

Appeal Decision

Site visit made on 5 January 2022

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 March 2022

Appeal Ref: APP/E2001/W/21/3281891
Mount Farm, Main Street, Lissett YO25 8PY

- 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 & Mrs Goodwin against the decision of East Riding of Yorkshire Council.
 - The application Ref 19/03935/PLF, dated 13 November 2019, was refused by notice dated 30 June 2021.
 - The development proposed is described on the application form as: 'full Planning permission for change of use land to a caravan and camping site with 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 a caravan and camping site comprising 8 touring caravan pitches, 8 tent pitches, and 6 camping pods with the erection of an amenities building and associated works including vehicular access at Mount Farm, Main Street, Lissett YO25 8PY in accordance with the terms of the application, Ref 19/03935/PLF, dated 13 November 2019, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. I have taken the description in my above decision from the appeal form as this more accurately describes the appeal proposal.

Main Issue

3. The main issues are whether the appeal site is a suitable location for the proposed development with particular regard to the effect on the character and appearance of the area and the effect of the proposal on the living conditions of neighbouring residents with particular regard to noise and disturbance.

Reasons

Character and Appearance

4. The appeal site is a paddock located on the edge of the rural hamlet of Lissett. The site slopes down from west to east. It bounds Fisher Lane to the north and the rear boundaries of residential properties along Main Street to the west. Open fields are located to the south and east. Site boundaries are predominantly formed by hedging with mature trees located along the substantial hedgerow with Fisher Lane. The boundary with the residential properties is predominantly formed by tall close boarded timber fencing. The

appeal site can be seen alongside the rear of the Main Street properties when viewed at a distance from the A165 across the open fields.

5. The western side of the appeal site between the boundary with the residential properties and a new hedge would be left open and planted with orchard trees. The 6 proposed camping pods would be installed in this eastern part of the site, beyond the new hedge, interspersed with the 8 tent pitches. They would be reasonably small-scale timber structures measuring 3 metres wide by 6 metres in length with a maximum height of 3 metres to the ridge¹. A timber faced amenity block would be installed to the south of the site. A circular access route would be provided internally within the site from a new access on Fisher Lane. The caravan pitches would be sited along the southern and eastern edges of the site.
6. Given the location of the appeal site, and its close visual affinity with neighbouring residential properties, it would not be prominent in the majority of views from within the village and I am satisfied that it would not appear dominant visually in this context. The landscape here is subject to no formal protection in respect of its character. It may be possible to view the proposed development through gaps in the hedge along Fisher Lane. However, these views are likely to be severely limited owing to the substantial nature of the intervening boundary hedge.
7. Whilst it may be possible to gain fleeting views of the site from the access, the scale and design of the camping pods would ensure that they would not appear dominant in these views. The amenity block would have a low roof height and, being constructed of timber and sited to the edge of the site, it would not appear overly prominent in these views. The use of seeded limestone chippings for the proposed access would ensure that this would not appear prominent from outside of the site. Any tents and touring caravans at the site may be visible from the access however these would be transient and not present at all times. In the case of the touring caravans, these would be sited to the edge of the site and would also be less visible in this view.
8. The site could be viewed from the A165, however the proposed structures within the site would be seen against the backdrop of the existing dwellings along Main Street, whilst the existing boundary hedge would provide some lower level screening. Furthermore, the proposed site plan shows landscaping which, subject to a detailed landscaping scheme being agreed through condition, would further mitigate these views. As considered above, the tents and touring caravans are essentially transient and their visual impact is therefore limited as a result.
9. Furthermore, I note that the appeal site lies within character area 19C (Open Farmland: Holderness) in the East Riding of Yorkshire Landscape Character Assessment. This highlights that there are a number of existing recreational developments present in this character area, particularly recently built caravan parks. Thus similar facilities are somewhat characteristic of the area, and given the scale of the proposal, the lack of clear views of it in the landscape, and the landscaping proposed, the scheme would not be incongruous in that context. I further note that the landscape character assessment indicates further recreational development could potentially be accommodated without affecting the integrity of the natural landscape character of this area.

¹ Planning, Design and Access Statement by Owston Associates, dated November 2020.

10. Policy EC2 of the East Riding Local Plan Strategy Document (2016) (the Local Plan) supports new caravan sites in the countryside, provided their scale and cumulative impact is appropriate for the location. The proposal would be limited to 6 permanently stationed camping pods, with 8 pitches each for both tents and touring caravans. These pitches are likely to be highly seasonal and it is unlikely that the site would be fully occupied all of the time. In my view the site is not of such a scale that it would appear unduly large with reference to the built form or scale of Lisset. As such, taking into account the siting within an existing paddock, with existing screening on the edge of an existing, albeit small, settlement, with minimal effect on the landscape character, I am satisfied that the scale of the proposal is appropriate for this location.
11. I conclude that the proposal would have an acceptable effect on the character and appearance of the area. The proposal would therefore comply with Policies EC2, ENV1 and S4 of the Local Plan which, amongst other things, support tourism developments within the countryside that are appropriately sited and preserve the character and appearance of the area. The proposal would also comply with the provisions of the National Planning Policy Framework (the Framework) which supports sustainable rural tourism and leisure developments that respect the character of the countryside.

Living Conditions

12. Concerns have been expressed by the Council with regard to the scale of the enterprise in comparison to that of the village, particularly with regard to the potential number of guests staying at the site and resulting number of vehicle movements.
13. I accept that there may be occasions in the summer months at peak weekends when the site is fully occupied. However, it is extremely unlikely the tent and touring caravan pitches and the camping pods would be in use all of the time. Indeed, tents and touring caravans are likely to be much rarer outside of the main tourist season. At other times their demand is likely to be linked to fluctuations in the weather. Whilst the camping pods could perhaps be occupied for greater periods, these only amount to a small proportion (6) of the total proposed units. It follows that the noise arising from those using the campsite and the associated number of vehicle movements are also likely to be lower during these periods. In this regard, I note that the appellant is proposing an occupancy period of 10 months of the year from February to the end of November.
14. The dwellings closest to the appeal site lie within a residential area with a number of residential properties positioned reasonably close together. Noise such as adults talking, children shouting, babies crying, and dogs barking are expected noises within such an area. Typical residential noise such as this is likely to contribute to the background noise level experienced by the neighbouring properties. The A165 is a busy road and noise from this road was audible at the appeal site on my site visit. As is highlighted by comments received on the application, the roads through Lissett are also well-used by traffic. The existing moderate traffic noise also contributes to the background noise levels.

15. I have had regard to the Noise Assessment (NA) which has been provided by a local resident in response to the appeal². However, I am concerned that this is a theoretical modelling exercise based on a number of unrealistic assumptions. This is because the NA fails to consider the existing background noise levels and the difference between this and the anticipated noise levels, although I accept there may be differences in the quality of such noise. It also does not refer to the barriers to the sound that currently exist in the form of the close boarded fences to the rear of neighbouring properties, nor does it consider the effect of the proposed landscaping. The NA also fails to mention the sloping nature of the site and the effect of this on noise levels.
16. Taking into account the likely background noise levels considered above, as well as the scale of the proposal and its seasonal nature, the buffer in the form of a paddock between the rear of the Main Street properties and the edge of the campsite, the sloping nature of the site, and the existing and proposed landscaping, I am satisfied that the noise levels arising from the proposed campsite would not be unacceptable.
17. I therefore conclude that the proposal would not have a significant adverse effect on the living conditions of the occupiers of neighbouring properties in terms of noise and disturbance. The proposal would therefore comply with Policy ENV1 of the Local Plan and the provisions of the Framework which, amongst other things, seek to provide high standards of design with regard to living conditions.

Other Matters

18. I acknowledge that the proposal has been met with a level of local objection. I note in particular that a number of local residents have raised concerns regarding potential effects of the scheme including as regards: the lack of amenities in the hamlet; traffic congestion; highway safety; light pollution; and flooding. Whilst there are no amenities in the settlement at present, I note from the appeal statement that there is a pub and a restaurant within 1 mile of the appeal site which could benefit from the appeal proposal. Furthermore, it is likely that part of the attraction of the appeal site to tourists is its location within open countryside.
19. Having considered the seasonal nature of the proposed use and the likelihood of the site being fully occupied above, and the well-used nature of the surrounding roads I am satisfied that the proposal would not unduly increase levels of traffic there. The appellant has provided a Highway Technical Note³ which gives an estimate of the number of vehicle movements to and from the site. Whilst this data is from a survey of a campsite in Derbyshire at an unknown time of year, it nonetheless demonstrates that traffic generation will, in all likelihood, be comparatively modest. Furthermore, suitable visibility is likely to be achieved from the proposed access, and I note that no objections have been received from the Highway Authority.
20. The appellant proposes to install PIR sensor lights to each camping pod with no other lights proposed. This can be secured as part of a lighting scheme through a planning condition. I am satisfied that providing the lighting consisted of downlights of an appropriate brightness, the proposal would not cause

² Patron Noise Assessment by Nova Acoustics dated 02/12/2021

³ 210448-01 Highways Technical Note by the Transportation Consultancy, dated February 2021

unacceptable light spill. In relation to the other issues raised I note that the Council has indicated no concerns.

21. I note that the appeal site lies within Flood Zone 1, an area at the least risk of flooding. I have not been provided with any evidence that the appeal site would be at risk of flooding. As such, subject to appropriate drainage being agreed through condition, I am satisfied that the proposal would not increase flood risk. Consequently neither this, nor any other matter, is sufficient to alter my reasoning above regarding the overall acceptability of the scheme subject to appropriately worded conditions.

Conditions

22. I have considered the conditions suggested by the Council in the light of the tests and advice within the Framework and the Planning Practice Guidance. I have undertaken some minor editing and rationalisation of the conditions proposed in the interests of precision and clarity. I have also limited the number of pre-commencement clauses to those cases where this is essential for the condition to achieve its purpose.
23. I agree that conditions are necessary in respect of commencement time and relating the development to the submitted plans. I have imposed conditions specifying the number of units in the interests of clarity. I have also imposed a condition specifying the size of the proposed camping pods (taken from the design and access statement) for clarity, due to the lack of a scale on the proposed elevation plan.
24. I have condensed the Council's suggested conditions in relation to restricting the use to holiday purposes to secure the use proposed. Restricting occupancy of the building for holiday purposes would prevent other occupation as well as securing the economic and social benefits in accordance with policy EC2 of the Local Plan. I have imposed a time restriction to construction activities at the site in the interests of the living conditions of occupiers of neighbouring properties.
25. A condition requiring details of drainage is necessary in order to ensure the development is provided with an adequate drainage system in accordance with the drainage hierarchy set out in the Planning Practice Guidance⁴.
26. A condition requiring the submission of details in relation to hard and soft landscaping and their implementation is necessary in order to ensure that the development acceptably assimilates into its surroundings. It is also reasonable to impose a condition requiring details of proposed lighting in the interests of avoiding light pollution in accordance with paragraph 185 of the Framework.
27. I have not imposed the Council's suggested condition requiring submission of a Construction Environmental Management Plan as I have not been provided with any evidence that protected species could be adversely affected by the appeal proposal. The Council's ecologist has concluded that the proposal would not have significant impact on any protected species or have any unacceptable damaging impacts on the nature conservation value and wildlife interests of the local area. This condition is therefore not necessary. Nonetheless, I am required to have regard to the effect on biodiversity, and paragraph 174. d) of the Framework sets out how decisions should seek to minimise impacts and

⁴ 080 Reference ID: 7-080-20150323

provide a biodiversity net gain in that regard. It is therefore necessary and reasonable to impose condition 10 requiring the submission of details of biodiversity enhancement measures.

28. A condition requiring the provision of the access and parking area, as suggested by the Highway Authority, prior to the first occupation of the units is required in the interests of highway safety. I have not imposed the Council's suggested conditions relating to the provision of highway improvements to Fisher Lane, an adopted highway. The proposed passing places and footway would relate to land that is outside of the application site and outside of the appellant's control. Therefore, whilst such improvements may be a condition of highway consents, it is not appropriate to require these improvements through the planning process.

Conclusion

29. For the reasons given above, having considered the development plan as a whole, the approach in the Framework and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

Paul Martinson

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: (00)_001 Rev P2 Location plan; LC2/AS101 Rev A Proposed layout plan; LC2/A102 Rev A Proposed amenity block; (01)_003 Rev P1 Proposed camping pods – elevations.
- 3) No more than 8 touring caravans, 8 tents and 6 camping pods shall be sited on the site at any one time and the siting shall be in accordance with the layout shown on approved plan LC2/AS101 Rev A.
- 4) The camping pods hereby approved shall match those shown on drawing 01) 003 Rev P1 and shall not exceed 6 metres in length, 3 metres in width and 3 metres in height.
- 5) The touring caravans, tents and camping pods on the site shall be occupied for holiday purposes only and shall not be occupied on a permanent basis nor as a person's sole or main place of residence. The site owners/operators shall maintain an up-to-date register of the names of all occupiers of each individual holiday lodge on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.
- 6) No camping pod on the site shall be occupied outside of the period of 1 February in one year and 30 November in the succeeding year. No

touring caravan or tent shall remain on the site outside of that same period.

- 7) No construction work, or vehicle movements associated with construction activities, shall take place on the site outside the following times: 08.00 to 18.00 Mondays to Fridays; 08.00 to 13.00 Saturdays. No construction work, or vehicular movements associated with construction activities, shall take place on Sundays or on bank or public holidays.
- 8) The development hereby permitted shall not be first occupied until a landscaping scheme has been implemented, as previously submitted to and agreed in writing by the local planning authority. The scheme shall include:
 - a planting plan noting species, plant supply sizes and proposed numbers;
 - details of any external hardsurfacing proposed. Once installed, the approved hardsurfacing shall be retained thereafter.

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 9) None of the camping pods, tent pitches and touring pitches hereby approved shall be first occupied until surface water and foul drainage works have been implemented in accordance with details incorporating a sustainable drainage system and associated management and maintenance plan have been submitted to and approved in writing by the local planning authority. The drainage shall be managed and maintained in accordance with the approved plan thereafter.
- 10) Prior to the carrying out of any development to construct the amenity block, a Wildlife Enhancement Plan (WEP) to improve the ecological condition of the development site after the development is complete shall be submitted to and approved in writing by the Local Planning Authority. The WEP shall be compiled by a suitably qualified ecologist, include a timetable for implementation and a detailed plan. The plan shall include a detailed drawing specifying the precise location of enhancement measures including bird boxes; bat boxes, tubes, or access slates; hedgehog houses; insect boxes and log piles. The enhancement features shall be installed before first occupation of the development and be retained thereafter.
- 11) The proposed development shall not be brought in to use until the vehicular access has been provided and space has been laid out for cars to be parked at each pitch and to enable vehicles to turn so that they may enter and leave the site in forward gear in accordance with the details hereby approved on drawing no. LC2/AS101 Rev A. The vehicle parking and turning facilities shall thereafter be retained.
- 12) No external lighting shall be installed at the site unless in accordance with a lighting scheme that has first been submitted to and approved in writing by the local planning authority. The approved lighting shall be retained as such thereafter.