



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: 24 January 2022

Appeal Ref: APP/E2001/W/21/3282713

Jarina, Marsh Lane, Keyingham, East Riding of Yorkshire HU12 9SU

- 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 Lee against the decision of East Riding of Yorkshire Council.
 - The application Ref 21/00852/PLF, dated 3 March 2021, was refused by notice dated 11 August 2021.
 - The development proposed is the change of use of land for siting of 1 no. static caravan/lodge for holiday use only with associated access and vehicle parking.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of land for siting of 1 no. static caravan/lodge for holiday use only with associated access and vehicle parking at Jarina, Marsh Lane, Keyingham, East Riding of Yorkshire HU12 9SU in accordance with the terms of the application, Ref 21/00852/PLF, dated 3 March 2021, subject to the conditions in the attached schedule.

Applications for Costs

2. An application for costs was made by Mr David Lee against the Council. This application is the subject of a separate decision.

Main Issues

3. The main issues are the effects of the proposed development on:
 - the character and appearance of the area;
 - the living conditions of occupiers of neighbouring properties with particular regard to noise and disturbance; and
 - highway safety.

Reasons

Character and Appearance

4. The appeal site is located in the countryside to the west of the settlement of Keyingham. It forms part of a paddock area associated with Jarina, a residential property located to the south. There are a number of other residential properties in the vicinity which sit on relatively generous plots with boundary hedges fronting onto Marsh Lane. This northern section of the lane, which is a single track road, has a relatively wide grassed highway verge.

There is a horticultural business with associated large glasshouses to the west. Overall, the area has a pleasant rural character.

5. Policy EC2 of the East Riding Local Plan 2012 – 2029 Strategy Document, adopted 2016 (the ERLPSD) allows for tourism development, including new static caravan sites where their scale and cumulative impact is appropriate for the location. Policy ENV1 requires development to contribute to safeguarding and respecting the diverse character and appearance of the area through their design, layout, construction and use. It supports development that achieves a high quality of design that optimises the potential of the site and contributes to a sense of place by having regard to the specific characteristics of the site's wider context and the character of the surrounding area.
6. The site slopes gently up to the north west. The submitted plans show the static caravan/lodge would be located on the lower lying area. There is a hedge fronting onto Marsh Lane, which is at a lower height than other boundary hedges associated with neighbouring properties. The proposed static caravan/lodge would be visible in close proximity from Marsh Lane and from the closest properties. However, it would not be prominent when viewed from the wider area due to the nature of the topography and the screening effect of vegetation, the properties on Marsh Lane and the glasshouses to the west.
7. Policy EC2 recognises that some tourism developments, including static caravans and holiday lodges may be appropriate in a countryside location. Although the other properties on Marsh Lane are mainly brick built residential properties, the proposed development would be of a small scale and would occupy only a relatively small part of the paddock area. The sense of openness between the built development on Marsh Lane would therefore be maintained, as would the rural character of the area. The proposed development would not therefore appear as an incongruous feature in the streetscene.
8. Accordingly, the proposed development would not have an unacceptable effect on the character and appearance of the area. It would therefore accord with the requirements of Policies ENV1 (A.1, B.1 and B.3) and EC2 (B.2) of the ERLPSD, which have been summarised above. It would also accord with the requirements of paragraph 84 (c) of the National Planning Policy Framework (the Framework) which supports sustainable rural tourism and leisure developments which respect the character of the countryside, and the design objectives of paragraph 130 (a, b, c and d).

Living Conditions

9. The proposed development would generate additional vehicle movements, with the associated comings and goings and noise. However, given that the proposal is for just one static caravan/lodge, the additional traffic generated would be limited. In this regard I note the consultation response of the Council's Highway Control team which states that vehicle trips are not anticipated to exceed one or two two-way movements. Noise and disturbance from the traffic generated by the proposal would not therefore be readily discernible in the immediate vicinity.
10. The nearest residential properties to the site are Southfield Lodge to the north and Berrygate House to the east. The static caravan/lodge would be sited within a paddock area that forms part of the extensive plot of the property at Jarina. The proposed location would provide a reasonable separation distance

from these nearest properties. Whilst an outdoor amenity area is proposed, the separation distances are sufficient to ensure that noise and disturbance from the use of the static caravan/lodge would not be unacceptable.

11. Interested parties have raised concerns about effect on views. Whilst habitable room windows of Southfield Lodge and Berrygate House overlook the site there would be a reasonable separation distance such that outlook would not be adversely affected.
12. The proposed development would not have an unacceptable effect on the living conditions of occupiers of neighbouring properties with particular regard to noise and disturbance. It would therefore accord with Policy ENV1 (B.4) of the ERLPSD, which requires development to have regard to the amenity of existing or proposed properties. It would also accord with the requirements of paragraph 130 (f) of the Framework, which requires development to have a high standard of amenity for existing and future users.

Highway Safety

13. Occupiers of the static caravan/lodge would have to cross the A1033 to access the footpath on its northern side in order to walk to the services and facilities in Keyingham. The A1033 has a 40mph speed limit in the vicinity of its junction with Marsh Lane. The road alignment to the west of the junction affects visibility to an extent. However, there is a short stretch of surfaced path on the south side of the A1033 at the junction which leads to a bus stop. At this point, pedestrians could cross the A1033 with good visibility of approaching vehicles from both directions. When approaching the junction from the east along the footpath on the A1033, there is a gap in the highway verge which acts as a natural crossing point. At this location, pedestrians could cross with good visibility of approaching vehicles in both directions.
14. Concerns have been expressed about the safety of the junction for other road users, whether safe access from the site can be provided and the lack of footpath on Marsh Lane. Whilst visibility to the west is limited to an extent by the road alignment, the limited number of vehicle movements generated by the proposed development would not significantly alter the current situation. Based on the submitted information, there is sufficient space to provide a safe access from the site to Marsh Lane. There is a wide highway verge along the lane which would provide a safe place for pedestrians.
15. I am therefore satisfied that the proposed development would not pose an unacceptable risk to highway safety. Accordingly, it would accord with Policy ENV1 of the ERLPSD which requires development to promote equality of safe access, movement and use amongst other matters. It would also accord with paragraph 110 (b) of the Framework which requires development to ensure that safe and suitable access can be achieved for all users.

Other Matters

16. Holidaymakers choosing to stay in a countryside location would anticipate that farming and horticultural activities would take place, and the site has a sufficient separation distance from such uses that occupiers would not experience an unacceptable effect on living conditions. The site lies within flood zone 1 which is the lowest probability of flooding from rivers and the sea. Appropriate measures can be put in place to manage surface water and

drainage to ensure that there would be no unacceptable increase in flood risk. The location of the proposed static caravan/lodge would be of a sufficient distance from the hedge within the garden of Southfield Lodge such that it would not be adversely affected. The commercial viability of the proposed development is a decision for the appellant. Should a further application be submitted for additional units, it would be assessed on its own merits at that time.

Conditions

17. 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).
18. As well as the standard time condition, and for certainty, one is required to ensure that the development is carried out in accordance with the approved plans. As the proposal is for tourism purposes, it is necessary to restrict it to this use and for a register of occupants to be kept.
19. A condition restricting the development to one static caravan/lodge is necessary in the interests of the character and appearance of the area, the living conditions of neighbouring occupiers and highway safety and in line with Policies ENV1, ENV2, EC2 and EC4 of the ERLPSD. In the interests of the character and appearance of the area and in line with Policy ENV1 of the ERLPSD, details of the design and external appearance of the static caravan/lodge and landscaping are necessary. For the same reason a requirement for the replacement of planting is necessary. In the interests of highway safety and in line with Policies EC4 and ENV1 of the ERLPSD, a condition requiring the provision of the vehicle access and parking areas is necessary. To make sure that the development does not lead to an increased risk of flooding on the site or elsewhere and in line with Policy ENV6 of the ERLPSD, a condition is necessary to ensure that internal track and parking areas are of permeable construction.
20. To ensure that the development has a satisfactory means of surface water disposal and drainage, and in line with Policy ENV6 of the ERLPSD, conditions are necessary to require schemes for the discharge of surface water and disposal of sewerage. These are required prior to commencement of development to ensure that the proposals are acceptable.

Conclusion

21. The proposed development would not have an unacceptable effect on the character and appearance of the area, the living conditions of occupiers of neighbouring properties or on highway safety. Therefore, 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 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: Block Plan - Location Plan dated 24/2/21.
- 3) No development shall take place until a scheme for the discharge of surface water from the site has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be occupied until surface water drainage has been constructed in accordance with the approved scheme and shall be managed and maintained thereafter.
- 4) No development shall take place until a scheme for the disposal of sewerage (which should be to a package treatment plant, or a septic tank if the former is proven to be unfeasible) have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be occupied until the sewerage facility has been fully implemented in accordance with the approved scheme and shall be maintained thereafter.
- 5) The details of the design and external appearance of the static caravan/lodge to be sited within the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to its siting. The caravan/lodge shall thereafter be sited in accordance with the approved details.
- 6) Notwithstanding the details shown on the approved plans, the static caravan/lodge unit hereby permitted shall not be brought onto the site until full details of both hard and soft landscape works and a programme of implementation have been submitted to and approved in writing by the Local Planning Authority. The landscaping works shall be carried out in accordance with the approved details prior to the first occupation of the development hereby permitted. Any trees or 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.
- 7) The development hereby permitted shall be used solely for holiday accommodation only and shall not be occupied on a permanent basis or as any person's sole or main residence. The owners/operators shall maintain an up-to-date register of the names and addresses of all owners/occupiers of the holiday unit and shall make this information available at all reasonable times to the Local Planning Authority.
- 8) No more than one static caravan/lodge, as defined in the Caravan Sites and Control of Development Act 1960 and Caravan Sites Act 1968, shall be stationed on the site at any time, and shall only be stationed in the location shown on the approved plans.
- 9) No part of the development hereby permitted shall be occupied until the vehicular access has been provided and space has been laid out for motor vehicles to be parked and to enable vehicles to turn so that they may enter

and leave the site in forward gear in accordance with the details on the approved plans. The vehicle access, parking and turning facilities shall be retained thereafter.

- 10) The internal track and parking area within the site serving the development hereby permitted as shown on the approved plans shall be of permeable construction to allow infiltration of surface water and shall be retained and maintained thereafter.