



Appeal Decision

Site visit made on 16 December 2025

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th January 2026

Appeal Ref: APP/U2750/W/25/3373328

Whittaker Hill Farm, Thornton Le Beans, North Yorkshire DL6 3SE

- 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 & Mrs G Herbert against the decision of North Yorkshire Council.
 - The application Ref is ZB23/02504/FUL.
 - The development proposed is described as: 'Change of use of land, for the erection of holiday homes and the erection of one wardens home'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - whether the proposed location is acceptable having regard to its accessibility by sustainable transport modes; and
 - the effect of the proposal on the special interest and significance of the Grade II listed Chapel of Ease, having particular regard to the tranquillity of the site.

Reasons

Character and Appearance

3. The appeal site is open, agricultural land lying to the west of the village of Thornton-le-Beans. It is roughly L-shaped with the northern part bounded to the west by the A168 Thirsk to Northallerton road and the southern part bounded to the south by Moor Lane. The remaining boundaries abut open fields. Site boundaries are typically defined by hedgerows and post and wire fences. The southern part of the site is significantly elevated compared to the northern part. The lower, northern, part of the site is crossed by a public right of way running from the village of Thornton-le-Beans, past the redundant Grade II listed Chapel of Ease in the east to the A168 in the west.
4. The site lies within an open, rural, agricultural landscape comprising of fields, bounded by hedgerows, with small pockets of woodland and little built form. This attractive and open landscape character is readily observable from the public right of way running through the appeal site, and from the elevated part of the appeal site to the north. The appeal site, as an open, undulating agricultural field, devoid of

- buildings and bounded by hedgerows, reinforces the landscape character of the area. The site is easily observable from the adjacent A168 and Moor Lane roads where it is seen as a part of this wider attractive and open agricultural landscape.
5. The site is not particularly visible from the village of Thornton-le-Beans itself, owing to the topography of the intervening land and screening provided by the built form. This screening also has the effect of obscuring the built form of the village in the views highlighted above, emphasising the rurality of the appeal site, ensuring it is seen as a part of open countryside, distinct from the more built-up nature of the village.
 6. The proposed development comprises 13 holiday lodges and a matching warden's lodge laid out on the lower northern portion of the site. The 14 lodges would be laid out in a linear arrangement parallel with the route of the public right of way crossing through the field.
 7. The lodges would be of a considerable scale, measuring around 7 metres in height to the ridge, accommodating two floors and occupying a large footprint. This overall mass would be comparable to a detached house. As such, the proposal would likely appear as a row of detached houses or a small linear settlement, intruding into the open countryside, rather than a typical lodge site. Being set away from any built form, and located centrally within an open field, within an open undulating landscape, this sizeable development would likely be visible for considerable distances. In this context, seen within the open countryside, the proposal would appear highly incongruous and at odds with the rurality of the agricultural landscape in which it is proposed.
 8. Owing to their scale and context, the proposed lodges would be highly visible in views seen over and through the boundary hedges from the adjacent A168 for a considerable distance along its length. They would also likely be visible through the boundary hedges along Moor Lane, looking across the higher part of the site. The site would also be visible for some distance on the approach along the public right of way leading from the Chapel of Ease. It would also, inevitably, be highly visible along the length of the public right of way through the appeal site, altering the experience of future users of this route. Owing to the undulating nature of the surrounding landscape, it is likely that the proposal would also be visible in wider views.
 9. The appellants' Landscape Statement includes photographs of the appeal site taken from various viewpoints in the locality. Supplementary View 1 is a view south towards the appeal site at around 1000 metres distant. Whilst the accompanying text states that the lodges would not be visible in this view, I cannot be certain that this would be the case, given their considerable height, mass and their position centrally within the open field. The Landscape Statement acknowledges the visibility of the site in Key Views A and B (both along the A168), however I do not agree with its conclusion that the proposal would '*have very limited landscape impact on completion*'.
 10. In my experience, new lodge sites are capable of being sensitively accommodated within open fields bound by robust hedgerows, due to lodges typically having limited height and minimal footprint. However, in this instance the height and footprint of the individual lodges would be considerable, as set out above. The

provision of 14 of these units in a row occupying a central position, would represent a considerable incursion into the open field here.

11. The roofs of the lodges would also include a large number of glazed rooflights of two different sizes. This extent and arrangement of glazing within the roofs would add to the visual prominence of the structures, reflecting the sunlight during the day and resulting in significant light spill after dark. Light spill would also occur from the extensively glazed gables which also increase the prominence of the site after dark.
12. The proposed access track would be a relatively wide route that would cross the brow of the hill leading to the lower part of the site. As such, this element would also be visible for some distance and would add to the harm I have identified above.
13. I acknowledge the Landscape Statement's proposals for extensive planting around the site, albeit the detail at this stage is somewhat limited. However, mindful of the scale of the lodges proposed, such planting would require many years to reach a height or density that would screen a development comprising lodges of this scale.
14. I also acknowledge that there are coniferous trees around the residential property Westways that would offer some screening of the site from the A168, however these are located outside of the site and outside of the appellants' control and consequently cannot be relied upon to provide the same level of screening in the future as they do now.
15. For the reasons set out above, the proposal would adversely affect the landscape character, resulting in harm to the character and appearance of the area. The proposal would therefore conflict with Policies EG8 and S5 of the Hambleton Local Plan (2022) (the LP) which together, seek to ensure that the scale, form, layout and design of new development is appropriate to its location and that it would not unacceptably harm the character or appearance of the surrounding area or that of the wider countryside.

Location

16. Policy EG8 of the LP requires any proposal for new visitor accommodation in countryside locations to demonstrate that the proposal could not be located within or adjacent to the built form of an identified settlement in the settlement hierarchy as set out in LP Policy S3. Thornton-le-Beans is such a settlement, however, as is clear in my above reasoning, the site is not visually adjacent to the village, and it is not seen in the context of the built form of that settlement. Nonetheless, it is within a short walk of it, along the public right of way through the adjacent fields. I therefore consider that, in terms of accessibility at least, it could be considered adjacent.
17. There is a public house in Thornton-le-Beans within walking distance of the site but there are no shops. Two bus routes operate from near the site. One of these runs along the A168 between Ripon and Northallerton passing the Moor Lane junction to the south of the site. This is a 'hail and ride' service which some of the neighbour comments state refuses to stop at Moor Lane junction for safety reasons. The other service runs between Thirsk and Northallerton from the public house in the village. Whilst there is some doubt over the availability of one of these services, I am satisfied that the site will be accessible by sustainable transport modes, including walking, whilst I am also mindful of the short distance to the town of Northallerton.

18. I therefore conclude that the location of the proposed development is acceptable having regard to accessibility by sustainable transport modes. It would therefore comply with Policy S1 and EG8 of the LP insofar as they seek to ensure new developments are sustainably located having regard to accessibility to public transport and other sustainable modes of travel.

Listed Building

19. The Chapel of Ease is a Grade II listed chapel dating to 1770. It is a relatively simple building constructed of coursed square stone with a Westmorland slate roof and a bellcote at its western end. It has been redundant since the 1990s, although the graveyard is still in use. Its special interest and significance as a designated heritage asset derives from its architectural and historic interest as a simple Georgian chapel. The building lies within its small graveyard. Located on the edge of the village, set away from neighbouring dwellings and looking onto open countryside, the chapel and its graveyard are secluded and little is visible of them from outside of the site. As a consequence of its secluded location, the graveyard and its chapel are peaceful and tranquil, befitting of a place for quiet reflection. An Inspector at a 2003 appeal¹ to convert the building to a dwelling considered the site an important space and an important amenity for village residents. Based on all I have seen, this is still the case. Thus, the special interest and significance also derive from its communal value and importance to the village as a graveyard as well as its tranquil and secluded nature.
20. A concern of local residents is that the proposal would increase the use of the public right of way that runs through the graveyard, adversely affecting its tranquil character. Given the location of the public right of way, running through the appeal site, it is likely that those staying in the lodges would likely use the route to access the village, the wider public right of way network or to visit the public house, all of which would involve walking through the graveyard.
21. However, there are just 13 lodges and these are located some distance away from the Chapel of Ease. I cannot envisage a scenario where the majority of guests staying in the lodges walk through the graveyard at the same time, or over a short period of time. More likely, any use of the public right of way by guests would be spread out over the day and the duration of their stay. Mindful that this is a public right of way that could be used by walkers at any time and that such routes fluctuate in popularity over time, I cannot see that the proposal would lead to a level of use that would materially diminish the tranquillity of the graveyard to a point where this would erode the special interest or significance of the listed building.
22. I therefore conclude that the proposal would preserve the special interest and significance of the Grade II listed Chapel of Ease, having particular regard to the tranquillity of the site. Consequently, I do not find any conflict with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposed development would also conform with Policy E5 of the LP and the provisions of the National Planning Policy Framework (the Framework) which together seek to ensure new development conserves heritage assets in a manner appropriate to their significance.

¹ APP/G2713/A/03/1123888.

23. In finding no harm to the significance of the designated heritage asset, the requirement to undertake a heritage balance as set out in the Framework is not engaged.

Other Matters

24. I acknowledge that the appellants and the Council have worked together over a considerable period to resolve issues and that there have been numerous iterations of the scheme over time. I also acknowledge that the Council Officers chose to recommend the application favourably at the Planning Committee. However, my role is to consider the proposal as it exists now, which I have done.

Balance and Conclusion

25. The proposal would result in an economic benefit to the local area through tourist spend, whilst there would inevitably be some benefit to the nearby public house in terms of increased revenue. These benefits are limited by the scale of the proposal. There would be some biodiversity benefits arising from the proposed landscape planting, notwithstanding the time taken to establish.
26. Whilst I have not found harm with regard to my other main issues, the proposal would have an unacceptable effect on the character and appearance of the area. This matter is decisive and would outweigh the benefits. The proposal conflicts with the development plan as a whole and there are no material considerations that justify taking an approach contrary to the development plan, having regard to the requirements of section 38(6) of the Town and Country Planning Act 1990.
27. For the reasons given above, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR