



Appeal Decision

Hearing held on 12 May 2026

Site visits made on 11 & 12 May 2026

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 June 2026

Appeal Ref: 6005065

Tydd St Giles Golf and Leisure Centre, Kirkgate, Tydd St Giles PE13 5NZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Tydd St Giles Golf and Country Club against the decision of Fenland District Council.
 - The application Ref is F/YR22/0368/F.
 - The development proposed is 48 x leisure holiday homes, erection of a bird hide, and formation of new lakes.
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Decision

1. The appeal is allowed and planning permission is granted for 48 x leisure holiday homes, erection of a bird hide, and formation of new lakes at Tydd St Giles Golf and Leisure Centre, Kirkgate, Tydd St Giles PE13 5NZ in accordance with the terms of the application, Ref F/YR22/0368/F, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have utilised the description of development from the decision notice, rather than the application form. During the application, the layout of the proposal was revised to 48 leisure homes, rather than the initially proposed 51. As such, the description contained on the decision notice is more accurate than that found within the application form.

Main Issues

3. The main issues are:
 - whether the proposed development would be located within a suitable location, having regard to the settlement hierarchy of Fenland; and,
 - the effect of the proposed development upon the character of the area and the wider landscape.

Reasons

Location

4. The appeal site is located within the Tydd St Giles Golf and Country Club, positioned on the edge of Tydd St Giles. Policy LP3 of the Fenland Local Plan 2014 (LP) establishes that decisions on investment in services and facilities, as well as the location and scale of new development, must be guided by the Fenland

settlement hierarchy. Within this hierarchy, Tydd St Giles is identified as a Small Village.

5. For settlements of this type, Policy LP3 states that development will be considered on its merits but will typically be very limited in nature and normally be limited to residential infilling or a small-scale business opportunity. The proposal for 48 leisure holiday lodges cannot reasonably be described as limited in scale or as a small business opportunity, given both the number of units and the land area required. On this basis, the proposed development does not accord with the settlement hierarchy or the locational expectations for new development set out in Policy LP3 of the LP
6. Continuing my assessment of the proposal against the LP, Policy LP6 provides support for new tourism development, including visitor accommodation and attractions. However, it also requires that such proposals be assessed against a nine-point set of criteria. The Statement of Common Ground prepared by the parties prior to the Hearing identifies that the areas of dispute relate specifically to criteria 1, 2, 3, 4 and 7. While I have therefore focused my analysis on these points of contention, I have remained mindful of the remaining criteria within Policy LP6 in reaching my overall judgement.
7. Following my earlier assessment of the appeal site location within Tydd St Giles and its position in the settlement hierarchy, the proposal would fail to satisfy criterion 1 of Policy LP6. The development would also not be situated within a broad location for growth, nor on the edge of one of the four market towns of March, Wisbech, Chatteris or Whittlesey. Consequently, it would not comply with criterion 2 of the nine-point test set out in Policy LP6 either.
8. Criterion 4 requires an assessment of the availability of, and accessibility to, public transport services. The Council's appeal response includes the Stagecoach Route 50 timetable, which identifies services operating between Tydd St Giles, Long Sutton and Wisbech. These services are limited in frequency, with several operating only Monday to Friday, on school days, or solely during school holidays. At the Hearing, discussion took place regarding the location of the nearest bus stop to the appeal site and the wider golf and leisure complex. Of the three bus stops within Tydd St Giles, the closest would be located under 1 km from the site.
9. In considering this matter, I have also taken account of the services available within Tydd St Giles itself, as the need to travel would be reduced if local provision were particularly strong. The appeal evidence refers to a development comprising a hot-food takeaway, a retail unit incorporating a post office, and a convenience store. During the Hearing and my second site visit, it was confirmed that this development appears to be under construction. In addition, the Crown and Mitre public house is located a short distance from the appeal site and the wider Tydd St Giles Golf and Country Club.
10. Within the wider Golf and Country club, facilities include a swimming pool, gymnasium, golf course and driving range, as well as a bar, kitchen and café. At both the application and appeal stages, interested parties have raised concerns that this provision is limited, frequently oversubscribed, requires advance booking for certain activities, or is inconsistently available due to reduced opening hours. During the Hearing, this issue was explored further, and the appellant acknowledged that operating hours are reduced during the off-season. I do not

consider this to be unreasonable or unusual for businesses where demand naturally fluctuates outside of main holiday periods. Nevertheless, owing to the limited size of these facilities, it is clear to me that it would become very easy for these facilities to become busy and therefore full to capacity.

11. While I am satisfied that the physical distance to bus stops within the village is relatively modest, the limited frequency and restricted nature of the services available from these stops leads me to conclude that public transport is unlikely to present an attractive or practical option for future occupiers of the proposed development, particularly for accessing higher-order services in locations such as Wisbech.
12. In considering the services available within Tydd St Giles, it is clear that retail provision is very limited. As such, future users of the appeal proposal would be required to travel beyond the village for anything other than basic essentials. Although a range of activities are available within the appeal site, I am not persuaded that the cumulative number of holidaymakers could be accommodated simultaneously, nor that these facilities would provide sufficient entertainment for the full duration of a stay extending beyond a few days. In these circumstances, it is highly likely that occupiers would need to travel outside Tydd St Giles to access a broader range of tourist and leisure activities. Given the limited public transport provision, such journeys would, in all probability, be undertaken by private vehicle.
13. Points 3 and 7 of the nine-point criteria relate to matters of character and appearance, and I address these within the next main issue of this appeal. Nevertheless, Policy LP6 requires all criteria to be satisfied. As I have found that the proposed development would fail to comply with criteria 1, 2 and 4, I must therefore conclude that the proposal conflicts with Policy LP6.
14. The appellant has referred me to six decisions made by the Council where planning permission for similar forms of holiday accommodation was granted. In reviewing these schemes, I note that they are all located within the open countryside, categorised as “elsewhere” locations under Policy LP3, and therefore occupy positions lower in the settlement hierarchy than Tydd St Giles.
15. Of particular relevance is the decision at Skylark Garden Centre, where the Council acknowledged that the type of development proposed was not expressly addressed in the development plan and that more recent national policy within the National Planning Policy Framework (the Framework) was more up to date. The Council also recognised that the appeal of the open countryside setting was a key driver for locating holiday accommodation in that instance. A similar rationale can readily be applied to the proposal before me. In practical terms, Tydd St Giles functions as a rural village. But, the appeal scheme represents an expansion of an existing holiday site that already has a strong affinity with the open countryside which surrounds the settlement.
16. Paragraph 89 of the Framework states that, in supporting a prosperous rural economy, planning policies and decisions should recognise that sites to meet local business and community needs may need to be located adjacent to or beyond existing settlements, and in areas not well served by public transport. The appeal proposal represents an extension to an established business and would be situated on the periphery of Tydd St Giles, in a location where public transport provision is limited.

17. I am mindful that Paragraph 89 also requires development to be sensitive to its surroundings, to avoid unacceptable impacts on local roads, and to exploit opportunities to make a location more sustainable. Although interested parties have raised concerns regarding the effect of the proposal on the highway network and the condition of surrounding roads, the Council has not objected on these grounds. The evidence before me does not demonstrate that traffic associated with the Tydd St Giles Golf and Country Club is solely responsible for any existing highway safety issues or deterioration of the wider road network.
18. With regard to opportunities to enhance sustainability, the proposal would form part of an existing holiday site. While local shops and services are limited, provision within Tydd St Giles is greater than that available in the open-countryside locations in the decisions referenced by the appellant. Moreover, despite this limited provision, both the Crown and Mitre public house and the on-site facilities are within walking distance of the appeal site. Taken together, I consider that the proposal would broadly accord with the aims of Paragraph 89 of the Framework.
19. During the Hearing, the Council acknowledged that although this specific paragraph of the Framework offers some support for the proposal, the overarching theme of sustainability remains central. I do not disagree with that position. However, the Framework also recognises that certain forms of development cannot always be accommodated in the most sustainable locations. I am also acutely aware that the Council has granted planning permission for similar developments in locations that sit even lower within the Fenland settlement hierarchy, without providing any convincing explanation as to why those schemes should be regarded as materially different from the proposal before me.
20. Therefore, while the appeal proposal may at first appear to conflict with Policies LP3 and LP6 of the LP, I am mindful of the Council's own reasoning in an earlier decision for a comparable development, where it accepted that this type of proposal is not expressly addressed within the LP and that national policy in the Framework is more up to date. In this context, I consider Policies LP3 and LP6 to be out of step with the Framework insofar as they relate to this specific form of development. Having regard to Paragraph 89 of the Framework, I conclude that national planning policy does lend support to the nature of the appeal proposal, particularly given its location within an established country club on the edge of a small village where some, albeit limited, shops and services are accessible.

Character and appearance

21. The appeal site lies within National Character Area Profile 46: The Fens, and within Landscape Character Area 7: Fenland, as defined in the Cambridgeshire Green Infrastructure Strategy 2011. This landscape is characterised by its expansive, flat, open and low-lying wetland environment, offering long, uninterrupted vistas to level horizons and notably wide skies. Collectively, these features create a strong sense of rural remoteness and tranquillity. These characteristics are readily experienced on the approach to Tidd St Giles. However, from within the appeal site itself, and within the wider golf and country club, these qualities are less perceptible due to the presence of trees and boundary hedgerows that enclose and visually filter the surrounding landscape.
22. The proposed development would introduce 48 additional holiday leisure homes, increasing the total number of such units within the wider site to approximately

196. By comparison, the Council notes that Tydd St Giles contains around 430 residential properties. When considered in plan form, the scale of the wider country club and its accommodation as a whole would represent a significant cumulative concentration of units, particularly when contrasted with the spatial pattern of built development that characterises the village of Tydd St Giles. Nevertheless, it would still be of a notable quantity below that of the number of residential properties found within the village itself.
23. While the proposed development may appear substantial when viewed in plan form, I am mindful that very few people experience the appeal site or the village of Tydd St Giles from an elevated or aerial perspective, owing to the absence of topography elevation across this landscape. For this reason, I have focused my assessment on the views and visual effects experienced at ground level, which represent the way the development would ordinarily be seen and understood in practice.
24. The appeal site and the wider country club is self-contained. It is afforded a large degree of separation from Kirkgate due to the driveway from the road to the reception car park. Towards the rear of the appeal site is Eaudyke Bank. Eaudyke Bank forms the northern boundary of the appeal site, connecting Cats Lane to Hannath Road. Given the separation of the site from the wider highway network, Eaudyke Bank represents the closest and most relevant public vantage point from which the proposed development could be viewed, rather than Kirkgate or Hannath Road.
25. During my first site visit, I travelled the length of Eaudyke Bank, and during my second visit I undertook an internal assessment from within the appeal site looking outward towards Eaudyke Bank. From these visits, it became clear that a defining characteristic of Eaudyke Bank is the substantial tree and hedgerow boundary that runs along the majority of its interface with the appeal site. This vegetation is notably dense, mature, and largely continuous. It conceals the appeal site and the wider site for considerable lengths, for the most part. The proposed plans before me highlight that this boundary treatment would be retained, with 23 trees to be removed from within the centre of the appeal site. These trees relate to a small number of individual trees comprising of a Scots Pine and 2 Viburnum, and a grouping of 20 young Silver Birch trees. These trees are located towards the centre of the site, not along its boundary, and therefore, their contribution to diminishing the visibility of the appeal site from public vantage points along Eaudyke Bank is negligible. Nevertheless, there are a small number of discernible breaks along the length of the boundary treatment along Eaudyke Bank where the Tydd St Giles Golf and Country Club, and therefore the appeal proposal would be visible.
26. The first of these gaps is located at the entrance to Eaudyke Bank from Cats Lane, adjacent to an existing golf fairway. From this point, views are available across the appeal site. At this vantage point, Plots 20, 18 and 16 would be the most prominent, with the central spine of the proposed lodges also perceptible beyond them.
27. However, the Tree Constraints Plan (Drawing 1203/25-v1.5, May 2025) identifies a substantial grouping of proposed trees intended to infill this gap. This planting would materially reduce the visibility and perceived prominence of the lodges from this location. Such planting could be secured by condition, requiring the

submission and approval of a detailed landscaping scheme, thereby enabling the Council to ensure that the planting is of a scale and density sufficient to provide effective screening. I shall turn to this matter later in my decision.

28. I also note that the proposed lodges would not be positioned immediately next to the boundary. Although relatively close, the separation distance would help to moderate their visual impact when viewed from this point. Furthermore, the gap itself is limited in width, meaning that any views experienced by those travelling along Mayners Dyke or Eaudyke Bank would be brief and momentary. Taking all of these factors together, I am not persuaded that the proposed development would result in an adverse visual effect on the immediate surroundings or wider landscape.
29. The next location along Eaudyke Bank where the proposed development would be visible is at a field gate providing access to the Golf and Country Club from a pathway that crosses both sides of Eaudyke Bank into the adjoining field. The immediate foreground at this public viewpoint is open, allowing views across the appeal site towards the main central belt of leisure homes proposed as part of this scheme.
30. However, a notable grouping of trees, positioned both centrally and to either side of this central belt, lies between the viewpoint and the proposed lodges. The separation distance between this vantage point and the leisure homes is also considerable. When this is assessed alongside the single-storey form and relatively low height of the lodges, as well as the intervening tree cover, it is evident that the development would not give rise to an adverse visual effect on either the immediate surroundings or the wider landscape.
31. The Council also note in their officer report that the area proposed for the lodges currently has an undeveloped and verdant character, which positively contributes to the character and appearance of the locality, including the wider rural landscape and countryside. While this is true when viewing the site from within and looking outward, it is important to recognise that any individual within this part of the appeal site would be in anticipation of this development. Leisure home users would already have passed numerous existing leisure homes of a similar appearance on their approach, continuing the established pattern of lodges associated with the wider country club.
32. However, as discussed earlier in my decision, any view of the site from public vantage points and its association with the wider landscape is exceptionally limited. Where it would be visible, I do not find that this would create a development that would have an unacceptable effect upon the character and appearance of the area or the wider landscape. This is due to the absence of a strong visibility of the appeal proposal, assisted by the flat surrounding topography, intervening trees and hedgerows, the planting indicated on various plans that could be controlled by a planning condition, the overall distance to the proposed leisure homes and their low single-storey height.
33. To conclude, in plan form, the proposed development would create a scale of leisure home accommodation that would represent a significant concentration of this type of development, when contrasted with the spatial pattern of Tydd St Giles. This is a finely balanced consideration of this appeal. However, I am not of

the view that it would be at a point where its scale would be of a competing and dominating scale when compared to Tydd St Giles.

34. My assessment is focused on how the scale of the development would be perceived from public vantage points. I conclude that such views would be so limited that the proposal would not give rise to an adverse visual effect on the immediate surroundings, the wider landscape, or the street scene of Tydd St Giles. The development would therefore not conflict with Policy LP16 of the Local Plan, which requires new development to avoid adverse impacts on the street scene, settlement pattern, or landscape character, among other considerations. In returning to the requirements of the Framework at Paragraph 89 with regard to the first main issue of this appeal, I conclude that the proposed development, for the reasons outlined above, would be sensitive to its relevant surroundings.

Other Matters

35. I acknowledge that there has been significant local opposition to the appeal proposal, as evidenced by the many letters of objection, including councillor and Member of Parliament submissions. The Council has not raised objection on these grounds through their official decision notice. Nevertheless, I have considered the relevant concerns expressed in the light of the evidence presented with regard to the development plan. I have formed a view on the objections raised both in writing and during the hearing. Whilst many of these objections are worded differently, I have grouped them and have formed a view on each broad matter.

Living conditions

36. Comments have been received from several interested parties, citing that the proposed development would result in a loss of privacy, loss of outlook, loss of light, along with the effect of additional lighting and additional noise. The closest residential properties to the appeal site are located along Eaudyke Bank, Cats Lane and Kirkgate.
37. In consideration of loss of privacy, light and outlook, I note the significant separation distances between the appeal proposal and neighbouring properties, along with the single storey nature of the leisure homes proposed. I therefore concur with the Council that there would not be any loss of privacy, light or outlook to these properties. Further lodges located within the site would result in an increase in use. Additional noise would be generated from car movements and voices. However, the separation distances between the proposed development and neighbouring properties would reduce this noise to a point where there would be no significant harm to the living conditions of these occupants.
38. With regard to the presence of additional lighting from the leisure homes, a condition which requires the submission of an external lighting scheme which shall be submitted to and approved by the Council would ensure that the specific details of this would not create an unacceptable effect upon the living conditions of neighbouring occupiers.

Loss of open space

39. Interested parties have contended that the proposed development would result in the loss of open space. The golf course is not public open space, it is an area for use by golf club users. The paths around the golf course, which can be accessed

from Eaudyke Bank, are not designated public footpaths. They are paths created by the golf course for the permissive use of the site from their owners.

40. Nevertheless, in my analysis of the proposed site plan, the existing nature trail permissive path is highlighted. It does not suggest that this path would indeed be lost as a result of the proposed development. A change in the arrangement of the golf course is not a material planning consideration. This golf course is located on private land, utilised by paying members.

Biodiversity

41. Written submissions made during both the application and appeal stages, as well as comments presented at the Hearing, raised matters relating to the scheme's implications for biodiversity. The Council's officer report acknowledges that the development has the potential to deliver a biodiversity net gain, although this is dependent on the provision of more detailed landscaping information. Such detail can appropriately be secured by condition, and I address this matter later in my decision.
42. At the Hearing, an interested party expressed concern regarding the potential impact of the proposal on local badger setts. From the explanation provided, these setts are understood to be located on private land outside the appeal site. The issue arose in connection with the Shadow Habitats Regulations Assessment, which does not identify these setts. The assessment confirms that the appeal site lies outside all designated wildlife sites and that no adverse effects on such sites would occur.
43. The appellant explained that it would have been difficult to identify setts situated on private land, particularly where no records existed prior to the submission of the application. The evidence before me indicates that no badger setts were recorded within or immediately adjacent to the appeal site, and the relevant ecological consultee raised no concerns regarding the investigations undertaken. On this basis, I have no reason to reach a different conclusion.

Agricultural land

44. It is argued that the appeal proposal would be located on high grade agricultural land. In consideration of this matter, the appeal site is utilised as a golf course. Whilst it may have previously or historically been used for an agricultural purpose, it is not used for that purpose now. Therefore, the proposed development would not result in a loss to any high-grade agricultural land.

Highway safety

45. The proposed development would use the existing access into the wider Tydd St Giles Golf and Country Club from Kirkgate. There would be no notable change to this access, which provides visibility along Kirkgate when entering or exiting the country club complex. Due to the self-contained nature of the club as a whole from Tydd St Giles, the proposed development is unlikely to result in any significant demand of on-street parking beyond the confines of the appeal site and its associated wider area. The driving behaviour of motorists, who may or may not frequent the golf and country club, does not provide a convincing reason to refuse the appeal, when the conditions of the scheme on the highway itself are negligible.

Fire safety

46. Concern has been raised that the proposal is absent of adequate fire safety information. Fire safety is not a matter that is explicitly covered by the planning system. Nevertheless, the parties have suggested a planning condition which requires the submission of a scheme for the provision of fire hydrants or equivalent emergency water supply to be submitted to and approved in writing by the Council. Therefore, subject to the submission of these appropriate details, there is no strong reason before me which justifies that a decision should be made to dismiss the appeal on this basis.

Drainage and pollution

47. Representations have been made concerning flood risk, surface water drainage, and the potential implications of the development for the local sewage network. The appeal site lies predominantly within Flood Zone 3, with limited areas falling within Flood Zone 2, and is therefore classified as having a high probability of flooding. The Council acknowledges that relocating the proposed development to an alternative site of lower flood risk would not be practical or achievable in this instance.
48. The appeal is supported by a Flood Risk Assessment and Surface Water Drainage Strategy, which identifies that surface water can be appropriately managed through the use of filter drains discharging into the proposed lakes. The Council, the Environment Agency, and the Lead Local Flood Authority raise no objections to this approach, subject to conditions requiring the submission and implementation of a detailed surface water drainage scheme, together with measures to prevent additional surface water run-off during the construction phase. I find no substantive basis to depart from this assessment or to resist the imposition of such conditions in principle.
49. During the Hearing, I discussed with the parties whether the Flood Risk Assessment and Surface Water Drainage Strategy required revision to reflect the current proposal for 48 leisure homes, rather than the originally submitted 51. It was agreed that the underlying principles of the document remain applicable to the revised scheme. Accordingly, an appropriate way forward would be for the appellant to provide an updated Masterplan accompanied by a Schematic Drainage Layout that accords with the principles set out in the existing Flood Risk Assessment and Surface Water Drainage Strategy. I address the use of condition 7 in the attached schedule, later in my decision.
50. With regard to sewage, a number of representations allege that the existing arrangements serving the wider area are inadequate, frequently subject to blockage, and give rise to odour. My role in this appeal is to assess the proposal before me, and matters relating to the performance of the existing network fall within the remit of the relevant statutory bodies rather than this decision. However, these concerns do underline the importance of ensuring that the proposed development incorporates an appropriate and robust foul water drainage solution.
51. To this end, I have imposed a condition [9], which requires the submission of a detailed foul drainage scheme for the Council's approval prior to the commencement of development. This condition was agreed between the parties in the event that the appeal were to be allowed. Its inclusion enables the Council and its statutory consultees to scrutinise the submitted details and ensure that the

proposed arrangements are adequate to manage foul water arising from the development.

Historic environment

52. It is contended that the application was absent of an archaeological survey. I note that Cambridgeshire County Council Historic Environment team did not request such a survey be undertaken. There is no convincing evidence which has been put before me which suggests that such a survey would be necessary in this circumstance.

Other

53. Comments suggest that there is no clear demand for the proposed development, with a number of these comments supported by various extracts from property sale websites indicating that second-hand lodges are for sale within the wider country club. There is no policy requirement within the LP for this type of development to demonstrate that there is indeed a need or demand. Furthermore, I find it unlikely for a business such as this to dedicate its time and resources in pursuing a planning application through to a development if no such demand existed.
54. The effect of the proposed development on house prices or views are not material planning considerations. The number of residents in opposition to the proposed development does not determine its outcome. Planning applications are granted on their own merits. The granting of planning permission in this appeal would not necessarily set a precedent for development proposals within Fenland.
55. Interested parties allege that some of the existing leisure homes within the wider appeal site are being used as permanent residences by their owners. Other alleged planning breaches are also argued to have taken place within the wider golf and country club. This is a matter for the Council's planning enforcement team. It does not fall within my remit to investigate or determine such allegations as part of this appeal. My assessment is confined solely to the development proposed. A decision made on licencing, some considerable time ago, does not imply that the proposal should be refused for the same reasons as this licencing application.

Conditions

56. I have considered the conditions discussed at the Hearing. These were based on a list of suggested conditions made by the Council, agreed by the parties within their Statement of Common Ground.
57. Conditions regarding the standard timescales [1] and referring to the plans [2] are necessary in the interests of expediency and certainty. During the Hearing, the most up-to-date plans and documents were reviewed, as several of those referenced in the Council's decision notice related to an earlier scheme for 51 leisure homes. These outdated documents have been omitted from Condition 2. A technical issue was also discussed concerning the height of the leisure homes. The drawings did not appear to accurately represent the final appearance once the proposed decking to each unit was installed. The outcome of these discussions concluded that the Council had assessed the appearance of the proposed leisure

homes by reference to those already present within the wider appeal site. I have therefore undertaken my assessment of the appeal on the same basis.

58. To safeguard the living conditions of neighbouring occupants, a condition which requires the arrangements for the management of the construction site [3] is necessary. To ensure that local biodiversity is protected and enhanced, a condition which requires the submission of an appropriate document [4] on this matter is necessary. To ensure a positive visual appearance of the appeal site and to promote biodiversity enhancement, a condition which requires the submission of a detailed scheme for landscaping and biodiversity enhancements [5] is necessary. As discussed during my main issue on character and appearance on this matter, this condition is critical in providing a level of screening of the development to reduce its visibility from Cats Lane and Eaudyke Bank.
59. A condition which stipulates the measures to deal with contamination and its remediation, where required, [6] is necessary to ensure that all contamination is appropriately dealt with where found. This is necessary to ensure that the proposal is safe for its end users. In relation to this matter, a further condition was suggested which relates to contamination. This suggestion has not been included in this decision. The suggestion made by the Council which informed the wording of condition 6 included a requirement with regard to remediation, as was the main thrust behind this suggested condition. Therefore, this was deemed to be unnecessary and therefore not included for this reason.
60. To ensure that the proposed development can be appropriately drained, it is necessary to impose conditions requiring the submission of a detailed surface water drainage scheme [7], a scheme for managing surface water run-off during the construction phase [8], and a further scheme setting out the arrangements for foul water drainage [9]. A further condition which requires the development to take place in accordance with the Flood Mitigation Measures outlined within the Flood Risk Assessment and Surface Water Drainage Strategy [13] is also necessary. These conditions are essential to demonstrate that the development can be satisfactorily drained, that no increased flood risk would arise on or off the appeal site during or after construction, to ensure that the development is safe from flooding and that foul water pollution would be effectively prevented.
61. A condition which requires the visibility splays at the entrance of the appeal site from Kirkgate to be in situ [10] is necessary to ensure a safe operation of the highway into and from the appeal site. During the Hearing, this condition was the subject of discussion regarding its necessity, given the appeal site's functional relationship with the wider golf and country club. It was argued that, even in the unlikely event that other planning permissions relating to the wider club were to lapse, the requirement would still need to be retained for the development under consideration in this appeal. The appellant confirmed that they had no strong objection to the inclusion of this condition. For completeness, the suggested condition has therefore been retained.
62. A condition has been imposed which requires the details of any external lighting to be submitted [11]. This is necessary to minimise the effect of lighting upon the living conditions of neighbouring occupants, to ensure that biodiversity is protected and in the interests of helping to deter crime. During the Hearing, discussions were had regarding when this information should be provided. In concluding on this matter, it was decided that a timetable being required to be provided would allow

the relevant phases of these lodges to be delivered and accommodated, rather than the whole scheme at once. To ensure the safety of occupiers, a condition which requires the submission of details relating to the provision of fire hydrants [12] is necessary.

63. A condition which restricts the leisure homes to holiday use for only a specified number of days per year [14] is necessary to ensure that each leisure home would not be utilised as a permanent residence. This matter generated notable discussion during the Hearing. It became clear that the Council intended to apply the same approach as that used for conditions attached to other leisure homes within the wider golf and country club. Introducing a different requirement, specifically, a maximum number of nights to restrict occupancy, would create an inconsistency between the occupants of these lodges and those previously approved, resulting in an element of unfairness.
64. During my consideration of the scheme and the conditions proposed, it became apparent that the fact a particular approach has been used previously does not, in itself, justify its repetition in this case. Accordingly, the parties were invited to provide their views on an appropriate limit to the number of nights per year that occupants of the leisure homes should be permitted to stay. The Council responded that such a condition would be difficult to enforce, noting the potential for occupancy logs to be recorded inaccurately or manipulated. Planning conditions must, however, satisfy the six statutory tests. In this context, the inclusion of a specified number of dates within condition 14 of the attached schedule would provide a clear and enforceable time limit on occupancy. While this approach may not eliminate the risk of manipulation, it would nonetheless establish a defined restriction, in contrast to the absence of any limit under the Council's suggested and previously adopted approach.

Conclusion

65. For the reasons given above, I find that the proposal would be in general accordance with the development plan where applicable, and would be in accordance with the Framework. Therefore, having regard to all relevant matters raised, I conclude that the appeal should succeed.

J Smith

INSPECTOR

Schedule of Conditions

- 1) The development shall begin before the expiration of 3 years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following drawing and document numbers:
 - 27293/152 REV B (Location Plan)
 - 27293/SK25 REV A (Proposed Site Plan)
 - 27293/051 REV A (Proposed Decking Elevations & Floor Plan)
 - 27293/050 Rev A (Leisure Home Elevations and Floor Plan)
 - 27293/055 Rev A (Proposed Bird Hide Elevations and Floor Plan)
 - May 2025-V1.5 (Tree survey, arboricultural implications and method Statement)
 - March 2025-V1.4 (Biodiversity net gain assessment)
 - 1203/25-V1.5 (Tree Constraints Plan)
 - V1.4 dated 04 February 2026 (Landscape Visual Impact Assessment)
 - V3 dated 25 November 2025 (Landscape Strategy)
 - July 2024 REV B (Preliminary Ecological Appraisal and Impact Assessment)
 - 13 May 2024 (Shadow Habitats Regulations Assessment V1.0)
 - V2 25 November 2025 (Landscape and Visual Assessment A3 Figure Volume)
 - SVH/CES/27293.4 (FRA & Drainage strategy Addendum A)
 - 5340r1 dated 24 March 2022 (Air Quality Assessment)
 - 27293 REV A (Travel Plan)
 - 27293 REV A (Transport Statement)
 - 27293.4 Rev A (Flood Risk Assessment and Surface Water Drainage Strategy)
- 3) Prior to the commencement of the development hereby permitted, a Construction Environmental Management Plan (CEMP), shall be submitted to and be approved in writing by the local planning authority. The submitted details shall be in accordance with the Council's 'Construction Environmental Management Plan – A template for development sites' document. The approved CEMP shall be adhered to throughout the construction period.
- 4) No development shall take place (including demolition, ground works and vegetation clearance) until a Biodiversity Construction Ecological Management Plan (Biodiversity CEMP) has been submitted to and approved in writing by the local planning authority. The Biodiversity CEMP shall incorporate the recommendations of the Preliminary Ecological Appraisal and Impact Assessment and must include the following:
 - Risk assessment of potentially damaging construction activities.
 - Identification of "biodiversity protection zones".
 - Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
 - The location and timings of sensitive works to avoid harm to biodiversity features.
 - The times during which construction when specialist ecologists will need to be present on site to oversee works.

- Responsible persons and lines of communication.
- The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person.
- Use of protective fences, exclusion barriers and warning signs where they are applicable.

The approved Biodiversity CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

5) Prior to the commencement of the development, a detailed scheme for the landscaping and biodiversity enhancements and habitat improvements within the site shall be submitted to and approved in writing by the local planning authority. The landscaping and biodiversity enhancement details to be submitted shall include:

- Planting plans for all areas which shall include their species, numbers, size and density of planting.
- A comprehensive arboricultural method statement and tree protection plan/protection measures for retained trees and hedges.
- The provision of updated Proposed Lake Cross Sections and any other landscaping features.
- The detailed profiles and planting plans for the proposed new water features.
- The placement, type, number and details of any biodiversity enhancements and habitat improvements related to species, including details of bird and bat boxes.
- The details of siting and timing of all construction activities to avoid harm to all nature conservation features.
- A timetable for landscaping and biodiversity enhancement implementation.
- The landscape management and maintenance details for all habitats and landscape features, which shall be employed for a minimum period of 10 years.

The approved landscape scheme shall be carried out within the first available planting season following approval of the scheme and in accordance with the timetable for implementation approved as part of the submitted scheme.

6) No development shall take place until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of Potentially Contaminated Sites – Code of Practice and the Environment Agency, Land Contamination Risk Management (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the local planning authority.

If any contamination is found, no development shall take place until:

- A report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority.
- The site has been remediated in accordance with the approved measures and timescale, and a verification report has been submitted to and approved in writing by the local planning authority.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until:

- Additional measures for the remediation of the site have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
- A verification report for all the remediation works must be submitted to and approved in writing by the local planning authority.

7) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority.

The submitted details shall:

- Provide a revised Masterplan with a Schematic Drainage Layout which follows the principles outlined in the document titled 'Flood Risk Assessment & Surface Water Drainage Strategy 27293 REV A'.
- Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving ground water and surface waters.
- Provide detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it).
- Provide infiltration test results, the details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants.
- Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- Provide a timetable for its implementation.

The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.

8) No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the local planning authority. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence and shall be retained for the lifetime of the development.

9) Prior to the commencement of development, a scheme for the provision and implementation of foul water drainage shall be submitted to and agreed in writing with the local planning authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. The approved measures shall remain in place for the lifetime of the development.

- 10) Prior to the first occupation of the development hereby approved, visibility splays shall be provided on both sides of the vehicular access from Kirkgate, and shall be maintained free from any obstruction over a height of 600 mm within an area of 2.4 metres x 120 metres measured along respectively the edge of the carriageway.
- 11) Prior to occupation of the proposed holiday accommodation, a scheme for the provision of external lighting, including a timetable for its provision, shall be submitted to and approved in writing by the local planning authority. These details shall include its height, design, location and intensity. The approved details shall be implemented in accordance with these approved details and retained thereafter in perpetuity.
- 12) Prior to the first occupation of the development hereby approved, a scheme for the provision of fire hydrants or equivalent emergency water supply, including a timetable for its provision, shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented and made available for use in accordance with these approved details and retained thereafter for the lifetime of the development.
- 13) The development shall only take place in accordance with the Flood Mitigation Measures set out in the Flood Risk Assessment & Surface Water Drainage Strategy 27293.4 Rev A, dated November 2021. These measures shall be employed prior to the occupation of the development and subsequently retained for the lifetime of the development.
- 14) The leisure homes shall be occupied as holiday accommodation only and shall not be occupied as a sole or main place of residence or by any persons exceeding a period of 215 nights in any calendar year. An up-to-date register shall be kept and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.

Appearances

FOR THE APPELLANT

Alexis De Pol	Planning Consultant (De Pol Associates Ltd)
Jo Wild	Landscape Architect (Greenlight Environmental Consultancy Ltd)
David Owen	Planning and Development Manager (Pure Leisure Group Ltd)

FOR THE COUNCIL

David Rowen	Development Manager
Nicki Carter	Senior Development Officer

INTERESTED PERSONS

Brenda Barber	Ward Councillor
Eric Sharpe	Parish Councillor
George Sharp	Local Resident
Pat Sharp	Local Resident