
Appeal Decision

Site visit made on 24 October 2017

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 20 November 2017

Appeal Ref: APP/E2001/W/17/3179160

Land at Westwinds Farm, Occupation Lane, Swanland HU14 3QZ

- 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 A & M Farms Ltd against the decision of East Riding of Yorkshire Council.
 - The application Ref DC/04113/PLF/WESTES, dated 7 December 2016, was refused by notice dated 22 March 2017.
 - The development proposed is change of use of agricultural land to provide tourist accommodation following demolition of existing farm buildings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have also dealt with another appeal (Ref: APP/E2001/W/17/3179153) on this site. That appeal is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - whether, in principle, the proposal would be an appropriate and sustainable form of development in the countryside; and
 - the effect of the proposal on the character and appearance of the surrounding area.

Reasons

4. The appeal relates to an established agricultural complex comprising several buildings. There is a residential property adjacent to the site to the south which is occupied but otherwise unrelated to the agricultural use. Access to the appeal site is taken from Occupation Lane which runs along its western boundary. The site is located about 1 km north of the nearest village of Swanland and is surrounded by open countryside. Furthermore, the site is within the Yorkshire Wolds and a locally designated Important Landscape Area.

Principle of development: sustainability and accessibility

5. The appeal site is relatively isolated geographically and is visually detached from any substantive settlement. Whilst the proposed access to the appeal scheme is about 1km from the edge of Swanland village, it is around 2km from its centrally located services and facilities which include a post office and shop. Furthermore, I note that there are no on-site facilities proposed in relation to the appeal scheme

or to any other activity at the site. As a result, any tourists staying at the proposed development would necessarily need to travel to Swanland for the nearest services and facilities.

6. The most direct route to Swanland from the site is along Occupation Lane which is a straight and open country road. However, when travelling southwards towards the village the road rises over the local terrain and a brow in the landscape. This reduces the visibility of any oncoming traffic or pedestrians in either direction for a section of the route. As such, I find that this would have some impact on the safety of all users of the route. Furthermore, I note that there is no existing footpath, lighting or any form of natural surveillance which would encourage pedestrians or cyclists to use the route rather than the private car. As a result, I consider it unlikely that access to and from the appeal site, and the subsequent proposed development, would be undertaken by modes of transport other than the private car.
7. The appellant states a willingness to provide a footpath along Occupation Lane between the appeal site and Swanland which could be installed and secured by condition. In addition, I note reference to possible cycle hire facilities being made available as part of the proposed development. Whilst I have had regard to these matters, there is no substantive evidence before me now to indicate that such provisions would be implemented.
8. Notwithstanding this, I find that the footpath would not address concerns regarding the isolated position of the site, the safety and security of pedestrians travelling between the site and Swanland and the likely strong reliance on the private car resulting from the proposal. Furthermore, the footpath would need to extend to a distance of approximately 1km along Occupation Lane to the edge of Swanland. This would likely have an adverse visual impact on the surrounding area and particularly on Occupation Lane as a relatively narrow, hedge-lined country road. As such, these matters have limited weight in my decision making. As a result, I am not persuaded that the proposed elements, as described above, would sufficiently address concerns regarding the appropriateness, accessibility and sustainability of the proposed development. Therefore, I find that the proposal would not constitute a sustainable form of development.
9. Consequently, I conclude that the proposal would be an isolated development in the open countryside in an unsustainable location with limited accessibility and proximity to services and facilities. It would therefore be contrary to Policies S1, S2, S4, EC2 and ENV2 of the East Riding Local Plan Strategy Document (ERLPSD) and the relevant guidance within the National Planning Policy Framework (the Framework). Amongst other matters, these policies and guidance seek to ensure that development in the countryside is appropriate and consistent with the Council's sustainability objectives and where possible is accessible by sustainable modes of transport.

Character and appearance

10. The area surrounding the appeal proposal is designated as an Important Landscape Area in the ERLPSD and it is within the Yorkshire Wolds. Policy ENV2 of the ERLPSD seeks to protect such areas from development which would result in a detrimental impact on them. The appeal site is large and is situated in an isolated position on Occupation Lane. Due to the topography of the area, the site is highly visible from Occupation Lane and also Swanland Dale which runs west to east approximately 100 metres to the north of the site. The existing character of the site is agricultural when viewed from various points in the surrounding area.

Furthermore, it is set within a rural context alongside large open fields which reinforce the agricultural nature of the area and its landscape.

11. The proposed scheme would remove the existing agricultural buildings from the site and replace them with the proposed holiday units. As a result, the agricultural character and appearance of the site would be significantly altered or even lost and it would become a more commercial and residential site in its isolated position within the rural landscape surrounding Swanland. As such, I find that the proposed development would have an incongruous appearance within its rural surroundings and therefore, due to its highly visible position, it would have a significant harmful impact on the character of the Important Landscape Area and the Yorkshire Wolds.
12. The appellant states that if the proposal were to be refused, the site would continue in its existing agricultural use until it became unviable, leading to the dilapidation of the existing buildings. I appreciate that the deterioration of the existing buildings would have a detrimental effect on the appearance of the site. However, I find that there would be no significant adverse impact on the character of the wider rural landscape surrounding the site as I note that agricultural buildings in such a dilapidated state are quite a common sight in the local rural landscape of the Yorkshire Wolds.
13. Furthermore, I note the appellant's point relating to the provision of landscaping and screening around the site in order to limit the visual impact of the proposed development on the surrounding area. Notwithstanding this, having given due consideration to such matters, I find that any landscaping and screening proposed would take time to become established and sufficiently substantial to serve its purpose effectively. Moreover, whilst I acknowledge that the appellant aspires to deliver a scheme of high quality design, I find that this would not mitigate the harmful impact of the isolated nature of the proposal in the surrounding area.
14. Consequently, I conclude that the proposed development would have a significant detrimental impact on the character and appearance of its surroundings, including the designated Important Landscape Area of the Yorkshire Wolds. Therefore, it would be contrary to Policies S4, EC2 and ENV2 of the ERLPSD and the relevant sections of the Framework. Amongst other matters, these policies and guidance seek to ensure that the type of development proposed is appropriate and respects the local area in terms of its use, scale and design quality and has no significant harmful effect on the intrinsic character, appearance and quality of its surroundings.

Other considerations

15. The appellant has referred to other appeal decisions and proposals to lend support to their case. I have had regard to these and given them due consideration and weight in determining this appeal. Notwithstanding this, whilst I note some similarities between the other cases and the appeal proposal, I also note the differences. As such, and in any event, I must assess the appeal scheme on its own merits, having due regard to other material planning considerations and I confirm that I have done so.

Planning Balance

16. The proposed development would have a number of benefits which include contributing towards addressing a deficiency in tourist accommodation in the area and securing a viable future use for the appeal site. This would also have wider economic benefits for the surrounding area in terms of supporting local facilities and businesses. Furthermore, I acknowledge the changes to the appearance of the

site and the potential enhancements of it in relation to landscaping and overall biodiversity. Notwithstanding this, having had due regard to all of the above, I find that these public benefits would not outweigh the significant harm I have identified.

Conclusion

17. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Andrew McCormack

INSPECTOR