

**North Yorkshire Council**  
**Community Development Services**  
**Thirsk and Malton Area Constituency Planning Committee**

**15 August 2024**

**ZB24/00145/FUL - Change of use of land for the siting of 5no. holiday lodges,  
improvements to existing access and associated infrastructure works**

**At Newlyn, Oulston Road, Easingwold, North Yorkshire**

**On Behalf of Mr & Mrs M Hateley**

**Report of the Assistant Director Planning – Community Development Services**

**1.0 PURPOSE OF THE REPORT**

- 1.1 To determine an application for full planning permission for the change of use of land for the siting of 5 holiday lodges and associated works at Newlyn, Oulston Road, Easingwold.
- 1.2 This application requested to be determined by the Area Planning Committee following a referral by Cllr Knapton due to the site having a history of dismissal at appeal and a number of material factors.
- 1.3 This application was deferred from the May Planning Committee for further consideration of land levels, a site management plan and the tenure of the proposed lodges.

**2.0 SUMMARY**

**RECOMMENDATION:**

- 2.1 That planning permission be **GRANTED** subject to the conditions set out in Section 12 of this report.
- 2.2 The proposed development comprises five holiday lodges and associated development located in a paddock (approximate size, 0.25ha) set to the north of Newlyn, a dwelling at the northern edge of Easingwold. The application site is bound to the west by Oulston Road and, beyond this, residential land associated with the wider Claypenny Estate. To the immediate north and west is agricultural land, with Newlyn set to the south. There is a fall in land levels between the agricultural land to the west and the site and, in turn, a further fall between the site and Oulston Road. The site is within the same ownership as that of Newlyn.
- 2.3 Each proposed lodge measures approximately 4.25m to the ridge and would have a floorspace of 68.8m<sup>2</sup> (85.8m<sup>2</sup> with the veranda included). Following discussions with the Environmental Health team, the number of proposed units has been lowered from six to five.
- 2.4 Compliance with Policy EG8 in terms of this site's suitability for the siting of visitor accommodation is one of the main considerations, paying heed in particular to the impact on the character and appearance of the surrounding area and the site's position adjacent to

a settlement and its facilities. Technical matters such as highway safety and drainage are also important material planning considerations.

**ZB24/00145/FUL**

02/05/2024



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### 3.0 PRELIMINARY MATTERS

3.1 Access to the case file on Public Access can be found here:

[Planning Documents](#)

#### Planning history

3.2 Application site:

19/01878/CAMP - Consultation for the operation of a certified exempted caravan site – Closed (no objections or concerns noted at time of application).

16/00667/OUT - Outline application for the development of 4 self-build housing plots – Refused.

16/00044/REFUSE (Appeal No.: APP/G2713/W/16/3162960) – Appeal dismissed.

#### Deferral Update

3.3 This application was deferred from planning committee on 23.05.24 so that officers could enter into discussions with the agent clarifying a few matters that had been raised by Councillors.

3.4 These matters were: land levels, a site management plan and tenure of the units.

3.5 Information has subsequently been provided by the agent addressing these issues, which are discussed below:

3.6 The agent clarified that the proposal would involve limited cut and fill and that no imported material will be brought onto site to make up the levels. Further plans were provided, including a street-scene which showed the proposed units both within the context of the existing planting and a nearby property (4 Tower Croft) as well as the extent of the aforementioned cut-and-fill. These plans demonstrate the impact of the existing landscaping on the wider relationship between the site and the surrounding area, where the proposed units are, to a large extent, screened by the existing planting. Further, it is apparent that there is a reasonable distance between the site and 4 Tower Garth, with a number of visual breaks in between the two sites.

3.7 A draft management plan has also been provided which has provided an indication of how the site will be managed. The site management plan addresses the following issues which were raised by the planning officer and the committee:

- Measures to mitigate and control noise and odour from the site.
- Measures to mitigate and control emissions from the site.
- Details of hours of operation, entry/movement from the site and how this will be managed.
- Procedures for maintaining good public relations including complaint management, public consultation and liaison.
- Contact details (including primary address, telephone numbers and email) of who will be responsible for the management of the site to ensure any amenity issues on site are dealt with promptly.

3.8 Environmental Health were consulted on the above and raised a number of queries, listed within Paragraph 7.13 of this report. It should be borne in mind that the management plan is

in draft and that the condition requiring a final, actionable version will remain as part of a decision. Despite querying the details associated with the draft, Environmental Health did not object to it in principle and it is considered that the applicant will be able to incorporate or address the various points raised by Environmental Health within the final plan.

- 3.9 Paragraph 5.2 of the Site Management Plan includes the following: “Until a site operator has been appointed...”, from which it can be inferred that ownership or management of the site may not be with the applicant for the lifetime of the development.
- 3.10 With regard to tenure, the agent has indicated that the applicant originally intended to have the site composed of short-term lets but is also open to the prospect of long-term letting of the units as holiday homes. Both forms of development would provide an economic benefit to the area, but to a different extent: short-term lets promote the use of tourist attractions and leisure facilities more so than long-term lets, which would promote use of the nearby town centre for general shopping.
- 3.11 Regardless, there is no mechanism within the Local Plan that allows the Council to insist on a particular form of tenure and this therefore could not be considered a reason for refusal without being linked to another policy issue (i.e. noise impacts, etc.).
- 3.12 It is not considered that the information supplied following deferral has meaningfully affected the initial recommendation – it is deemed that the proposal remains broadly policy compliant and that the documents supplied address those concerns laid out by the committee at May’s Committee Meeting.
- 3.13 Condition 2 has been updated to reflect the submission of amended drawings.

#### **4.0 SITE AND SURROUNDINGS**

- 4.1 The application site consists of 0.25ha of paddock associated with Newlyn, a dwelling to the east of Oulston Road. The site abuts agricultural land on its northern and eastern boundary, whilst Oulston Road (a classified road and part of National Cycling Route 65) sits to the west. Beyond Oulston Road lies the Copperclay Estate and Mallison Hill Woods. The western boundary of the site is lined by well-established planting (mainly Ash), with some planting also present to the northern boundary.
- 4.2 There is a significant land level difference between the site and the agricultural land to the east and also between the site and the road to the west, with the topography lowering from east to west. The application site will be accessed using the existing access associated with Newlyn.

#### **5.0 DESCRIPTION OF PROPOSAL**

- 5.1 The application relates to the siting of five lodges within the above-described paddock. Each lodge would measure approximately 4.25m to the ridge and have a floorspace of 68.8m<sup>2</sup> (85.8m<sup>2</sup> with the veranda included). The lodges are to be timber clad. Each lodge would have a veranda area and two allocated parking spaces.
- 5.2 The access associated with the site is proposed to be widened considerably as part of the scheme. Landscaping within the site itself and to the northern, southern and eastern site boundaries is also proposed.
- 5.3 The application is submitted with a Design, Access and Planning Statement; Preliminary Ecological Appraisal; Drainage Assessment; Tree Survey; Biodiversity Net Gain Metric and report.

## **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 the Hambleton Local Plan (adopted February 2022).

Emerging Development Plan - Material Consideration.

- 6.3 The North Yorkshire Local Plan is the emerging development plan for this site though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

Guidance - Material Consideration

- 6.4 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:

### Initial Consultation

Consultees

- 7.2 Town Council – Objects:

The proposal will have a detrimental impact on the countryside and local residents, community and causes road safety concerns.

- 7.3 Highway Authority – No objection:

Conditions provided relating to amended access, a construction management plan and surface water drainage.

- 7.4 Environmental Health – Neither supports nor objects:

“In respect to the potential impact on amenity and the likelihood of the development to cause nuisance there is no detail within the planning application to explain how the site will be managed to prevent nuisance or who will be managing the site on a day-to-day basis. Therefore, at this stage The Environmental Health Service can only determine that the site has the potential to have a negative impact on local amenity.

The submission of a satisfactory site management plan would ensure a more accurate decision. I would therefore recommend the following condition to ensure no serious negative impact on local amenity.”

Conditions relating to the management and lighting of the site were provided as well as an informative relating to the licencing of the site.

7.5 Yorkshire Water – No objection:

Conditions provided. Request for reconsultation should surface water drainage arrangements change.

Reconsultation took place on the 2 April 2024 following submission of drainage scheme. No response has been received.

7.6 MOD RAF - No safeguarding objections.

Revised Consultation

7.7 Parish Council – No response received.

7.8 Highways Authority - No response received.

7.9 Environmental Health – Neither supports nor objects:

“In respect to the potential impact on amenity and the likelihood of the development to cause nuisance there is still no detail within the planning application additional documents to explain how the site will be managed to prevent nuisance or who will be managing the site on a day-to-day basis. Therefore, at this stage The Environmental Health Service can only determine that the site has the potential to have a negative impact on local amenity.

The submission of a satisfactory site management plan would ensure a more accurate decision. I would therefore recommend the following condition to ensure no serious negative impact on local amenity.”

A condition has been supplied relating to site management.

7.10 Yorkshire Water Services – No response.

7.11 MoD RAF - No response.

Consultation Following Deferral:

7.12 Town Council – No response.

7.13 Environmental Health – Provided the following queries:

- “With regards to the site operator, are they planning to outsource this to an external party? Will they live locally to the site in order to deal promptly with issues? Or will it remain managed / run by the occupiers of Newlyn?
- Can they confirm what their nuisance procedure is in the event of an issue on the site?
- Will the site be advertised as a quiet site, no large groups permitted etc?
- How will they manage the bookings to ensure no large group bookings or stag/hen-dos are automatically made?

- Will customers be advised at the time of booking of what the rules (control measures) of the site will be?
- Is the intention for them to have hot tubs on site now? Point 2.3 mentions Jacuzzis.
- Also, just a query regarding the max group number of 8 allowed in the lodges, is that not excessive for 2 bed lodges? I would have expected max of 6 people in a 2 bedroom lodge? (2 in each bedroom total of 4 and then further 2 lounge/sofa bed)?”

7.14 MoD RAF – No objection.

7.15 NYC Highways – No response.

7.16 Yorkshire Water Services – No response.

### **Local Representations**

#### Initial Consultation:

7.17 Neighbours and Site Notice – 22 Objections; 9 in Support (summarised below):-

#### Objections:

- The site is not allocated.
- Noise from guests/site construction.
- Increased light pollution.
- Impact on nearby wildlife, including at Mallison Hill.
- Holiday lodges do not generally exist in residential areas.
- Permission was refused in 2016 for housing on the site, an appeal was later dismissed by the inspector.
- The matters relevant to the 2016 have not changed, especially intrusion into countryside and rural character.
- The proposal does not accord with Local Plan Policies S5 and EG8.
- Holiday homes negatively impact the sense of community and the local economy.
- Tourist destinations have seen increase in use, impacting local services.
- Infrastructure and local facilities are struggling to keep pace with rapid growth.
- No demand for holiday accommodation in the area; many holiday lodges have been for sale unsuccessfully for some time.
- The number of inhabitants will be disproportionate to the scale of the site.
- Concern over use of site for permanent accommodation.
- No footpath on eastern side of Oulston Road.
- Concerns over highway safety, particularly with regard to vulnerable road users (i.e. runners, cyclists, etc.).
- Insufficient access for cars and pedestrians.
- Concerns over management of run-off onto Oulston Road and surface water management.
- Site is in very prominent area, on a hill.
- Negative visual impact when viewed from Public Right of Way to the east.
- Development will be the first thing people see when approaching Easingwold from the north.
- Discrepancy in Design and Access Statement when referring to relationship between the site and 2 Lime Tree Avenue.



In support:

- There are not currently enough places to stay in Easingwold.
- Site appears to be private [in appearance].
- Within walking distance to shops, restaurants and public houses.
- Will bring revenue into the town.

Revised Consultation:

7.18 Neighbours and Site Notice – 14 Objections (summarised below):-

- The site remains wholly inappropriate as a site for a holiday park.
- The reduction in scale from 6 to 5 lodges does not alter previous points of objection.
- There are a large number of public objections to the proposal.
- The amended access would look unsightly.
- Using existing drains would not alleviate drainage issues.
- The site still looks cramped despite revised plans.

Consultation Following Deferral:

7.19 Neighbours – 17 Objections (summarised below):-

- The access would present an unnecessary and significant hazard.
- Vehicles travel at excessive speed on Oulston Road.
- Nothing has changed from previous consultations.
- No pavement to the site.
- Concerned about noise disturbance as close to existing dwellings.
- There would be a serious and unacceptable impact on the environment if allowed.
- Development was refused in 2016, including on appeal.
- Potentially profound impact on the rural character.
- The response from the applicant fails to address the main point raised by the committee and inadequately responds to others.
- Five holiday cottages will not contribute significantly to the local economy.
- The land is not scheduled for development.
- Development is too close to a residential area.
- The land levels on the streetscene drawing seem questionable.
- The boundaries are currently in leaf due to it being summer and this will change.
- The lodges will be much higher than [4 Tower Croft].
- Officer report contradicts itself.
- Development is contrary to Policies S5 and EG8.
- Tourism/Economic gains do not outweigh other harms/non-compliance with policies.
- The proposal will harm the character, appearance, and environmental qualities of the area.

## **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 upon the character and appearance of the site and locality.
- Impact upon the amenity of neighbouring properties.
- Impact on the local highways system.
- Drainage.
- Other matters.

## 10.0 ASSESSMENT

### Principle of Development

- 10.1 National and local policies are supportive of developing the tourism sector as part of the diversification of the Former Hambleton District's economy, with Policy S3(g) stating a desire to enhance the visitor economy in towns through the former district.
- 10.2 With regard to location, EG8 demonstrates a preference for the siting of tourist accommodation within the built form of settlements or, where this is not available, on land adjacent to the built form. Policy S5 sets out the Council's approach to determining the built form of settlements, and it is considered that, falling under S5(c), the site is not within but is instead adjacent to Easingwold's built form. The wording of the policy is such that it does not explicitly state that developments centred around existing settlements are preferred, but it can be inferred from EG8(h) that this is the case due to the preference for sites "...adjacent to the built form..." mentioned within the policy.
- 10.3 Paragraph 88 of the NPPF advises that development address the specific locational requirements of different businesses. To this end, it is considered that, within North Yorkshire, the Easingwold sub-area is receptive to tourism-adjacent development, with a number of attractions (both natural and man-made) within reasonable distance of the site. Additionally, EG8 encourages tourist accommodation within areas that benefit from sustainable travel options (such as Easingwold, which benefits from regular bus services). Further, the site is immediately adjacent to the National Cycle Route and National Byways networks, increasing the range of sustainable travel and activities available within the area.
- 10.4 As a result of its position on the edge of Easingwold, the site benefits from easy access to the local amenities on offer within the settlement, with the town centre situated approximately 0.9km from the site, which is walkable in approximately 10 minutes. It is considered that the short distance between the proposed holiday lets and the town centre makes it likely that occupants of the units would make use of local services and so would contribute to the local economy and is in compliance with EG8(g), which asks that new sites be well-connected to local services and facilities.
- 10.5 Policy EG8(f) asks that sites be limited to holiday purposes only. By conditioning any permission to restrict the use of the proposed units to holiday use only it will be possible to guarantee compliance with the policy.
- 10.6 A number of public comments have drawn attention to the refusal of planning permission and subsequent dismissal at appeal of a scheme for the development of the same site in 2016. The appeal was dismissed largely due to the impact of the previous scheme (four dwellings) on the character and appearance of the countryside (with regard given to the position of the site on the approach into Easingwold) which was not outweighed by the social and economic benefits of the scheme. The current proposal differs from that scheme insofar as the previous application was for housing, which carries with it different requirements within the Local Plan and the NPPF. Additionally, since 2016, there has been

an expansion of the section of the NPPF relating to the rural economy, with Paragraph 89 explicitly identifying that sites adjacent to existing settlements may need to be developed in order to meet local business needs. Within the same paragraph, there is an identified preference for sites which are “physically well-related to existing settlements”, which “should be encouraged where suitable opportunities exist”.

- 10.7 As a result, the prior appeal decision is afforded limited weight in the balance; it is fundamentally a different scheme to the 2016 proposal and, whilst the Inspector’s findings are informative, they cannot be relied upon to fully inform a decision in this instance. This is apparent in the weighing of the various roles (economic, social and environmental) within sustainable development discussed in Paragraph 20 of the appeal decision, which are substantially different when looking at housing versus visitor accommodation. Additionally, the various benefits of that 2016 scheme were weighed against the “significant” negative weight given to the impact of the character of the countryside. These benefits and the policy context are now different, with the impact of visitor accommodation on the rural character requiring a separate assessment, together with a rebalancing of those roles identified above which acknowledges the fundamental difference between the impacts of housing in the area and those associated with a holiday let use.
- 10.8 It is not considered that the relatively limited scale of the proposal (five units) will place an undue burden on the local services within Easingwold.

#### Character and Appearance

- 10.9 Policies S3 and EG8 allow for the siting of visitor accommodation where it is shown that the development will not have a detrimental impact on the character and appearance of an area or on neighbour amenity. Support from the NPPF similarly hinges on the ability of a scheme to respect the character and appearance of the surrounding locality.
- 10.10 The proposal would include the siting of five holiday lodges within the site. Each lodge is to be clad in timber. The site is within the edge of the settlement and so the built context and surrounding character is split between residential land and the open countryside beyond. Whilst not uncommon in a rural context, holiday lodges are not generally found within residential areas and would be at odds with the residential character of Copperclay Estate.
- 10.11 However, there exists a significant degree of visual separation between the site and Copperclay Estate, emphasised by the presence of the public highway and extensive planting on each side of Oulston Road. As a result, the key visual relationship between the site and the surrounding area is largely between the paddock area and the countryside to the north and west.
- 10.12 The sole opportunity to view the lodges within this rural context is from the Public Right of Way (PROW) located approx. 100m-275m to the north-east/east of the site. It is considered that the low-level form of the lodges, in addition to the land level difference between the outlying fields and the site, limits the amount of visual intrusion of the proposal into the surrounding landscape. This would be further mitigated through the use of additional planting to the northern and eastern perimeters and through the use of low-level lighting, details of which could be gained through condition.
- 10.13 The layout has been amended since the original submission, with the proposal now being for five units. This has allowed for the inclusion of more planting and has allowed the layout to become more dispersed within the site, allowing for larger gaps between the units, further limiting visual impact.
- 10.14 It is considered that the scheme would not unacceptably impact the character and appearance of the wider area and that the scale, form and appearance of the site is

appropriate to its use and location. The proposal is therefore in accordance with Policies S1, S5, EG8(a), E1 and E7.

#### Residential Amenity

- 10.15 The Environmental Health Service have been consulted and have stated that a site management plan should be submitted to mitigate the identified potential for negative amenity impact on local amenity. However, in discussions the Environmental Health Officer acknowledged that the distance from the nearest dwellings unconnected to the site (25m) and the intervening road and planting would mitigate a large degree of impact from noise and light. As a result, it was recommended that a condition requiring a satisfactory site management plan be imposed should planning permission be granted, with the plan providing details of how noise, lighting, site access and emissions would be governed on site, as well as how complaint management would be handled. Further, it was also recommended that a condition restricting the erection of ancillary equipment (such as hot tubs, etc.) without express planning permission be imposed on any planning permission.
- 10.16 It is considered that the conditions set out above, in addition to the mitigation offered by the distance between the site and potential receptors, would limit the potential negative amenity impact from the proposal. Whilst there is the potential for amenity issues to arise from the short-term letting of the lodges, the lack of extensive amenity space mitigates this to some degree. It is considered that, given the expectation that visitors would be largely using the indoor space, the level of disturbance to neighbouring properties is not likely to be beyond that which would be expected from properties within Copperclay Estate. As such, the scheme complies with Policies S1, EG8(b) and E2.

#### Highway Safety

- 10.17 The proposed use would utilise an amended pre-existing access from Newlyn onto Oulston Road. The Highways Authority have been consulted and have not objected to the scheme, instead providing conditions to imposed should planning permission be granted.
- 10.18 There is an appropriate amount of on-site parking available for the properties, with two spaces allocated for each unit. Access would be shared with Newlyn to the south of the site and it is considered that Oulston Road, as a classified road, currently has the capacity to accommodate the movements associated with the holiday let use.
- 10.19 A number of comments have been received relating to highway safety and the impact of the development on road users and on inhabitants of the holiday lets. There has not been any evidence provided relating to historical events (such as road traffic incidents, accidents, etc.) to demonstrate any hazards associated with this stretch of Oulston Road and it was noted by the Planning Officer on site that the road appeared to be relatively quiet during the visit. The access leads onto a part of the road which is within the 30mph zone and is immediately after signage displaying this and a "slow" sign written onto the road, making it apparent that you are entering the town. As such, it is expected that users of the access should not experience traffic going beyond that speed limit.
- 10.20 Further, the proposal includes an improved visibility splay (to be extended by 8m) and adequate space for cars to exit the site in a forward motion, further limiting the potential for road accidents.
- 10.21 It has also been brought to the Council's attention that there is no footpath on the eastern section of the road. However, there is a footpath which connects to the wider system in Easingwold on the opposite side of the road. In their 2016 assessment the Planning Inspector did not raise any concerns regarding the connectivity of the site, noting that the site benefits from local bus connections and lit footways.

- 10.22 It is considered that the proposal does not raise any highway safety concerns and is therefore compliant with Policy IC2.

#### Drainage

- 10.23 The site is located within Flood Zone 1 and the Environment Agency's mapping shows that it is not within an area at risk of surface water flooding. However, there have been a number of representations referring to the outfall of water from the site onto Oulston Road and this was observed during the site visit. It was also noticed that the site itself was extremely wet underfoot, which could be attributed to the local geology and the land level difference between the site and surrounding land.
- 10.24 A draft drainage scheme has been provided which has demonstrated that the site can be adequately drained through the use of an attenuation tank and control of outflow. However, to ensure the workability of such a scheme a condition would be imposed requiring that a detailed drainage scheme be submitted and imposed prior to the development taking place.
- 10.25 Yorkshire Water requested a re consultation should further surface water drainage details be submitted. Subsequently they have been consulted but have not responded. It is considered that they would have the opportunity to respond as part of a discharge of conditions relating to the inclusion of a drainage condition. In addition, the details provided by the applicant suggest that it is not possible to drain the site through sustainable drainage methods and so there is a likelihood of the sewer connection being agreed to by Yorkshire Water.
- 10.26 Properly conditioned to ensure the submission of a high degree of detail relating to the proposed scheme, it is considered that the proposal is therefore compliant with Policy RM1, RM2 and RM3.

#### Other Matters

- 10.27 There have been concerns raised regarding wildlife both within and close to the site. The site is not itself part of any designated area (such as a SSSI, etc.) or priority habitat, but it is noted that Mallison Hill's inclusion in the list of Local Green Space was partially based on its "richness of wildlife".
- 10.28 The site is separated from Mallison Hill by Oulston Road, however, and is a fundamentally different habitat, consisting of managed grassland as opposed to woodland. It is considered that, whilst the proposed use of the site would not necessarily benefit local wildlife, the paddock appears to be of little value to biodiversity or local ecology – it is relatively common in planning to ascribe limited ecological importance to paddock areas. Additionally, the retention of the hedging and established planting and the proposed additional planting would be of benefit to existing wildlife through enhancement of the green infrastructure at the perimeter of the site.
- 10.29 A condition requiring the submission of a plan demonstrating an uplift in BNG will be imposed on any grant of planning permission in order to meet the requirements of Policy E4.
- 10.30 In terms of density, the Former Hambleton District did not have an SPD which dictated site density, etc. A general consensus appears to have been reached in authorities across England where a site should not exceed 60-75 units per hectare. This is considered to be the case in this instance. Furthermore, Environmental Health have not raised concerns regarding the density of inhabitants versus site area and so it is not considered to be an issue for consideration within the application.

## 11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 The proposal complies with Local Plan Policies S1, S3, S5, EG8, E2, E3, E4, IC2, RM1, RM2, RM3 and the NPPF. It also partially complies with Policies E1 and E7, where it meets all policy points but does not provide an enhancement to the immediate area.
- 11.2 The Local Plan, particularly in S3 and EG8, encourages the development of the visitor economy within and adjacent to the built form of identified settlements, and towns in particular. It can be taken from this, then, that a site adjacent to Easingwold would be ideal, allowing for access to the services and facilities available within Easingwold, whilst enhancing the visitor economy in the town.
- 11.3 As discussed above, it is considered that, despite the 2016 appeal decision, the proposal should be assessed on its own merits. Visitor accommodation as a development has a greater connection to the rural character of the site than a housing scheme would, and a conditioned landscaping scheme would further limit the wider impact of the proposed development. Whilst it would not contribute a positive impact to the immediate and wider area, the policy test within EG8(d) is solely ensure that the proposal does not “unacceptably harm” the character of the area. E1 and E7 ask that proposals provide a positive contribution to the local character, which is not the case in this scheme – it merely provides a neutral impact – but it is considered that this is easily outweighed by the economic benefits outlined above.
- 11.4 Sustainable development is achieved through the balancing of Economic, Social and Environmental objectives within a proposal. The economic benefit to Easingwold is clear – the proximity of the site to the town centre means that it is likely that any tourists using the site would use the facilities available there, contributing directly to the local economy. The Social and Environmental benefits of the scheme are less clear, but there are no perceived negatives introduced into the area through the scheme which could not then be managed through the imposition of conditions.
- 11.5 Paragraph 8 of the NPPF asks that “opportunities” to secure net gains in the above objectives should be taken but acknowledges in Paragraph 9 that not every decision may be judged against them. Therefore, the lack of direct Social or Environmental Benefit of the scheme does not register as a negative factor in determining the balancing, but instead should be taken as a neutral factor.
- 11.6 As such, there is a positive impact on the area resulting from the proposal and two neutral impacts. As a result, the development is considered to be sustainable development and is therefore recommended for approval.
- 11.7 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including Local Development Framework Policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

## 12.0 RECOMMENDATION

- 12.1 That permission be **GRANTED** subject to the imposition of the below listed conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered 0001 P00, 1100 P01, 1500 P00, 1050 P05 and details labelled "Luxury Lodge Range" received by the Council on 24.01.24, 02.04.24 and 26.06.24 unless otherwise approved in writing by the Local Planning Authority.

Reason: In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1 and E1.

3. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the hard surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

Reason: In the interests of the visual amenity of the area in accordance with Local Plan Policy E1 and to ensure that the proposal does not contribute to existing drainage issues in accordance with Policy RM3.

4. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.

Reason: In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1 and E1.

5. There must be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.

Reason: In the interests of Highway Safety in accordance with Policy IC2.

6. 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:

- i) details of any temporary construction access to the site including measures for removal following completion of construction works;
- ii) wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- iii) the parking of contractors' vehicles;

- iv) measures to manage the delivery of materials and plant to the site including the routes and timings of deliveries and provision of loading/unloading areas;
- v) areas for storage of plant and materials used in constructing the development clear of the highway;
- vi) details of site working hours;
- vii) a detailed method statement and programme for the building works; and
- viii) contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: In the interest of public safety and amenity in accordance with Policies E2 and IC2.

7. The development must not be brought into use until the access to the site has been set out and constructed in accordance with the following requirements:

- The crossing of the highway verge must be constructed in accordance with the approved drawing reference 1050 Revision P00 and Standard Detail number E50.
- Provision of a pedestrian crossing point to link the site access to the existing pedestrian dropped kerbs on the footway on the western side of Oulston Road.
- The final surfacing of any private access must not contain any loose material that is capable of being drawn on to the existing public highway.

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 in accordance with Policy IC2.

8. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users have been constructed in accordance with the approved drawing reference 1050 Revision P00. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

9. No development shall take until a site-specific Management Plan has been submitted to and approved in writing by the Local Planning Authority.

The plan must demonstrate the adoption and use of the best practicable means to minimise the effects of noise, site lighting and loss of amenity to neighbouring properties.

The plan shall include, but not be limited to:

1. Measures to mitigate and control noise and odour from the site.
2. Detail and contact details of who will be responsible for the management of the site to ensure any amenity issues on site are dealt with promptly.
3. Procedures for maintaining good public relations including complaint management, public consultation and liaison.
4. Measures to mitigate and control emissions from the site (open fires, log burners, BBQ's, and patio heaters).
5. Details of Hours of Operation, Entry/Movement from the site and how this will be managed.



Once agreed, the management plan shall be adhered to and updated on an annual basis by the operator and this information shall be available on request at all reasonable times to the Local Planning Authority.

Reason: To ensure that the amenity impacts arising from the proposed scheme are adequately controlled in accordance with Policy E2.

10. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy E2.

11. There shall be no external lighting installed until full details of the proposed lighting scheme have been submitted to and approved by the Local Planning Authority.

Reason: In the interest of neighbour amenity and to assess the landscape impact of the proposal in accordance with Policies E2 and E7.

12. Prior to development, measures (including protective fencing, etc.) to protect the existing hedges and trees within the site shall be submitted for approval to the Local Planning Authority. The approved scheme shall then be carried out in the approved manner for the duration of the works.

Reason: To ensure the continuity of amenity afforded by existing hedges in accordance with Policies E1 and E7.

13. All existing hedges and trees shall be retained, unless shown on the approved drawings as being removed. Any parts of hedges or hedgerows removed without the Local Planning Authority's consent or which die or become seriously diseased or otherwise damaged within five years following completion of the approved development, shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as specified by the Authority.

Reason: To ensure the continuity of amenity afforded by existing hedges in accordance with Policies E1 and E7.

14. No part of the development shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the structure(s), whichever is the sooner, unless a landscaping scheme received and approved by the Local Planning Authority has been carried out in addition to any required Biodiversity Net Gain planting.

Reason: In order to soften the visual appearance of the development and in the interests of enhancing the biodiversity of the site in accordance with Local Plan Policies E1, E3 and E7.

15. Prior to the commencement of development, a landscaping and biodiversity net gain scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide a) a landscape scheme including details of any change in surfacing materials and any planting schemes and shall show the retention of any significant existing landscape features and shall provide b) details to show how a 10% net gain of biodiversity will be achieved on site using the DEFRA biodiversity metric 3.1 (or the latest published version) and include a programme of work and subsequent maintenance arrangements. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: To ensure the requirements of Policy E3 are met in full.

16. Construction activities which are audible beyond the site boundary, including deliveries, ground works and earth movements, shall be restricted to the following days and times:

- 08:00 – 18:00 Monday to Friday
- 08:00 – 13:00 Saturday

Construction shall not be undertaken on a Sunday or a public holiday.

Reason: To mitigate, and reduce to a minimum, adverse impacts on health and quality of life arising from pollution in accordance with Hambleton Local Plan Policy E2.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015 (as amended), no ancillary structures or hot tubs shall be erected or installed within the site.

Reason: To limit the potential for negative impacts on neighbour amenity in accordance with Hambleton Local Plan Policies E1 and E2.

18. The development shall be carried out in accordance with the details shown on the submitted plan, "'Drainage Strategy' 23523-DR-C-0100 (Revision P2) dated 08.03.24 and received by the Council on 02.04.24 prepared by Topping Engineers.

The drainage scheme shall not be implemented until details of the implementation and adoption of the drainage system have been submitted to and approved in writing by the local planning authority.

Reason: In the interest of satisfactory and sustainable drainage, in accordance with Hambleton Local Plan Policies RM1 and RM3.

19. The occupation of the accommodation hereby approved shall be as follows: (i) the holiday accommodation is occupied for holiday purposes only; (ii) the holiday accommodation shall not be occupied as a person's sole, or main place of residence; (iii) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of the holiday accommodation on the site and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority. For the avoidance of doubt this decision does not permit the use of the properties as a dwellinghouse(s).

Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation and can thereby contribute to the rural economy without undue demands on local schools, social and health services etc, and in accordance with the objectives of the Local Plan.

20. Prior to the siting/construction of the approved units, the details of the colour and finish of the timber cladding on the main body of the units shall be submitted to and approved by the local planning authority.

The approved colour and finish shall then be retained for the lifetime of the development.

Reason: In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1 and E1.

**Target Determination Date:** 22 February 2024

**Case Officer:** Mr Connor Harrison  
Connor.harrison@northyorks.gov.uk