



---

# Appeal Decision

Site visit made on 21 April 2022

**by Mr R Walker BA HONS DIPTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 15<sup>th</sup> June 2022**

---

**Appeal Ref: APP/E2001/D/22/3290867**

**Land South East of Bellfield, Arnold Lane East, Long Riston, Hull, East Riding of Yorkshire HU11 5HY**

- 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 Phillip Jenkinson against the decision of East Riding of Yorkshire Council.
  - The application Ref 21/01191/PLF, dated 10 February 2021, was refused by notice dated 2 November 2021.
  - The development proposed is creation of new vehicular access on to Main Street and erection of drive gates and piers with fencing to side (retrospective).
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The development subject of this appeal is in *situ* and I am therefore dealing with the appeal retrospectively. I have, nonetheless, determined the appeal on its own merits.

## Main Issues

3. The main issues are:
  - whether the development preserves or enhances the character and appearance of the Long Riston Conservation Area (CA); and
  - the effect of the development upon highway safety.

## Reasons

### *Conservation Area*

4. The appeal site lies outside of, but close to, the built environment of Long Riston and within the southern end of the settlement's CA. This part of the road is characterised by mature hedgerows bordering an open field to the east and paddock to the west. Hedgerows are referenced in the accompanying CA appraisal, and I saw that they contribute positively to the quality of the environment around the settlement and the character of the area.
5. The appellant has provided evidence of the previous access into the paddock. This comprised of a horizontal rail metal field gate. This type of gate is commonly found in the local area serving fields. The introduction of the tall brick pillars, high timber boarded fence and solid gates restricts views through to the paddock and has resulted in a distinctly domestic, formal and urbanising

feature. The extent of hardstanding, in isolation, is not out of keeping with a paddock or field entrance. However, in combination with the other elements it exacerbates the formal appearance of the site.

6. Even if no hedgerow has been removed to facilitate the development, the solid form and massing of the entrance design, along with its overall formal domestic and urbanising appearance, is at odds with this rural edge location. Thus, the development has eroded the overall rural quality of this part of the CA and harms its character and appearance.
7. There are examples of brick pillared, timber gateways within the CA. However, those that I saw were associated with residential properties in a distinctly domestic setting rather than the rural edges associated with fields or paddocks.
8. The harm is localised as the development is set back, such that whilst the entrance drive is visible on the approach, the gates, pillars and fencing are only visible in a short stretch of the road. As such, the effects are less than substantial in the context of paragraph 202 of the National Planning Policy Framework (the Framework). In accordance with paragraph 202 I must balance that less than substantial harm against the public benefits of the development.
9. Heritage assets are irreplaceable and great weight should be given to their conservation. Whilst the previous gate may have been toward the end of its useable life, there is no firm reasons as to why such a situation has necessitated the form of development built. Accordingly, there are no public benefits that outweigh the less than substantial harm to the CA.
10. The development thus, conflicts with the requirements of Policies ENV1 and ENV3 of the Council's Local Plan Strategy Document (LPSD) (2016) and the relevant provisions of the National Design Guide and the Framework. These are concerned with, amongst other things, the character and appearance of developments and, where relevant, developments within CA's.

### *Highway Safety*

11. The existing paddock contains a stable used in connection with the appellant's property. The formalisation of the access point onto the road from the previous access gate would, in my view, likely lead to an intensification of the use of the access. Even so, having regard to the underlying use it is unlikely to be used by large volumes of vehicles.
12. The access has good visibility on to the road, despite the bend in the road to the south. Moreover, the road has a 30mph speed limit, as such vehicles are unlikely to be traveling at speed.
13. The gates are set back behind the hedgerow and cars can pull off from the highway prior to the gates opening. However, I have no firm details whether vehicles towing horseboxes or any other larger vehicles, that maybe necessary in connection with the use of the land, would overhang the highway.
14. Even where such instances occur, larger vehicles entering paddocks and fields, and stopping to open or close gates, are not unusual situations in rural edge locations. Given the speed of movement of vehicles and forward visibility, other road users would be able to respond accordingly to such a situation. In this regard, there is no substantive evidence that in this particular location this would result in an unacceptable highway safety risk.

15. I saw that there is sufficient space within the paddock for vehicles to manoeuvre and park. Moreover, I have no firm evidence that the integrity of adjacent verges or the highway would be comprised by the use of the access in connection with the land.
16. Drawing the above together, I conclude that the development does not result in an unacceptable effect on highway safety. I therefore find no conflict with Policies ENV1 and EC4 of the LPSD or paragraph 110 and 111 of the Framework. These seek, amongst other things, to ensure that development does not have an unacceptable impact on road safety.

### **Other Matters**

17. The appellant considers the development to be permitted development and an application for a certificate of existing lawful development has been submitted to the Council. However, I have no firm evidence of the outcome of this process. Moreover, within the context of an appeal under section 78 of the Act, it is not within my remit to formally determine whether this is the case. I have therefore determined the appeal based on the effects of the development and the evidence before me.

### **Conclusion**

18. Although I have found that the development does not result in an unacceptable effect on highway safety, the absence of harm is a neutral matter weighing neither for nor against the development. This does not therefore, outweigh my findings in relation to the first main issue and the effects on the CA.
19. As such, and for the reasons given above, the development conflicts with the development plan and there are no material considerations that outweigh that conflict. Therefore, the appeal is dismissed.

*Mr R Walker*

INSPECTOR