



Appeal Decision

Site visit made on 5 March 2024

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd April 2024

Appeal Ref: APP/E2001/W/23/3331835

The Old Methodist Chapel, Breamer Lane, Seaton, East Riding of Yorkshire HU11 5TA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Donovan Sackur against the decision of East Riding of Yorkshire Council.
 - The application Ref is 23/00380/PLF.
 - The development proposed is the retention of a small area of garden land which was formerly agricultural land.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the appeal was lodged, a revised National Planning Policy Framework ('Framework') has been published. This has not raised any new matters which are determinative to the outcome of this appeal. However, I have referenced the revised paragraph numbers, where necessary.
3. The development has already been completed and therefore is retrospective. I have determined the appeal on this basis.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the surrounding area, including the setting of the Seaton Conservation Area ('CA') and a Grade II listed building (Highfield House).

Reasons

5. The appeal site comprises land located to the north and west of the dwelling known as The Old Methodist Chapel, which was formerly part of the adjacent field. A close boarded fence with trellis top separates the land from Breamer Lane, an access has been created from Breamer Lane into the site, and hardcore has been laid for the parking and turning of vehicles. At the time of my site visit, there was evidence of domestic planting and structures within the site and the grass had a domestic mown appearance.
6. Breamer Lane comprises a narrow rural lane that was infrequently used at the time of my site visit. The surrounding area is rural in character with open fields to the north and west of the appeal site, and a grassed area of open space to the east. To the south of the appeal site is the village of Seaton that comprises a mix of dwellings (including the host dwelling) and farm buildings that form a

ribbon of development along both sides of Breamer Lane. To the rear of the dwellings/buildings are gardens/agricultural fields. The Old Methodist Chapel is the first building on the western side of Breamer Lane as you enter the village from the north.

7. The appeal site is predominantly located beyond the settlement boundary of the village. It is domestic in appearance and is in stark contrast with the adjacent field. It is highly visible when travelling along the lane from the north due to the intermittent field hedge. Therefore, parked vehicles and domestic paraphernalia, particularly to the rear of the dwelling, would appear prominent and incongruous within the rural setting. Consequently, the development would result in unacceptable encroachment into the countryside that would erode the open and rural character of this gateway into the village.
8. The adjacent field has been planted with trees. However, at the time of my site visit, the trees were saplings and therefore would take a significant time to mature to a height and density that would aid the screening of the development. Furthermore, there is nothing before me to ensure that the trees would be in place for the lifetime of the development and in any event, screening should not be used to justify an otherwise unacceptable form of development.
9. The land is immediately adjacent to the CA which comprises the largely unaltered historic core of the village and its associated open spaces that extend along Main Street and Breamer Lane. The buildings within the CA encompass a large diversity of architectural types. Consequently, the significance of the CA derives from its historic and aesthetic values. The Old Methodist Chapel is attached to a Grade II listed building, Highfield House. The building comprises a two-storey, double-fronted dwelling with a hipped roof constructed of red brick in English garden wall bond and a slate roof. It was constructed circa 1837. The significance of the listed building derives from its aesthetic value. The appeal site falls within the setting of this listed building and accordingly, I have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act') to pay special regard to the desirability of preserving the setting of this listed building.
10. The appeal site previously formed part of the rural transition between the adjacent fields and the CA/listed building, creating an open and undeveloped setting that allowed views both into and out of the CA. The development of the land through the parking of vehicles and the siting of structures, particularly those that would fall outside the scope of permitted development rights such as children's play equipment, washing lines etc, would harm the setting of these designated heritage assets. Consequently, the development would cause less than substantial harm.
11. Paragraph 205 of the Framework states that great weight should be given to the conservation of a designated heritage asset, and in accordance with paragraph 208 of the Framework, I must weigh the less than substantial harm against the public benefits of the proposal.
12. The creation of a private area of garden and the parking of the appellant's vehicles are private, rather than, public benefits. The appellant asserts that the proposal would aid highway safety by preventing vehicles from reversing onto the highway. However, both parties agree that Breamer Lane is lightly trafficked, and at the time of my site visit, traffic speeds were low. The road is

relatively straight, and the access would be set behind a grass verge. Therefore, vehicles driving along the road would have sufficient time to react to a vehicle reversing from the site. Furthermore, planning permission was granted for the conversion of the building to a dwelling¹ with a single parking space to the north of the building that would require vehicles to reverse onto Breamer Lane and I am not aware of any objection from the Highways Authority. I therefore attach limited weight to this public benefit. Consequently, the harm I have found in respect of the effect of the proposal on the setting of both the CA and the listed building would not be outweighed by the limited public benefit I have identified.

13. In reference to the main issue, the development would adversely affect the character and appearance of the surrounding area, including the setting of the CA and a listed Building. It would therefore conflict with Policies S4, ENV1, ENV2 and ENV3 of the East Riding of Yorkshire Local Plan 2012-2029 Strategy Document, adopted 2016 which, amongst other things, seek to ensure that developments have regard to the specific characteristics of the site's wider context and the character of the surrounding area; is sensitively integrated into the existing landscape; and conserves the significance, setting, character, appearance and context of heritage assets. It would also conflict with the Framework and the National Design Guide that seek to achieve well-designed and beautiful places and conserve and enhance the historic environment.
14. The Council refer to Section 72(1) of the Act within their second reason for refusal. However, the appeal site is not within a Conservation Area and therefore it is not applicable to the appeal proposal.

Other Matters

15. I agree that the provision of a garden could improve the health and wellbeing of the occupiers of the host dwelling. However, there is a small garden area to the front of the dwelling and a large area of open space on the opposite side of the road, and it has not been demonstrated that these existing facilities are insufficient to meet the appellant's health and wellbeing needs.
16. I accept that the development would provide space for the parking of more than one vehicle. However, it is unclear from the information before me whether the size of the property requires the provision of more than one space. Furthermore, there was ample on-street parking available in the surrounding area at the time of my site visit. While this was a snapshot in time and therefore could vary at different times of the day/week, I have not been provided with evidence that parking would be problematic.

Conclusion

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

A Berry

INSPECTOR

¹ Planning Ref 16/03132/PLF