

North Yorkshire Council

Community Development Services

RICHMOND (YORKS) AREA CONSTITUENCY COMMITTEE

14TH SEPTEMBER 2023

**22/00063/FULL - FULL PLANNING PERMISSION (INCLUDING CHANGE OF USE)
FOR 12 HOLIDAY LODGES, INSTALLATION OF PACKAGE TREATMENT
PLANT AND AMENDED ACCESS**

**AT: EASBY PARK FIELD BETWEEN SOUTHERN JUNCTION OF EASBY
ACCESS ROAD AND EASBY NORTH YORKSHIRE DL10 7EU
ON BEHALF OF: LEISURE PARKS LTD**

Report of the Corporate Director – Community Development Services

1.0 Purpose of the Report

- 1.1 To determine a planning application for 12 Holiday Lodges, Installation Of Package Treatment Plant And Amended Access on land at Easby Park Field Between Southern Junction Of Easby Access Road And Easby North Yorkshire DL10 7EU
- 1.2 Councillor Carl Les has requested the planning application be determined by committee due to the public interest in this application. It was considered that the application includes significant material planning considerations.

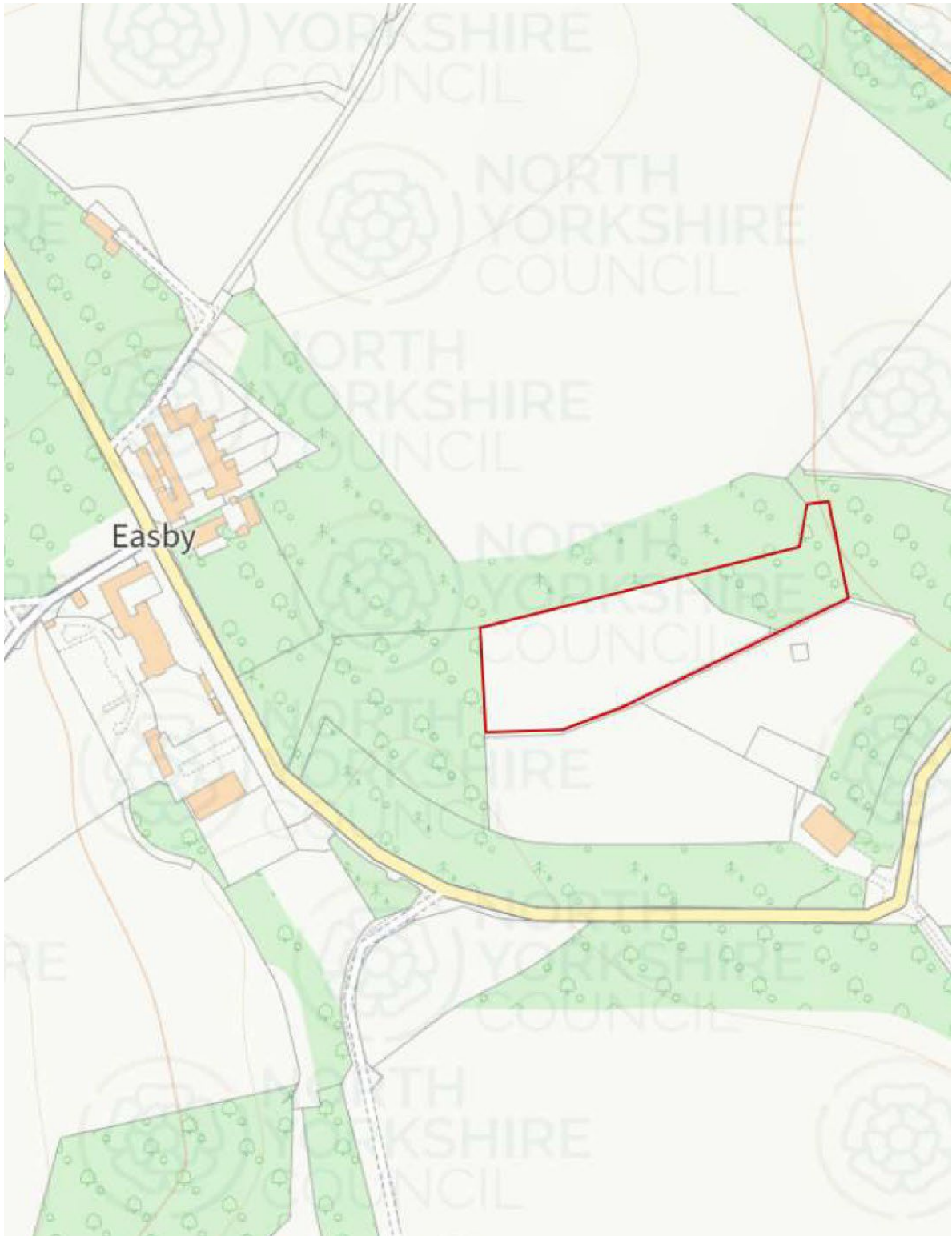
2.0 Summary

RECOMMENDATION: That planning permission be **GRANTED** subject to conditions listed at the end of the report.

- 2.1 The proposed development is for the erection of 12 holiday lodges, which would be single storey in built form and will be laid out in a linear form with a single access road running east to west. The access includes an 'in' and out facility to be located either side of the existing building. The entrance will run to the south of the building and the egress will be located to the north.
- 2.2 The site comprises of farmland used primarily for the grazing of sheep, with stock fencing and a single agricultural barn, located close to the access site. The site is bound by existing vegetation, with the exception of the eastern section of the northern boundary, which is at present demarked by a post and wire fence.
- 2.3 The site is subject to two previous appeals, both of which were allowed. The policy context within the first appeal is out of date and therefore it is not a significant material consideration in the determination of this application. The second appeal decision is more up to date and therefore considered to be a material consideration in the determination of this application. The proposal is

a small scale tourist development and accords with Policies CP8 and CP10 of the Local Plan and therefore the principle of development is acceptable.

- 2.4 The key issues to be addressed in this application are the impact of the proposal on the rural landscape, the impact on the nearby Conservation Area, highway safety and ecological matters.
- 2.5 The site is well screened by woodland on the majority of its boundaries. The impact of the proposal would be partially concealed by the mature landscape in the winter months and concealed in the summer months. The proposed landscaping would further reduce the visibility of the proposal in the long term. The proposal would have no impact on the nearby Conservation Area due to intervening vegetation.
- 2.6 The proposed access arrangements and off site highway works are acceptable by the highway department and therefore the proposal would not cause severe harm to highway safety. The proposal provides ecological mitigation measures both on site and off site and overall would provide a bio diversity gain.
- 2.7 The recommendation is therefore to approve subject to the conditions set out at the foot of this report.



Easby

3.0 Preliminary Matters

3.1 Access to the case file on Public Access can be found here:- [Online Related Documents](#)

3.2 There are two relevant planning applications for this application which are detailed below.

09/00616/FULL Full Planning Permission for Log Cabin Holiday Development of 12 No. Log Cabins | Field Between Southern Junction Of Easby Access Road And Richmond North Yorkshire- Permission refused 8th October 2009 but granted on appeal dated 21st July 2010 (reference APP/V2723/A/10/2122081).

Appeal 1

12/00795/EXT Extension of Time for Implementation of Full Planning Permission for Log Cabin Holiday Development of 12 No. Log Cabins Ref. 1/20/67A/FULL | Field Between Southern Junction Of Easby Access Road And Easby Richmond North Yorkshire granted permission subject to conditions and appeal allowed in relation to the time limit of permission dated 8th January 2014 (reference APP/V2723/A/13/2200408) **Appeal 2**

Further reference to these appeal decisions will be made in the main body of this report and the full decisions appear as appendices to this report.

4.0 Site and Surroundings

4.1 The application site occupies an approximate area of 0.95 Ha and is currently characterised by pastoral farmland used primarily for the grazing of sheep, with stock fencing and a single agricultural barn, located close to the access to the site. The site is bound by existing vegetation, with the exception of the eastern section of the northern boundary, which is at present demarked by a post and wire fence.

4.2 Beyond the vegetation, the site is bound to the south and west by an unnamed road from which the site takes its access in the south eastern corner of the site. This unnamed road extends along the site's southern boundary and then continues north where it meets the B6271 road. To the north the site is bound by further agricultural fields, currently used for sheep grazing.

4.3 The nearest residential properties are located to the west of the site fronting onto the unnamed road and further to the east fronting onto the B6271.

5.0 Description of Proposal

5.1 This application seeks full planning permission for the erection of 12 holiday lodges. The lodges will be single storey in built form and will be laid out in a linear form with a single access road running east to west. The lodges will be timber clad with pitch roofs and each one will have their own dedicated parking area.

5.2 Close to the access of the site there is an existing building, which would be retained and used for storage purposes in association with the proposed development. The access includes an 'in' and out facility to be located either side of the building. The entrance will run to the south of the building and the egress will be located to the north. The two access roads will then link up

within the site to provide a two way access road, which serves the holiday lodges.

- 5.3 The proposal includes a package treatment plant, which will manage the foul drainage from the proposed development and will be located in the north eastern part of the site and will discharge into an adjacent drainage field.

6.0 Planning Policy and Guidance

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

- 6.2 The Adopted Development Plan for this site is:

- Richmondshire Local Plan 2012-2028 Core Strategy, adopted 2014
- Saved Local Plan Policy 23 of the Richmondshire Local Plan 1999-2006
- The Minerals & Waste Joint Plan 2015 – 2030 adopted 2022

Guidance - Material Considerations

- 6.3 Relevant guidance for this application is:

- National Planning Policy Framework 2021
- National Planning Practice Guidance

7.0 Consultation Responses

- 7.1 The following consultation responses have been received and have been summarised below.

- 7.2 **Parish Council:** The Parish Council have written to object to the proposal on a number of occasions. However, they have recently written in June 2022 and their comments have been summarised as follows:

The Easby Parish Meeting objects to the planning application 22/00063/Full and urges the Council to uphold national and local planning policies to refuse permission for these log cabins as it did in September 2009 for an almost identical application for 12 cabins on the same site.

This application would destroy forever the unique peace and tranquillity of Easby which is the threshold to and Setting for the Conservation Area, disfiguring this unique amenity for residents, Richmond folk and visitors.

- Adverse effects on the Setting of the Conservation Area.
- Adverse effects on highway safety.
- Adverse effects on landscape
- Conflicts with tourism policies
- Adverse effects on Easby as a place to live.

- 7.3 **Member response:** Councillor Rowe objects to the proposed development.

- 7.4 **North Yorkshire Ecology** The application is supported by an ecological impact assessment (EclA). According to the EclA, the proposed development would be predominantly on agricultural grassland; a small area of plantation and part of a recently planted orchard would also be lost. 21 trees on or adjoining the site would require removal. There are few constraints in terms of protected species but the following mitigation measures should be adhered to: Badger mitigation (EclA section 4.3.2); bat mitigation (4.5.2); timing of vegetation clearance in relation to nesting birds (4.6.2). The ecological enhancements referred to in section 5 of the EclA should also be adhered to. The EclA contains Biodiversity Metric calculations. Including some enhancement of orchard habitat within the blue line boundary, a net gain of 2.35% would be achieved for area-based habitats along with a 25% increase in hedgerow units. If the Landscaping Proposals were to change, these calculations would need to be revised. A Biodiversity Management Plan would need to be submitted for approval prior to commencement, detailing how habitats would be created and maintained, including ongoing management.
- 7.5 **Historic England:** Thank you for your letter of 9 March 2023 regarding the above application for planning permission. Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.
- 7.6 **British Horse Society** The BHS is neutral with regard to this proposal, however I should like to raise the following for consideration. The entrance to the site opposite the entrance to the public bridleway, is that the only position it could be? Could consideration be given to making the public highway to the site a 30mph road, it is very narrow with poor sight lines, horse riders, walkers and cyclists use the road so in the interests of safety of these vulnerable road users this should be seriously considered, bearing in mind that persons using the holiday lodges will not be from the area or most likely familiar with rural road driving. There appears to be no mitigation for vulnerable road users along a single track service road with no passing places, leading from the end of the bridleway 20.21/7/2 to the next bridleway 20.21/5/1. The bridleway entrance directly opposite the proposed site entrance could be an area of high risk, as motorists not familiar with the area, will be looking for the Holiday Lodge site entrance and not for horses exiting the bridleway into the service road. This road is likely to receive a much greater use by the public because of this development, we seek clarification how this would be mitigated against. The site line underneath the tree canopy is poor and in bright sunlight horses and pedestrians are very difficult to see from vehicles traveling uphill towards the B6271, we believe this is a serious hazard.
- 7.7 **Yorkshire Water** This proposal is in an area not served by the public foul sewerage network. In this instance, the application should be referred to the Environment Agency and the Local Authority's Environmental Health Section for comment on private treatment facilities.
- 7.8 **Natural England:** No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant

adverse impacts on statutorily protected nature conservation sites or landscapes.

- 7.9 **Richmond Civic Society:** We share the concerns of many others over the traffic issues and the effects of this on Easby village. They wish to express their concern with and opposition to the proposed development of holiday lodges at Easby Park. The proposed development would be immediately adjacent to the designated Conservation Area surrounding Easby and would, in our opinion, have a detrimental effect on the local character, the distinctiveness and the appearance of the area, all of which are major considerations in preserving the heritage asset that is Easby.
- 7.10 **Environmental Health:** I have considered the potential impact on amenity, and likelihood of the development to be affected by, or cause, a nuisance and consider that overall, there will be limited adverse impact. The application introduces a vulnerable end use (domestic use) onto the application site which may have an historic use as agricultural/open land which has the potential to have caused contamination and as such any risks to the future occupants of the site in relation to contamination need to be assessed.
- 7.11 **CPRE:** has several concerns relating to the impact of the proposals on the important open countryside and pastoral setting to the Easby Conservation Area, lack of measurable biodiversity net gain, and the impact on highway safety of vulnerable users from an increased number of vehicular movements associated with the proposal on the local rural road network. As such the proposed development appears to be contrary to several local and national planning policies as set out above and therefore, CPRENEY respectfully ask that this proposal be refused.
- 7.12 **Environment Agency:** We have reviewed the information submitted with the application and do not object to the proposal. Their detailed comments are included in the main body of the report.
- 7.13 **North Yorkshire Police Traffic Management Officer:** Opposes the previous application for lodges on this site because of the poor junctions at either end of the lane and the fact that the lane was sufficiently narrow as to prevent cars from passing. I don't believe that anything has materially changed and the increase in traffic on the lane can only put extra pressure the junctions at both ends, neither of which could easily be improved to provide adequate visibility, as well as increase the likelihood of conflict on the lane.
- 7.14 **The Local Highway Authority:** No objections and recommends that the following Conditions are attached to any permission granted: New and altered Private Access or Verge Crossing, Visibility Splays, Delivery of off-site Highway Works, Details Of Parking & Construction Phase Management Plan.
- 7.15 **Local Representations:** 134 local representations have been received of which 2 are in support and 132 are objecting. A summary of the comments is provided below, however, please see website for full comments.

7.16 Objections:

- Increased traffic
- Loss of wildlife
- Impact on Area of great landscape value
- Character of the area will change and harmful to the conservation area.
- Will not assist the local economy
- Problems with construction traffic
- Already holiday accommodation nearby
- Will affect the setting of the Abbey
- More tourists than villagers
- Dangerous road with no footpath to Abbey
- Local homes required not holiday lets
- Will lead to further undesirable development
- Existing roadside trees are mature and can be seen through when the trees are not in leaf
- The additional trees that will be planted around the lodges will be immature and will take many years to provide an effective screen
- There are already two similar developments within a mile of Easby, at Brompton-on-Swale caravan park and Brompton Lakes lodges. There is no requirement for further development
- No jobs created by the development
- Easby Conservation Plan has deemed this area as an important open space area
- Discharge from package treatment plan will lead to flooding on the road.
- Loss of agricultural land

8.0 Environment Impact Assessment (EIA)

8.1 The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environment Statement is therefore required.

9.0 Main Issues

9.1 The key considerations in the assessment of this application are:

- Principle of development
- Impact on the character of the area
- Impact on the character and appearance of the Easby Conservation Area.
- Impact on road safety and highway issues
- Ecology and Trees
- Drainage Matters
- Other Considerations

10.0 Assessment

Principle of Development

10.1 The proposal is for 12 holiday lodges. The site is located in open countryside. Core Policy CP8 of the Core Strategy refers to Achieving Rural Sustainability. The policy states that support will be given to the social and economic needs

of rural areas lying beyond Spatial Principle SP2 settlements, by encouraging tourism related initiatives.

- 10.2 Core Policy CP10 refers to Developing Tourism. The policy states that tourist related activities will be encouraged where they make a sustainable contribution to the local economy, do not have a detrimental impact on and, where possible, enhance the local environment and landscape. The policy also states that in rural areas, new tourist accommodation, including the location of caravans (static and touring), chalet accommodation and camp sites, should be small scale, low key and low impact, and will only be supported in the countryside if it does not adversely affect the character and appearance of the area, taking account of the capacity of the site and local area to absorb the development.
- 10.3 Paragraph 84 of the National Planning Policy Framework refers to supporting a prosperous rural economy and states that planning policies and decisions should, in part, enable: the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings and sustainable rural tourism and leisure developments which respect the character of the countryside.
- 10.4 The site has been subject to two previous appeals and therefore an assessment should be made as to whether these are considered to be a material consideration to the determination of this planning application. The first appeal decision (reference APP/V2723/A/10/2122081) **Appeal 1** was made in July 2010. At the time the inspectors letter referred to the appeal site lying within an Area of Great Landscape Value, as defined in the Richmondshire Local Plan. Although some of the conclusions derived from the decision letter may be of relevance, and are discussed later on in this report, the policy context is now different in that the Richmondshire Local Plan has been superseded by the Richmondshire Core Strategy. Furthermore, the appeal decision pre-dated the National Planning Policy Framework. Officers therefore considered the policy context on which the first appeal decision was made is out of date and carries little weight in the determination of this current planning application. Although some of the observations of the inspector in that decision do carry some weight and are discussed further in this report.
- 10.5 Turning to the second appeal decision (reference APP/V2723/A/13/2200408) **Appeal 2** was dated January 2014. The Core Strategy was adopted December 2014. Despite the Core Strategy being adopted after the second appeal decision was issued, the inspector concluded in paragraph 6 the following:

The Development Plan as relevant to this appeal has altered since the original grant of planning permission due to the revocation of the Regional Spatial Strategy. However, the other plan documents that were in place at the time of the grant of the original planning permission remain extant. Furthermore, the National Planning Policy Framework ('the Framework') was adopted in March 2012, and the Council has progressed with the Richmondshire Local Plan Core Strategy ('the Core Strategy'), with the Proposed Submission version having been published in August 2012. These would be relevant material considerations.

In line with the inspector's decision, officers consider that the second appeal decision is of a significant material consideration to the determination of this planning application.

- 10.6 In looking at the detail of the appeal decision, Paragraph 8 of the inspector's letter stated the following:

The Council considered that Core Strategy Policy CP10 continued the approach of saved Policy 74 of the Richmondshire Local Plan 1999-2006 towards chalet developments which would not have an unacceptable impact on the character and appearance of the countryside.

Furthermore, Paragraph 9 of the inspector's decision stated the following:

'With regards to the evidence placed before me, I would conclude that the proposed development remains in accordance with the policies of the Development Plan. Furthermore, I have been mindful of the support for the proposals provided by paragraph 28 of the Framework. This sets out support for sustainable economic growth in rural areas in order to create new jobs and prosperity through well designed new buildings, and sustainable rural tourism which respects the character of the countryside.'

The inspector concluded in Paragraph 11 the following:

In this respect, I am satisfied that the proposed development would be in accordance with the Development Plan and consistent with the objectives of the Framework.

- 10.7 Taking the policy context first, the following assessment can be made. Policy CP8 encourages tourism relating initiatives and Policy CP10 supports chalet style accommodation provided that they are small scale, low key and low impact, and will only be supported in the countryside if it does not adversely affect the character and appearance of the area, taking account of the capacity of the site and local area to absorb the development. Leaving aside the impact of the proposal on the character and appearance of the site and the ability of the local area to absorb the development, which is dealt with later on in the report, the proposal is small scale, comprising 12 lodges and will encourage further tourism in the rural areas which both Policies CP8 and CP10 support.
- 10.8 The Planning Framework provides support for the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. Paragraph 84 of the Framework does not rule out the possibility of new buildings in the countryside to provide this growth and therefore further support for the proposal is gained from the Planning Framework.
- 10.9 Turning to the appeal decisions, in particular Appeal 2, significant weight should be given to this decision in the determination of the current proposal. Although the permission for the lodges derived from the second appeal decision has lapsed (development should have commenced before 20 July 2016), the decision was made on the basis of the Planning Framework and the current Local Plan (albeit at an advanced stage towards adoption). The

thrust of the Framework in respect of the sustainable growth of rural business has not changed and the development plan policies have now become adopted unchanged from the time of the determination of the second appeal. The inspector concluded that the proposal would be in accordance with the development plan and consistent with the objectives of the Planning Framework and therefore for the above reasons the proposal is considered acceptable within the current policy context.

Impact on the character of the area

10.10 Policy CP3 supports sustainable development which promotes amongst other things the character and quality of local landscapes and the wider countryside. Policy CP10 states that small scale tourism development will only be supported in the countryside if it does not adversely affect the character and appearance of the area, taking account of the capacity of the site and local area to absorb the development.

10.11 In support of the application the applicants have submitted a Landscape and Visual Impact Assessment. The report identified 22 viewpoints taken from footpaths and roads that were in close proximity to the site and also four internal views of the site. The report concluded the following:

With regard to the visual environment, it is clear that the dense vegetation structure and undulating topography within the wider landscape surrounding the site, serve to largely contain views towards the site. The only available views towards the site are therefore from within the immediately locality, namely the surrounding road corridors that bound the site to the south and east, the Public Footpath (20.21 411) that lies within the eastern site area and from the adjacent field to the north, through the gap in the existing vegetation structure along this boundary. While these views are noted however, it is also noted that the existing vegetation to the site boundaries ensures that views towards the site are heavily filtered with the only clear views towards the site available towards the site's north eastern corner. Within the majority of the views however the site is imperceptible, obscured by the undulating topography and vegetation structure within the wider landscape.

10.12 In terms of the visual environment and wider landscape, the report considered that the proposed development would constitute a change of Medium magnitude acting upon a Medium to Medium/High sensitivity receptor resulting in an effect of Moderate to Major/Moderate significance. However, the report concluded that it was likely that the proposed mitigation measures, which includes additional planting, would establish and mature the proposals, which would benefit from a heightened degree of physical and visual integration to the extent that any long term, adverse, effects arising as a result of the proposed development would be effectively mitigated, and in turn the overall significance of these effects would be reduced.

10.13 The assessment report has been fully considered and the conclusions the report produces are agreed and therefore it is considered the proposed development would not have a harmful impact on the rural landscape in the vicinity of the site and when viewed from public vantage points and accordingly complies with Policy CP3.

10.14 In terms of the capacity of the site the proposal is of a low density comprising of 12 lodges. Policy CP10 supports tourist development proposals provided that they are small scale, low key and low impact, and they do not adversely affect the character and appearance of the area, taking account of the capacity of the site and local area to absorb the development. The submitted land visual impact assessment concludes the proposal would not be harmful to the character of the area and the inspector in Appeal 1 (notwithstanding the out of date policy context) stated that on the issue of visual impact ‘ *the proposed development would not be sufficient to justify the refusal of planning permission*’. Furthermore, the inspector in Appeal 2 noted that ‘ *the Council considered that Core Strategy Policy CP10 continued the approach of saved Policy 74 of the Richmondshire Local Plan 1999-2006 towards chalet developments which would not have an unacceptable impact on the character and appearance of the countryside*’. The proposed development is therefore considered not to be harmful to the character of the area and accords with Policy CP10.

Impact on the character and appearance of the Easby Conservation Area.

- 10.15 The site is located to the east of Easby Conservation Area. The application site boundary is located approximately 80 metres to the east of the conservation area boundary. The wider area is owned by the applicant and includes an area of intervening woodland that abuts the conservation area. Core Policy CP12 refers to conserving and enhancing environmental and historic assets. The policy states that development or other initiatives will be supported where they conserve and enhance the significance of the plan area’s natural and man-made, designated or undesignated assets. Development will not be supported which has a detrimental impact upon the significance of a natural or man-made asset.
- 10.16 The conservation appraisal for Easby states that the village developed into two quite distinct areas, with the oldest buildings built on the low ground to take full advantage of the riverside location and a second group of buildings appearing on the elevated ridge to the north east along the access road. Between these two distinct building groups are a series of open fields, providing both an immediate and wider setting to the abbey ruins, and the overall form of the settlement. The Conservation Area also incorporates a substantial area of the surrounding landscape, in recognition of the role played by ‘setting’ in the overall character of Easby. Equally important to the setting is the open landscape outside the Conservation Area boundary particularly to the south of the river. The application site is located on the opposite side to the east of the conservation area. Furthermore, there is intervening vegetation between the application site and the conservation area. The conservation appraisal identifies an important approach along the road from the east of the conservation area and to the south of the application site. The proposed development would be well screened by vegetation between the application site and the road and therefore it is considered the approach to the conservation area from the east would not be harmed.
- 10.17 The first appeal decision referred to the conservation area, in particular the impact the proposal would have on the appearance of the conservation area. Paragraphs 12 and 13 of the inspector’s decision it stated the following:

The appeal site is outside, but adjacent to, the Easby Conservation Area. This area has considerable charm and contains some distinguished buildings (a number of which are listed) set in a most attractive landscape. The Conservation Area includes the remains of Easby Abbey, an ancient monument beside the River Swale, within the care of English Heritage. Generally, the village has an air of great tranquillity.

The proposed cabins would not be visible from within the Conservation Area, because of the intervening vegetation. In my view, they would have no effect on the Conservation Area's appearance.

- 10.18 In terms of the character of the conservation area the inspector in Appeal 1 considered the impact of the visitors of the development would have on Easby and the associated traffic and considered it would not have a harmful impact on the character of the conservation area. Overall, it is considered the proposal would have a neutral impact on the nearby Easby conservation area and accords with Policy CP12.

Impact on road safety and highway issues

- 10.19 The Council have received comments from the Parish Council and local residents stating that the application should be rejected as it will create a significant increase in traffic on a totally unsuitable lane. The North Yorkshire Traffic police also object to the proposal on the grounds there are poor junctions at either end of the lane and the fact that the lane is sufficiently narrow as to prevent cars from passing.
- 10.20 Paragraph 111 of the Planning Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Therefore, the bar for refusing a proposal on highway grounds is high.
- 10.21 The proposal is to create an 'in' and 'out' facility to the site with the access/egress roads being created either side of the existing agricultural building which is located to the front of the site. The two roads will then link together to form a combined access road to serve the lodges within the site. The highways department have considered the proposal together with the supporting information submitted by the applicant and consider it would not have a severe harmful impact on the road network.
- 10.22 The highway department have suggested a Grampian condition, which has been agreed by the applicant for some off site highway works. The agreed highway works would include, firstly, the creation of a right turning facility and associated carriageway widening on the B6271 at the junction of the Easby Village road with the B6271 to the east of the development site. This will include but not be limited to any signing, lining and associated carriageway works. Secondly, the provision of four passing places on the section of road, which lies between the application site and its westernmost junction with the B6271 at locations to be agreed between the applicant, the Planning Authority and the Highway Authority. The provision of an improved right turn facility on the B6271 and passing places is considered to overcome any concerns

expressed by the North Yorkshire Traffic Place and given it is supported by the highways department, the proposal is acceptable from a highway safety aspect.

Ecology and Trees

- 10.23 The applicant submitted an Ecological Impact Assessment (EIA) and Tree Report. According to the EIA the proposed development would be predominantly on agricultural grassland; a small area of plantation and part of a recently planted orchard would also be lost. The EIA considered that the grassland habitat was a low distinctiveness habitat that is in moderate condition therefore the loss of this was of no significant ecological impact. The orchard habitat on the site was assessed to be of a low condition as the fruit trees were still very young providing no dead wood, and the tall ruderal herbs and improved grassland that form the ground flora were more dominant.
- 10.24 The access to and from the site would extend through an area of improved grassland and the broad-leaved plantation woodland. An existing opening in one of the species poor native hedgerows would also need to be widened to facilitate access. The proposed works would require felling eighteen trees in this habitat to facilitate the creation of a new accesses to and from the site. There will also be a requirement to fell three trees adjacent to the existing access onto the site to create more space. The EIA considered the area to be lost was a minimal proportion to the total habitat area. Also, the widening of the existing access would result in a very minimal loss of this habitat as there is already a gap in the hedgerow. The tree report identified the trees to be removed as Category 'C' trees, which are considered to be of poor quality.
- 10.25 In mitigation the EIA states there would an enhancement of some of the existing grassland and new planting. Along each side of the access road, swathes of mixed native scrub would be planted with areas of grassland that will be enhanced with wildflowers to create areas of 'neutral grassland'. Native scattered trees will also be planted throughout these areas. In and around the new holiday lodges, ornamental shrubs would be planted along with some native trees. Some of the existing trees in the orchard habitat would also be retained. A new hedgerow would be planted along the eastern boundary of the holiday lodges area, to separate and protect the retained orchard habitat that lies outside the red line boundary. This will be a species rich native hedgerow.
- 10.26 In terms of Bio-diversity net gain the proposal includes off site mitigation to offset the loss of the orchard habitat to facilitate the development, some the entire area of retained orchard habitat that lies outside the red line boundary will be enhanced to a 'fairly good' condition. This is classed as off-site mitigation as it lies outside the red line boundary, but within the applicant's ownership. The combination of the on-site and off-site mitigation will deliver an overall net gain of 0.16 habitat Bu (+2.35%) and 0.33 hedgerow Bu (+25.10%). The EIA concludes that the development would have a Low Positive Residual Impact on the habitats at a site level.
- 10.27 With regard to protected species the North Yorkshire Ecological Team considered there were few constraints in terms of protected species but advised the following mitigation measures as outlined in the EIA and in respect of badgers, bats and timing of vegetation clearance in relation to nesting birds

should be adhered to. The Ecology team supported the proposal, however recommended a Biodiversity Management Plan would need to be submitted for approval prior to commencement, detailing how habitats would be created and maintained, including ongoing management. This would be subject to a planning condition.

Drainage Matters

- 10.28 The applicant has submitted a flood risk assessment & drainage strategy with the planning application. The site is located in Flood Zone 1 according to the Environment Agency's Flood Map which is the lowest risk zone. As a result, neither a Sequential Test nor an Exception Test are required. The proposal would therefore not create a risk of flood within or outside the site. The proposal is to manage runoff from the lodges, car parking and access road to the lodges by creating an infiltration basin adjacent to each lodge. Furthermore, the proposal also includes a filter drain network to capture road runoff from the access road so that the adjacent road network will not flood as a result of the development. No objections have been received from the statutory consultees.
- 10.29 With regard to foul drainage, it is proposed that a package treatment plant will be used to for the proposed development. The treatment plant would have a capacity of approximately 50 people. Given there is no available watercourse or foul sewer to discharge to the proposal includes a drainage field, which will treat the outflow from the package treatment plant and this will be located in the existing orchard located to the east of the lodges, well away from any public roads. Overall, there are no objections from Yorkshire Water or the Environment Agency. The EA have stated that government guidance contained within the National Planning Practice Guidance sets out a hierarchy of drainage options that must be considered and discounted in the following order: 1. Connection to the public sewer, 2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation) and 3. Septic Tank. Given there is no public sewer available the use of a package treatment plant is considered acceptable.

Other Considerations

- 10.30 The application has been subject to a significant level of objection from local residents. Some of the concerns raised have been considered in the main body of this report, however there are a number of other outstanding items raised. These include concerns stating that there already too much holiday accommodation nearby, local homes are required not holiday lets, the proposal will not assist the local economy, problems with construction traffic and loss of agricultural land.
- 10.31 With regard to the issue of too much holiday accommodation nearby the inspector considered this in Appeal 1 and stated *I have taken account of all the other matters raised, including the holiday cabin developments (known respectively as Brompton Lakes and Natural Retreat) that have recently been completed within a short distance of the appeal site; and the substantial representations about the present scheme that have been submitted by local people. However, I do not find any of these factors to be sufficient to outweigh*

the considerations that have led me to conclude that the appeal should be allowed. Given the inspectors comments, the presence of holiday accommodation nearby is not considered to be a sufficient justification to refuse the planning application.

- 10.32 Officers note residents concerns that local houses are required and not holiday lets. However, the proposal is for holiday lets and this application is required to be determined on its own merits. With regard to the local economy, the applicant has referred an economic benefit report undertaken by the UK camping and caravan club. The report found that the average spending by visitors in rented touring accommodation was £101 per day, which is more than the average tourist. In the absence of any contrasting information from the Parish Council or other amenity bodies this information is accepted as evidence that the proposal will contribute to the local economy Furthermore, the applicant has stated the proposal will create two full time and two part time jobs.
- 10.33 Local residents have raised issues with the problem with construction traffic associated with the proposed development. The highways department raise no objections, however a condition is required to provide a construction management plan. Residents have also raised the issue of loss of agricultural land, however the area involved is modest and its loss would not be a sufficient reason to justify a reason for refusing the application.

11.0 Planning Balance and Conclusion

- 11.1 Given the previous appeals on the site and the criterion set out in Policy CP8 and CP10 the principle of development is acceptable.
- 11.2 The proposal is not considered to be harmful to the character of the local area as the site is well screened and the proposed additional landscaping will provide further screening in the long term. The proposal would not be harmful to the character and appearance of the nearby conservation area.
- 11.3 The highway department have confirmed that with the access/egress arrangements and the off site highway works the proposal would not be harmful to highway safety. The proposal demonstrates a bio diversity net gain and the proposed surface water and foul water drainage is considered acceptable.
- 11.4 The benefits of the development will provide 12 attractive lodges set in a mature rural landscape with significant screened from public vantage points. The proposal will bring benefits to the local economy and provide a modest number of jobs.

12.0 Recommendation

- 12.1 That planning permission be **GRANTED** subject to conditions listed below:

Condition 1: The development hereby permitted shall be begun within three years of the date of this permission.

Reason: To comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 2: The development hereby permitted shall be carried out precisely in accordance with the approved drawings and particulars as set out below, together with any conditions attached to this approval, which may require any variation thereof:

- a) application form and certificate
- b) Location plan LPD_1220_EPLP1A
- c) Site Layout Plan DRG No LPG/1220/EPLP2A
- d) Pre-development Arboricultural Report dated 28 July 2022 by Treescapes Consultancy Ltd
- e) Ecological Impact Assessment dated 15th November 2022 by Whitcher Wildlife Ltd. Ecological Consultants
- f) Detailed Landscape Design Overview 21-0522 V3, Detailed Landscape Design Planting Schedule 21-0522 V3 and Detailed Landscape Design Insets 1-8
- g) Flood Risk Assessment & Drainage Strategy dated 23rd July 2021
- h) Transport Statement dated 20th May 2021
- i) Swept Path Analysis T21513 002B
- j) Proposed site access and egress junctions T21513 001C
- k) Planning Design and Access Statement - December 2021 V1

Reason: To ensure that the development is carried out in accordance with the approved particulars and plans

Condition 3: Prior to the commencement of development details including layouts and elevations of the proposed lodges shall be submitted to and approved in writing by the local planning authority. The lodges shall be constructed in accordance with the approved details.

Reason: In the interests of amenity of the rural landscape.

Condition 4: The development must not be brought into use until the accesses associated with the site have been set out and constructed (easternmost access) or reconstructed (westernmost access), together with the crossing of the highway verge, in accordance with the approved details as shown on Drawing Number 001 Revision C and Standard Detail Number A1 and the following requirements:

- Any gates or barriers at the vehicular entrance must be erected a minimum distance of 10 metres back from the carriageway of the Public Highway and must not be able to swing over the Public Highway.
- The final surfacing of any access within 6 metres of the boundary with the Public Highway must not contain any loose material that is capable of being drawn on to the Public Highway.
- Details of measures necessary to prevent surface water from the site discharging onto the existing Public Highway must be agreed with the Planning Authority in consultation with the Highway Authority before work starts on site. The measures should then be constructed in accordance with the approved details and maintained thereafter to prevent such discharges.

- Details of the measures that will be provided to ensure that the proposed one way flow of traffic to and from the site will operate effectively must be agreed with the Planning Authority in consultation with the Highway Authority before work starts on site. Once installed in accordance with the approved details the measures must be retained and maintained.

All works must accord with the approved details.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.

Condition 5: There must be no access or egress by any vehicles between the highway and the application site until splays in respect of the northernmost vehicular exit are provided giving minimum clear visibility of 57 metres to the north east and 52 metres to the south measured along both nearside channel lines of the adjacent carriageway from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

There must be no access or egress by any vehicles between the highway and the application site until a splay in respect of the southernmost vehicular access is provided giving minimum clear visibility of 52 metres to the south west for a driver waiting to turn right into the site from the adjacent carriageway measured across the site as shown on Drawing Number 001 Revision C. In measuring the splay, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created this visibility splay must be maintained clear of any obstruction and retained for its intended purpose at all times.

Reason: In the interests of highway safety.

Condition 6: Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks (except for investigative works) or the depositing of material on the site in connection with the construction of the access road or buildings or other works until:

1. Full detailed engineering drawings of the required Highway improvement works which are listed below have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.
2. An independent Stage 2 Road Safety Audit carried out in accordance with 'GG119 Road Safety Audits' or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site.
3. A programme for the delivery of the Highway improvement works must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site.
4. Each item of the off-site Highway improvement works must be completed in accordance with the approved engineering details and programme.

The required Highway improvement works shall include:

- a. The creation of a right turning facility and associated carriageway widening on the B6271 at the junction of the Easby Village road with the B6271 to the east of the development site. This will include but not be limited to any signing, lining and associated carriageway works.
- b. The provision of four Passing Places on the section of road which lies between the application site and its westernmost junction with the B6271 at locations to be agreed between the applicant, the Planning Authority and the Highway Authority. The Passing Places will need to be installed by a contractor approved by the Highway Authority and be to the Highway Authority's Standard Detail K 160

The works detailed in 'a' above shall be completed to the satisfaction of the Highway Authority prior to any works being undertaken within the Development Site.

The works detailed in 'b' above shall be completed before the development is brought into first use.

Reason: To ensure that the design is appropriate in the interests of the safety and convenience of highway users.

Condition 7: There must be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or buildings until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

- Vehicular parking
- Cycle parking
- Visitor parking
- Staff parking

No part of the development must be brought into use until the parking areas have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development

Condition 8: No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

1. The provision of wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent Public Highway by vehicles exiting the site.

2. An area for the parking of all contractors, site operatives and visitor's vehicles clear of the Public Highway.
3. An area for the storage of all plant and materials used in constructing the development clear of the Public Highway.
4. Measures to manage the delivery of materials and plant to the site including the routing of deliveries and the location of loading and unloading areas.
5. A photographic survey of the condition of the carriageway and adjacent verges of the full length of the minor road adjacent to the site should be undertaken before the development commences and submitted to the Planning Authority and the Highway Authority. The survey will be used in order to establish if any damage or degradation to the publicly maintainable highway has occurred during the period of work on the site and any such damage deemed to have taken place as a consequence of the development works will require to be rectified at the cost of the applicant.

Reason: In the interest of public safety and amenity

Condition 9: Prior to the commencement of development a Biodiversity Management Plan detailing how the habitats will be created and maintained, including ongoing management, shall be submitted to and approved by the Local Planning Authority. The approved management plan shall be fully implemented.

Reason: In order to ensure there is a biodiversity net gain.

Condition 10: If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the local planning authority shall be notified in writing immediately. No further works (other than approved remediation measures) shall be undertaken or the development occupied until an investigation and risk assessment carried out in accordance with the Environment Agency's Land Contamination: Risk Management (LCRM), has been submitted to and approved in writing by the local planning authority. Where remediation is necessary, a scheme for the remediation of any contamination shall be submitted and approved by the LPA before any further development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.

Reason: In order to protect the health of construction workers and future occupiers

Condition 11: No external lighting shall be installed on the site without the prior written agreement of the local planning authority.

Reason: In the interests of the amenity of the rural landscape

Condition 12: The occupation of the lodges hereby permitted shall be for holiday purposes only, and no lodge shall be used as the occupants' sole or main residence

Reason: The use of the lodges as permanent residences would not be acceptable in the open countryside.

Case Officer: Nick Howard - nick.howard@northyorks.gov.uk

Appendix A - Appeal 1

Appendix B - Appeal 2



Appeal Decision

Site visit made on 5 July 2010

by **Michael Hurley BA DipTP MRTPI**

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
21 July 2010

Appeal Ref: APP/V2723/A/10/2122081

Easby Park, Easby, Richmond, North Yorkshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Randall Orchard against the decision of the Richmondshire District Council.
- The application (Ref: 1/20/67A/FULL) dated 14 July 2009 was refused by notice dated 8 October 2009.
- The development proposed is a log cabin holiday development of 12 log cabins.

Summary of Decision: I allow the appeal and grant planning permission subject to conditions, as set out in the Formal Decision below.

Application for costs

1. An application for costs was made by Mr Randall Orchard against the Richmondshire District Council. That application is the subject of a separate Decision.

Main issues

2. The main issues in this case are the visual impact of the proposed development; its effect on the character and appearance of the Easby Conservation Area; and its implications for road safety.

Visual Impact

3. The appeal site has an area of about 16ha, and lies in open countryside to the east of the village of Easby, from which it is separated by a block of mature woodland. The site consists mainly of pasture. However, a tongue of woodland, up to about 20m wide, runs eastwards from its western edge for about 160m, dividing the appeal site into two unequal parts.
4. The north-western boundary of the site is marked by the "Coffin Trod", a public bridleway, which is sunken between embankments for much of its length. The B6271 road runs along the eastern edge of the appeal site. The southern site boundary is defined by Easby Road, a minor road which links Easby to the B6271. There is a continuous belt of mature woodland, some 30 to 40m wide, within the eastern and southern margins of the appeal site, immediately adjacent to the B6271 and Easby Road.
5. A public footpath runs from west to east across the centre of the site (to north of the tongue of woodland) linking Easby to the B6271. At the time of my visit, the footpath was blocked at the Easby end, where it runs through residential property.

6. The proposed holiday cabins would be single-storey, timber structures of varying size. Seven of them would stand within the existing tongue of trees that divides the site. The remaining 5 would be grouped immediately to the south of this tree belt, on existing pasture land. Access to the proposed development would be by means of a new driveway, which would join Easby Road about 80m to the west of its junction with the B6271.
7. Trees have recently been planted to the south of the site of the proposed cabins and along either side of the line of the proposed driveway. Further woodland planting is proposed adjacent to the western end of the "Coffin Trod" and along the western edge of the appeal site.
8. The appeal site lies within an Area of Great Landscape Value, as defined in the Richmondshire Local Plan. Policy 7 of the Local Plan indicates that, within this area, extra care must be taken to conserve the special qualities of the landscape. Policy 74 of the Local Plan deals specifically with chalet developments for holidaymakers. It requires that such developments should have the benefit of natural screening by landform or trees, sufficient to ensure that they would be largely hidden from view, even in the winter months.
9. In my view, the proposed cabins would be well screened. I recognise that some existing evergreens would have to be removed from the tongue of woodland at the centre of the site to make way for the proposed development, and that it is already possible to see through this belt of planting from the footpath that crosses the appeal site, even in high summer. However it seems to me that the remaining trees on the site would provide an effective foil for the proposed cabins in views from the footpath, which would be some 80m away. The screening effect would be reinforced as the new and proposed landscaping matures. The same would apply to the view from the western end of the "Coffin Trod", which would be about 180m from the nearest cabin. The cabins would be screened by the embankment alongside the "Coffin Trod" further to the east.
10. Roadside woodland would screen the proposed cabins in views from the B6271 and Easby Road. Although it might well be possible to see some of the cabins through these trees, particularly in the winter months, the development would be progressively obscured as the on-site landscaping matures. Although some trees in the roadside belt would have to be cleared to make way for the proposed access and driveway, I do not consider that this would have a significant impact on the landscape.
11. There is no policy presumption against cabin developments in the Area of Great Landscape Value. My conclusion on the first issue is that the visual impact of the proposed development would not be sufficient to justify the refusal of planning permission.

Effect on the Easby Conservation Area

12. The appeal site is outside, but adjacent to, the Easby Conservation Area. This area has considerable charm and contains some distinguished buildings (a number of which are listed) set in a most attractive landscape. The Conservation Area includes the remains of Easby Abbey, an ancient monument beside the River Swale, within the care of English Heritage. Generally, the village has an air of great tranquillity.

13. The proposed cabins would not be visible from within the Conservation Area, because of the intervening vegetation. In my view, they would have no effect on the Conservation Area's appearance.
14. I have considered whether the proposed development would affect the Conservation Area's character. It is likely that holidaymakers staying on the site would come into the village, to admire its architecture and visit the Abbey. However, I think that their impact would be modest, and largely seasonal. As far as I am aware, there are no public entertainment facilities in Easby; no catering establishments; and no retail outlets. This is essentially a quiet rural settlement. I would expect it to remain so, notwithstanding a low key development of 12 holiday cabins close by.
15. I would expect little of the vehicular traffic generated by the proposed development to pass through the Conservation Area. The most direct route to and from the A1, Richmond and other attractions, would be by way of the B6271, via the junction to the east of the proposed site access. My conclusion on the second issue is that the proposed development would detract from neither the appearance nor the character of the Easby Conservation Area.

Road Safety

16. There are two junctions between the B6271 and Easby Road, about a kilometre apart. Police records show that there have been 10 personal injury accidents on the B6271 between these two junctions during the past 5 years, resulting in 4 serious injuries and 13 slight injuries. This seems to me to be an unsatisfactory record.
17. The most direct access to the proposed cabins would be from the more easterly of the two junctions, which would be relatively close to the proposed site entrance. Visibility is particularly poor for drivers turning right at this junction to enter Easby Road, due to a sharp bend in the alignment of the B6271 at this point. I note that none of the accidents shown in the police record have involved turning movement at this junction. However, this may reflect the fact that local people either avoid this manoeuvre or treat the junction with an appropriate degree of caution. Holidaymakers visiting the proposed cabins are likely to be unfamiliar with the road, and may be less circumspect. In my view, existing visibility for right turning traffic at the more easterly junction is sub-standard and potentially dangerous. In reaching this view, I have taken account of the fact that the measured 85th percentile speed of traffic using this part of the B6271 is 74kph westbound and 73kph eastbound.
18. I accept that the proposed development would attract only a limited amount of traffic; and that not all of this would turn right at the more easterly of the two junctions leading to Easby from the B6271. Nevertheless, Policy 74 of the Local Plan indicates that developments such as that proposed should avoid attracting traffic onto country roads which cannot accommodate it safely. The North Yorkshire County Council (as highway authority) oppose the proposed development on road safety grounds. The North Yorkshire Police have also expressed their concern on this count. In my view, the proposed development would fail to meet the requirements of Policy 74, without the substantial improvement of the junction in question.

19. The appellant has suggested that this junction could be improved by the widening of the carriageway of the B6271, and by the provision of ghost islands and a central refuge for traffic turning right into Easby Road. However, a plan of this scheme, prepared by the appellant's transport consultant, bears the following caption:
- ... the ghost island will improve the visibility for the right turning vehicle as it positions the vehicle in a better position to see oncoming traffic on the B6271. I am not sure that it will achieve the desirable standards, but it will undoubtedly be an improvement over the current situation.
20. The highway authority remains concerned that the development would result in conditions prejudicial to road safety. The police argue that the proposed road widening scheme would increase the severity of an already tight bend. Both bodies consider that the proposed improvement should be the subject of a road safety audit. As far as I am aware, such an audit has not yet been undertaken.
21. Nevertheless, in an email to the appellant's agent dated 18 November 2009, an officer of the highway authority said "... we are still of the opinion that a suitable right turning facility can be created at this junction". In the circumstances, it seems to me that a negative (Grampian) condition could be imposed, to preclude the proposed development from proceeding until such time as an acceptable scheme of junction improvements has been agreed and completed. Doubtless before agreeing to such a scheme, the local planning authority would wish to consider the outcome of a road safety audit.
22. My conclusion on the third issue is that it may be possible to overcome unacceptable road safety hazards by improvements to the junction between Easby Road and the B2671 to the east of the proposed site access. I consider that such improvements should be the subject of a negative (Grampian) condition.

Other Matters

23. The justification for Policy 74 of the Local Plan states that:

Experience has shown that, with care, camping, caravan and chalet sites can be absorbed into the landscape of the plan area, and that they are popular with holidaymakers. They also make a significant contribution to the rural economy ...

The Government's approach to such development is set out in Planning Policy Statement 4: *Planning for Sustainable Economic Growth*. Policy EC7 of this document enjoins local planning authorities to support rural tourism development, while carefully weighing the objective of providing adequate facilities against the need to protect landscapes and environmentally sensitive sites. In my view, the proposed development would be consistent with this approach.

24. I have taken account of all the other matters raised, including the holiday cabin developments (known respectively as Brompton Lakes and Natural Retreat) that have recently been completed within a short distance of the appeal site; and the substantial representations about the present scheme that have been submitted by local people. However, I do not find any of these factors to be

sufficient to outweigh the considerations that have led me to conclude that the appeal should be allowed.

25. I have considered the planning conditions suggested by the local planning authority. As the submitted plans provide details of the disposition and appearance of the proposed cabins, I see no need for the submission of further working drawings, or for the sites of the cabins to be pegged out for the Council's approval prior to the commencement of the development. Nor do I see any need for the precise floor level of these structures to be agreed by the local planning authority. Otherwise, I shall impose conditions along the lines sought by the District Council, for the reasons they give.
26. I have also considered the planning conditions sought by the highway authority. It seems to me that there is already an adequate construction access to the appeal site from Easby Road; that the highway authority are able to control works within the highway without the imposition of planning conditions; and that there is no need to impose a condition requiring the identification of parking spaces on a development of this nature. I shall however impose conditions relating to the design of the proposed site access, along the lines sought.

Formal Decision

27. I allow the appeal, and grant planning permission for a holiday development of 12 log cabins at Easby Park, Easby, Richmond, North Yorkshire, in accordance with the terms of the application, (Ref: 1/20/67A/FULL) dated 14 July 2009, and the plans submitted therewith, subject to the following conditions:
- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted 1:2500 scale Indicative Parkland and Log Cabin Plan, Rev B, dated May 2009; the 1:500 scale Foundation and Drainage Layout Plan date July 2009; and submitted plan numbers JN0141 Dwg 003, RO/85989/A/1B, RO/85989/B/2B, RO/85989/C2B, RO/85989/D3B, RO/85989/E3B and RO/85989/F/4B.
 - 3) The development hereby permitted shall not commence until improvements to the junction between Easby Road and the B6271 (to the east of the proposed site access) have been completed in accordance with a scheme to be agreed in writing by the local planning authority.
 - 4) No construction works shall commence on the log cabins until samples of the materials to be used in the external surfaces of these structures have been submitted to and approved in writing by the local planning authority.
 - 5) Prior to the commencement of the construction of the cabins hereby permitted a detailed scheme of landscaping for the site shall be submitted to and approved in writing by the local planning authority. Landscaping works shall be carried out in accordance with the approved scheme. Any plants which die, are removed, or become seriously damaged or diseased within a period of 5 years from the completion of

- the development hereby permitted shall be replaced in the next planting season with others of similar size and species, unless the local planning authority give written consent to any variation.
- 6) The occupation of the log cabins hereby permitted shall be for holiday purposes only, and no cabin shall be used as the occupants' sole or main residence.
 - 7) No external lighting shall be installed on the site without the prior written agreement of the local planning authority.
 - 8) No gates or barriers shall be erected on the proposed access drive within 10m of the public highway.
 - 9) The final surfacing of the proposed access within 10m of the public highway shall contain no loose material capable of being drawn onto the highway.
 - 10) There shall be no egress of vehicles from the proposed site access onto the highway until splays are provided giving clear visibility of 2.4m x 90m in either direction along the carriageway of Easby Road. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
 - 11) Prior to the start of the construction works hereby permitted, a scheme to prevent the deposit of mud and grit on the public highway shall be submitted and approved in writing by the local planning authority, and the scheme as approved shall be put into effect.
 - 12) Prior to the construction of the log cabins hereby permitted, a scheme for the conveyance of foul drainage to a private treatment plant shall be submitted to and approved in writing by the local planning authority. No part of the development hereby permitted shall be brought into use until the sewage treatment system so approved has been constructed. The treatment plant shall thereafter be retained throughout the life of the development.
 - 13) No facilities for the storage of oils, fuels or chemicals shall be provided on the site without the written consent of the local planning authority.

Michael Hurley

Inspector

Appeal Decision

Site visit made on 4 October 2013

by M Seaton BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8 January 2014

Appeal Ref: APP/V2723/A/13/2200408

Field between Southern Junction of Easby Access Road and Easby, Richmond, North Yorkshire.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Randall Orchard against the decision of Richmondshire District Council.
 - The application Ref 12/00795/EXT, dated 19 November 2012, was approved on 6 March 2013 and planning permission was granted subject to conditions.
 - The development permitted is a log cabin holiday development of 12 log cabins.
 - The condition in dispute is the un-numbered 'time limit for implementation' condition which states that: 'The development hereby permitted shall be begun on or before 20 July 2014.'
-

Decision

1. The appeal is allowed and the planning permission Ref 12/00795/EXT for a log cabin holiday development of 12 log cabins at the Field between Southern Junction of Easby Access Road and Easby, Richmond, North Yorkshire granted on 6 March 2013 by Richmondshire District Council, is varied by deleting the un-numbered 'time limit for implementation' condition and substituting for it the following condition:
 - The development hereby permitted shall begin on or before 20 July 2016.

Procedural Matter

2. The Council has not included the time limit for the implementation of development in the form of a numbered condition on the decision notice, but has instead referred to it separate to the conditions. However, I am satisfied that the format of the decision clearly indicates that the time limit for the implementation of development is a condition of the grant of planning permission, and that despite it not appearing within the general list of conditions that it would be regarded as such.

Background and Main Issue

3. Planning permission was granted at appeal in July 2010 for a holiday development for 12 log cabins in a field close to Easby. The appellant made an application seeking to extend the period of time in which to implement the planning permission by a further 3 years. National guidance on this type of planning application explains that this specific measure to seek an extension to the time limit for implementing planning permissions was introduced to make it easier for developers and local planning authorities to keep planning

permissions alive for longer during the economic downturn, so that they can be implemented more quickly when economic conditions improve. It advises local planning authorities to take a positive and constructive approach towards planning applications which improve the prospect of sustainable development being taken forward quickly. In making their decisions, they should focus on development plan policies and other material considerations which may have changed significantly since the original grant of permission. However, they may refuse such applications where changes in the development plan and other material considerations indicate that the proposal should no longer be treated favourably. The application is valid as the time limit for implementation had not expired both on 1 October 2010 and at the date of the application.

4. The Council has granted planning permission subject to the implementation of the development taking place within 1 year, by 20 July 2014. The appellant is seeking to vary this condition to allow the development to be implemented within a 3 year time period.
5. The main issue is whether the condition is reasonable or necessary in the interests of proper planning.

Reasons

6. The Development Plan as relevant to this appeal has altered since the original grant of planning permission due to the revocation of the Regional Spatial Strategy. However, the other plan documents that were in place at the time of the grant of the original planning permission remain extant. Furthermore, the National Planning Policy Framework ('the Framework') was adopted in March 2012, and the Council has progressed with the Richmondshire Local Plan Core Strategy ('the Core Strategy'), with the Proposed Submission version having been published in August 2012. These would be relevant material considerations.
7. In accordance with the legislation, the Council is entitled to depart from the 'standard' 3 year time limit for the implementation of development having regard to the provisions of the development plan and to any other material considerations. This approach is also reflected in the national guidance for extending the time limit on applications which sets out a discretion to grant longer or shorter permissions if this is justifiable on planning grounds.
8. The appellant has contended in their evidence that there has not been a material change in circumstances relating to the main issues of the 2010 appeal, and that the proposed development remains in accordance with the Development Plan which was in place at the time of the application. I note that in granting planning permission the Council also reached the same conclusion that there were not sufficiently significant changes in circumstances to warrant no extension of the limit for permission being given. The Council considered that Core Strategy Policy CP10 continued the approach of saved Policy 74 of the Richmondshire Local Plan 1999-2006 towards chalet developments which would not have an unacceptable impact on the character and appearance of the countryside. Furthermore, the Highway Authority had no objections to an extension of the time limit. However, the Council expressed reservations regarding compliance with emerging policies, most notably in respect of design, and the continuing uncertainty that would persist for a further 3 years if planning permission were granted for that period. It is on this basis that an

extension of the time limit for implementation was consequently restricted to 1 year.

9. With regards to the evidence placed before me, I would conclude that the proposed development remains in accordance with the policies of the Development Plan. Furthermore, I have been mindful of the support for the proposals provided by paragraph 28 of the Framework. This sets out support for sustainable economic growth in rural areas in order to create new jobs and prosperity through well designed new buildings, and sustainable rural tourism which respects the character of the countryside. In respect of design, I acknowledge the Council's concern over the greater emphasis now being placed on high quality design but must point out that the achievement of high quality design would have been a fundamental and intrinsic element of both national and local planning policy and assessment at the time of the original decision. This is emphasised by the references to the need for design to be of genuine quality in saved Policy 5 of the Local Plan, and I would therefore disagree that this amounts to a significant change in circumstances.
10. The Council has also referred to a desire to reduce levels of uncertainty for the local community within which there was considerable opposition to the original proposals. However, whilst I have sympathy with the position that opponents to the proposals might find themselves in, it would not be a reason premised on material planning grounds to justify limiting the time period for the implementation of development to less than the 3 year norm.
11. On the basis that the proposed development accords with the Development Plan, it would have been entirely reasonable for the appellant to expect an extension to the time limit for implementation to be granted for a 'standard' 3 year period. If the Council believed there to have been a material change in circumstances sufficient to outweigh the conclusions reached in respect of the Development Plan, the onus would have been on the Council to have reached a different conclusion on the application, and opt not to extend the time limit for implementation. The reasoning provided by the Council would not be of sufficient weight to justify the restriction of the extension of the time limit to 1 year. In this respect, I am satisfied that the proposed development would be in accordance with the Development Plan and consistent with the objectives of the Framework. I therefore conclude that the condition restricting the time period to 1 year for the implementation of development is not reasonable or necessary in the interests of proper planning, and I will replace the condition with a 3 year time period for the implementation of development.

Conclusion

12. For the reasons given above I conclude that the planning permission should be varied as set out in the formal decision.

M Seaton

INSPECTOR