
Appeal Decision

Site visit made on 27 June 2022

by C Megginson BA(hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 July 2022

Appeal Ref: APP/E2001/W/22/3294963

Land east of No 41 Canal Side East, Newport, Brough, East Yorkshire HU15 2RL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Jez Duckworth against the decision of East Riding of Yorkshire Council.
 - The application Ref 21/03712/OUT, dated 16 September 2021, was refused by notice dated 17 December 2021.
 - The development proposed is described as the erection of one 2 storey, 3 bed dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the site location description from the planning application form. The Council's decision notice and other documents identify the site as land south of 41 Canal Side East. The site location is sufficiently obvious to me from the evidence that has been provided. I have proceeded on this basis.
3. The Council's appeal statement notes that the appellants appeal form is missing a sheet (questions G and H). I have the complete appeal form in the evidence before me and I am comfortable that the Council has understood the appellants grounds of appeal.

Main Issues

4. Whether the appeal site is in an appropriate location for housing having regard to a) the settlement strategy; and b) flood risk.

Reasons

Settlement strategy

5. The appeal site sits directly adjacent to the canal in a large open gap between two bungalows, with open countryside beyond. Dwellings line Canal Side East, with the southern end more densely developed. In contrast the appeal site surroundings have a more spacious open countryside feel.
6. Whilst in line with development to either side, the appeal site lies outside of the defined settlement limit of Newport, in an area designated as countryside as defined by Policy S3 of the East Riding Local Plan Strategy Document (2016) (the Local Plan) which sets out locations for focusing development. Policy S4 Part C, in summary, limits development of dwellings in the countryside to

replacement dwellings; new dwellings of exceptional quality or of truly outstanding innovative design; affordable housing for local people; or agricultural, forestry or other rural-based occupational dwellings subject to demonstrating an essential need.

7. No evidence has been presented to me to demonstrate that the dwelling proposed would satisfy any of the criteria listed above. I therefore conclude that the appeal site is not in an appropriate location for housing having regard to the settlement strategy and would conflict with Policies S3 and S4 of the Local Plan.

Flood risk

8. The appeal site lies within Flood Zone 3 which is an area defined as having a high probability of flooding. Policies ENV6 and A4 of the Local Plan and the Framework seek to divert residential development to areas that are sequentially preferable in terms of flood risk. Paragraph 168 of the National Planning Policy Framework (the Framework) and the footnote to it, set out when sequential tests aren't necessary. The development of a new house is not one of those situations. The appellants flood risk assessment does not include a sequential test and in terms of the exception test, presents no wider sustainability benefits to the local community. The appeal site is therefore not in an appropriate location for housing having regard to flood risk and would conflict with Policies ENV6 and A4 of the Local Plan and the Framework.

Other Matters

9. Built development does not extend along the full length of the western side of the canal, with large gaps between some of the dwellings including directly opposite the appeal site. The Council can demonstrate a 5-year housing land supply and no further evidence has been provided with regards to the need for accommodation in this specific location or how it would add to social diversity. Whilst the provision of a single dwelling would contribute to housing supply, any benefit would be limited, and I therefore find that these factors would not be sufficient to outweigh the harm identified.

Conclusion

10. The appeal scheme would conflict with the development plan as a whole. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

C Megginson

INSPECTOR