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# Appeal Decision

Site visit made on 3 September 2025

by **Andreea Spataru BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 October 2025

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**Appeal Ref: APP/U2750/W/25/3365509**

**Land adjacent to bungalow 1 King Rudding Lane, Riccall YO19 6QL**

- 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 Darren Coughlin (Kinsmen Activity Centre) against the decision of North Yorkshire Council.
  - The application Ref is ZG2024/0213/COU.
  - The development proposed is described as 'Change of use of land to an outdoor activity centre for axe throwing, air rifle and archery activities, perimeter fencing, storage container and natural hedges planted (part retrospective)'.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The appeal site's address above has been taken from the Council's decision notice, rather than the application form, as it is more accurate.
3. The description of development above has been taken from the appeal form and the Council's decision notice, rather than the application form, as it is more precise.
4. The application form indicates that the development has started in October 2022 but has not been completed. Therefore, the development is partly retrospective. I have considered the appeal on this basis.
5. The appellant indicates that they are planning on operating for another three years. Be that as it may, the application form does not indicate that temporary planning permission is sought. Accordingly, in the interests of fairness and precision I have considered the development as originally submitted and considered by the Council.

## Main Issue

6. The main issue is the effect of the development on the designated sites Skipwith Common Special Area of Conservation (SAC) and Skipwith Common Site of Special Scientific Interest (SSSI).

## Reasons

7. The appeal site relates to a parcel of land within the countryside, in proximity to Skipwith Common SAC and Skipwith Common SSSI. The development seeks retrospective permission for the change of use of land from an agricultural field to an outdoor activity centre and the retention of the associated structures. The development is not fully completed, as both the cladding of the shipping container and the landscaping are yet to take place.

8. The qualifying features of the Skipwith Common SAC are the Northern Atlantic wet heaths with *Erica tetralix* and the European dry heaths. Consequently, the quality of the water within the SAC is important to the maintenance of the qualifying habitats. As well as these underlying the Skipwith Common SSSI, it also hosts many important bird species.

9. The application form suggests that surface water will discharge to a sustainable drainage system, but no further information is included, despite being requested by the Council when it considered the planning application. Without this information I am unable to determine that the proposal would not have a significant adverse effect on the integrity of the SAC.

10. The use of part of the appeal site as a rifle range could have the potential to impact Skipwith Common SSSI bird populations through increased noise disturbance. Whilst the appellant asserts that the noise is minimal, I have not been provided with substantive evidence in this regard, particularly in the form of a noise assessment. Furthermore, any existing noise from the nearby uses does not negate the need for the development to demonstrate its adequacy in terms of its noise effect. Likewise, the proposed landscaping would not be sufficient to mitigate any adverse impact.

11. I note that given the sensitive nature of the site, in proximity to the SAC and the SSSI, Natural England was consulted and requested further information to determine the effect of the development on the designated sites. This included a Habitat Regulations Assessment, information regarding water quality impacts on Skipwith Common SAC, and an SSSI assessment into the potential impacts to Skipwith Common SSSI bird populations, including a noise assessment. This reinforces my view that there is insufficient information before me to reach the conclusion that the development does not have an unacceptable effect on protected sites.

12. The appeal scheme is accompanied by a Preliminary Ecological Appraisal, which was valid until February 2025. However, this document alone, even if it would have been valid at the time of this decision, does not include the necessary information to demonstrate the proposal would not have an adverse impact on the Skipwith Common SAC and SSSI.

13. In conclusion, the absence of sufficient information, and taking a precautionary approach, means I cannot rule out potentially significant adverse effect on the integrity of the Skipwith Common SAC and material harm to the Skipwith Common SSSI. Therefore, the development conflicts with the aims of Policy ENV1 of the Selby District Local Plan 2005, Policy SP18 of the Selby District Core Strategy Local Plan 2013, and those of the National Planning Policy Framework, which collectively require the safeguarding of international, national and locally protected sites for nature conservation.

### **Other Matters**

14. I understand that is the appellant's intention, after another 3 years, to remove everything from the site and return to sheep grazing. However, given my findings above, the development is unacceptable.

15. I sympathise with the appellant regarding the costs for the required surveys. However, the affordability matter does not justify the lack of relevant information, which is essential in determining the effect of the development on the Skipwith Common SAC and SSSI.

16. I acknowledge the business's involvement with the local community, charities and other businesses, as well as the reviews and awards. Nevertheless, this does not justify the lack of essential information, and therefore the inappropriateness of the development in this sensitive location.

**Conclusion**

17. For the reasons set out above, the appeal should be dismissed.

*Andreea Spataru*

INSPECTOR