



Appeal Decision

Site visit made on 18 June 2019

by A McCormack BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th July 2019

Appeal Ref: APP/E2001/W/18/3217087

Land East of Gate Farm, Balkholme, Howden, East Yorkshire DN14 7XH

- 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 Stephen Wilburn against the decision of East Riding of Yorkshire Council.
 - The application Ref DC/18/02088/PLF/WESTWW, dated 15 June 2018, was refused by notice dated 17 October 2018.
 - The development proposed is change of use of land for siting of 8 safari tents and retention of the excavation of a pond and associated bridge/waterfall.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Part of the proposed development seeks retrospective planning permission as the pond and bridge are already in situ. As a result, I was able to see these in place during my visit to the site and surrounding area. Accordingly, I have considered and assessed that part of the proposal on that basis.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the surrounding area;
 - whether the proposal would be sustainable development in the countryside; and
 - whether the proposal would be acceptable with regard to flood risk.

Reasons

Character and appearance

4. The appeal relates to land at a small hamlet known as Balkholme. The site is located between existing residential and farm buildings at Gate Farm to the west and Fountain Head to the east. There are also two residential properties to the north. Together, these properties make up part of the cluster of buildings which form the settlement of Balkholme. Notwithstanding this, the area surrounding the site is predominantly rural in character and the small size of Balkholme results in even limited new development being visually and physically significant.
5. The appellant argues that the proposed development would have no adverse visual impact on the surrounding area as it would be screened by existing farm buildings

- and established hedgerow. Notwithstanding this, I note that whilst this may be so when viewing the site from the west on Kilpin Broad Lane, from what I could see during my visit, when viewing from Brow Lane to the north, views are generally open across the site. Based on the submitted drawings, I note that this would remain the case were the proposed scheme allowed. In addition, I note that most residents in Balkholme reside in properties positioned along or adjacent to Brow Lane. As a result, the proposed scheme would be highly visible to many of the people living and working in and around Balkholme who would pass the site often.
6. In terms of the size, scale and extent of the proposed scheme, it is noted that it would be across an overly large area when considered in the context of the small-scale nature of Balkholme. Although the proposed site is surrounded by residential and farm development, I have had regard to the fact that the proposal would provide accommodation for a number of tourists which would be in excess of the current population of the settlement. Given the small-scale character and nature of the hamlet and its small resident population, I consider the size, scale and extent of the proposal to be inappropriate for such a location. As such, in my view, the proposed scheme would have a material adverse impact on the character and appearance of its surroundings.
 7. Moreover, I note that the proposal would introduce recreation use to the locality and would inevitably generate increased traffic from visitors to the proposed scheme. In my view, these material considerations would likely have a harmful impact on the quiet nature and character of Balkholme and its surroundings. I have also had regard to the existing bridge and pond feature on the site which, in my view, appears out of keeping with the countryside location and context.
 8. From what I have seen and read, there is limited detail in term of whether any additional works may be needed on site to make the proposal acceptable in terms of its impact on the character and appearance of the locality. Whilst some aspects of these details could be addressed with planning conditions, I find that due to the limited details before me, the purpose and extent of the requirements for such conditions would likely be overly demanding on the appellant and therefore would be inappropriate and unreasonable.
 9. Consequently, I conclude that the proposal would have a significant detrimental effect of the character and appearance of the surrounding area. It would therefore be contrary to the aims of Policies S1, S2, S4 and EC4 of the East Riding Local Plan (ERLP) and Paragraphs 83 and 84 of the National Planning Policy Framework (the Framework). Amongst other matters, these policies and guidance seek to ensure that development respects the intrinsic character of its surroundings and has no substantive adverse impact on the character or appearance of the wider area.

Sustainable development

10. Policies S1 and S2 of the ERLP seek to support sustainable forms of development which do not rely on the private car and make use of sustainable transport. Policy S4 relates to tourism proposals which support sustainable patterns of development as well as respecting the intrinsic character of their surroundings. Policy EC2 specifically considers tourism development including the provision of accommodation. Such development is supported where it helps to meet an existing deficiency. In the countryside, it is noted that such proposals will be supported where their scale and impact is appropriate to the location and either existing buildings are utilised, they involve rollback caravan sites, are part of a farm diversification scheme reusing existing buildings, they support an existing countryside attraction or have a functional need to be located in the countryside providing that existing buildings are re-used where possible.

11. The appellant argues that by its very nature as a rural holiday park, the proposed scheme would be expected to be in a location as has been identified and away from areas of dense population. Whilst this is acknowledged, it is also the case that such development must still comply with all relevant policies of the local development plan. As such, I find that the scale and impact of the proposal would not be appropriate to its location and context. Moreover, the proposed scheme must also meet at least one of the criteria of Policy EC2 as set out above.
12. From what I have seen and read, the proposal does not comply with any of the requirements listed in Policy EC2 for tourism development in the countryside. It does not relate to the reuse of existing buildings or support an existing countryside attraction. Furthermore, it is noted that there are no services, shops or public transport serving Balkholme. The nearest such facilities are likely to be found in either Gilberdyke or Howden which are both approximately 3.5 miles from the proposed site. As a result, I find that the proposed scheme would not be in a sustainable location and would rely on the private car with users having to travel for all basic services and provisions.
13. Consequently, I conclude that the proposal would not be in an easily accessible location and therefore it could not be considered as sustainable development in the countryside. Therefore, it would not comply with Policies S1 and S2 of the ERLP and the relevant sections of the Framework.

Flood risk

14. The site is situated within Flood Zone 3 and therefore it has a high probability for flood risk. In addition, the Council's Level 1 Strategic Flood Risk Assessment (SFRA1) identifies the site as being mainly within an area designated '*Danger to Most*'. I note also that within the SFRA the type of development proposed in this appeal is identified as being '*more vulnerable*'.
15. Relevant national and local planning policies advise that proposals for a change of use will not require a Sequential Test except for any such proposal involving a change to a caravan, camping or chalet site or to a mobile home or park home site where sequential and exception tests should be applied as necessary.
16. The appellant submitted a Flood Risk Assessment (FRA) which includes a Sequential Test. The appellant argues that a comprehensive search prior to the application being submitted found no evidence of flooding at the appeal site and that no other suitable sites were found in the area of search and this was also confirmed by local agents.
17. Notwithstanding this, it is evident to me that although referenced in the FRA, there has been little or no discussion or agreement between the appellant and the Council as to the appropriate extent of the area of search. Within the appellant's Statement it says that a 10-mile radius was applied for the test and no other suitable site was found. However, within the FRA, the area radius applied is only 1.5 miles from the site. Nonetheless, even though the FRA covers an inadequate area, the Council notes that there are still more sequentially preferential sites for the proposed development within that smaller search area than the identified location. However, full details of these other sites are not before me.
18. The appellant argues that the FRA clearly states that mitigation measures and safeguards can be undertaken to address flood risk concerns and that there is clear evidence that there are no European Protected Species at the site, its surrounding area or the buildings nearby.

19. Nevertheless, on the basis of the evidence before me, I find the submitted FRA to be inadequate and fails to provide sufficient information or detail with regard to the presence or otherwise of other nearby sites which would be appropriate, preferable and available to accommodate the proposed scheme. Moreover, it is noted that SFRA1 recommends 'more vulnerable' developments, such as the proposed scheme, need to pass both the Sequential and Exception Tests. In addition, Appendix 4 of the Flood Risk Guidance Note sets out that land use within areas designated '*Danger to Most*' should not include '*more vulnerable*' developments for single storey buildings. A safe refuge should also be made available on an upper floor to provide an immediate escape route in times of extreme flood. As such, I find that the submitted FRA fails to meet the necessary requirements set out in relevant policy and guidance.
20. Consequently, I conclude that that the proposed scheme has not demonstrated how it would ensure that users of the site would be safe from the effects of flooding. As a result, the proposal would not be acceptable in terms of flood risk. Accordingly, the proposal fails to pass the Sequential Test as required by Policy ENV6 of the ERLP and Paragraphs 157 and 158 of the Framework.

The Planning Balance

21. The proposed development would provide a tourism-related scheme which would contribute to the local tourism economy. Notwithstanding this, the proposal would be in an isolated and unsustainable location and would not have access to local services and facilities. As a result, it would heavily on the private motor car. Furthermore, it would be of a size and scale which would be inappropriate to its surroundings and would not respect the intrinsic character of the local area. In addition, based on the evidence, the proposal would not pass the Sequential Test in relation to directing development towards areas of lowest flood risk. Nor would it ensure that future users of the proposed site would be safe from flood risk.
22. Taking the above into account, I find that whilst there would be some benefits to the proposed scheme, these would be clearly outweighed by the significant harm which I have identified.

Conclusion

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

A McCormack

INSPECTOR