



Appeal Decision

Site visit made on 22 November 2023

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 2 January 2024

Appeal Ref: APP/U2370/W/23/3320984

Bay Stables, New Road, Hambleton FY6 9DT

- 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 Ms Katie Nuttall against the decision of Wyre Council.
 - The application Ref 22/00287/FUL, dated 17 March 2022, was refused by notice dated 15 November 2022.
 - The development proposed is change of use of land to allow the siting of a holiday chalet.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A previous appeal¹ for a similar scheme at Bay Stables was dismissed due to its effect on the character and appearance of the area. The appeal proposal has been amended from that scheme. The difference between the two schemes includes a reduction in the number of chalets, a change in the orientation of the chalet and the pitch of the roof has been altered so that the chalet is shorter than those previously proposed. Moreover, the overall footprint of development has been reduced.
3. The description of development only refers to a change of use of land to allow the siting of a chalet. Plans showing the proposed elevations of the chalet have been submitted. Also, the appellant has amended the design of the chalet from the previously dismissed appeal, to address concerns raised by that inspector. I consider that the appellant applied for planning permission for a chalet of the design proposed as well as changing the use of the land. The design of the chalet is therefore assessed within this appeal decision.
4. The planning permission² for the siting of additional stables, storage container and caravan tea room on neighbouring land has been provided as part of the appeal representations. This permission was subject to a condition which restricted the use of these facilities to a private use not for any trade, business or livery use.

Main Issues

5. The main issues are:
 - whether the appeal site is an appropriate location for the proposal having regard to the development strategy and the accessibility of facilities and services, and

¹ Appeal Ref. APP/U2370/W/21/3277792

² Planning Permission Ref. 17/00150/FUL

- the effect of the proposal on the character and appearance of the area.

Reasons

Appropriate location

6. Policy SP1 of the Wyre Local Plan (2011-2031) (incorporating partial update of 2022), January 2023 (LP), outlines the overall planning strategy for the borough. It explains that outside settlements with defined boundaries the amount of new built development will be strictly limited. However, individual opportunities that support tourism will be supported where they are in accordance with other policies, where relevant.
7. LP Policy SP2 explains that all development should contribute to the continuation or creation of sustainable communities in terms of its location and accessibility. LP Policy CDMP6 indicates that development will be permitted provided it demonstrates that measures are included to encourage access on foot, by bicycle and public transport and reduce car reliance, amongst other factors.
8. The appeal site is located some distance from the nearest defined settlement, Hambleton. It is accessed via very narrow lanes which have no footways or street lighting and are subject to the national speed limit. In the dark or inclement weather, walking and cycling these roads would be uncomfortable at best, at worst it would be unsafe. There are no bus stops, or alternative provision of public transport, in proximity to the site. On this basis, future holidaymakers would be heavily reliant on the use of private motor vehicles.
9. The appellant's representations indicate that the use of the holiday chalet business could be connected to the use of the facilities on neighbouring land to create a unique experience. However, the appellant has not applied to change the use of the stables, storage container and tea room to allow them to be used for business purposes. Moreover, they are outside of the application boundary. As such, due to the condition restricting the use of these facilities, the facilities could not lawfully be linked to the proposed business use. On this basis, future holidaymakers would be reliant on facilities off-site. Therefore, the likelihood of them travelling further afield, is not reduced by the presence of on-site facilities.
10. Within the previous appeal decision at Bay Stables, it was concluded that, having regard to accessibility, the site is suitable for holiday accommodation. Nonetheless, that assessment was partially based on the holiday accommodation being linked to the existing equestrian activity at the site. This would have reduced the likelihood of future holidaymakers travelling to destinations further afield. The planning permission for facilities on neighbouring land was not before the previous inspector; therefore, their assessment differs from mine.
11. As LP Policy SP1 supports tourism development in the countryside, there is an implicit acceptance that holiday accommodation may not be located in the most accessible places. In considering proposals, it is necessary to balance the objectives of both LP policies SP1 and SP2, which may not always fully align. In this instance, the proposal cannot lawfully be linked to the existing equestrian business. There is a lack of clear and persuasive evidence to explain why the

proposed location is appropriate, and, consequently, why the conflict between the proposal and LP Policy SP2 is acceptable.

12. Overall, I conclude that the appeal site is not an appropriate location for the proposal having regard to the development strategy and the accessibility of facilities and services. It would therefore be contrary to LP policies SP2 and CDMP6 which seek to contribute to sustainable communities in terms of the location of development and accessibility as well as reducing the reliance on cars. As it is contrary to these policies, it would also be contrary to LP Policy SP1 which supports tourism development in the countryside subject to it being in accordance with other policies in the development plan. Furthermore, it would not be in accordance with the National Planning Policy Framework (the Framework) where it advises to meet the social objective of the planning system, it supports vibrant communities with accessible services.

Character and appearance

13. The surrounding area is characterised by the undulating landscape, which accommodates small clusters of agricultural and equestrian development. There are residential properties scattered across the landscape, but these are few and far between. Hedgerows and low fences generally demarcate the fields. These factors combine to create an open and verdant area, which is rural in character.
14. The existing development at Bay Stables is low key and blends well with the rural character of the area. The buildings are single storey and clustered together, next to an area of hardstanding which is used for parking and vehicles manoeuvring. This is adjacent to a tall, dense hedgerow which largely screens the development in views from New Road. Therefore, the existing development is not particularly prominent in wider views.
15. I acknowledge that the parking and access arrangements would be unaltered from the existing development, other than a small footpath connecting the parking area to the chalet. This element of the proposal would be acceptable. The proposed holiday chalet would also be sited in a field next to the cluster of existing development, such that the narrowest elevation would be broadly facing New Road. This would reduce the extent of built development fronting the road, compared to the previous appeal scheme.
16. However, whilst the chalet would not be remote from existing buildings, it would extend development into a field that is undeveloped. The domestic appearance of the chalet would appear incongruous and contribute to the urbanising effect of the appeal proposal. It would therefore have a harmful effect on the open and verdant nature of the area.
17. As well as a reduction in the number of chalets, the removal of the proposed vehicle access and parking spaces, from the previously dismissed scheme, has reduced the built footprint. Nevertheless, the introduction of a residential use to the site could lead to domestic paraphernalia being present in external areas. This alongside the formal, domestic landscaping associated with the chalet would also have an urbanising effect on the rural area.
18. Additional planting is proposed to partially screen the proposed development. Once this vegetation has matured, given the reduced height of the chalet and the extent of the existing vegetation, the proposal would be largely screened

from public views. Nonetheless, new vegetation would take time to reach sufficient height and density to provide meaningful screening. It would also be in views from neighbouring land and properties and be seen within the context of the existing low key equestrian development on the site. Therefore, the extent of the vegetation would not fully mitigate the harmful effect the proposal has on the openness and rural character of the area.

19. Overall, I conclude that the proposed development would have a harmful effect on the character and appearance of the area. It would be contrary to LP Policy EP9 which requires new holiday accommodation to be of appropriate appearance to the local landscape. Moreover, it would not be in accordance with the Framework, where it advises that the creation of high quality, beautiful buildings is fundamental to what the planning and development process should achieve.

Other Matters

20. The appeal site is in proximity to the Morecambe Bay and Duddon Estuary Special Protection Area, and the Morecambe Bay Ramsar and Wyre Estuary Site of Special Scientific Interest. The Conservation of Habitats and Species Regulations 2017 (as amended) requires that, where a project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, the competent authority must, before any grant of planning permission, make an appropriate assessment of the project's implications in view of the relevant conservation objectives. However, as I have found the appeal proposal to be unacceptable for other reasons, it is not necessary for me to undertake an appropriate assessment, or to consider this matter further.
21. I note that the viability of the holiday accommodation is not disputed. Also, I consider that the amount of development proposed is limited to the minimum required to ensure the proposal is viable. Moreover, I acknowledge that an appropriate drainage scheme could be achieved, and vehicles could turn around within the site and exit in a forward gear. However, these factors do not alter my overall assessment of the acceptability of the appeal scheme.
22. The first reason for refusal on the decision notice indicated that the proposal would be contrary to the locational guidance contained within paragraph 102 of the Framework. This paragraph, now paragraph 106 and remaining unaltered in the latest version of the Framework, refers to Local Green Space designations and, in this instance, is not relevant to the location of the appeal proposal.

Planning Balance

23. The proposal would provide public benefits through the provision of new modern holiday accommodation. This would provide economic benefits to the area through increased spend and employment during the construction period and once operational. Nonetheless, only limited weight could be ascribed to these public benefits due to the modest scale of the proposal.
24. As the proposal would harm the open and rural character of the area and would not achieve substantial public benefits, it would also be contrary to LP Policy SP4.

Conclusion

25. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

J Hobbs

INSPECTOR