



Appeal Decision

Site visit made on 30 April 2024

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th May 2024

Appeal Ref: APP/E2001/W/24/3336852

Land North East Of The Reas, York Road, Barmby Moor, East Riding Of Yorkshire YO42 4EZ

- 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 Mr W Farrow against the decision of East Riding of Yorkshire Council.
 - The application reference is 23/01542/PLF.
 - The development proposed is change of use of paddock for 3No high quality holiday lodges including landscaping and increase in size of pond.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was amended in December 2023. I am satisfied that the amendments made have not had a material bearing on how the appeal proposal is considered. References in the decision are to the December 2023 Framework.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area having regard to the contribution made by the trees at the site; and
 - the effect of the proposal on the safe and efficient use of the highway.

Reasons

Character and appearance

4. The appeal site is located within the countryside to the south of Barmby Moor, separated from the village by the A1079 road. It is located within a generally flat, agricultural landscape with field boundaries comprising mainly a mix of gappy and more complete hedgerows and hedgerow trees. The trees and hedgerows in the area contribute positively to its rural character and appearance.
5. There is a conifer hedge along the boundary of the site with the A1079. This provides some screening of the site in views from the north. Along the eastern boundary of the site is a line of horse chestnut trees that are covered by a Tree Preservation Order (TPO). These trees are relatively large both in terms of

height and spread and are a noticeable feature in the landscape. Given its attractive appearance, and its location, this avenue of trees makes a significant and positive contribution to the character and appearance of the area, as recognised by its inclusion in the TPO. In addition to their positive contribution to the wider landscape character of the area, these trees, along with the conifer hedge, contribute positively to the verdant character and appearance of the street scene along the southern edge of the village.

6. The application was accompanied by an arboricultural survey¹ of the trees on the site. This does not appear to be specific to the development proposed, as the holiday lodges are shown in a different location to those on the submitted plans.
7. The appellant states that one horse chestnut tree would need to be removed. Their evidence indicates that this would be T1 as identified in the arboricultural survey, which is included in the TPO. The arboricultural survey comments that this tree has symptoms of chestnut bleeding canker, that the use of a sounding mallet around the base of the stem was inconclusive, and further investigation into the structural integrity of the stem is recommended. Nonetheless, it classifies the tree as a mature tree in fair physical condition with a 10+ years life.
8. Further work recommended in the arboricultural survey includes an arboricultural impact assessment, an arboricultural method statement, and a tree protection plan drawing. These documents would be expected to confirm which trees would be removed, assess the potential conflicts between retained trees and the proposed development, and set out mitigation measures. I am not aware that these documents have been prepared.
9. In my judgement therefore, there is a lack of clear evidence about the effects of the proposal on the trees at the site, in particular those covered by the TPO. This is a cause of concern given the proximity of the proposed access to several of the protected trees and those fronting onto the A1079. For example, it is unclear from the submitted evidence and my site visit observations whether works to the trees near to the site entrance would be required to provide sufficient clearance for delivery vehicles. Works such as crown lifting would change the form and appearance of the affected trees. No information is presented on the impact of additional vehicular movements on the compaction of the tree roots. Even though the appellant identifies that the access is used to deliver straw and hay that is a similar weight to the loads required to deliver the lodges, it does not automatically follow that the proposal would not be harmful.
10. In the absence of this detail, I cannot agree with the appellant's assertion that re-siting the unit that would be used for staff accommodation and storage and vehicle parking away from the trees to the front of the site would satisfactorily address this issue. Given the positive contribution that the trees at the site make to the character and appearance of the area, it is important to understand the possible effects before a decision is made on the acceptability of the proposal.
11. The appellant has failed to satisfactorily demonstrate the effects of the proposed development on the trees at the site including the group protected by

¹ Prepared by Arbtech, dated 30 January 2023

the TPO. Consequently, I conclude that the proposal would present a harmful risk to the long-term health and viability of the trees on the site, including those covered by the TPO, with the adverse impacts this would have on the character and appearance of the area. The proposal would therefore conflict with Policy ENV1 of the 2016 adopted East Riding Local Plan Strategy Document (the ERLP SD). Amongst other matters, this policy requires all development proposals to contribute to safeguarding and respecting the diverse character and appearance of the area and supports development where it achieves a high quality of design that optimises the potential of the site and contributes to a sense of place.

Highway Safety

12. The proposal would make use of an existing entrance, although it would be widened to enable access to the site. Access would be on to the A1079. The Council describes this road as a Principal Distributer Road.
13. At the time of my site visit, which I appreciate is a snapshot in time, there was a steady stream of traffic, including heavy goods vehicles, using the road. The Council states that it is a highly trafficked road, information which is not specifically challenged by the appellant, which reflects its classification. The speed limit in the vicinity of the site is 50mph. As the A1079 passes the access, there is a right turn holding lane that is used to gain access to Barmby Moor when travelling along the A1079 from the east. Vehicles entering the site from the west or exiting to the east would have to cross this holding lane close to the point where vehicles using it would be making the right-hand turn. Just to the west is a bus stop and pedestrian island. There are therefore several potential distractions in the immediate vicinity of the proposed access in addition to drivers' attention in both directions being focussed on the large amount of traffic that the road accommodates, moving at a reasonable speed.
14. The increase in vehicle movements generated by three holiday lodges would likely be relatively small in comparison to the average traffic flow on the road. Nonetheless, the proposed development would intensify the use of the existing access and increase the number of vehicles entering and exiting the site, with the associated braking and slowing of traffic on the A1079. Given the highway context described above, and based on the submitted evidence, in my judgement, this would give rise to the potential for significant conflicts between vehicles, creating the potential for accidents to occur and interference with the free flow of traffic on what is described as an important strategic route. This is notwithstanding that there may be appropriate visibility at the site access.
15. I appreciate that the Council's evidence indicates that the number of recorded personal injury accidents has reduced since the introduction of the right turn holding lane. Nonetheless, the proposed development would change the current highway situation at this point.
16. The appellant claims that the sight lines that would be achievable at the site would be comparable with and superior to many other accesses to the highway from similar holiday developments. There are no details of these examples before me. Nonetheless, as set out above, it is not the sight lines that are the concern but rather the combination of a number of potential highway hazards in close proximity to the access and the intensification in the use of the access.

17. The Council has also raised concern about the safety of future visitors to the site who may wish to walk to the facilities in the village. This would necessitate crossing the A1079 road. However, there is a pedestrian island in proximity to the site. At this point, pedestrians could cross the A1079 with good visibility of approaching vehicles from both directions. Notwithstanding the speed and frequency of traffic, I am satisfied that there would be a safe and suitable access to/from the site for pedestrians.
18. For the reasons given, I conclude that the proposal would have an unacceptable impact on the safe and efficient use of the highway. It would therefore conflict with the highway safety requirements of Policy ENV1 of the ERLP SD and paragraphs 114 and 115 of the Framework.

Conclusion

19. The proposal would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

F Wilkinson

INSPECTOR