

Appeal Decision

Site visit made on 5 January 2022

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2022

Appeal Ref: APP/E2001/W/21/3281721

Land North of Field View, Main Street, Melbourne YO42 4QE

- 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 Mrs Michelle Clarke against the decision of East Riding of Yorkshire Council.
 - The application Ref 19/00811/PLF, dated 1 March 2019, was refused by notice dated 4 March 2021.
 - The development proposed is change of use of land for 14 holiday lodges and associated access works and landscaping.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - The living conditions of the occupiers of Bank House and Field View with particular reference to noise and disturbance; and
 - The character and appearance of the surrounding area.

Reasons

Living conditions

3. The appellant's evidence indicates that the proposal could result in 26 two-way movements a day on the access track passing between Bank House and Field View.
4. This is not an insignificant amount and, in my view, would represent a considerable increase on the likely vehicular activity associated with the existing use of the field and the track's use as a driveway in connection with Bank House.
5. Both Bank House and Field View have a particularly close relationship with the access track due to their physical location and windows facing it. Moreover, the access track runs past the side of Field View's rear garden with little separation or screening between, despite existing planting.
6. Even though there is sufficient space for a hedgerow to be planted either side of the access track and vehicles would likely travel slowly along it, occupiers of the two properties would be acutely aware of passing vehicles using the track both from the sound of vehicles and their lights at night.

7. Bank House and Field View face onto Main Street and therefore have traffic passing the front of the houses. However, this existing situation to the front does not justify the introduction of additional activity in close proximity to the side of the houses from development to their rear where there is none.
8. Overall, the mitigation from the surfacing of the track, the speed of movement and planting would not be sufficient to overcome the general noise and disturbance from the amount of vehicle movements passing the side of Bank House and Field View. The level of which, would, in my view, harmfully effect the living conditions of the occupiers of these properties.
9. Whilst I have been referred to an appeal decision for a swimming pool in Hook, I do not have full details of that scheme and so can not be sure that it represents a direct comparison to the proposal before me. I have, in any case, determined the appeal on its own merits.
10. I therefore conclude that the proposal would significantly harm the living conditions of the occupiers of Bank House and Field View with particular reference to noise and disturbance. The proposal would therefore conflict with the requirements of Policy ENV1 of the East Riding Local Plan Strategy Document 2016 (LP) and paragraph 130 of the revised National Planning Policy Framework (2021) (the Framework). These seek, amongst other things, high quality design having regard to the amenity of existing properties.

Character and appearance

11. Melbourne village is spread along Main Street (the street) with a greater depth of built form generally to the south than to the north, where it is characterised by predominantly linear housing fronting onto the street. To the north of the village lies the Pocklington Canal, and footpaths from the village link with the canal footpath, providing an attractive recreational route.
12. There are examples of built form projecting to the north of the street including, amongst other things, the adjacent school and farm buildings. However, either through distance or the extent of mature vegetation, buildings at the settlement edge are not dominant from the canal footpath. Instead, the gap to the settlement edge and its natural landscape qualities contribute to the verdant setting along the canal footpath.
13. When parallel with the appeal site along the canal footpath, the site is prominent and exposed, due to its close proximity, open gaps between trees and the site's gently rising topography. At this point along the canal the Melbourne settlement edge appears closer than other sections of the route further east. As such, the site's open, undeveloped, rural qualities make a small, but important, contribution to the attractive setting of this part of the canal.
14. The lodges and access track would encroach further north than the school buildings. Individually the design of the lodges would be relatively discrete. However, collectively they would be prominent features from the canal footpath due to the distance, rising topography, open views and amount of development.
15. In this regard, although there is some in-depth development to the north of the street, in this particular location the proposed development would unacceptably

erode the natural landscape qualities associated with the gap between the canal footpath and settlement edge.

16. From the street the land rises gently along the access track before dropping toward the canal. There would not be an active frontage to the street, and, due to the topography of the site and frontage housing, the proposals would not be prominent from the street. However, this does not overcome my concerns regarding views from the canal footpath.
17. The introduction of additional landscaping and the proposed materials would help reduce the visual effects. However, the landscaping would take time to establish and would not fully mitigate the harm from the amount of development, extent of encroachment toward the canal and subsequent erosion of the rural qualities of the site. Although the harm would be localised and, thus small overall, it nonetheless weighs against the proposal.
18. It is not the purpose of this appeal to consider whether the proposed location would cause more or less harm than another location outside of the settlement. Moreover, whilst the settlement's housing allocations are adjacent to the existing built form, both front onto Main Street and do not share the same close relationship to the canal footpath as the appeal site.
19. I therefore conclude that the proposal would have a harmful effect on the character and appearance of the surrounding area. The proposal would therefore conflict with the requirements of Policies ENV1, S4 and EC2 of the LP and the Framework, insofar as they relate to this main issue. These seek, amongst other things, high quality design having regard to the specific characteristics of the site's wider context and the character of the surrounding area.

Other Matters

20. I have no reason to dispute the demand for self-catering holiday accommodation in the area. Moreover, there would be social and economic benefits from the proposal, including through increased spend which would support local businesses and existing tourism facilities. These are objectives which are encouraged in the Framework. However, there are no substantive reasons as to why this particular location is necessary to meeting these objectives.
21. Given the scale of development and number of lodges, the overall benefits would be modest and would not outweigh the significant harm to the living conditions of the occupiers of Bank House and Field View and the localised harm to the character and appearance of the area.
22. To the north of the appeal site lies the Lower Derwent Valley (LDV) Special Protection Area (SPA), Special Area of Conservation (SAC), Ramsar site (the European Sites), the Melbourne and Thornton Ings and Pocklington Canal Sites of Special Scientific Interest (SSSI) and LDV National Nature Reserve (NNR). The LDV is one of the largest traditionally managed species-rich floodplains in the UK and is of international importance for its wintering waterfowl populations and spring passage wading birds.

23. Given the location of the appeal site to the European Sites, the Habitat Regulations¹ require an assessment to be undertaken, as to whether the proposal would be likely to have a significant effect, on the interest features of a protected site. The appellant has undertaken a Habitats Regulation Assessment Screening Report and Natural England considers that there is the potential for significant effects on the European Sites due to disturbance from increased recreational activity. The Council has not undertaken an Appropriate Assessment and I am left to undertake my own, in my capacity as the competent authority in this case.
24. However, I have already identified harm to the living conditions of the occupiers of neighbouring properties and the character and appearance of the surrounding area, such that undertaking my own Appropriate Assessment would not alter the outcome of the appeal. On that basis, there is no need to examine this matter further for the purposes of making my decision.

Conclusion

25. For the reasons given above, the proposal would conflict with the development plan when read as a whole and there are no material considerations that outweigh that conflict. Accordingly, the appeal is dismissed.

Mr R Walker

INSPECTOR

¹ The Conservation of Habitats and Species Regulations 2017 (The Habitats Regulations)