



Appeal Decision

Site visit made on 20 February 2024

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 March 2024

Appeal Ref: APP/E2001/W/23/3323967

6 Back Street, Laxton, East Yorkshire DN14 7TP

- 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 Miss Sands against the decision of East Riding of Yorkshire Council.
 - The application Ref 22/03305/PLF, dated 28 September 2022, was refused by notice dated 29 March 2023.
 - The development proposed is siting of a container for secure storage and erection of fence / gates to side entrance.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development also included the fact that that the works were retrospective, but as this does not constitute an act of development, I have removed it from the description. Neither party is prejudiced by this cause of action.
3. The Council have not raised any objection to the erection of the fencing / gates and I have no reason to contradict that position, so I shall not assess that aspect of the appeal.

Main Issues

4. The main issues in this appeal are :-
 - The principle of the development.
 - The effect of the development on the character and appearance of the area.
 - The effect of the development on Flood Risk.

Reasons

Principle

5. The appeal site lies to the north of 2 Back Street, and I understand has historically been scrubland, but there is some contention between the parties as to the status of the land, however this is not a matter for this appeal to determine. Access is via Jubilee Avenue. The locality is characterised by garages, parking areas and various items of residential paraphernalia.
6. The works have already been carried out on the appeal site, and the articles subject to the appeal are already in-situ.

7. It is apparent that the site lies out of development limits, and as a result is located in an area designated as Countryside in the East Riding Local Plan Strategy Document (2016) (The LP).
8. In this instance Policy S4 of the LP is the first calling point, which sets out the criteria for development within the countryside to be acceptable, in that it must be an appropriate scale and respect the character of its surroundings.
9. I find that the appeal site is separated from residential development and does not form any part of one of the residential properties. Indeed, from the information in front of me, the appellant does not live in close proximity to the site. As such I cannot consider this to be householder development, which can be acceptable as part of Policy S4 as claimed by the appellant and as such Policy EC1 is brought into consideration.
10. There are a number of further criteria for a development to be acceptable in Policy EC1, namely close to an industrial estate; part of an expansion to a business; building conversion or having a functional need to be in that location.
11. I find that the proposal does not meet any of those criteria, and as a result, I find conflict with Policies S4 and EC1 of the LP in this issue.

Character and appearance

12. The area is largely residential in character to the south but has open countryside to the north. There is vegetation in the locality which offers some mitigation to the appeal site. Although intervisibility may increase during winter months, I am satisfied there is sufficient distinction between the character of the land and the nearby parcels of land associated with residential property.
13. The container is industrial in nature, and not dissimilar to that seen in industrial premises when used for storage. Nevertheless, the metallic construction, lack of pitch roof and lack of any domestic detailing gives it a particularly industrial appearance. This is at odds to the residential character of the vicinity.
14. Moreover, the container is visible along this part of Jubilee Avenue and also from other nearby vantage points. As a result, I find the container to be an obtrusive and incongruous feature within the street scene.
15. I conclude, therefore, that the development has a harmful effect on the character and appearance of the area. As such, it conflicts with policy ENV1 of the LP, which, amongst other matters, expect development to have regard to the specific characteristics of the site's wider context.

Flood Risk

16. The site is located within Flood Zone 3, which is not disputed by the parties. The Framework sets out the criteria to be met where a sequential test is not needed under 'minor development'. I am satisfied that the specific circumstances of the works subject to the appeal are not minor development and should therefore be subject to the sequential test.
17. The appellant has submitted a flood risk assessment, given the status of the site, but has stated that the nature of the works, given that the container is air/water tight, means that there would be no effect were the site to be flooded, which is reinforced in the flood risk assessment.

18. However, this is not the subject of the sequential test. This is to ascertain whether other less flood susceptible sites are available. This aspect has not been completed and given the nature of the site and its designation, must form part of any submission.
19. Therefore, in the absence of this detail, the development is contrary to policy ENV6 of the LP which sets out the need for a development to supply a sequential test when it is located within such a designation. I also find conflict with the information set out with regard to the flood risk advice set out in the Framework.

Conclusion

20. The proposal conflicts with the development plan as a whole, and 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.

Paul Cooper

INSPECTOR