



Appeal Decision

Site visit made on 14 December 2021

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday 11 January 2022

Appeal Ref: APP/E2001/W/21/3281853

Carrfield House, Carr Lane, Newport, East Yorkshire HU15 2QH

- 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 Graham Wardle against the decision of East Riding of Yorkshire Council.
 - The application Ref 20/04176/PLF, dated 14 November 2020, was refused by notice dated 9 June 2021.
 - The development proposed is construction of equestrian sand school for private use (retrospective application) (resubmission of 20/01523/PLF).
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Decision

1. The appeal is allowed and planning permission is granted for the construction of equestrian sand school for private use at Carrfield House, Carr Lane, Newport, East Yorkshire HU15 2QH in accordance with the terms of the application, Ref 20/04176/PLF, dated 14 November 2020, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development in the banner heading is taken from the Council's decision notice and the appeal form as it more accurately describes the development. It is the description that I have used in my decision but have omitted '(retrospective application) (resubmission of 20/01523/PLF)' as this is not a description of development. The change of use has taken place. I have considered the appeal scheme accordingly.
3. I have taken the National Planning Policy Framework 2021 (the Framework) into account in my decision. The substantive elements of the new Framework have not changed from the previous iteration so far as they relate to the main issue of the case.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of neighbouring residents with particular regard to dust and noise.

Reasons

5. The appeal site lies within the countryside to the west of the rear garden of Carrfield House. It is separated from the garden by a relatively tall conifer hedge. To the north east lies Nursery House, a residential property, with its rear garden lying in between the site and the dwelling. There is also quite a high close boarded fence with planting in the small gap between the sand school and the rear garden of Nursery House. Immediately north is a relatively

large commercial building, with its wall lying along the northern boundary of the site. To the west lies a parking area and a commercial building, separated from the site by close boarded fencing of around 1.8m in height and planting. To the south lies fields and stables associated with Carrfield House.

6. The site is an area of land that was previously used as a paddock for the appellant's horses. The development has involved the change of use of this land to an equestrian sand school constructed using a lining with permeable hardcore below ground level with a blend of silica sand above that is mixed with carpet fibre.
7. Nursery House is located some distance from the sand school, although its rear garden is closer. From the information submitted and what I observed on site, the layer of sand used in the sand school is relatively thin, and it is mixed with a fibre material which is clearly visible. These factors will reduce the likelihood of sand particles becoming airborne. The relatively tall vegetation, close boarded fencing and the large commercial building on the site's northern boundary provide screening that will help to minimise the potential of any sand that does become airborne from travelling beyond the site boundary to this neighbouring dwelling.
8. Concerns have been raised about the risk to health from airborne sand particles. The fear of adverse effects on health can be a material consideration if there is some reasonable evidential basis for that fear. The submitted information about health risks relate to situations where people are working with silica sand for prolonged periods of time, in enclosed spaces or for more intensive uses than is the case with the appeal scheme. These situations are not therefore directly comparable to the development. Furthermore, as set out above, the boundary treatment and the nature of the material will help to minimise the risk of the sand becoming airborne and the distance that it travels. There is no firm evidence therefore that the development has an adverse effect on health.
9. In terms of noise, the sand school is not a commercial enterprise but is used only for private use and will therefore have a limited intensity of use. In addition, the boundary treatments identified above will also help to minimise the noise emanating from its use as will the nature of the material. The sand school is unlikely to have a materially different effect on living conditions in terms of noise than its previous use as a grassed training paddock.
10. Given the nature of the material used in the sand paddock, the screening along the site's boundary, the distance between the site and the nearest residential property and the nature of the use, I am satisfied that the development will not have an unacceptable effect on the living conditions of neighbouring residents with regard to dust (including on health) or noise. The development therefore accords with paragraphs 174(e) and 185 of the Framework, which seek to ensure that development does not contribute to unacceptable levels of air or noise pollution and that development is suitable for its location taking into account the likely effects, including cumulative effects, of pollution on health and living conditions amongst other matters.
11. Although not specifically referred to in the Council's reason for refusal, my attention has been drawn to Policy ENV1 of the East Riding Local Plan 2012 – 2029 Strategy Document, adopted 2016 (the ERLPSD), in particular its requirement for development to have regard to the amenity of existing or

proposed properties and healthy lifestyles. For the reasons given above, the development would accord with these requirements.

Other Matters

12. The site and the wider area lie within flood zone 3. The development falls within the water compatible category which the Planning Practice Guidance identifies as being appropriate in this flood zone. The sand school has been constructed using a permeable lining and hardcore and the sand is a free draining material. The drainage method is therefore similar to its previous use as a grassed paddock. No comments have been made on the application by the Local Lead Flood Authority (LLFA) or the Ouse and Humber Drainage Board. My attention has been drawn to a similar development also within flood zone 3 where the LLFA did not object. Given the limited volume of sand and carpet fibre, and the free draining nature of the site, I am satisfied that the development would not cause an unacceptable risk of pollution to surrounding watercourses in the event of flooding.

Conditions

13. I have considered the conditions suggested by the Council, having regard to the six tests set out in the Framework, and have amended the wording of certain conditions in that light (without altering their fundamental aims).
14. A condition to require the development to be carried out in accordance with the approved plans is necessary in the interests of certainty. In order to protect the living conditions of occupiers of nearby properties and in line with Policy ENV1 of the ERLPSD, conditions are necessary to restrict the use of the development to private use only and to require the retention and maintenance of the carpet fibre topping. A condition is also necessary to restrict the use of lighting, in line with Policies ENV1 and S4 of the ERLPSD.

Conclusion

15. For the reasons given above, having considered the development plan as a whole along with all other relevant material considerations, I conclude that the appeal should succeed.

F Wilkinson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 20_01523_PLF-LOCATION_PLAN-3711578; N2207-20-02 Rev A; Depth of Sand School Layers.
- 2) The development hereby permitted shall be used for private use only and not for any commercial purposes.
- 3) The carpet fibre topping to the sand school shall be retained and maintained throughout the lifetime of the development.
- 4) No external lighting shall be installed at the development hereby permitted.