



Appeal Decision

Site visit made on 16 December 2025

by **L Wilson BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 January 2026

Appeal Ref: APP/U2750/W/25/3374593

The Paddock, Hull Road, Hemingbrough, North Yorkshire YO8 6QJ

- 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 R Finney against the decision of North Yorkshire Council.
 - The application Ref is ZG2025/0330/FUL.
 - The development proposed is full planning application for the change of use of land for the siting of 20 holiday tourers and lodges and the creation of a pond and associated works.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council expresses concerns that the nature of the proposal is unclear. The site plan depicts touring caravans on small pitches; the description of development refers to touring caravans and lodges; the lodge detail shows static caravans with decking; and touring caravan elevation plans have also been provided. The appellant states that all units would be 'caravan compliant' and the description of the development indicates that a mix of tourers and static pitches are proposed. They confirm that they would accept a condition should more specific controls over unit types be considered necessary to secure the permission.
3. During the appeal process, the appellant referred me to an appeal decision¹ they considered relevant. Given its recent date and proximity to the appeal site, I invited the main parties to provide comments. I am satisfied that taking this decision into account does not prejudice any parties.

Main Issues

4. The main issues are:
 - Whether the proposal would be suitably located having regard to relevant development plan policies;
 - The effect of the proposed development on the character and appearance of the surrounding area; and
 - Whether adequate details relating to the disposal of foul water have been provided.

¹ APP/U2750/W/25/3366264

Reasons

5. Outline permission was refused and dismissed at appeal for the erection of 5 bungalows at the appeal site². I have limited information before me regarding that proposal but, in any event, it relates to a different form of development, and the policy considerations differ. I have reached my own conclusions on the appeal proposal on the basis of the evidence before me.

Location

6. The site is located outside the development limits of any settlement and is therefore located within the open countryside. Policy SP2A(c) of the Selby District Core Strategy (2013) (CS) restricts development in such locations, and limits development to specific development types which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities.
7. Policy SP13 of the CS supports sustainable development in rural areas which brings about sustainable economic growth through local employment opportunities or expansion of businesses and enterprise, including rural tourism. It states that development should be sustainable and be appropriate in scale and type to its location, not harm the character of the area, and seek a good standard of amenity.
8. Policy RT11 of the Selby District Local Plan (2005) (LP) states that outside of defined development limits, proposals for serviced or non-serviced tourist accommodation, including extensions to existing premises, will be permitted provided the proposal would represent the use of either; i) A building of either architectural or historic interest, or; ii) An existing structurally sound building which is suitable for its proposed function without major rebuilding or adaptation, or; iii) An extension to an existing hotel or other form of accommodation. The policy also requires consideration of matters such as whether the size and scale of the proposal would be appropriate to the locality. Whilst not forming part of the policy wording, the supporting text of Policy RT11 sets out that where an entirely new development is proposed in the open countryside, the need for this location must be proven.
9. The Council acknowledges that Policy RT11 of the LP is not consistent with paragraph 88 of the National Planning Policy Framework (the Framework), which promotes sustainable rural tourism, and therefore this policy carries limited weight. Based on the information presented, the other policies are broadly in line with the Framework.
10. The appeal site is located to the east of the village of Hemingbrough, which is a Designated Service Village as defined in the CS and has a number of facilities and services. It would be possible to walk to local services by crossing the A63 and walking along School Road. However, this section of the A63 is difficult to cross due to the absence of nearby formal crossings, poor visibility of approaching vehicles and the high frequency of passing traffic. It would also be possible to reach local services by walking alongside the A63 and crossing the A63 closer to the village centre, where safer crossing opportunities exist. Having said that, the walk adjacent to the A63 is not a particularly pleasant experience due to the frequency of vehicles, and width of the footway. Furthermore, street lighting is limited.

² APP/U2750/W/24/3348110

Consequently, the site is detached from Hemingbrough and lacks safe or convenient pedestrian access to the village. It is therefore likely that patrons of the site would rely on the use of a private vehicle to access services and facilities.

11. The appellant highlights that Selby and York are a short distance away and the attractions of the North Yorkshire Moors and Yorkshire seaside are within easy reach from the site. Whilst Selby is a short distance from the site, the site is a reasonable distance from York and even further from the North Yorkshire Moors and the Yorkshire seaside. The evidence before me highlights that the bus route to Selby that serves the village is very limited, and there is no clear evidence that the site has extensive links to visitor attractions in North Yorkshire, as suggested by the appellant.
12. The tourism industry makes an important contribution to the rural economy and chapter 6 of the Framework supports a prosperous rural economy. The proposed development would provide economic benefits, including through construction, employment and an increase in visitors to the area. The appellant states that through promotional advertising on site, local and Borough wide attractions will be highlighted along with takeaways, butchers, bakeries and taxi firms. Furthermore, they set out that visitors would be encouraged to use local facilities, pubs, shops and restaurants nearby; however, there is no certainty that this would occur in practice. They also set out that in terms of employment they would use local tradespeople to develop the site and moving forward it is more than likely that local people will be employed for grounds maintenance and day to day management of the site. Nonetheless, vague information has been provided regarding the number of employment opportunities that might arise.
13. The economic benefits of the proposal identified are not substantiated by detailed evidence, and the extent to which the proposal would support the economy is therefore unclear. There is no substantive evidence before me to demonstrate that the development would specifically contribute towards and improve the local economy or enhance or maintain the vitality of the rural community. Furthermore, taking into account paragraph 89 of the Framework, whilst business needs in rural areas may have to be found adjacent to or beyond existing settlements, the site is not physically well-related to Hemingbrough. The development would appear detached from the village and the need for this location has not been provided.
14. For these reasons, the proposal would not be suitably located having regard to relevant development plan policies and would not promote sustainable rural tourism. Consequently, it would conflict with Policies SP2 and SP13 of the CS and Policy RT11 of the LP.
15. In addition, the proposal would conflict with paragraph 88 of the Framework which supports sustainable rural tourism development.
16. The reason for refusal in relation to this main issue refers to Policy RT12 of the LP. It is not clear which part of this policy the Council considers the proposal conflicts with. In any event, given the above conflict found with other development plan policies, this is not a determinative factor in this case.

Character and appearance

17. The site is currently an open field. Towards the north of the site is a dwelling. On the opposite side of Hull Road are dwellings and the village of Hemingbrough is towards the west. The wider area is primarily characterised by agricultural land.
18. The development would be seen against the backdrop of the domestic dwelling, outbuildings and domestic paraphernalia. The proposal includes an increase to the boundary landscaping which would soften and enhance the visual impacts. Furthermore, caravans are not unusual in the wider landscape, and such development is evident in rural areas. The appellant highlights that they intend to maintain the rural character of the site, rich in nature and biodiversity which will enhance the site and how it is viewed in the landscape. Furthermore, unlike the appeal site, a large amount of the district falls within the Green Belt.
19. However, the northern side of Hull Road is notably less developed, and the proposal would increase the built form between Hull Road and the dwelling to the north, known as The Paddock. As set out above, the site is not physically well-related to Hemingbrough, and the development would appear detached from the village. Furthermore, the level of activity associated with the site, including vehicle movements, would be significantly greater than existing.
20. Taking into account the scale of the proposed development and the site's current characteristics, as well as the proposed access road and circulation routes, the proposal would cause harm to the character and appearance of the surrounding area. Regardless of whether the proposal is for touring caravans only (which could be conditioned) or static caravans too, the proposal would erode the open and rural character of the site and introduce built form beyond the settlement edge. The proposal would therefore poorly integrate with the character of the area. Whilst the site is relatively self-contained with established boundaries, the development would be visible from the A63, particularly where the boundary treatment is less established.
21. For these reasons, the development would have a harmful effect on the character and appearance of the surrounding area. Consequently, it would conflict with Policies SP13 and SP19 of the CS and Policies ENV1, RT11 and RT12 of the LP. These collectively seek, amongst other things, to ensure the size and scale of tourist accommodation would be appropriate to the locality and not harm the character of the area.
22. In addition, it would conflict with paragraph 88 of the Framework which supports sustainable rural tourism development which respect the character of the countryside.

Foul water

23. It is indicated on the application form that foul water would be disposed of via a package treatment plant. No technical details have been provided regarding the specification, capacity, or performance of this treatment plant, including evidence to demonstrate that the treatment plant can handle the anticipated volume of waste. Furthermore, no estimated daily flow rates have been provided to support the suitability of the proposed system.

24. The evidence before me suggests that the discharge is unlikely to meet the General Binding Rules (GBR) for small sewage discharges and in such cases, a permit from the Environment Agency is required. Moreover, the application fails to address the treatment or disposal of chemical toilet waste. The GBR prohibits the discharge of chemical toilet waste into a package treatment plant or directly into a watercourse. In addition, given the proximity of the public sewer, no robust justification for not connecting to it has been provided. The submission also lacks a maintenance and monitoring plan for the proposed treatment system.
25. The appellant states that a drainage scheme supported by infiltration testing was submitted, and foul drainage can be adequately covered by way of condition. However, they have failed to provide adequate information regarding the proposed foul waste disposal arrangements. Without this information, the proposal lacks the necessary assurances to demonstrate that foul waste will be managed in an environmentally sound and legally compliant manner.
26. For these reasons and taking into account the scale of the development and number of people the site could accommodate, the appellant has not provided adequate details relating to the disposal of foul water. Consequently, the proposal conflicts with Policies SP15 and SP19 of the CS. These collectively seek, amongst other things, to achieve high quality design and promote sustainable development.

Other Matters

27. In reaching the above conclusions, I have considered the recent appeal decision³, including its assessment of the area's landscape character and the scheme's integration with the settlement pattern. The Inspector acknowledged that the erection of 137 dwellings, along with associated works and infrastructure, would result in harm to the landscape. However, in that case, the social, economic and environmental benefits were judged to outweigh the harm. This conclusion took into account the Council's housing land supply position and contribution to market demand and housing need as well as the application of paragraph 11d)ii) of the Framework.
28. Although both sites are on the same side of Hull Road, construction had not commenced at the time of my site visit, meaning the appeal decision does not affect the current landscape. The approved development's road crossing, open space and facilities, such as the café, therefore, do not currently exist. Even if works had begun, that site is closer to the village centre and there would be a notable gap between the appeal site and the approved development. The Inspector acknowledged the dismissed appeal scheme at the Paddock, noting the sites prominence and being located well away from other development, and its development would have had significant adverse visual impacts from surrounding viewpoints. The benefits, planning context, policy requirements, development type of the two schemes are not directly comparable. Thus, the findings relating to matters such as landscape character and access to services and facilities cannot be directly compared.
29. I recognise that the appellant is experienced in managing holiday parks and the proposal includes the creation of a new pond as well as landscaping and biodiversity improvements, and the proposal would provide further benefits, as set out above. Having said that, the benefits of the proposed development, and other

³ APP/U2750/W/25/3366264

matters raised as well as suggested conditions, would not outweigh the harm and conflict I have found above.

Conclusion

30. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal does not succeed.

L Wilson

INSPECTOR