
Appeal Decision

Site visit made on 2 February 2021

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st April 2021

Appeal Ref: APP/E2001/W/20/3261822

Land North of Eastfield House, Pilmar Lane, Roos HU12 0HP

- 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 David Grayson against the decision of East Riding of Yorkshire Council.
 - The application Ref 18/01920/PLF, dated 2 July 2018, was refused by notice dated 9 June 2020.
 - The development proposed is change of use of land for the siting of static caravans for residential park home occupation and operational development consisting of verandahs, the construction of an access road, parking and foul and surface water drainage infrastructure (amended plans).
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Decision

1. The appeal is allowed, and planning permission is granted for the change of use of land for the siting of static caravans for residential park home occupation and operational development consisting of verandahs, the construction of an access road, parking and foul and surface water drainage infrastructure (amended plans) at Land north of Eastfield House, Pilmar Lane, Roos HU12 0HP in accordance with the terms of the application, Ref 18/01920/PLF dated 2 July 2018 subject to the conditions in the attached schedule.

Procedural Matters

2. I have taken the description of the development from the appeal form as the parties agree that the description has changed since the application was submitted. I have determined the appeal accordingly.
3. In its statement of case, the Council raised concerns that the appeal was not supported by an appropriate mechanism to secure the on-site provision of open space and payment of financial contributions towards off-site affordable housing (together with a viability review mechanism) and recreational facilities. During the appeal process a Planning Obligation by Unilateral Undertaking has been submitted to secure the required provision and contributions and the Council has been provided with an opportunity to comment on the details of it. I provide further comment on this agreement later in my decision.
4. During the appeal process the appellant brought to my attention two appeal decisions¹. The appellant considers that the appeals indicate that the Council is currently unable to demonstrate a 5 year supply of deliverable housing sites and thus paragraph 11 (d) (ii) of the National Planning Policy Framework (the

¹ APP/E2001/W/20/3259564 and APP/E2001/W/20/3250240

Framework) is engaged. The Council has been provided with an opportunity to comment on the appeal decisions. I return to this matter later in my decision.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the area.

Reasons

Background

6. Except for a small section of land on the eastern side, the appeal site is allocated for residential development through Policy ROO-A of the East Riding Local Plan Allocations Document (2016) (ERLP Allocations Document). The appeal site, along with one other allocated site within the village, is intended to meet the need for additional housing land in the village over the plan period in accordance with Policy S5 of the East Riding Local Plan Strategic Document (2016) (ERLP Strategic Document).
7. Outline planning permission and a subsequent non-material amendment were granted for the construction of 11 dwellings on the appeal site in October 2014 and January 2016². A subsequent application for approval of reserved matters is still to be determined by the Council³.
8. The appeal proposal is to use the land for the siting of 14 static caravans for permanent residential park home occupation and associated works.

Character and appearance

9. Policy S3 G. of the ERLP Strategic Document supports residential development in primary villages commensurate with the scale, role, and character of the village. Sub sections A1, B1 and B3 of Policy ENV1 require development to respect the diverse character and appearance of the area. Development should achieve a high quality of design of an appropriate scale, density, mass, and height and pay attention to local materials, architectural style and features.
10. The appeal site comprises a roughly rectangular parcel of land which forms part of an agricultural field on the edge of the village of Roos. It is located immediately adjacent to existing houses which front on to Beechwood Views. The land is enclosed by existing hedging to the south side and partially enclosed to the north. It is separated from the development on Beechwood Views by hedging and some mature tree cover. The existing vehicular access to the land is also from Beechwood Views. A separate footpath link runs along the appeal site's northern boundary connecting the appeal site to Main Street.
11. Main Street is within the Roos Conservation Area (CA). More recent development outside the CA separates the appeal site from Main Street and the CA boundary. The Council refers to the Roos Conservation Area Appraisal 2007 (CA appraisal) which identifies that Roos is an historic settlement. The settlement is located within the Central Holderness Open Farmland Landscape Character Area as identified in the East Riding of Yorkshire Landscape Character Assessment (2005). The assessment describes the landscape as

² 13/03138/STOUT & 15/40196/NONMAT

³ 17/01990/STREM

being one that is dominated by agricultural intensification with areas of semi-natural woodland and hedgerows.

12. The CA appraisal acknowledges that the character of the land in Roos parish is typical of that found in the plain of Holderness. It requires particular attention be paid to planning applications which would seek to introduce buildings of more than two storeys in height whether within the CA or at some distance from it because of the way in which Holderness's low horizon ensures that anything which rises above it cannot help but be within the line of vision.
13. The appeal site is open farmland immediately next to Beechwood Views where there is an abrupt change from settlement edge to open farmland. The landscaped boundaries to the west, south and partially to the north of the appeal site, together with proposed landscaping to the northern and eastern edges, would frame the proposed development drawing it into the settlement. This is in accordance with the intention of the appeal site's housing allocation which seeks to soften the impact of development by providing additional landscaping to the eastern boundary.
14. To the north and south the appeal scheme would mostly be adjacent to extended gardens, farmland, and farm buildings. There are relatively few buildings to these boundaries and the existing development, particularly to the south, has an informal, rural character. The scale and height of the static caravans would not be at odds with the more informal context to the north and south. Additionally, the low profile of the static caravans and the proposed landscaping would limit the effect of the development on the rural setting of the footpath where it passes through the site.
15. Properties along Pilmar Lane and Beechwood Views are a mixture of dwelling types with many being less than a full two storeys in height. There is greater consistency of the building line and house types within Beechwood Views. Even so, adjacent to the appeal site entrance the property to the south has its gable elevation facing the road as well as a garden outbuilding and boundary treatment visible in the street scene. To the north side the nearest property to the appeal site boundary has an enclosed front garden which is at odds with the more open gardens along much of Beechwood views. Therefore, while there is consistency of the building line to the north and dwelling house types adjacent to the entrance of the appeal site, there are also elements of the street scene that provide variety to its character and appearance. In addition, the access road is a shared surface and relatively narrow which, together with the boundary treatment adjacent to it, limits views into the appeal site from the road.
16. Further, because of their design and siting the static caravans would not be prominent in the Beechwood Views street scene. Moreover, while the development would be noticeably different in terms of its form and materials and would not reflect the house designs within Beechwood Views, it would not disrupt a harmonious street scene. The visual change from the estate development along Beechwood Views to single storey structures in a landscaped setting would be appropriate to the appeal sites separate and rural character and would be an approach to development that would sit acceptably with the scale, density, mass and height of adjacent development. The proposals would not therefore be visually intrusive or appear alien in the street scene.

17. Overall, I conclude that the development would not cause any material harm to the character and appearance of the area. It would accord with the aims of Policies S3G and ENV1 subsections A1, B1 and B3 of the ERLP Strategic Document. It would also accord with the Framework where it seeks to ensure that development is sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

Unilateral Undertaking (UU)

18. The UU provides a mechanism to secure the provision of an offsite financial contribution to affordable housing (£15,873) with a mechanism to reassess viability, offsite financial contributions to deliver improvements to mitigate the pressures on recreational facilities (£28,824) and to secure open space within the site.
19. Taken together Policy C3 and Policy H2 of the ERLP Strategic Document and Affordable Housing Supplementary Planning Document require development to meet the reasonable costs of recreational facilities and affordable housing made necessary by the proposal.
20. The provision of a mechanism for reappraisal of the affordable housing contribution within the UU accords with the approach recommended by the Council based on the appellant's viability assessment. I agree that reappraisal of affordable housing would be appropriate based on the evidence of viability before me.
21. I have considered the Council's concern about the mechanism for dispute resolution within the UU. There is a general clause within the agreement that addresses disputes arising between the parties with regard to their respective rights and obligations. I am satisfied that the proposed approach to dispute resolution within the agreement is acceptable.
22. I consider the obligations to be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to it. The agreement meets the relevant statutory⁴ and national policy⁵ tests. I have therefore taken the obligations and contributions into account in reaching my decision.

Other Matters

23. The appellant contends that recent appeal decisions indicate that the Council cannot demonstrate a 5 year supply of deliverable housing land. The Council considers that even if the hybrid approach to demonstrating a 5 year housing land supply was not accepted in the two appeals referred to by the appellant, in accordance with Paragraph 73 of the Framework, from 7 April 2021 when the East Riding Local Plan is more than five years old, the Council can demonstrate a 5 year housing land supply.
24. Irrespective of whether or not the Council has a 5-year supply of housing land the appeal site is allocated for housing development and there is no dispute between the main parties that the site is suitable for housing development in accordance with the allocation. I am also mindful that use of the site for static

⁴ Provided by Regulation 122(2) of the Community Infrastructure Levy Regulations 2010

⁵ Set out in paragraph 56 of the Framework

caravans rather than 'bricks and mortar' housing is not a principle in dispute between the main parties. There is no substantive evidence before me that would lead me to come to a different conclusion. Further, I have concluded that with regard to the character and appearance of the area the proposals accord with the aims of Policies S3G and ENV1 subsections A1, B1 and B3 of the ERLP Strategic Document and in this respect policies in the development plan are consistent with the Framework.

25. The proposed development would provide additional dwellings within Roos on a site where the development plan seeks to direct development. There is good access to services and facilities from the appeal site and in accordance with the Framework I attribute great weight to the provision of housing on a small site in an accessible location.
26. Reference has been made to the demography of the occupiers of static caravans. Some representations consider that static caravans are most likely to appeal to cash buyers or older people with younger people not regarding caravans as a good investment or not being able to secure a mortgage. The main parties agree that the mix of static caravans indicated on the layout would generally be consistent with the need and demand for smaller properties in the area and is consistent with Policy H1 of the ERLP Strategic Document where it highlights the need for smaller properties to provide for an aging population. A condition requiring specific details of the caravans would further ensure a suitable mix of dwelling sizes in accordance with policies within the ERLP Strategic Document. I am not presented with any substantive evidence to the contrary.
27. Many representations refer to the highway impact of the development. This is not a matter in dispute between the main parties and I note that there is no outstanding objection from the local highway authority to the proposal. It is also not in dispute between the main parties that the site can demonstrably accommodate the 14 static caravans that are proposed without a significant increase in traffic. There is no basis to conclude that the proposal would lead to an unacceptable impact on highway safety, or that the residual cumulative impacts on the road network would be severe.
28. In addition, through individual letters and a petition local residents and the Parish Council have expressed a wide range of concerns including, but not limited to; the following: development would not support the primary school; existing caravan sites can meet the need for proposed static caravan living; poor public transport links; lack of employment opportunities; inadequate sewage system; negative impact on existing community facilities; increased crime; disturbance from future replacement of caravans; loss of building land; poor energy efficiency of caravans; and effect on property prices.
29. I note that these matters were considered where relevant by the Council at the application stage and did not form part of the reason for refusal, which I have dealt with in the assessment above. Whilst I recognise the concerns of residents and the Parish Council, there is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters. I have considered this appeal proposal on its own merits and concluded that it would not cause harm for the reasons set out above.

30. Although there are some very general comparisons between the development proposed and the appeal decision at Ulrome⁶. I agree with the Council and third parties that the development of a different scale in a different context and assessed against different policies has very limited relevance to the assessment of the appeal scheme. I have considered the proposal on its own merits having regard to the details of the scheme and the appeal site circumstances.

Conditions

31. The Council has provided a list of suggested conditions and the appellant has had the opportunity to comment on these including those that are pre-commencement conditions. I have had regard to paragraph 55 of the Framework and advice in the Planning Practice Guidance.
32. In addition to the standard implementation condition it is necessary to refer to the approved drawings in the interests of certainty. An archaeology condition is required prior to commencement to provide a reasonable opportunity to record the history of the site in an area of archaeological interest. A drainage condition is necessary prior to commencement to ensure an acceptable means of drainage to help meet the challenge of climate change. Measures to protect existing hedges and trees within the site are necessary prior to commencement in the interests of the visual quality and biodiversity of the site.
33. In order that any impacts to biodiversity are minimised, and that net gains are provided in accordance with the Framework, I have attached conditions which require ecological impact avoidance and mitigation measures to be carried out in line with the relevant paragraphs of the appellant's submitted Extended Phase 1 Habitat Survey⁷. Although this report is significantly out of date, I am satisfied that the survey/reporting is sufficient to identify potential ecological constraints. The submission of a biodiversity management plan is also required. In addition, I have imposed a landscaping condition to aid the assimilation of the development into its surroundings and ensure that it is visually attractive.
34. The footpath link is required to ensure that the site is well connected to the services and facilities within the village.
35. The additional details of the park homes on plots 4, 5, 6, 7, 8, 9 and 10 are required to retain control of the appearance of the site where it is currently adjacent to open fields and to ensure a suitable mix of dwellings to support balanced and mixed communities. All subsequent replacement caravans for the whole of the site are required to maintain an appropriate scale and design for the development in the interests of the site's visual appearance and to ensure a balance and mix of dwelling types. Vehicular access and parking spaces are required before the occupation of each plot to ensure safe and suitable access to the site can be achieved for all users.
36. The number of park homes is limited in line with the number of units in the submitted information which has informed the consideration of traffic impact, provision of open space, affordable housing, landscape screening and the effect of the development on the character and appearance of the area. The park homes are limited to full time occupation with holiday occupation precluded. This is to ensure that the development accords with the submitted details and

⁶ APP/E2001/W/18/3216898

⁷ Wold Ecology Ltd Extended Phase 1 Habitat Survey September 2013

contributes to the housing land supply for East Riding in accordance with the site's allocation for residential development.

Conclusions

37. The appeal site is allocated for housing development in the ERLP. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. There are no material considerations, including the Framework, that indicate that the proposals should be determined other than in accordance with the development plan.
38. Therefore, I conclude that the appeal should be allowed.

Diane Cragg

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The Development hereby permitted shall be carried out in accordance with the following approved plans:
 - 001 Rev A – Location Plan – received 13.03.2019;
 - 101 Rev G – Site Plan - As Proposed – received 17.05.2019;
 - 102 – Swept Path Analysis – received 11.06.2018;
 - 107 Rev A – Material and Appearance - As Proposed – received 17.05.2019;
 - 108 – Plot 01 Elevation Variations and Materials - As Proposed – received 17.05.2019;
 - 109 – Plot 02 Elevation Variations and Materials - As Proposed – received 17.05.2019;
 - 110 – Plot 03 Elevation Variations and Materials - As Proposed – received 17.05.2019;
 - 111 – Plot 11 Elevation Variations and Materials - As Proposed – received 17.05.2019;
 - 112 – Plot 12 Elevation Variations and Materials - As Proposed – received 17.05.2019;
 - 113 – Plot 13 Elevation Variations and Materials - As Proposed – received 17.05.2019;

- 114 – Plot 14 Elevation Variations and Materials - As Proposed – received 17.05.2019;
 - 115 – Site plan material compilation plot 01, 02, 03, 11, 12, 13 & 14 – received 17.05.2019; and
 - 134 – Swept Path Analysis – Delivery Trucks – received 29.05.2019
3. No development shall take place on site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The Scheme shall include an assessment of significance and research questions; and:
- i. the programme and methodology of site investigation and recording;
 - ii. community involvement and/or outreach proposals;
 - iii. the programme for post-investigation assessment;
 - iv. provision to be made for analysis of the site investigation and recording;
 - v. provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - vi. provision to be made for archive deposition of the analysis and records of the site investigation; and
 - vii. nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- No development shall take place other than in accordance with the Written Scheme of Investigation approved above. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
4. No development shall take place on site until a drainage scheme for the discharge of foul and surface water from the site, which shall be to separate systems, has been submitted to, and approved in writing by, the Local Planning Authority. The development shall not be first occupied/brought into use until the approved drainage details have been fully implemented in accordance with the approved plans, and thereafter retained and maintained in accordance with the approved details.
5. No development shall take place on site (including site clearance works and any other preparatory works) until the existing tree planting and field hedging shown on the Drawing No 101 Rev G to the northern, southern and western borders of the site have been protected in accordance with the details 'protection of existing vegetation' indicated thereon. The protective fencing shall be maintained during the whole period of site excavation and construction.

The area within the protective fencing shall remain undisturbed during the course of the works, and in particular in these areas:

- there shall be no changes in ground levels;
- no materials, vehicles or plant shall be stored;
- no buildings or temporary buildings shall be erected or stationed;
- no materials or waste shall be burnt, or liquid disposed of; and
- no excavation of services, without the prior written consent of the Local Planning Authority.

6. No development shall take place unless in accordance with the ecological impact avoidance and mitigation measures set out in paragraphs 7.4.1.1.4 – 7.5.1 and paragraph 7.6.2 of the Extended Phase 1 Habitat Survey by Wold Ecology (September 2013) as submitted with the application in all respects. Any variation thereto shall be agreed in writing by the Local Planning Authority before such change is made.
7. No siting of park homes/caravans shall take place on the site until an Ecological Habitat Enhancement Plan, based on the ecological enhancement measures detailed in the Extended Phase 1 Habitat Survey prepared by Wold Ecology (September 2013), along with a programme for implementation has been submitted and approved in writing by the Local Planning Authority. The scheme shall include, but not be limited to, all of the measures set out in paragraphs 7.5.3 – 7.5.4 and paragraphs 7.6.2 – 7.7.2 of the aforementioned report. The scheme shall be implemented as approved in writing by the Local Planning Authority and thereafter so retained.
8. No siting of park homes/caravans shall take place on the site until full details of both hard and soft landscape works for the whole site (including buffer planting to the eastern boundary) have been submitted to and approved in writing by the Local Planning Authority. The details shall include:
 - i. planting plans, including a comprehensive buffer planting to the eastern boundary, taking into account no tree planting across the line of the public sewer which crosses the site as detailed within the response form Yorkshire Water dated 26.03.2019;
 - ii. written specifications (including cultivation and other operations associated with plant and grass establishment);
 - iii. schedules of plants, noting species, plant sizes and proposed number/densities;
 - iv. a programme for the implementation of the landscaping works (buffer planting to be at the earliest possible stage); and
 - v. a scheme for the future maintenance of the areas not included within private curtilages.

All landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme of implementation if this has been previously agreed in writing by the Local Planning Authority. Any plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season

with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

9. The footpath access link within the site to the existing public footpath/right of way as shown on the approved plans shall be provided before the development is first brought into use and thereafter retained.
10. Notwithstanding any details shown on the submitted plans, prior to the initial siting of any caravan/park home or subsequent replacement for it (unless a like for like replacement for the previous unit) on plots 4, 5, 6, 7, 8, 9 and 10 on the site, details of its final design and external materials shall be submitted to and approved in writing by the Local Planning Authority. All caravans/park homes shall be installed in accordance with the approved details.
11. The details of the design and materials for the caravans/park homes to be initially sited on plots 1, 2, 3, 11, 12, 13 and 14 within the development hereby permitted shall be undertaken in accordance with the approved plans. If at any time, any caravan/park home on these plots are subsequently replaced then, unless they are a like for like replacement for the previous unit, details of their design and external materials shall be submitted to and approved in writing by the Local Planning Authority prior to its siting and thereafter undertaken in accordance with the approved details.
12. No park home/caravan shall be occupied until the vehicular access has been provided and space has been laid out for motor vehicles to be parked in each plot in accordance with the details hereby approved. The vehicle parking facilities shall thereafter be retained and not used for any other purpose.
13. The change of use of land hereby approved shall be for the siting a maximum of 14 caravans/park homes which meet the legal definition of a caravan under Section 29(1) of the Caravan Sites and Control of Development Act 1960 as amended in 1968 and 2006 (or of any Act revoking and re-enacting or amending that Act with or without modification) and the siting and mix of caravan park home types shall be fully in accordance with the layout on the approved plans.
14. The park homes/caravans hereby permitted shall be occupied as a person's sole, or main place of residence and shall not be occupied for holiday purposes.