
Appeal Decision

Site visit made on 12 February 2020

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 March 2020

Appeal Ref: APP/E2001/W/19/3241568

Land off Turner Avenue, Withernsea

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Hare against the decision of East Riding of Yorkshire Council.
 - The application Ref 19/00861/OUT, dated 8 March 2019, was refused by notice dated 21 May 2019.
 - The development proposed is the erection of one holiday cottage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application that resulted in this appeal was made in outline, with matters of access and layout to be considered only, all other matters are reserved.

Main Issues

3. The main issues are:
 - i. Whether the proposed development would achieve the economic objective of sustainable development of Policy S1 and EC2 (a) of the East Riding Local Plan 2012-2029 Strategy Document (2016) (the LP) and the National Planning Policy Framework (the Framework).
 - ii. Whether the appeal site is a suitable location for the development proposed, with particular regards to coastal erosion.

Reasons

Sustainable Development

4. That the appeal site is located in an accessible and sustainable location in respect of access to Withernsea is not at dispute between the parties. However, the Officer's report details that the appeal site is situated outside of, but immediately adjacent to, the development limits of Withernsea. The site is within a Coastal Change Management Area (CCMA).
5. At the site visit I saw that the site, consisting of an open grassed parcel of land, clearly relates to the existing built up and predominantly residential area that binds the site on three sides with the sea binding the remaining side.

6. It is the Council's case that the appeal scheme offers "little demonstrable benefit towards supporting the tourism sector" and as such fails to achieve the economic objective of sustainable development contrary to policy S1 of the LP.
7. Policy S1 relates to sustainable development and seeks to "secure development that improves the economic, social and environmental conditions". The policy states a clear presumption in favour of sustainable development, echoing the provisions of the Framework. Policy EC2 part A of the LP supports tourism development, specifically including accommodation.
8. The economic benefits of the appeal scheme are, by its very nature, related to the size and scope of the development, in this instance one holiday cottage. Policy EC2, referred to by the Council in the Decision Notice, clearly states support for tourism accommodation development.
9. I note that the Council refers to the availability of tourist accommodation elsewhere in the area, but I have no substantive evidence before me to suggest that the appeal scheme would result in harm to the economy, specifically from further tourist accommodation provision.
10. Therefore, on the basis of the evidence before me I find that the proposed development would achieve the economic objective of sustainable development of Policy S1 and would be supported by EC2 (a) of the East Riding Local Plan 2012-2029 Strategy Document (2016) (the LP) and the provisions of the Framework.

Coastal erosion

11. Paragraph 168 of the Framework details that development in a CCMA will be appropriate only where it is demonstrated that, amongst other matters, "it will be safe over its planned lifetime".
12. The appellant states, in paragraph 3.7 of the Statement of Case, that the dwelling would be constructed with a timber frame and has a life expectancy of under 75 years.
13. The Council has provided a number of different figures relating to the projected life expectancy of the appeal site, before it is lost to erosion or a safe buffer line is reached, including 75-125 years referred to in the Decision Notice.
14. A revised projected life expectancy provided by the Council's Coastal Engineer, based on a detailed assessment of the site takes account of erosion that outflanks the existing sea defences and is stated in para 3.13 of the Council's Statement of Case as being "about 30 years".
15. The appellant disputes the figures provided by the Council and, in addition to citing examples of the effectiveness of sea defences elsewhere, has referred to the Council's Cliff Erosion Data tables. The appeal site appears to lie within the area referred to in the tables as the 'Withernsea Frontage' where an erosion rate of nil is recorded and is adjacent to the area referred to as 'South of Turner Avenue at south end of Withernsea' where a higher rate of erosion is recorded.
16. I observed at the site visit that the site has been subject of some erosion as a result of the outflanking of the existing sea defences. Furthermore, I note that such rates of erosion are not included in the Council's Cliff Erosion Data tables.

As such, the evidence provided by the Council's Coastal Engineer appears to be the most reliable assessment of the rate of erosion at the appeal site.

17. That the proposed dwelling would be for holiday accommodation only, and not be a person's sole or main residence, does not remove the need to ensure that the development is protected for its planned lifetime.
18. Consequently, based on the evidence before me I find that it has not been demonstrated that the appeal development will be safe over its planned lifetime and as such the appeal site is not a suitable location for the proposed development.
19. The proposed development is therefore contrary to Policies S1, S2, ENV5 and A5 of the LP and the provisions of the Framework that amongst other matters seek to ensure that development is in an appropriate location and protected from erosion for the life of the development.

Conclusion

20. For the reasons given above I conclude that the appeal should be dismissed.

Mark Brooker

INSPECTOR