



Appeal Decision

Site visit made on 26 February 2024

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 March 2024

Appeal Ref: APP/E2001/W/23/3328880

Willow Waters, Burnby Lane, Pocklington, East Riding of Yorkshire YO42 1UJ

- 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 Denise Slights against the decision of East Riding of Yorkshire Council.
 - The application Ref 23/01038/PLF, dated 31 March 2023, was refused by notice dated 11 July 2023.
 - The development proposed was originally described as erection of 2no dwellings following the demolition of 2no existing chalets.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was submitted, a revised version of the National Planning Policy Framework (the Framework) has been published. In relation to this appeal the relevant parts of the Framework are similar. Consequently, I have not gone back to the parties for comments. Whilst I have had regard to the Framework in reaching my decision, no party would be prejudiced or caused any injustice by me taking this approach. In any event, the main parties were able to deal with this matter within their statement of case and final comments.

Main Issues

3. The main issues are:
 - Whether the site represents an appropriate location for the proposed development, having regard to the Council's housing strategy; and
 - The effect of the proposed development on the character and appearance of the site and surrounding area.

Reasons

Location

4. The appeal site is located outside the development limits of Pocklington, in a countryside location. Whilst some future occupiers may walk or cycle to Pocklington, it is likely that future occupiers would be reliant on a private motor vehicle to meet their everyday needs. This is due to a combination of the distance to Pocklington, and Burnby Lane is an unlit road with no separate footway and is not served by public transport.

5. Policy S4 of the East Riding Local Plan 2012 – 2029: Strategy Document (2016) (LP) lists forms of development that would be supported in the countryside, where proposals respect the intrinsic character of their surroundings. The proposal does not comprise replacement dwellings as the chalets to be demolished are not dwellings. Furthermore, there is no robust evidence to demonstrate that the dwellings meet the definition of affordable housing, which would be in accordance with the LP and Framework. The application form also sets out that the proposed units would be for market housing. The proposed development would not meet any of the forms of development listed within Policy S4 and would not support sustainable patterns of development.
6. For these reasons, the site would not represent an appropriate location for the proposed development, having regard to the Council's housing strategy. Consequently, the proposal would conflict with Policies S1 and S4 of the LP. These seek to promote sustainable development and to steer housing development to existing settlements, where development would generally make the best use of existing services and infrastructure and minimise the need for travel.

Character and appearance

7. Willow Waters comprises a small holiday complex which includes chalets, fishing ponds, with associated cabins, and manager's dwelling. The proposed dwellings would be accessed via the existing private road.
8. Currently the area and site have a rural character because of the surrounding fields and distance to built development. The nearby development¹, currently being built, would alter the character of the area and would result in dwellings close to the boundary. Nonetheless, the appeal site, and proposed dwellings, would be seen as distinctively separate to that development and would still be surrounded by primarily countryside. Furthermore, that decision cannot be directly compared to the proposal before me due to the Council's housing land supply position and weight given to relevant factors. In any case I have considered the appeal proposal on its own merits.
9. The appellant states that the existing chalets are no longer used for holiday purposes and are permanent residencies. They consider that the original permission² gives residential use for 1-6 Lakeside. Only two of the chalets have been granted certificate of lawfulness consents as permanent dwellings. Whilst some of the chalets may be used as permanent residential accommodation, the site appears as a small holiday complex rather than a residential development due to the layout of the site and design of the chalets.
10. The proposed dwellings would be substantially larger than the chalets due to their height and footprint. Although the development would be well screened from public vantage points, the design of the dwellings would be at odds with the tourism character of the site. This is because the proposed dwellings would have a distinctively more residential character compared to the existing single-storey chalets. The development would have an urbanising and domestic appearance that would not be in keeping with the prevailing character of Willow Waters. Consequently, the proposal would be an incongruous form of

¹ 22/02830/STREM

² Q3221(C)

development which would fail to have regard to the specific characteristics of the site and the site's wider context.

11. For these reasons, the proposed development would unacceptably harm the character and appearance of the site and surrounding area. Consequently, it would conflict with Policies S1, S4 and ENV1 of the LP. These seek, amongst other things, to ensure development proposals respect the intrinsic character of their surroundings. It would also conflict with Framework paragraph 135 which states that development should be sympathetic to local character.

Other Matters

12. The proposed development would provide economic benefits (including through construction and increased local spend) and socially would contribute towards housing supply. However, these benefits would be very limited given the scale of the development and the Council is able to demonstrate a five-year supply of deliverable housing sites. Furthermore, there is no substantive evidence to demonstrate that the development would enhance or maintain the vitality of rural communities.
13. The appellant asserts that the existing chalets are less popular, no longer suitable, not really viable and will end up in a poor state of repair. No compelling information has been provided to demonstrate that this is the case. The appellant also highlights that they are open to discuss the scale and design of the units. The appeal process should not be used to evolve a scheme and it is not my role to suggest an alternative scheme. In addition, the appellant states that the proposal complies with the Pocklington Neighbourhood Plan, would have no impact on residential amenity, and two parking spaces are proposed. The absence of harm and compliance with planning policies does not amount to a positive factor in favour of the scheme. The other matters highlighted would not outweigh the harm I have found above.

Conclusion

14. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal does not succeed.

L Wilson

INSPECTOR