



Appeal Decision

Site visit made on 8 September 2020

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th January 2021

Appeal Ref: APP/E2001/W/20/3254160

Southfield, Main Road, Cowden HU11 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 Robert Blackley against the decision of East Riding of Yorkshire Council.
 - The application Ref: 19/02421/PLF, dated 9 July 2019, was refused by notice dated 28 April 2020.
 - The development proposed is described as: Change of use of land to touring caravan and camping site; formation of a new site entrance; conversion and extension of existing building 'A' to indoor recreation area, store and toilet and shower facilities; conversion of building 'B' to site office; and associated works.
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Decision

1. The appeal is allowed, and planning permission is granted for the change of use of land to touring caravan and camping site; formation of a new site entrance; conversion and extension of existing building 'A' to indoor recreation area, store and toilet and shower facilities; conversion of building 'B' to site office; and associated works at Southfield, Main Road, Cowden HU11 4UJ in accordance with the terms of the application, Ref: 19/02421/PLF, dated 9 July 2019, subject to the conditions in the attached schedule.

Procedural matters

2. The planning application form described the proposed development as: 'Change of use to touring caravan and camping site with associated works'. The description on Decision Notice issued by the council reads: 'Change of use of land to touring caravan and camping site, formation of a new site entrance, conversion and extension of existing building 'A' to indoor recreation area, store and toilet and shower facilities, conversion of building 'B' to site office and associated works'. This description more fully sets out the development proposed, and I note that the appellant has adopted this same description on Appeal form. I have therefore also used this for the purposes of the appeal.
3. The second reason for refusal on the Decision Notice issued by the Council cites several policies from the East Riding Local Plan Strategy Document 2016 (the Local Plan). The Council has confirmed that one of the cited policies, Policy C6, is a typographical error and that the Local Plan does not contain this policy.

Main Issues

4. The main issues in this appeal are:

- The effect of the proposed development on highway safety in the vicinity of the appeal site; and
- The effect of the proposed development on drainage and flood risk.

Reasons

5. The appeal site comprises just over 1 hectare of land which contains a two storey dwelling house and a number of ancillary buildings. The planning application form states that the existing use of the site and buildings is agricultural. There is an existing access from the highway at the north end of the site, adjacent to the existing dwelling. It is proposed to use the land for the purposes of a touring caravan and camp site and change the use of two of the existing buildings to ancillary facilities to support this use.

Highway Safety

6. The appeal site is adjacent to Main Road (B1242) which is the principal route from Mappleton to Cowden. The B1242 is a single carriageway, two way, road that is subject to a 60mph speed limit where it passes the appeal site. The road rises from south to north to a crest approximately 55m to the north of the existing access. Approximately 90m to the south of the existing access point there is a slight bend in the road.
7. The submitted drawings show that a new access to the site would be formed adjacent to the southern boundary. The proposal was accompanied by an Access Appraisal which included a speed survey on the B1242 at the site. This speed survey found the southbound 85th percentile speed at the site to be 41.2mph and the northbound 85th percentile speed to be 40.5mph. The Access Appraisal concludes that, for these speeds, visibility splays of 120m by 2.4m are required and demonstrates that these can be achieved. The Council has not submitted any evidence that contradicts the findings of the Access Appraisal and I also note that the Highways Authority agree with these findings.
8. I saw when I visited the site that, although the B1242 has variable horizontal and vertical alignments in the vicinity of the appeal site, from the point where the new access would be formed the variations in alignment would not truncate or reduce the visibility splays indicated in the Access Appraisal. At the time of my site visit, the B1242 was lightly trafficked, however, observed vehicle speeds were not excessively high and I have no reason to believe that these were not consistent with the measurements in the submitted speed survey.
9. The entry width of the proposed vehicular access would be sufficient to accommodate two simultaneously and would allow a vehicle entering the site to pass a vehicle waiting to leave. Consequently, the site access would operate in a safe manner for vehicular traffic.
10. There is no footway adjacent to the B1242 on the west side where the appeal site is located. However, there is a footway on the opposite side which runs to both Cowden and Mappleton. The Access Appraisal sets out that the B1242 is subject to moderate traffic volumes and this is borne out by the vehicle

numbers recorded in the speed survey. At the time of my visit there was a low number of vehicle movements on the road, although this would have been in part due to the Covid 19 pandemic reducing the number of travellers. This notwithstanding, there is no evidence before me that would suggest that the findings of the Access Appraisal, which was carried out before any movement restrictions were put in place, are inaccurate or do not reflect normal road usage.

11. Whilst there is no formalised crossing point and the appeal site is located on a section of the B1242 that subject to a 60mph speed limit, the proposed access to the site, which would also be used by pedestrians, would be located at a point where there is good forward visibility in both directions. In addition, the carriageway of the B1242 is not unduly wide at this point. Consequently, there would be good intervisibility between drivers and pedestrians and the time taken to cross the carriageway would not be great.
12. When I visited the site, I saw that there were limited facilities in Cowden, with the exception of a public house. Mappleton similarly has a limited range of facilities, although there is access to the beach from the village. However, the distance from the appeal site to Mappleton and the narrow footway may discourage people from walking to these.
13. No substantive evidence has been put forward by the council that would indicate that the proposed development would result in large numbers of pedestrians seeking to cross the road. There is an inherent risk for pedestrians crossing any highway away from a controlled crossing point or formalised pedestrian crossing. Nonetheless, the moderate level of traffic, good visibility, and narrow width of the carriageway at this location are such that a small number of pedestrian movements would not have an unacceptable impact on highway safety.
14. I therefore conclude that the proposed development would not cause harm to highway safety in the vicinity of the appeal site. It would comply with the relevant requirements of the National Planning Policy Framework and Policy ENV1 of the Local Plan which expect, among other matters, that new development is of a high standard of design that provides a safe and suitable access for all users.

Drainage and flood risk

15. Whilst the second reason for refusal on the decision notice asserts that insufficient information was submitted to demonstrate that suitable surface and foul water drainage arrangements can be provided at the site, the Council's statement does not elaborate on the manner in which the submitted information is deficient.
16. The proposal was accompanied by a Flood Risk Assessment with Outline Drainage Strategy (FRA) which identifies that the appeal site is within Flood Zone 1 and is at low risk from flooding. This matter is not in dispute.
17. The outline drainage strategy contained in the FRA states that surface water drainage would be by way of a soakaway system. However, subsequent infiltration testing demonstrated that a soakaway would not be an effective method of draining the site due to the ground composition. The appellant's statement and the Council officer's report both indicate that a revised proposal

was put forward which would result in surface water being directed to an existing drainage ditch on the boundary of the site, although I have not been provided with the details of this revised system.

18. Foul drainage would be by way of an on-site package treatment plant with the treated water being discharged to the same drainage ditch as surface water drainage.
19. The Council officer's report indicates that the Lead Local Flood Authority and the Council's Land Drainage Team do not have any objections to the proposal following the submission of this additional drainage information, and subject to conditions being imposed to ensure that full foul and surface water details are submitted, and approved, prior to the development commencing. No further evidence has been submitted by the Council which indicates that the proposed drainage arrangements are inadequate, or that insufficient information has been submitted.
20. Some photographic evidence has been submitted by local residents showing standing water in fields in the surrounding area. Whilst one of these shows a field on the opposite side of the road from the appeal site, from my observations during the site visit, the other fields shown are some distance from it. The Geoenvironmental Appraisal submitted with the application identifies that in the area the topsoil is underlain by glacial clays. Where such ground conditions exist, it is not unusual for the topsoil to become waterlogged and for rainwater to fail to drain quickly. There is no substantive evidence which demonstrates that the standing water shown in the photographs results from surface water runoff from the appeal site.
21. Whilst there are not full details of the proposed drainage arrangements for the site, from what I have read and from what I saw when I visited the site, I have no reason to believe that it would not be possible to design a drainage system, incorporating, where necessary, on-site detention and restricted discharges that would ensure that the proposed development would not give rise to flooding elsewhere. This could be secured by way a planning condition requiring full details of the drainage arrangements to be submitted for approval and subsequently implemented.
22. I therefore conclude that the proposed development would not give rise to increased flood risk and that suitable arrangements for drainage could be made subject to an appropriately worded planning condition. The development would comply with the relevant requirements of Policies ENV6 and A6 of the Local Plan and the Framework which, when read together, expect new development to manage the risk of flooding from watercourses and to not increase flood risk within or beyond the site.

Other matters

23. In addition to the matters above, objectors to the proposal have raised concerns regarding the over-concentration of holiday parks in the area. I saw that there is an existing large holiday park at Cowden, close to the appeal site, and I am aware that there are other holiday parks and caravan sites in the broader coastal area of the district.
24. However, Policies S4, EC2 and A5 of the Local Plan, when read together, are supportive of tourism development in the district where the scale and

cumulative impact is appropriate for the location. The Council officer's report recognises that there is an identified need for tourism accommodation in the North/South Holderness area, where the appeal site is located, including additional camping and touring caravan pitch provision.

25. The appeal proposal would provide spaces for touring caravans which would be a different type of facility from the nearby holiday park which is predominantly static caravan and lodge type accommodation. The provision of touring caravan and camping pitches would align with the Council's policy and the Council have not raised the overall number of caravan parks as an issue. The appeal site is relatively well screened by existing boundary hedgerows and is some distance from the nearest permanently occupied residential property, other than the house within the appeal site itself. The Council has suggested that this latter property could be made subject to an occupancy condition restricting the occupancy of the dwelling to a person operating the business.
26. Within this context there is no substantive evidence that the appeal proposal would have unacceptable cumulative effects on the area. In addition, no concerns have been raised in respect of the works proposed to the existing buildings on the site.

Conditions

27. I have had regard to the list of conditions suggested by the Council. Where some of the Council's suggested conditions related to the same subject matter, such as occupancy and land contamination, I have amalgamated the conditions.
28. Three of the conditions are necessarily pre-commencement conditions as they relate either to matters that would have to take place before other works can be carried out (ground investigation), very early in the development process (installation of drainage), or to measures that would need to be in place throughout the whole period of the development (construction environment management plan).
29. In order to provide certainty in respect of what has been granted planning permission, I have attached a condition that specifies the approved drawings.
30. Full details of the proposed surface water and foul water drainage systems have not been provided and a condition requiring the submission and approval of these details is necessary in order to ensure that suitable and appropriate drainage measures are put in place to prevent the development of the site causing flooding elsewhere.
31. Whilst the submitted Geoenvironmental Appraisal (GA) did not reveal any significant ground contamination, it identified elevated alkaline levels in made ground on part of the site, which is recommended to be capped. Details of how this area is to be treated have not been provided. The GA further recommends that the soils beneath the part of the site previously used for the storage of cement roofing materials are tested for asbestos after the material has been removed. As these areas of uncertainty remain unresolved, it is necessary to impose a condition that requires potential contamination and remediation to be addressed and implemented. As the GA only took a limited number of representative soil samples, it is also necessary to include a condition requiring

that any unexpected contamination that is encountered during the development is suitably dealt with.

32. Although the Preliminary Ecological Appraisal identified that the site has little ecological value, the development plan expects development proposals to safeguard, enhance, create and connect habitat networks. It is therefore necessary, in order to develop the site in a manner which preserves what ecological value it contains to impose a condition requiring the submission, approval and implementation of a Construction Environmental Management Plan and a Wildlife Enhancement Plan.
33. In order to ensure that safe and appropriate access is provided to the site it is necessary to impose a condition requiring that a properly formed access, internal roadway, and parking areas are completed before the development is brought into use.
34. Due to the size and location of the site and in order to prevent inappropriate uses being introduced, it is necessary to attach conditions restricting the number of caravans that can be stationed on the land, restrict the use to holiday occupation only, require records of occupation to be maintained, and to limit the use to touring caravans and camping.
35. The Design and Access Statement submitted with the application sets out that the existing dwelling on the site would remain linked to the proposed new use and would be occupied by the site owner. In order to ensure that this dwelling remains available for the operator of the site, and to prevent unacceptable living conditions in the event that it were to be occupied independently of the business, it is necessary to attach a condition that links the operation of the caravan site to the occupancy or control of this dwelling.

Conclusion

36. For the above reasons, I conclude that the appeal should be allowed.

John Dowsett

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 19-007 01 Rev B – Site Layout as proposed and 19-007 02 Rev B – Buildings A & B (office and amenity/recreation).
- 3) No development shall commence until a scheme setting out full details of surface water and foul drainage, including but not limited to: details of improvement to the existing ditch system; any proposed on-site storage or detention; and any proposed outfall flow restriction, has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the flood risk management section of the council. Thereafter, the development shall not be brought into use until a complete and operational drainage system has been installed in accordance with the approved details.
- 4) No development shall commence until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall be compiled by a suitably qualified ecologist, include a timetable for implementation and a detailed plan. The scheme shall provide full details of all ecological mitigation and management measures along with a programme for implementation. The scheme shall include:
 - A risk assessment of potentially damaging construction-type activities;
 - Full details of practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction, including action to be taken if any protected species are found during construction works;
 - The location and timing of sensitive works to avoid harm to biodiversity features;
 - Use of protective fences, exclusion barriers and warning signs;
 - Details of a lighting strategy which secures dark corridors for foraging bats and nesting birds on the boundaries of the site;
 - Details of site induction information and toolbox talks for all relevant on-site working practices. Protocols to demonstrate that the site workforce will be briefed about potential ecological issues on the site prior to commencement of construction shall be provided;
 - Details of the times during construction when specialist ecologists need to be present on site to oversee works;
 - Details of responsible persons and lines of communication.
 - Details of personnel responsible for over-seeing the implementation of measures detailed in the CEMP.

Upon commencement of development all aspects of the approved construction environmental management plan (CEMP: Biodiversity) shall be implemented in full, unless otherwise agreed in writing by the Local Planning Authority.

- 5) Development shall not begin until an investigation and risk assessment of land contamination has been completed by competent persons and a report of the findings submitted to, and approved in writing by, the Local Planning Authority. This shall include an appropriate survey of the nature and extent of any contamination affecting the site, and an assessment of the potential risks to human health, controlled waters, property and ecological systems. Where unacceptable risks are identified, an appropriate scheme of remediation to make the site suitable for the intended use must also be submitted to and approved in writing by the local planning authority. The development shall not be brought into use until the approved scheme of remediation has been completed, and a verification report demonstrating the effectiveness of the remediation carried out has been submitted to and approved in writing by the local planning authority. The verification report shall include a description of the works undertaken and a photographic record where appropriate, the results of any additional monitoring or sampling, evidence that any imported soil is from a suitable source, and copies of relevant waste documentation for any contaminated material removed from the site.
- 6) The development shall not be brought into use until the vehicular access, internal road layout and parking spaces have been provided, and space has been laid out for parking and to enable vehicles to turn so that they may enter and leave the site in forward gear in accordance with drawing no. 19-007 01 REV B and the Access Appraisal received 27/01/2020. These facilities shall thereafter be retained.
- 7) Prior the installation of any of the caravan bases, a Wildlife Enhancement Plan (WEP) shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include:
 - A timetable for implementation;
 - A detailed plan showing the locations and specifications of the enhancement measures;
 - A 15% bird box to caravan/building ratio (to be located on trees, posts or other suitable positions within the site);
 - A 15% bat box to caravan/building ratio (to be located on trees, posts or other suitable positions within the site);
 - Details of the means of enclosure to demonstrate that boundary treatments will not result in a loss of habitat connectivity through the development, by creating 'hedgehog highways' which provide holes under boundary features for hedgehogs to pass through.
 - A minimum of one hedgehog house, two insect boxes and two log piles to increase the habitat for local biodiversity.

The development shall be carried out in accordance with the approved details and the enhancements measures thereafter retained unless otherwise agreed in writing by the Local Planning Authority.
- 8) In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported immediately to the local planning authority. An appropriate investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be prepared by

competent persons and submitted to the local planning authority for approval. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the local planning authority.

- 9) No more than 30 touring caravans, as defined in the Caravan Sites and Control of Development Act 1960 and Caravan Sites Act 1968, shall be stationed on the land at any time.
- 10) The touring caravans/tents on the site shall be occupied for holiday purposes only and no caravan/tents shall be occupied on a permanent basis or as a person's sole or main place of residence.
- 11) The site owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual touring caravans/tents on the site, and of their main home addresses, and shall make this information available within 14 days of receipt of a written request from the Local Planning Authority.
- 12) The development hereby permitted shall only be used for the purposes of touring caravans, tents, and caravan storage directly related to the use of the touring caravan site and the tented accommodation.
- 13) The development hereby permitted shall only be operated by a person or persons occupying or controlling the existing dwelling known as Southfield, Main Road, Cowden.