



Appeal Decision

Site visit made on 22 December 2025

by **M Willis BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 February 2026

Appeal Ref: APP/U2750/W/25/3374162

Bennetts Corner, Great Ayton, North Yorkshire TS9 6QQ

- 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 William Bennett against the decision of North Yorkshire Council.
 - The application Ref is ZB23/02291/FUL.
 - The development proposed is revised application for a change of use of former caravan/grazing site into holiday chalet site with erection of 3No. holiday chalets with associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The third reason for refusal on the Council's decision notice refers to the Teesmouth and Cleveland Coast Ramsar site as also being a Special Area of Conservation (SAC) whereas elsewhere within the documentation it is correctly identified as also being a Special Protection Area (SPA). For the avoidance of doubt, I have therefore referred to the site's correct designation in my decision.

Main Issues

3. The main issues relevant to this appeal are:
 - whether the proposed development and use is acceptable having regard to its countryside location; and
 - effects on the character and appearance of the surrounding area.

Reasons

Location

4. The appeal site is located outside the settlement limits of the village of Great Ayton and lies within the open countryside. The site is situated roughly midway along the B1292 which connects the A172 and Great Ayton. The surrounding area is rural in nature and largely characterised by open, agricultural fields with very few farmsteads or buildings being present. Within the wider area there are two existing rural holiday accommodation sites which include the Whinstone View Holiday and Bistro complex and the Roseberry View Holiday Lodge site. Both of these sites are well-established and set back from the public highway with views of them largely being restricted by a combination of topography and intervening landscaping and boundary treatments.

5. The site comprises a roughly triangular area of open grassland which houses a few mature trees and a well-established hedgerow along its northern boundary that provides a degree of screening. The proposal seeks the change of use of the land to a holiday chalet site and the erection of 3 no. holiday chalets. All three of the proposed chalets share similar design cues and would be comprised of contemporary, timber clad, modular style buildings with composite slate effect roofs, large areas of glazing and an external decking/seating area. Two of the chalets would be identical and be smaller units with a maximum occupancy level of 4no persons. The other chalet would be larger and have a maximum occupancy of 6no.persons.
6. The site is detached from the settlement of Great Ayton and the proposal would introduce new built form and activities into this open countryside location. Whilst I acknowledge there are two other holiday accommodation sites within the locality, based on the evidence before me, the planning permissions relating to these sites were granted several years ago and so were considered under a different planning policy framework to that relevant to this proposal. The existence of these holiday accommodation sites does not therefore set a precedent or justify this proposal. I have determined this appeal based on the evidence before me and the development plan context as it currently exists. Consequently, whilst I appreciate there should be consistency in decision making, each case must also be considered on its own merits, and my approach in this appeal decision is therefore not inconsistent with the case law referenced by the appellant.
7. As I witnessed during my visit, the B1292 is a busy, unlit road that has no paved footway alongside it and there are no bus stops near the appeal site that give access to public transport. Whilst I have no strong reason to doubt cyclists use the B1292, being a national speed limit road, I do not consider it to be a particularly desirable route, especially during the winter months. Furthermore, although the informal footpath near the site does provide connection to the wider public right of way network, this is not a definitive public right of way (PRoW) and whilst such routes may have been taken into account by Inspectors in other appeal decisions, each case must be considered on its own merits.
8. In this particular case, and in my judgement, whilst it has been established for some time, the informal footpath route cannot be relied upon as a permanent or lawful means of pedestrian access to the site as it is not a definitive PRoW and it lies outside the control of the appellant. Consequently, there is no guarantee that this route would be maintained or remain open and usable. Unlike the existing holiday accommodation sites, which do have direct links to existing PRoW, the appeal site does not therefore integrate or provide safe physical access to the wider footpath network in the area and accordingly are not directly comparable to the appeal site.
9. Consequently, I conclude that the proposed use and development is not an acceptable location having regard to its countryside location as the site is in an isolated position that is detached from the settlement of Great Ayton and away from local services or facilities. Given its position and limited transport options available, the proposal would not minimise the need to travel or provide reasonable access to a good range of facilities and services and would result in an overreliance on the use of private vehicles rather than more sustainable modes of travel.

10. The proposal would therefore be contrary to the objectives of Policies S1, EG8 and IC2 of the Hambleton Local Plan 2022 (HLP). These require, amongst other criteria, that proposals minimise the need to travel and that new tourist accommodation be accessible to local services and public utilities and are well integrated with footpath and cycling networks and public transport.

Character and appearance

11. Regardless of their design quality, the proposed chalets would differ significantly from traditional rural dwellings and agricultural buildings, even though they share similarities in design and appearance with those within the Roseberry View complex. However, both of the existing holiday accommodation sites are set well back from the B1292, and views of their lodges/chalets are largely obscured by boundary treatments, intervening landscaping, and variations in land levels. These sites are also located some distance from the site and so the new buildings, structures and activities associated with the proposal would appear as an isolated, standalone cluster within an otherwise undeveloped section of open countryside.
12. The existing boundary hedgerow helps to limit views into the site, and I acknowledge and agree with the findings of the Landscape and Visual Impact Assessment insofar as the proposed additional landscape planting would, in time, strengthen and help to reduce any visual harm to the wider area. Nevertheless, the appeal site is much smaller in size than the other holiday parks and the chalets would be positioned much closer to the site boundaries. The chalets would be prominent and conspicuous, especially during the night-time and winter periods when the screening afforded by the landscaping would be reduced. In my judgement, the site therefore has a completely different locational context and relationship to its surroundings than that of the existing and established holiday accommodation sites.
13. I therefore conclude that the proposal would be contrary to Policies E1, E7 and S5 of the HLP. These require, amongst other matters, development to respond positively to its context and surroundings; that the character and distinctiveness of the landscapes of Hambleton and the intrinsic beauty of the open countryside are protected and enhanced.

Other Matters

14. My attention has been drawn to two appeal decisions, one at a site referred to as Aislaby Road (Ref: APP/H0738/W/21/3278158) and the other at Newby Farm (Ref: APP/G2713/W/22/3294243). The Aislaby Road site is located within a different Local Authority area and development plan to that which is applicable in this case. Consequently, I cannot be sure that the proposal and policies of relevance in that case are comparable to those which apply in this case.
15. In respect of the Newby Farm site, whilst this is within the same development plan area, I note the Inspector considered that proposal to be in a relatively sustainable location that is well served by pedestrian and cycling routes. It is also stated that the proposal would provide a direct connection to a nearby PRow meaning that it would exploit an opportunity to make its location more sustainable. Accordingly, the circumstances of this case are not directly comparable with those which apply in this appeal. I have, in any case, reached my own conclusions on the appeal proposal on the basis of the evidence before me.

16. I note third party representations lend support for the proposal on the grounds that it would address previous problems of antisocial behaviour, fly-tipping and the unsightly appearance of the site. Whilst these previous issues are noted, this does not justify the appeal scheme which I have found to be contrary to the provisions of the development plan.
17. Finally, the appeal scheme would introduce new overnight accommodation within the Tees Valley surface water catchment area and so potentially affect the Teesmouth and Cleveland Coast Ramsar/SPA which is in an unfavourable condition due to nutrient enrichment. To address the Council's original third reason for refusal, the appellant submitted evidence as part of this appeal which demonstrates that nutrient credits would be purchased and secured to offset the increase in nutrients. The Council has confirmed that the number of credits and the proposed mitigation would be sufficient to address its concerns and I am aware it has undertaken a Habitats Regulations Assessment which concludes that, subject to the implementation of this mitigation, the proposal would not adversely affect the integrity of the European designated site.
18. Whilst the above is noted, I have a statutory duty under the Conservation of Habitats and Species Regulations 2017 (as amended) to consider the potential impacts on the European site in the determination of the appeal. However, as I am dismissing the appeal for other reasons the impact of the development on the designated site is not determinative in this case. Consequently, I have not considered it necessary to consider this matter further or to carry out an appropriate assessment.

Planning Balance

19. I have found that the site is not a suitable location for the proposed development and use having regard to its countryside location. I have also found that the development would have a harmful effect on the character and appearance of the surrounding area. Taken together, these harms attract great weight in the planning balance.
20. In terms of benefits, the proposal would provide some short and longer-term benefits in terms of local employment during construction and through on-going management maintenance activities as well as through visitor spending. These benefits would undoubtedly make a contribution to the local economy and help to support local shops, businesses and service providers. However, given the scale of the proposal, these public and economic benefits would be limited and so attract moderate weight. These benefits do not therefore amount to a material consideration of sufficient weight to indicate that a decision contrary to the development plan should be made.

Conclusion

21. For the reasons set out above, the proposal would conflict with the development plan when considered as a whole and there are no material considerations, including the contribution to the local tourism economy, that would outweigh that conflict. Therefore, the appeal is dismissed.

M Willis

INSPECTOR