



Appeal Decision

Site visit made on 16 August 2022

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 October 2022

Appeal Ref: APP/E2001/W/22/3298206

Ballhall lane, Storwood, York YO42 4TD

- 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 Marcus Williams against the decision of East Riding of Yorkshire Council.
 - The application Ref 21/04270/PLF, dated 16 December 2021, was refused by notice dated 1 April 2022.
 - The development proposed is Proposed change of use for highlighted area of land to sui generis to include the storage of a unit on wheels for the duration of the year and for the use of 28 days per year under permitted developments.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development refers to permitted development. My assessment is on the basis of the development for which planning permission is sought.

Main Issues

3. The main issue is whether the appeal site is an appropriate location for the proposed development having regard to the policies in the development plan and the effect on the character and appearance of the area.

Reasons

4. The appeal site is a rectangular field located in an attractive pastoral setting away from any settlement and within the open countryside. It is proposed to site a converted HGV trailer to the eastern edge of the site which would be used as one bedroom holiday accommodation.
5. Policy S4 (C) of the East Riding Local Plan Strategy Document (2016) (ERLP SD) sets out the forms of development that are considered to be acceptable in the open countryside. This includes tourism development, where it respects the intrinsic character of its surroundings. Policy EC2 of the ERLP SD supports new, expanded, upgraded or rolled back/re-located static and touring caravan sites where their scale and cumulative impact is appropriate for the location.
6. Whilst there is no evidence before me that the appeal site is served by public transport, there is a farm shop nearby and the services in the settlements of Wheldrake and Thorganby are accessible via short driving distances. Cycling would be a realistic option for visitors, albeit this would be limited to daylight

- hours. There are numerous examples of tourist accommodation nearby including the neighbouring Paradise Lodges Holiday site.
7. In addition to the support in the development plan for caravan sites, the National Planning Policy Framework (the Framework) supports sustainable rural tourism and leisure developments that respect the intrinsic character of the countryside¹. Having regard to the above, I am satisfied that the appeal site is an accessible location for the purposes of the proposed development. I shall now turn to consider the effect on the intrinsic character of the countryside.
 8. The site is set well back from the road and accessed via a field gate from Ballhall Lane. This road also serves the Paradise Holiday Lodges site. A tall hedgerow incorporating numerous trees forms the boundary of the lodge site with the appeal site. Consequently, the appeal site is distinct from the lodge site. A similarly tall verdant hedgerow forms the boundary with the roadside verge and with the adjoining field to the north, although this becomes sparser further back into the appeal site. The site has a natural appearance and contributes to the attractive landscape setting.
 9. Photographs have been provided showing the exterior of the proposed HGV trailer being clad in stained timber, which could help reduce its visual prominence. Nevertheless, the provision of this bulky, flat roofed structure of considerable height, in an isolated position away from any other built form would appear alien in this countryside setting and at odds with the natural appearance of the site.
 10. The site benefits from screening to the boundaries, however it would likely be visible from the field gate providing access into the site. Owing to its discordant appearance, it is likely to be prominent in these views. Such visibility is likely to increase when the trees are not in leaf. The small, predominantly fruit trees that have been planted offer little to no screening at present. In my view, these would take a considerable amount of time to reach a height that would mitigate views from the road, during which time the above harm would be apparent.
 11. Moreover, the evidence before me is limited in terms of any proposed vehicle parking, access and turning, amenity areas, refuse storage, drainage and development associated with service provision. I cannot be certain that any development necessary with regard to these issues would not lead to further harm to the character and appearance of the area.
 12. I accept that the appeal site is close to an existing lodge site. However, that is a large, landscaped site with access and parking areas and is therefore not comparable to an isolated unit within a field. Due to the substantial hedge between the two sites, any development within the appeal site would be unlikely to be seen as part of the lodge site. Furthermore, the circumstances that led to the approval of that original site are not before me so I cannot be sure that the site or policy context is the same as what is before me.
 13. For the above reasons, I therefore conclude that the appeal site would not be an appropriate location for the proposed development owing to the significant harm to the character and appearance of the area that would arise. It would therefore conflict with ERLP SD Policies ENV1 and EC2 and Framework paragraph 130 which together, amongst other things, seek to provide high

¹ Framework paragraph 84.

quality design that is appropriate for its location and preserves character and appearance. Conflict would also occur with Framework paragraph 84, described above.

14. As the proposal would result in harm to the character and appearance of the countryside it would not constitute sustainable development as set out at Policy S1 of the ERLP SD. The proposal would therefore conflict with that policy and Framework paragraphs 8 and 9 for the same reason. As I have found the appeal site to represent an accessible location for the proposed development, I have not found a conflict with Policy S2 of the ERLP SD.

Other Matters

15. The appellant has referred to a declined request for a site visit with Council officers during the consideration of the application, however my role is to assess the proposal before me. I also accept that the appellant has sought to improve the site. However, there are no material considerations that are sufficient to outweigh my overall assessment, reasoned above, regarding the unacceptability of the development proposed.

Conclusion

16. For the reasons given above, having considered the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR