



Appeal Decision

Hearing held on 12 May 2026

Site visit made on 12 May 2026

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st June 2026

Appeal Ref: APP/U2750/W/25/3376136

Land Off Low Moorgate Lane, Rillington, Malton YO17 8JW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Monty Croke against North Yorkshire Council.
 - The application Ref is ZE24/00560/FUL.
 - The development proposed is the use of land for the stationing of caravans for residential purposes, erection of dayrooms and laying of hardstanding ancillary to that use.
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Decision

1. The appeal is allowed and planning permission is granted for the use of land for the stationing of caravans for residential purposes, erection of dayrooms and laying of hardstanding ancillary to that use at Land Off Low Moorgate Lane, Rillington, Malton YO17 8JW in accordance with the terms of the application Ref ZE24/00560/FUL, and subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal results from the Council's failure to determine the planning application within the prescribed period. There is no formal decision on the application, as jurisdiction over that was taken away when the appeal was lodged. However, the Council's statement of case indicates that it would have refused the application had it been empowered to do so.
3. I have used the description of development in the banner heading above from the application form, which accurately and succinctly describes the proposals. The site is occupied. However, the development on the ground does not align with the plans before me for which permission is sought. For the avoidance of doubt, I have considered the scheme based on the plans submitted with the application.

Main Issues

4. The main issues are:
 - whether the appeal site represents an appropriate location for the proposed development, having regard to the Council's spatial strategy and the accessibility of services and facilities;
 - the effects of the proposed development on the character and appearance of the surrounding area; and

- whether any harm arising from the proposed development would be outweighed by other considerations.

Reasons

Spatial Strategy/Access to services and facilities

5. The appeal site lies beyond any development boundary and is classified as the open countryside within the Council's Local Plan Strategy (LPS). This means that for the purposes of Policy SP1 of the LPS, the site is not within a town or village identified as part of its settlement strategy. New development in the countryside is restricted to specific forms of development as set down in the policy. These include, amongst other things, development which is necessary to support a sustainable, vibrant and healthy rural economy and communities.
6. Policy SP5 of the LPS relates specifically to gypsy and traveller sites and sets down criteria for the assessment of proposals for further provision that have not been identified. These criteria include, amongst other things, having reasonable access to local services and community facilities and that the site is appropriate in scale to the nearest settled community. The wording of these criteria leads me to conclude that the LPS does not expect all sites to come forward within settlements otherwise the word 'nearest' would be superfluous.
7. In this regard, there is some tension between Policies SP1 and SP5 of the LPS as there would be no specific support in Policy SP1 for a gypsy and traveller site in the countryside even if it were near a settled community. As such, I find that Policy SP5, and its more detailed criteria, to be the determinative policy of the LPS in relation to this main issue for this scheme.
8. This approach would be consistent with Policy C of the Planning Policy for Traveller Sites (PPTS) (2024), which indicates that some sites may be located within a rural setting, whilst ensuring that they do not dominate the nearest settled community. The appeal site is located to the north west of Rillington, which is a Local Service Centre and there is a continuous footway leading from the site to the village. Considering the distance and footway to Rillington, the mix of open fields, other buildings, and uses up to the railway line I find that the appeal site is located within a rural setting rather than open countryside that is away from the settlement. Moreover, there is no evidence to indicate that local services in Rillington are under pressure from a development of this size. In this regard, the site's location accords with the expectations of Policy C of the PPTS.
9. In respect of the appeal site's access to the services and facilities in the village, it took me approximately 15 minutes to walk into the village core along the footway. There is no substantive evidence that it is an unsafe route, and I found it to be a pleasant attractive walk even with vehicles passing. It therefore provides a convenient walking route into the village offering a genuine alternative sustainable travel choice to private vehicles to access the services and facilities in the village. I accept that in inclement weather or when dark, journeys are more likely to be made by private vehicle to access services and facilities in the village. However, even then such journeys would be very short.
10. I am also mindful that paragraph 110 of the National Planning Policy Framework (the Framework) says, amongst other things, that opportunities to maximise

sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making.

11. Moreover, accessibility needs to be considered in the context that members of the travelling community are generally reliant on vehicles wherever they live given their lifestyle. In broader sustainability terms, a settled base can also reduce incidents of unauthorised encampments, reduce the need for continuous travel and facilitate consistent access to schools and medical services.
12. Given the appeal site's close proximity to Rillington and the footway that links the appeal site to the village, and the nomadic habit of life of future occupants, the proposed development would have good access to local services and community facilities. It is, in my view, a sustainable location for the development proposed.
13. To conclude on this main issue, the appeal site represents an appropriate location for the proposed development, having regard to the Council's spatial strategy and the accessibility of services and facilities. Accordingly, I do not find conflict with Policy SP5 of the LPS, the provisions of the Framework or the PPTS, when taken together and in so far as they relate to this main issue. I have reached this conclusion even though the site's location would not garner specific support from Policy SP1 of the LPS.

Character and appearance

14. This part of Low Moorgate Lane (the Lane), when leaving the village is characterised by flat open agricultural fields bordered by a mix of trees, hedges and fencing. There is a mix of buildings and uses, including agricultural buildings set back and other buildings closer to the Lane near the railway crossing. However, the predominantly open natural qualities and the sporadic nature of development is such that this part of the Lane has a peaceful rural character to the setting of the village.
15. Evidence provided indicates that the appeal site was, prior to development, an open parcel of agricultural land. In this regard, its intrinsic open natural qualities made a positive contribution to the rural character and appearance of the area.
16. The design and layout of the scheme before me is typical of a gypsy and traveller site found more generally in a rural environment across the country, albeit not in the surrounding area. The proposal includes multiple static mobile homes, refuse storage, utility buildings and formal surfacing for the access and parking. In addition, the visible manifestations associated with the residential occupation, would include internal and external lighting, domestic accoutrements, comings and goings and general activity within the site. Taken together, this has, and would, erode the contribution that the intrinsic natural qualities that previously existed at the appeal site made to the rural area.
17. The appeal site is seen in localised views along the Lane and the footway running past the site. However, due to the mix of other sporadic developments located within this part of the landscape the scheme would not be seen as an isolated feature. Moreover, the appeal site is not overly deep and its position close to the Lane moderates the extent of encroachment from the subdivision of the wider open parcel of land, and thus to the fundamental open natural qualities of the landscape.

18. Overall, with additional planting, and controls on external lighting, the proposed development would result in a moderate degree of harm to the open character and natural, peaceful and scenic qualities of this part of the rural landscape. Moreover, due to the low-lying nature of the scheme, the harm would be localised and would recede with distance.
19. I therefore find that the proposed development would have a harmful effect on the character and appearance of the surrounding area. As such, I find conflict with the requirements of Policies SP5 and SP13 of the LPS and paragraphs 135 and 187 of the Framework, when taken together and in so far as they relate to this main issue. These say, amongst other things, that development proposals should contribute to the protection and enhancement of distinctive elements of landscape character that are the result of historical and cultural influences, natural features and aesthetic qualities including the ambience of the area, including nocturnal character, level and type of activity and tranquillity, sense of enclosure/exposure.

Other considerations

20. The PPTS requires local authorities to set pitch targets and to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of sites against this target. I was told during the Hearing that the availability of pitches at the Council run site known as Tara Park had been evolving during recent weeks and legal proceedings are in progress, which would increase the availability further. Even with these recent developments, there is no dispute between the parties that the Council can not demonstrate a five-year supply of gypsy and traveller pitches in the area. Moreover, in the absence of up-to-date evidence the Council are unable to demonstrate that there is not an unmet need.
21. The new Gypsy and Traveller Accommodation Assessment (GTAA) is expected to be published in the summer of 2026. However, the emerging Local Plan is at an early stage and there is no evidence how, or when, any need from the GTAA will be addressed.
22. From the evidence I heard it is likely that the occupiers were aware of the need to secure planning permission but continued to develop and occupy the site in any event. This intentional unauthorised development is a material consideration that weighs against the grant of planning permission.
23. I will come back to these other considerations and the weight I give them in the planning balance.

Other Matters

24. My attention has been drawn to another appeal for a similar proposal adjacent to the appeal site and the potential cumulative effects and precedent from the appeal scheme. However, that appeal has not been determined, as it has only recently been submitted, so it would be premature for me to consider that site in combination with the appeal scheme. Moreover, each application and appeal must be determined on its own individual merits, and a generalised concern of precedence does not amount to a reason to withhold planning permission in this instance.
25. I have had regard to all the other matters raised by local interested parties, including highway and pedestrian safety, archaeology, living conditions and

amenity, contamination, flooding, drainage, and biodiversity. However, there is no substantive evidence before me that there would be unacceptable harm in respect of these matters, subject to conditions where appropriate. Moreover, no objection has been raised by the Council or statutory consultees in that regard. Nor is there any firm evidence that the appeal proposals would lead to crime or anti-social behaviour.

26. Concerns regarding the processing of the application, house prices, ownership, access rights or enforcement matters are not matters for my consideration as part of this appeal and do not alter or effect the planning merits of the appeal scheme before me.

Planning Balance

27. The proposed development would have a harmful effect on the character and appearance of the surrounding area bringing conflict with Policies SP5 and SP13 of the LPS. As such, it would not accord with the development plan as a whole.
28. Paragraph 28 of the PPTS confirms that as the Council does not have a five-year supply of pitches the provisions of paragraph 11(d) of the Framework is engaged. This states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
29. This is a case of intentional unauthorised development which carries a high degree of weight even though the appellant's have sought planning permission to regularise the development and considering the evidence before me regarding supply and need. The proposals would result in a small parcel of agricultural land being lost and would go against the advice at paragraphs 135 and 187 of the Framework, including recognising the intrinsic character and beauty of the countryside. However, it is a small site, and the visual and landscape effects would be localised, particularly once planting has matured. Consequently, I attach moderate weight to the harm from the proposals in this regard.
30. The appeal scheme would help address the government's aim as set out at paragraph 4 of the PPTS to promote more private Gypsy and Traveller site provision in general terms. In these circumstances, I afford the absence of a demonstrable five-year supply of sites and the contribution that the appeal site would make to the supply, by making an effective use of land for the creation of a small group of private pitches, in a sustainable location in a rural setting that does not dominate the nearest settled community, significant weight as a matter in favour of the appeal scheme.
31. As such, the adverse impacts identified would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole and the key policies set out in paragraph 11(d). Therefore, the presumption in favour of sustainable development applies and paragraph 11(d) of the Framework indicates that permission should be granted. There are no other material considerations to override this finding.

32. Whilst it is evident that the appeal scheme lacks local support, my assessment leads me to conclude that the proposals are acceptable, for the reasons set out. In this regard the degree of interference that would be caused to local residents of the settled community would be insufficient to give rise to a violation of rights under Article 8 of the First Protocol of the Human Rights Act 1998.

Conditions

33. I have adapted the Council's suggested conditions where necessary and in the interests of precision and brevity and included conditions which were discussed at the Hearing. As works are partly retrospective, I have not included the standard time limit condition. I have, however, imposed a condition (1) specifying that development is carried out in accordance with the relevant drawings as this provides certainty.
34. I have included a condition which restricts the occupation to Gypsies and Travellers (2) so as to ensure that the appeal site meets the long-term needs of the gypsy and traveller community. To limit the effects of the proposed development on the character and appearance of the area I have imposed a condition to limit the number of caravans (3) to that proposed. Conditions to ensure that no commercial activities shall take place on the land (4) and no vehicle over 3.5 tonnes are stationed, parked or stored on the site (5) are also necessary in the interests of the character and appearance and amenity of the area.
35. Restrictions relating to other buildings, structures or means of enclosure (6) are necessary in the interests of the character and appearance of the area. A condition relating to the access and turning area (7) is necessary in the interests of highway and pedestrian safety.
36. A condition relating to the completion of the development, landscaping and external lighting (8 and 9) are necessary in the interests of the character and appearance of the area. There is a strict timetable for compliance because permission is being granted partly retrospectively.
37. As development has already taken place, it is not possible to use a negatively worded condition to secure the approval and implementation of the landscaping and lighting details before development takes place. The condition will ensure that the development can be enforced against if the layout is not regulated on site or if the landscaping and lighting details are not submitted for approval within the period given by the condition, or if the details are not approved by the local planning authority or the Secretary of State on appeal, or if the details are approved but not implemented in accordance with an approved timetable.

Conclusion

38. The proposed development would be contrary to the development plan but material considerations, especially the presumption in the Framework, outweigh this conflict. Therefore, for the reasons given, the appeal should succeed and planning permission is granted.

Mr R Walker

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 23_1299_001 Site Location Plan P01; 23_1299_003 Proposed Site Plan P03; 23_1299_006 Proposed Standard Dayroom - Plans and Elevations P01; 23_1299_007 Proposed Refuse Store - Plans and Elevations P01 and Potential Visibility Splays to Southeast of Access Job No 240902 Dwg Fig 1.
- 2) The site shall not be occupied by any persons other than persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 3) No more than two 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 one shall be a static caravan/mobile home) shall be stationed on each pitch at any time.
- 4) No commercial activities shall take place on the land, including the storage of materials.
- 5) No vehicles over 3.5 tonnes shall be stationed, stored or parked on the site at any time.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), no sheds or amenity/utility buildings, or other buildings or structures, walls, fences or other means of enclosure other than those shown on the approved plans shall be erected on the site.
- 7) No plot shall be occupied beyond 6 months from the date of this decision unless and until the associated parking and access facilities have been laid out in accordance with the approved details in condition 1. Once provided, the site layout and access areas shall be kept clear of obstruction and retained for their approved purpose at all times.
- 8) The use of the land hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 6 months of the date of failure to meet any one of the requirements set out in i) to v) below:
 - i) Within 12 months of the date of this decision the site layout insofar as it relates to the buildings and structures shall be implemented in accordance with the approved details in condition 1.
 - ii) Within 3 months of the date of this decision a scheme, including a proposed timetable for implementation, with details of external lighting and landscaping including details of the type, height, species and location

of all new trees and shrubs shall be submitted to and approved in writing by the Local Planning Authority;

- iii) If within 11 months of the date of this decision the local planning authority refuse to approve the scheme or details pursuant to (ii) or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- iv) If an appeal is made in pursuance of iii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
- v) The approved landscaping and external lighting scheme shall have been carried out and completed in accordance with the approved timetable and shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 9) All planting, seeding or turfing comprised in the approved details of landscaping (condition 8) shall be carried out in the first planting and seeding seasons following the approval of the scheme. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

End of Schedule

APPEARANCES

FOR THE APPELLANT:

George Whitehouse	Green Planning Studio
Monty Croke	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Richard Huteson	Lanpro
Aisling O'Driscoll	North Yorkshire Council
David Walker	North Yorkshire Council
Martin Macbeth	North Yorkshire Council

INTERESTED PARTIES:

Janet Sanderson	Local Councillor
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DOCUMENTS:

- Updated witness statements