



Appeal Decision

Hearing held on 21 August 2008
Site visit made on 21 August 2008

by **Simon Berkeley BA MA 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:
2 September 2008

Appeal Ref: APP/W9500/A/08/2065773

Studford Farm, High Street, Sproxtton, North Yorkshire YO62 5EL

- 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 Tony Fawcett against the decision of North York Moors National Park.
- The application reference NYM/2007/0338/FL, dated 23 April 2007, was refused by notice dated 12 July 2007.
- The development proposed is six holiday lodges in woodland at Studford Farm, Sproxtton.

Decision

1. I allow the appeal, and grant planning permission for six holiday lodges in woodland at Studford Farm, High Street, Sproxtton, North Yorkshire YO62 5EL, in accordance with the terms of the application, reference NYM/2007/0338/FL, dated 23 April 2007, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Main issue

2. The main issue is the effect of the proposed development on the character and appearance of the countryside.

Reasons

3. The site is an area of rural woodland in the North York Moors National Park. An adjacent country road, known as High Street, and a public footpath run along its northeast and northwest boundaries respectively.
4. National Parks have been confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty. To conserve and enhance their natural beauty, wildlife and cultural heritage is one of their specific purposes. In line with Planning Policy Statement 7: *Sustainable Development in Rural Areas (PPS7)*, I give great weight to this. North York Moors Local Plan Policy TM4 permits self-catering accommodation outside settlements where it would not have an unacceptable impact on the character or appearance of the locality and is within an established area of woodland or forest which screens the site from any long distance views.
5. I acknowledge that the size of the wood is limited when compared to other woodland and forest areas around it. Nevertheless, the proposed lodges would be around 80 metres from the deciduous woodland edge adjacent to High Street, and approximately 32 metres beyond the coniferous edge facing the public footpath.

To my mind, they would be well within the wood which, despite some thinner areas, is densely covered with both tree types. Views penetrating significantly into the wood are infrequent, due to the density of tree trunks, low branches and other ground vegetation. The lodges' timber construction would blend them into this setting. Consequently, despite the proposed clearings around them, the lodges would, by and large, be substantially obscured from the road, footpath, and other more distant locations, including around Studford Farm.

6. The National Park Authority is concerned that the coniferous parts of the woodland will become deciduous over time, and that the lodges would be more visible as a result. Even if such a change were to occur, the lodges would remain significantly within the wood. I see nothing to prevent an effective visual screen being maintained, including during winter months, through appropriate landscaping and woodland management. Overall, even though glimpses of the lodges may be possible, particularly when deciduous trees are not in leaf, they would not be visually obvious, or stand out.
7. It is clear that the use of the lodges would create some noise and disturbance, particularly from vehicle movements and leisure activities, such as children playing. However, I am mindful that the lodges would not, in all likelihood, be used all year round. Furthermore, I consider the number of lodges proposed is not excessive. Though it seems to me probable that most people staying in them would use a car, the level of vehicle movements would be correspondingly limited. Whilst this is a generally tranquil area, use of the road by motor vehicles is not uncommon, and the proposed development would not add substantially to the noise and disturbance they currently cause. Noise from children, or indeed adults, playing may, from time to time, be noticeable beyond the woodland edge. All the same, I see no reason why this should be sufficiently acute or continuous so as to warrant rejecting the scheme.
8. The appellant says the lodges would be sectional, prefabricated buildings that could be readily disassembled. I do not dispute this. I am convinced that the lodges could be removed and the site satisfactorily restored, and I agree with the National Park Authority that this matter could be covered by a condition.
9. I therefore conclude that the proposed development would not harm the character and appearance of the countryside, and would generally conserve it. As such, it would not conflict with Local Plan Policy TM4 or PPS7. It would also be in line with Local Plan Policies GP3 and H4. These permit development where the design respects the character, special qualities and distinctiveness of the locality and wider landscape, and where the type of use and level of activity would not have an unacceptable impact upon these qualities.
10. I have considered the National Park Authority's argument that the grant of planning permission would set a precedent for other similar developments, although no similar sites to which this might apply were put forward. Each application and appeal must be determined on its individual merits, and I see no reason to suppose that my decision would set a precedent as the National Park Authority fears.
11. A local resident has raised concerns about the long term prospect of the lodges becoming permanent homes. This is no part of the scheme before me, and as permission from the National Park Authority would be required, I disagree that this is an inevitable, or even likely, consequence of the permission I give.

Conditions

12. I have considered the conditions suggested by the National Park Authority in the light of advice in Circular 11/95. I agree that landscaping and woodland management works are needed, so the woodland continues to screen the lodges, though there is no need for this to apply to any other wooded areas in the appellant's ownership. Details of the lodge's external materials, flues, solar panels, hard surfacing, any external lighting and cables should be approved by the National Park Authority, to ensure the development blends into the wood and surrounding countryside. This need not, though, extend to the proposed internal wood burning stoves. For the same reason, no external storage should be allowed. A condition requiring the lodges to be used for holiday purposes only is necessary to safeguard the countryside. Though I note the National Park Authority's suggestion to limit their use by any one individual to 28 days per year, I have no clear justification for this figure, or evidence to demonstrate that their use as second homes would be less beneficial to the local economy. A scheme for the lodges' removal and the restoration of the site is needed, in the event that the holiday use ceases, to prevent the presence of a disused site in the countryside. To ensure highway safety and that of the site's users, details of the access, including the visibility splays and parking and turning arrangements, should also be approved by the National Park Authority. I agree, for the same reason, that precautions are necessary to prevent mud being deposited on High Street during the site's construction phase. Such measures, however, would not be needed once the access is constructed and properly surfaced. I have, therefore, included appropriate conditions accordingly.
13. However, as the scheme I have allowed is confined to that shown on the application plans, it is unnecessary to specify strict adherence to them. The lodge's foundations are covered by Building Regulations, so it is unnecessary for their details to be approved by the planning authority. External lighting is likely to be the sole security measure needed on the site, and will be covered in a separate condition. Further details of the proposed security systems, therefore, need not be approved by the National Park Authority. I have not included these conditions.

Conclusion

14. For the reasons given above I conclude that the appeal should be allowed.

Simon Berkeley

INSPECTOR

Appearances

For the appellant:

Mr Harvey Pritchard
BA(Hons), DipTP, MRTPI, MEI
Mr Tony Fawcett

Pritchard Associates, 12 Carr Manor View, Leeds
LS17 5AQ
Studford Farm, Ampleforth, York YO62 5EL

For the local planning authority:

Mr Patrick Sutor
BA, DipTP, MRTPI

Westmoreland Cottage, Hutton le Hole, York
YO62 6UD

Documents

- 1 The local planning authority's Hearing notification letter.
- 2 An extract from the Regional Spatial Strategy.
- 3 An application plan and decision notice relating to holiday cabins at Crief Farm.

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No works or development shall take place until a landscaping scheme has been submitted to and approved in writing by the local planning authority. This scheme shall include details of:
 - a) the exact locations of the lodges, the access track layout and any other access, parking and circulation areas, and the precise extent of the clearings around all of these buildings and features, along with details of those trees to be removed and those to be retained in forming the clearings, including their species, height and condition;
 - b) measures for the protection of those trees to be retained during the course of the development;
 - c) all proposed tree and hedge planting, including the size, species and positions or density of all trees to be planted, together with a regime for their management;
 - d) the materials to be used on the surface of the access track, parking and turning areas, and the clearings around the lodges;
 - e) all other hard landscaping features, including minor artefacts and structures, any furniture, refuse or other storage units, signs and external lighting; and
 - f) proposed functional services, which shall be below ground, including power and communications cables.

The development shall be carried out in full accordance with the approved landscaping scheme.
- 3) All planting, seeding or turfing comprised in the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the first

occupation of any lodge, or the completion of the laying out of the development, whichever is the sooner. Any trees or plants which, within a period of 5 years from the completion of the laying out of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 4) No development shall take place until details of the access track visibility splays have been submitted to and approved in writing by the local planning authority. The access track, and the parking and turning areas shall be provided in full accordance with all the approved details required by this permission before the development is first brought into use. These areas, including the visibility splays, shall be kept free of any obstruction so that they can be used for their intended purpose at all times.
- 5) No development shall take place until details of solar panels and flues, and the materials to be used in the construction of the external surfaces of the lodges hereby permitted, including to the windows, doors, solar panels and flues, and the colours to be used, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) No storage shall take place outside the lodges hereby approved, other than refuse or other storage units approved under condition number 2 of this permission.
- 7) The lodges shall be occupied for holiday purposes only and not as a person's sole or main place of residence. The site owner/operator shall maintain an up-to-date register of the names of all the lodges' owners and occupiers, and of their main home addresses, and shall make this information available to the local planning authority at all reasonable times.
- 8) Once the use of the site for holiday purposes ceases, the lodges shall be removed from the site and a scheme to restore the site shall be submitted to and approved in writing by the local planning authority within six months of its last holiday use. This restoration scheme shall include the removal of all surface and underground features from the site, a detailed landscaping scheme for those developed and surfaced parts of the site, and areas affected by the removal of underground features, and a timescale for implementation. The site shall be restored in full accordance with the approved restoration scheme, within the approved timescale.
- 9) Details of the measures to be taken to prevent the deposition of mud on the highway by vehicles leaving the site during the construction phase of the development shall be submitted to and approved in writing by the local planning authority. Such measures shall be implemented before any works commence, in full accordance with the approved details, and shall be kept available and in full working order until the local planning authority agrees in writing to their withdrawal.