

# Appeal Decision

Site visit made on 26 September 2016

**by Alison Roland BSc DipTP MRTPI**

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

**Decision date: 25 October 2016**

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**Appeal Ref: APP/E2001/W/16/3152103**

**The Landings, Skiff Lane, Holme-on-Spalding Moor, East Yorkshire, YO43 4AZ.**

- 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 G Raper against the decision of East Riding of Yorkshire Council.
  - The application Ref: DC/15/03144/PLF/WESTWW, dated 6 October 2015 was refused by notice dated 12 April 2016.
  - The development proposed is siting of a mobile home to replace existing residential caravan.
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## Procedural Matter

1. The Council determined the planning application on the basis of a reduced red edge area on the Proposed Site Plan (Ref: RO3/1465/01A) and Site Location Plan (Rev A: Red Line Amended). I have determined the appeal on this basis.

## Decision

2. The appeal is dismissed.

## Main Issue

3. The main issue in this appeal is the implications of the proposal for the character and appearance of the area.

## Reasons

4. The appeal site comprises an isolated piece of land in the open countryside accessed from a country lane. There is a miscellany of buildings and structures thereon including a block of stables and a substantial timber and metal clad building, within which is a caravan which benefits from a Certificate of Lawful Existing Use or Development (CLEUD) Ref: 14/03468/CLE for residential use. The appellant intends to replace this caravan with the proposed mobile home, which would be sited on open ground approximately 40 metres to the North of the shed. The submitted plan depicts a new gravel surfaced access and turning head formed off the existing driveway into the site and the provision of a curtilage area around the perimeter of the mobile home. An existing static caravan adjacent to the application site is indicated for removal.
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5. The existing residential caravan is concealed within the shed on site and is only visible on inspection at close quarters. In contrast, the proposed mobile home would be sited on open ground some distance from the shed. In this relatively isolated location, it would not relate at all well to the existing buildings on site, but would amount to sporadic development in the open countryside.
6. The sizeable structure of the mobile home itself, together with the formation of the new driveway, turning head and proposed garden would markedly domesticate and suburbanise the appearance of this part of the site. Added to this would be the likely domestic paraphernalia within the curtilage area, such as washing lines, items of garden furniture and related structures. I do not consider that a condition withdrawing permitted development rights for buildings within the curtilage would adequately address these concerns. The appearance of the mobile home would also manifest itself in hours of darkness through light spillage from the site, which is likely to be more obvious than the existing caravan which is contained within the shed.
7. The planning status of the caravan denoted for removal on the plan is unclear in terms of whether it is lawful, would require or indeed benefits from consent. Either way, as a relatively small structure apparently used for purposes ancillary to the use of the land, its removal from the site would not offset the visual impact of the proposed structure, which is considerably larger and its associated development.
8. I appreciate that views into the site are somewhat limited due to the hedge along the boundary of the site to Skiff Lane. Nonetheless, the proposal would be visible from the site entrance and glimpses from Skiff Lane are likely to be more readily available following leaf fall in winter months. I also appreciate the appellant's intention to undertake additional landscaping on the site, but this would take many years to mature and would not to my mind counterbalance the visual impact of the proposed development in its entirety.
9. I recognise the appellant's concern about the proximity of a nearby wind turbine to the West and slurry/manure store to the South East; both on land under other ownership. I also have no reason to doubt that the latter is on occasion the source of odours and the turbine gives rise to noise and shadow flicker. Indeed, I noted a persistent grinding noise emanating from it at my site visit, despite light to moderate winds at that time. I also understand the existing caravan within the shed experiences problems with television reception.
10. However, I have no compelling evidence, in particular technical evidence before me to demonstrate that the proposed mobile home would be appreciably better in these regards than the existing caravan. Whilst a new mobile home would likely be better insulated, any benefit in this regard would be counterbalanced to a greater or lesser extent by the shielding and insulation afforded to the existing caravan by the envelope of the shed. The same could be said in respect of odours from the nearby slurry and manure store, despite the fact that the proposed mobile home would be sited slightly further away from it.
11. Moreover, the somewhat constrained living environment consequent upon locating the existing caravan within the shed would likely have been apparent at the time of its installation. I am also not persuaded that problems of television

reception cannot be resolved through some technical solution, as opposed to a new residential structure outside the building.

12. I take the appellant's point that the shed housing the caravan could be removed, thereby exposing the caravan therein. Nonetheless, this would have appreciably less visual impact than the proposed development, not least due to the removal of the shed itself (or part thereof), but also due to the relatively small size of the caravan therein and the absence of the domestic curtilage and drive which are associated with the proposal. My views on this would remain the same even if the existing caravan were replaced by a slightly larger model, especially given the limited "red edge" of the CLEUD.
13. For these reasons, I conclude on the main issue that the proposal would suburbanise and introduce a markedly more domestic appearance to the appeal site, to the detriment of its open countryside location and the character and appearance of the area. This would bring it into conflict with Policies S4C and ENV1 of the East Riding Local Plan 2012-2029 Strategy Document (April 2016), as well as the advice in the National Planning Policy Framework, which seek to ensure that proposals respect the intrinsic character of their surroundings and have specific regard to the sites wider context and the character of the surrounding area.

#### **Other Matters**

14. I understand the appellant's intention that the proposal is for a replacement dwelling and I note the suggestion that he would be prepared to accept a planning condition requiring the removal of the existing residential caravan from the land. Nonetheless, even had I found the proposal to be acceptable on the main issue, it is not possible to extinguish existing lawful use rights by way of a condition.
15. An agent representing a third party has questioned the legitimacy of the existing CLEUD in relation to the residential caravan, but that is not a matter before me in determining this appeal. It is also contended that the site is contaminated by virtue of its association with previous sewage treatment plant thereon. Nonetheless, as I have not found in favour of the appeal on the main issue, I need not consider this matter further.

*ALISON ROLAND*

INSPECTOR