

Appeal Decision

Site visit made on 13 September 2016

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 September 2016

Appeal Ref: APP/E2001/W/16/3150204

**Land North East of Mole Lodge, Common Road, South Cave,
East Riding of Yorkshire HU15 2EA**

- 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 Stuart Hodgson against the decision of East Riding of Yorkshire Council.
 - The application Ref DC/16/00008/PLF, dated 30 December 2015, was refused by notice dated 26 February 2016.
 - The development proposed is erection of a steel framed building for the storage of agricultural machinery.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues raised by this appeal are the effect the proposal would have on the character and appearance of the area and whether the site is appropriate for the proposed development having regard to local and national policies relating to areas at risk of flooding.

Reasons

Character and appearance

3. The site is located in a modest sized field within open countryside that is characterised by its flat topography and an agricultural landscape of fields. There is a general absence of buildings in the vicinity of the site although there are isolated dwellings and groups of larger farm buildings distributed across the wider landscape. Although it is low lying, the absence or low level nature of hedges or other boundary treatments to many fields in the area enables long distance views over this landscape. This character is therefore particularly sensitive to the effects of new buildings which have the potential to be seen some distance way.
 4. The appeal building would be located along one side of the field and would be simple and utilitarian in appearance. As a result of the size, bulk and height of the building it would be conspicuous in the wider landscape. Views of it from Common Road itself would be limited as a result of the existing tall hedge along the boundary although it would be visible through gap in the hedge at the point of the access. The planting belt behind the hedge consists of saplings and would not provide any screening or concealment of the proposed building
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in the short term. Although there are individual trees along the other boundaries they do not form a continuous or consistent enclosure and they would not significantly screen or break up the appearance of the building from views from further afield including from the north such as those from Jarrett Hill Lane.

5. Whilst of a design which is not uncommon in agricultural areas, the building would appear as a large, isolated and intrusive feature in the landscape, with consequent harm to its character and appearance. Unlike other functional structures which are present in the wider area, it would not be seen as part of a cluster or group of other buildings.
6. As the building would provide accommodation for the appellant's business, it would be larger than that which would be reasonably required for the maintenance and cropping of the field itself. Whilst the site may be conveniently located in respect of accessibility to the appellant's expected customers of his agricultural contracting business, there is little substantive evidence to suggest that the appeal site has any particular locational characteristics which would outweigh the harm to the area's character and appearance.
7. The larger complexes of warehouses and glass houses referred to by the appellant and illustrated in his Design, Access and Heritage Statement are located some distance from the appeal site, are clustered together and situated closer to the A63 main road. Whilst they are prominent, they do not form a defining element in the character of the area, particularly in the vicinity of the appeal site. From my observations, agricultural buildings of a comparable appearance to the appeal building are grouped around farms rather than being in isolated positions. The existing pattern of buildings in the area does not, therefore, lead me to consider that the appeal proposal would create a built form which would reflect the established pattern of buildings in the countryside.
8. As the proposal would not contribute to safeguarding or respecting the character and appearance of the area nor be of a high quality design which has regard to the specific characteristics of the site's wider context, the proposal would not comply with East Riding Local Plan Strategy Document, 2016 (ERLPSD) Policy ENV1.
9. As the proposal would not represent the intrinsic character of its surroundings, the proposal would not satisfy the requirements of ERLPSD Policy S4 where certain types of development in the countryside are otherwise supported. Notwithstanding this failure to satisfy the character requirements, those supported types of development include agricultural and employment uses, the latter being subject to it according with ERLPSD Policy EC1.
10. However, it would not satisfy that policy's requirement that development in the countryside is of an appropriate scale to its location nor the locational requirements of criteria D. 1. to 4., including that it has not been conclusively demonstrated that there is a functional need to be on the particular location which cannot be met on an allocated or other nearby site.
11. The proposal would not satisfy the National Planning Policy Framework's (the Framework) core planning principle of recognising the intrinsic character and beauty of the countryside or its design policies which require that developments should respond to local character, amongst other objectives.

Flood risk

12. The appeal site is located within Flood Zone 3, which is one which has a high probability of flooding. Storage uses are identified in the Planning Practice Guidance (PPG)¹ as being development which is Less Vulnerable to flooding.
13. ERLPSD Policy ENV6 seeks to manage the risk of flooding to development by applying a Sequential Test to steer development towards areas of lowest risk, an approach which accords with that of the Framework and the PPG. There is no evidence to suggest such a Sequential Test has been applied. Therefore although the PPG considers such development appropriate in considering its compatibility² it also makes it clear that a Sequential Test should first be applied to guide development to zones at lower risk of flooding.
14. Whilst there would be a functional link between part of the use of the building and the site, the building would be larger than would be necessary purely to cultivate or maintain the modest site providing as it would storage for equipment to be used on other farms as part of the appellant's proposed contracting business. The appellant considers that the area in which he anticipates carrying out his business activities would be in Flood Zones 2 and 3. This anticipated operational area would therefore include lower risk areas than the appeal site. The information provided in support of the application and appeal falls short of a satisfactory or conclusive consideration of whether there are areas at lower risk of flooding where the proposed development could be directed to and which may still be within a reasonable distance of his expected working area.
15. As such it has not been satisfactorily demonstrated that there are not reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding, contrary to the approach required by ERLPSD Policy ENV6, the Framework and PPG. Therefore mitigation in the form of resilience and resistance measures proposed to be incorporated in the development would not alter the position that the principle of development is not appropriate in this respect.

Other Matters

16. The proposal would have some economic benefits. I can also appreciate that the building would support the appellant's requirements to develop his business proposals and that it would be convenient to be located in the area to serve his anticipated clients. However, these considerations would not outweigh the material harm identified above.

Conclusion

17. For the above reasons, the proposal would harm the character and appearance of the area and would be an inappropriate location for development with regards to flood risk, contrary to the development plan, the Framework and the PPG. The appeal is therefore dismissed.

Geoff Underwood

INSPECTOR

¹ Table 2: Flood Risk Vulnerability Classification, Paragraph: 066, Reference ID: 7-066-20140306.

² Table 3: Flood risk vulnerability and flood zone 'compatibility', Paragraph: 067, Reference ID: 7-067-20140306.