thereafter be retained.
- 4) Prior to the use of the building as dog breeding kennels, a Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall detail arrangements for the collection and storage of animal waste associated with the proposed use. Thereafter, animal waste shall be stored and disposed of in accordance with the approved Waste Management Plan.

Other conditions

- 5) Prior to the proposed toilets being brought into use, the associated foul water drainage system shall be installed and shall be operational.
- 6) The building shall only be used as dog breeding kennels with a maximum of 6 adult dogs at any one time, and for domestic storage, as shown on Plan Ref 71328:1002 Rev B.
- 7) Prior to its installation, details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the position, height, angle of lighting, illuminance level and hours of operation. All lighting shall be installed and maintained in accordance with the approved details.
- 8) The dog exercise area shown on the Location Plan shall only be used between 07:00 and 21:00 hours and not at any other time.
- 9) Prior to the dog exercise area being brought into use, details of the means of enclosure for this area shall be submitted to and approved in writing by the Local Planning Authority. The means of enclosure shall be installed in accordance with the approved details prior to the dog exercise area being brought into use and shall thereafter be retained.
- 10) Once the use of the building as dog breeding kennels has commenced, all doors to the premises shall be kept closed at all times except for the purpose of entry to or exit from the premises.
- 11) The building shall not be occupied or managed separately from the Gypsy and Traveller pitches approved under permission Ref ZE23/00437/FUL.

- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no fences, gates or walls shall be erected on land adjacent to the highway verge and no gates shall be erected at any point along the first 20 metre length of the existing access track shown on drawing No 71239:1001 Rev C as measured from the boundary with the highway verge and along the central line of the access track.

APPEARANCES

FOR THE APPELLANT:

Trever Mennell	Planning Consultant
Kathie Mennell	Planning Consultant
Oathie Sykes	Appellant
Irene Sykes	
Jasmine Price	

FOR THE LOCAL PLANNING AUTHORITY:

Peter Jones MA MRTPI	Development Manager, North Yorks Council
Kevin Riley MA	Senior Planning Officer, North Yorks Council
Joe Varga MA BSc	Senior Policy Planner, North Yorks Council

INTERESTED PERSONS:

Cllr Caroline Goodrick	Ward Councillor
Penny Bean	Chairman, Sherriff Hutton Parish Council

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Agreed 5 year supply requirement for additional Gypsy and Traveller pitches in the Ryedale area of North Yorkshire