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# Appeal Decision

Site visit made on 14 February 2024

**by G Rollings BA(Hons) MAUD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17 April 2024**

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**Appeal Ref: APP/N2739/W/23/3322188**

**Land to the rear of The Lodge, 23 Selby Road, Riccall, Selby, YO19 6QP**

- 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 Mrs Claire Northern against the decision of Selby District Council.
  - The application Ref 2022/0889/FUL, dated 16 August 2022, was refused by notice dated 18 November 2022.
  - The development proposed is demolition of existing buildings on site and change of use to allow the siting of 6 no. holiday use units together with erection of an amenity block.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. Since issuing its decision, Selby District Council amalgamated with other authorities to form North Yorkshire Council. The adopted planning policies of the former district council continue to apply to development within its area.
3. An updated version of the *National Planning Policy Framework* (the Framework) was published in December 2023 and supersedes previous versions.

## Main Issues

4. The main issues are:
  - Whether the proposed development is in a sustainable location, having regard to the pattern of development in the area;
  - The effect of the proposed development on the character and appearance of the area;
  - The effect of the proposed development on the living conditions of surrounding occupiers, with particular regard to noise and disturbance; and
  - The effect of the proposed development on local ecology and biodiversity.

## Reasons

### *Introduction and policy background*

5. The site is a mostly open plot of land behind a row of homes fronting Selby Road, in a cluster of buildings on the outskirts of Riccall. It is bordered to the rear by a single dwelling with large garden, and to other boundaries by scattered vegetation and fields.

6. Approvals for holiday accommodation have been allowed in recent years, specifically a permission for six holiday-use units in 2017, with an additional amenity block granted permission in 2019. Subsequent applications have been refused permission.
7. The Council's reason for refusal on this issue references *Selby District Core Strategy Local Plan* (2013) (the Core Strategy) Policy SP2, which sets the overall spatial development strategy for the district, consolidating existing settlements including Riccall, and limiting new development in open countryside. Also referenced is Core Strategy Policy SP13, which supports rural development including tourism developments. From the *Selby District Local Plan* (2005) (the DLP), Policy RT11 is included, which permits proposals for tourist accommodation that, when outside development limits, sets criteria for permission, requires avoidance of conditions prejudicial to highway safety and local amenity, protects local character and is of a size appropriate to the locality.
8. Core Strategy Policy SP2 defines the spatial development strategy of the Selby district, directing development to towns and larger villages in the first instance, with more limited growth opportunities identified in smaller villages with established services. Riccall is identified as one of the latter. The appellant considers this policy to be out of date due to conflict with the Framework, citing a previous appeal decision<sup>1</sup> in which the Inspector in that instance found that the policy did not reflect the then extant version of the Framework in respect of the change of use of land. Having considered the relevance of the policy and the previous Inspector's assessment in this instance, I see no reason to disagree, and I have therefore discounted the consideration of Core Strategy Policy SP2 in my decision. Core Strategy Policy SP13 follows the SP2 in its consideration of the rural economy, and there is no dispute between the parties that this policy remains relevant overall.
9. The appellant does not consider DLP Policy RT11 to apply to the proposal in this appeal, arguing that instead DLP Policy RT12 should apply. The subject of DLP Policy RT12 is touring caravans and camping facilities. The proposed accommodation, although comprising caravans, is described in the description of development as "lodges", which suggests they are of a static nature. Touring caravans are, as their name suggests, not static and thus DLP Policy RT12 is concerned with accommodation of a more dynamic nature than that proposed in this instance. As such, I do not consider that DLP Policy RT12 applies in this appeal.
10. Furthermore, I do not agree that DLP Policy RT11 should be discounted. The policy and text accompanying the policy specifically mentions hotels, buildings, and "other form(s) of accommodation", and the title of the relevant section is "tourist accommodation". To my mind, this does not discount the consideration of any form of tourist accommodation within the remit of this policy, and given the described purpose of the intended accommodation as holiday use units, DLP Policy RT11 should apply in this appeal.

#### *Whether a sustainable location*

11. The appeal site is outside the Council's defined development limits. The closest shops and village centre facilities are in the main part of Riccall, around one

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<sup>1</sup> Appeal ref: APP/N2739/W/21/3271978; decision date: 19 August 2021.

mile from the site, and there are no shops or facilities in the immediate vicinity. Walking or cycling to these involves travelling on mostly open and unsheltered routes and crossing the busy A19 trunk road. The crossing is unsignalled with a central refuge, and although lighting and visibility of oncoming traffic is good, as a pedestrian I found that the high speeds and volume of A19 traffic at the time of my visit necessitated swift crossings of both carriageways. I would not be confident that less able-bodied users would consider this crossing attractive or desirable to use. The distance and barriers involved would, in my view, lessen the likelihood of non-car trips to the shops and facilities nearest the site, meaning that accessibility via sustainable transport modes would be limited.

12. The policy framework, including paragraph 88 of the Framework, supports the development of sustainable rural tourist accommodation. DLP Policy RT11 directs such development to within defined development limits unless particular criteria around the reuse or retention of buildings is met. These do not apply in this instance. I have been provided with examples of other developments that have been built outside the district's designated settlement boundaries, but in this instance I do not consider these to mitigate the harm resulting from the site's unsustainable location.
13. I therefore conclude that the proposed development is not in a sustainable location, having regard to the pattern of development in the area, and it would conflict with DLP Policy RT11 for the reasons set out above. It would also conflict with Core Strategy Policy SP13, which amongst its requirements notes support for rural tourism, provided that it is sustainable and appropriate in terms of character, location and amenity.

#### *Character and appearance*

14. The appeal site is a plot accessed via a driveway and located mostly behind other buildings, although open countryside is visible from within the site itself. It is transitional between the built-up road edge and the landscape beyond. In its assessment of the proposal, the Council considered there was insufficient information to assess the impact of the proposal with regard to its landscape setting and impacts on the character and appearance of the surrounding area.
15. In response, the appellant has provided a Landscape Statement<sup>2</sup> with its appeal evidence, and this sets out in detail both the visual nature and landscape value of the site and its surroundings, and the potential impacts of the proposal upon these features. Its findings indicate that there would be a low impact and that the specified design interventions would limit visual intrusion.
16. The statement's description of the local area accords with my own observations, and I consider that its findings provide the appropriately small-scale measures required to avoid visual harm. I therefore conclude that the proposed development would not have a harmful impact on character and appearance of the area, and that there would be no conflict with Core Strategy Policy SP19 or DLP Policy ENV1. Together, these seek development of a high-quality design that positively contributes to its surroundings, amongst other considerations.

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<sup>2</sup> Prepared by Blue Hill Landscape Design, 2023.

*Living conditions (noise and disturbance)*

17. Access to the appeal site is via a narrow driveway that leads past other properties. A *Noise Impact Assessment*<sup>3</sup> has been submitted by the appellant which considers potential noise levels from sensitive locations. The receptor locations identified are those residential uses closest to the proposed use and the driveway, and are sufficiently located and numerous for the type of use proposed, and its location.
18. The proposed use would provide a similar number of accommodation units as previously proposed, with similar access arrangements. I noticed during my visit that openings to the dwelling at 23 Selby Road were particularly close to the access route, with windows in dwellings Nos. 25 and 29 also within a short distance. Although there would clearly be an increase in traffic using the access compared with the site's currently vacant state, the noise assessment indicates that there would be minimal noise impact for nearby occupiers. I am mindful of the appellant's submission that previous permissions have found that there would have been no significant detrimental noise impacts. Whilst it is possible that there could be some disturbance from car headlights, the expected number of vehicular movements is small overall, and unlikely to lead to significant harm.
19. Nonetheless, I am not convinced that noises emanating from within the appeal site could be satisfactorily controlled via a noise management plan. I note the Council's concern regarding the positioning of the proposed units close to a common boundary and consider that their location could have the potential for noise disturbance to neighbours, particularly given the unpredictable nature of noise from visitors. Although the suggested noise management plan set out in the noise assessment could go some way to preventing unreasonable disturbance, the Council notes its concerns over the enforceability of the proposed measures, and as such I am not convinced that this would be sufficient to ensure neighbours are not unreasonably affected.
20. I therefore conclude that the proposed development would be likely to harm the living conditions of surrounding occupiers, with particular regard to noise and disturbance. There would be conflict with DLP Policies ENV1 and RT11, which together require proposals for development to take account of the effect on the amenity of adjoining occupiers, amongst other considerations.

*Ecology and biodiversity*

21. At the time of its assessment, the Council was not able to assess the proposed development's impact on the natural environment, habitat, protected species or the deliverability of biodiversity net gain measures. In response, the appellant has provided various documents as appeal evidence, which I have considered in my assessment.
22. The site's vegetation primarily comprises grassland with some trees. The species present on the site are common in nature but could provide a species habitat to species, although it is isolated from areas suitable for protected species habitation, and therefore unlikely to form a suitable area for habitation. Bat roosting probability is low, although the site may be within a foraging or commuting area. The value of the site to other mammals, birds and

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<sup>3</sup> Prepared by Delta Simons, April 2023.

invertebrates is noted and were the appeal to be allowed, suitable conditions would ensure their consideration during construction and operation.

23. The development would deliver biodiversity net gain significantly in excess of the statutory level. I conclude on this main issue that the proposed development would not harm local ecology and biodiversity, and that the overall outcome would be beneficial. There would be no conflict with Core Strategy Policy SP18 or DLP Policy ENV1, which together require protection and safeguarding of species and the environment, amongst other considerations.

### **Conclusion**

24. The proposal would not result in harm to local ecology and would deliver a beneficial biodiversity net gain. There would also be no harm to the character and appearance of the area. However, this does not mitigate the harm that would result from the proposed development's unsustainable location, and its potential effects on the living conditions of surrounding occupiers. Considered in totality, the proposed development would conflict with the development plan for the area and there are no material considerations to indicate that a decision should be made otherwise than in accordance with the plan.
25. For the reasons given above, the appeal is dismissed.

*G Rollings*

INSPECTOR