
Appeal Decision

Site visit made on 8 July 2019

by R E Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2019

Appeal Ref: APP/E2001/W/19/3226393

Land South West Of Manor Court Hotel, Main Street, Carnaby YO16 4UJ

- 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 Rob McGivern against the decision of East Riding of Yorkshire Council.
 - The application Ref 18/03505/PLF, dated 16 October 2018, was refused by notice dated 5 February 2019.
 - The development proposed is the erection of a single worker's dwelling.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Rob McGivern against East Riding of Yorkshire Council. This application is the subject of a separate Decision.

Procedural Matter

3. The Council's first reason for refusal refers to an existing flat above the hotel's kitchen. The appellant has advised that this flat does not exist and the rooms here form part of the hotel accommodation. This has been confirmed by the Council and I have determined the appeal on this basis.
4. The appeal is following the written representations procedure, as both parties have requested. It follows that my assessment is of the evidence which the parties have chosen to place before me in support of their cases.

Main Issues

5. The main issues are:
 - whether there is an essential need for an additional dwelling to accommodate a rural worker; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Need for the Dwelling

6. Manor Court Hotel is a family run hotel business which contains rooms within the fabric of the main building, an on-site restaurant and bar and a small

number of chalets to the rear. The hotel is positioned at the edge of Carnaby, a small settlement close to the east coast. The hotel and part of its grounds are located within the development limits of the village. However, the proposed dwelling would be positioned outside of the development limits as defined by the East Riding Local Plan Strategy Document (ERLPSD) 2016.

7. It is common ground between the parties that the appeal site is not in an isolated location within the context of paragraph 79 of the National Planning Policy Framework (the Framework). I agree with this assessment. However, there is a dispute between the parties regarding the relevance of paragraph 79 when read as a whole. The proposed dwelling would occupy a position close to the existing hotel and the development limits of Carnaby and there is a footpath leading into the village from the hotel's frontage. Therefore, in my view, the appeal site could not reasonably be regarded as isolated when applying its ordinary meaning. As such I do not consider that paragraph 79 of the Framework is engaged. However, I do not consider this to be determinative when assessing the appeal against the provisions of the ERLPSD.
8. Policy S4: Supporting development in Villages and the Countryside of the ERLPSD says that outside the defined development limits of villages such as Carnaby, rural-based occupational dwellings may be acceptable subject to demonstrating an essential need. To this end the appellant has submitted a detailed justification as to the circumstances that have triggered the proposal.
9. The dwelling is proposed as a residence for members of the hotel management team (the appellant's son and partner) who would inherit the business following a transitional period of approximately 5-10 years. Increased demand, commuting distances, succession planning and hotel security are advanced as material considerations in favour of the development. The appellant contends that the dwelling would comprise a rural worker's dwelling, thereby satisfying the requirements of criterion 5 of part C of Policy S4 of the ERLPSD.
10. The proposed dwelling does fall outside of the development limits (although I note part of the land edge red does extend within it) for the village and part C of Policy S4 is subsequently engaged. Criterion 5 is more commonly associated with agriculture and forestry and the terminology within the supporting text reflects this. However, Policy S4 does allow for other rural based occupational dwellings which are not clearly defined. Given the location of the proposed dwelling, outside of the development limits of the village and its proposed function to be tied to the hotel, I am satisfied that the proposals could be assessed against this policy.
11. Land ownership arrangements and the existence of a business are not alone enough to justify a rural worker's dwelling. An Assessment of Need Report dated October 2018 is supplied as part of the appeal by the appellant which outlines the circumstances surrounding the proposals. From the evidence placed before me, the existing business is clearly well-established. There is little evidence available regarding the financial soundness of the business however this is not a matter disputed by the Council. The labour requirements of the business are also not disputed, and I see no reason based on the submissions to disagree with this conclusion. This confirms that the appellant, appellant's partner and son, all work in excess of 40 hours a week.
12. The extent of hours worked does not necessitate an additional dwelling on site *per se*. Whether a dwelling is essential depends on the particular needs of the

enterprise rather than on the personal circumstances of any individuals concerned. Based on the evidence before me I see no compelling reason why most management tasks can not be met by someone living locally rather than permanently on site. However, I do recognise that arrangements need to be in place for someone to be available to guests during the night.

13. Manor Court Hotel has operated for many years with a single property. The existing workers accommodation is occupied by the appellant and his partner along with his mother-in-law. This contains a telecom system connecting to the hotel allowing for guests to contact the owners during the night and they are subsequently available for any emergencies. I understand that when away the appellant's son, stays in this accommodation and if all three are unavailable, a staff member occupies a room in the hotel.
14. Given the nature and scale of the enterprise and the details provided as to the way it currently operates, I accept there is a need for a worker to be on site during the night. Therefore, as part of the succession planning and handing over the business to the appellant's son and partner it would be reasonable to expect that procedures are in place for guests during the night. However, for a functional need to exist, it must be essential and absolutely necessary for this need to be met by a new dwelling on site.
15. For the next 5-10 years the appellant and his partner would continue to work at the hotel, albeit on reduced hours, and live in the existing accommodation. Subsequently the existing arrangements would continue to be available during this period.
16. From the evidence before me, I am not convinced as to why a night time presence can not be met by existing front of house staff through staff rotas or occupying a room within the hotel. I accept that it would be unreasonable to expect a staff member to occupy the existing workers' accommodation as this is a family home. I also acknowledge that this arrangement could lead to a reduced profit by removing a room from being available. However, there is limited information available regarding occupancy rates and how often such conflicts would occur. I do accept that this is unlikely to be desirable and may well detract from some of the family ethos of the hotel put forward by the appellant. However, I am not persuaded, based on the evidence available that it is absolutely necessary and that other arrangements can not be put in place.
17. As a result of the appellant's conclusion that an essential need exists for a permanent presence on the site, no detailed search of the wider area for alternative properties has been adduced. Although the Council have cited properties that are available in the village, I do not have sufficient information to assess these properties.
18. The appellant refers to examples nearby where rural workers dwellings have been permitted for tourism related enterprises and questions the consistency of the Council's decision making. However, there appears to have been no existing house in those cases and the circumstances that applied were not directly comparable to those before me. I confirm in this regard that I have considered the appeal scheme on its own individual planning merits and made my own assessment as to its impacts.
19. I have had regard to the fact that the evidence provided by the Council's Surveyor is caveated as not being from an expert in the industry. I have, in

any case, reached my own conclusions on the appeal proposal on the basis of the evidence before me.

20. Drawing all the above matters together, I acknowledge the appellant's evident commitment to the enterprise, which has been in operation for several years. I accept that there would be some benefits to the business and particularly to the appellant in having a second dwelling at the hotel. However, based on the evidence before me as to the enterprise's operations, I can not be sufficiently certain that a functional need exists for the dwelling or that no realistic alternatives exist. Accordingly, the proposals would conflict with the requirements of part C of Policy S4 of the ERLPSD which is concerned with development in the countryside.

Character and Appearance

21. Manor Court Hotel lies at the edge of the village and forms part of a transitional area which is characterised by farm buildings, residential properties and fields. The area for the proposed dwelling incorporates a levelled grassed area adjacent to the car park which includes picnic tables. This area is reportedly used for over flow car parking on occasions and is clearly curtilage of the hotel. However, it has a semi-rural quality due to its open nature and landscaping around the access and car park. These features all contribute to the character and appearance of this part of Carnaby before it dissipates into the countryside.
22. The proposed house would be in the same position as former Nissen huts which evidence shows were in place in the 1950s. However, these huts have been demolished and the site is currently open and grassed. This area appears as part of the transition into the wider countryside with no obvious sign of their existence. As such, whilst I have had regard to their historical presence, they do not make a significant contribution to the current character of the area.
23. Despite its modest scale, the proposed dwelling and associated residential use of the land would injuriously alter the semi-rural characteristics of the site. I recognise that the wider field within which the dwelling would be located is bordered by hedgerows and mature trees and the scheme also incorporates additional planting. That said, the proposed dwelling would still be prominent when viewed from Main Street. Although it would not be isolated from the hotel or village, the house would be separated from other buildings within the complex by the car park. Despite its small curtilage, the residential nature of the house would disrupt the transition into the countryside. It would be at odds with the semi-rural character of the site and would detract from the appearance of the area.
24. I therefore conclude on this issue that the proposed dwelling would be harmful to the character and appearance of the surrounding countryside. This would be contrary to policies ENV1 Integrating high quality design and ENV2 Promoting a high quality landscape. These policies broadly require developments to achieve a quality of design that respects and conserves the character of the landscape and surrounding area.

Other Matters

25. I have had careful regard to the economic, social and environmental benefits of the development as advocated by the appellant along with the local support of

Councillors and these weigh in favour of the proposals. I have also had regard to the use of planning conditions and accept that a condition could tie the occupancy of the dwelling to a hotel worker if I were to allow the scheme, but this would not overcome the objections that I have found.

Conclusion

26. I have considered all of the arguments advanced in support of the proposal raised in the evidence before me. However, I do not consider such matters to clearly outweigh my conclusions on the main issues. The appeal is therefore dismissed.

Robert Walker

INSPECTOR