



Appeal Decision

Site visit made on 12 July 2024

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 August 2024

Appeal Ref: APP/E2001/W/24/3340814

Enholmes Farm Development, Enholmes Lane, Patrington, East Riding of Yorkshire HU12 0PR

- 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 Hexagon Properties Ltd against the decision of East Riding of Yorkshire Council.
 - The application Ref is 23/01150/PLF.
 - The development proposed is the conversion of the two outbuildings to create three dwellings for holiday use.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 29 July 2024.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the planning application was determined, a revised National Planning Policy Framework ('the 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 appellant has submitted a revised 'Site Plan as Proposed' drawing¹ ('the revised site plan') with their Appeal Statement that has reconfigured the proposed car parking area to the west of the buildings to provide four, rather than two, parking spaces. This is not a fundamental change to the development proposal, is in response to the Council's reason for refusal, and both the Council and interested parties have had an opportunity to comment upon the amendment and therefore, have not been prejudiced. I have therefore determined the appeal on the basis of the revised site plan.

Main Issues

4. The main issues are:
 - a) whether the appeal site is in a suitable location for the proposal, including the effect of the proposal on the character and appearance of the surrounding area;
 - b) the effect of the proposal on highway safety; and

¹ Drawing Ref HEXAGON 01 2021 6E

- c) the effect of the proposal on the living conditions of the occupiers of neighbouring properties, with particular reference to noise and disturbance.

Reasons

Suitable Location?

5. The appeal site comprises two buildings positioned around a courtyard. The buildings were granted planning permission² as garaging for the dwellings of the wider redeveloped model farm complex in which the appeal site is located. While substantially built, the buildings are not complete and have not been previously used.
6. The appeal site is in the countryside. Policy S4 of the East Riding Local Plan 2012-2029 Strategy Document adopted 2016 (LP) supports certain forms of development in the countryside. Both parties agree that the proposal would comply with Part A of the policy, while Part B is not applicable as it deals with proposals within the development limits of villages.
7. Part C of LP Policy S4 restricts development in the countryside to a closed list of exceptions, providing they respect the intrinsic character of their surroundings. The proposal is for the conversion of the existing buildings to holiday accommodation. Both Part C6 and C11 of LP Policy S4 support tourism development in the countryside.
8. In reference to Part C6, the proposal would also have to comply with LP Policy EC1. As the proposal would comprise an employment use that (A2) supports the tourism sector and (D3) would involve the conversion of an existing building located outside of development limits, it would comply with LP Policy EC1. Accordingly, the proposal would meet a form of development that is supported by LP Policy S4 Part C.
9. I acknowledge that the existing buildings could be described as utilitarian in appearance and were recently constructed. However, LP Policy EC1 does not require existing buildings to be of a particular appearance or age for conversion to be acceptable.
10. There is a dispute between the parties whether the proposal would comply with LP Policy S4 Part C1. However, the proposal must only meet one of the exceptions listed under Part C and as I have found the proposal would comply with Part C6, there is no requirement for me to consider whether the proposal would also comply with Part C1.
11. Turning to whether the proposal would respect the intrinsic character of its surroundings, the works to convert the buildings would be limited to the infilling of the existing openings with windows and doors. While the building's internal layouts would be similar to the approved garage scheme. Consequently, the proposed alterations to the existing buildings would be minimal and would not unduly alter their appearance.
12. The garden area for each holiday accommodation unit would be contained within the internal courtyard between the existing buildings and surrounded by existing boundary treatments. Consequently, views of any domestic

² Planning Ref 04/05066/PLF

paraphernalia such as washing lines, sheds and hot tubs, and boundary treatments, would not be highly visible from the surrounding area.

13. The proposed vehicle parking areas would be outside the internal courtyard and therefore, would be visible from the surrounding area. However, they would be sited within proximity of existing surface parking areas with a similar domestic character and appearance and therefore, would not appear incongruous.
14. Consequently, I do not find that the proposal would harm the intrinsic character of the countryside.
15. I have been directed to a previous appeal decision³ for the conversion of the buildings to 3 dwellings. The Council asserts the appeal demonstrates that the conversion of the buildings to residential use would be harmful to the character and appearance of the surrounding area. The Inspector stated that the layout of two of the dwelling's gardens would encroach into the countryside which would "*cause a small degree of harm to the character and appearance of the surrounding area*". However, the garden areas of the appeal proposal would be within the internal courtyard and would not encroach into the countryside. Therefore, the appeal proposal is not directly comparable to the previous appeal decision. In any event, I must determine each case on its own merits.
16. In reference to the first main issue, the appeal site is in a suitable location for the proposal, and it would not harm the character and appearance of the surrounding area. It would therefore comply with LP Policy S4 (the content of which I have previously described) and LP Policy ENV1 B1 and B8 which seek to ensure that developments have regard to the specific characteristics of the site's wider context and the character of the surrounding area; and incorporate hard and/or soft landscaping, alongside boundary treatment of an appropriate scale and size, to enhance the setting of buildings, public spaces and views.
17. The appeal proposal would also comply with paragraphs 88 and 180 of the Framework that promote the sustainable growth and expansion of all types of business in rural areas through the conversion of existing buildings, promote sustainable rural tourism and leisure developments which respect the character of the countryside, and ensure decisions recognise the intrinsic character and beauty of the countryside.
18. The Council's reason for refusal also refers to paragraph 84 of the Framework which seeks to avoid the development of isolated homes in the countryside. However, this is not applicable to the proposal as the appeal site is not physically separate or remote from other dwellings as it forms part of the redeveloped former model farm that contains numerous dwellings.

Highway Safety

19. The revised site plan makes provision for 6 parking spaces, two for each holiday accommodation unit. Table 8 of the Council's Sustainable Transport Supplementary Planning Document adopted 2016 (SPD) does not include car parking guidelines for tourism accommodation. Therefore, the main parties have considered the proposal against the car parking guidelines for Use Class C3 - Dwellings⁴. I agree that this is a reasonable approach to adopt. In

³ Appeal Ref APP/E2001/W/21/3283785

⁴ The Town and Country Planning (Use Classes) Order 1987 (as amended)

accordance with Use Class C3, the proposal would require a minimum of 6 spaces. Therefore, the revised site plan would meet the guidelines.

20. Accordingly, the proposal would not have a harmful effect on highway safety. It would comply with Policy ENV1 of the LP which, amongst other things, seeks to promote equality of safe access, movement and use. It would also comply with the SPD and the Framework.

Living Conditions – Noise and Disturbance

21. During my site visit I walked around the former model farm and although it contained numerous individual dwellings and I saw people out and about and in their gardens, it was very quiet and tranquil. Although I realise this was a snapshot in time, both the Council and interested parties have made similar statements regarding the tranquillity of the environment and a low background noise level. Consequently, quietness and tranquillity are key attributes of the surrounding area.
22. The three holiday accommodation units would provide a total of 20 bed spaces. Consequently, at any one time, there could be 20 people occupying all three units. The garden areas of the proposed holiday accommodation would be sizeable for each unit and would include a patio, lawn and a hot tub which would encourage users to spend time outside. A 1m high close boarded fence would separate the garden areas which, due to its limited height, would allow interaction between the occupiers of the units. Furthermore, all three units could be occupied by one large group such as an extended family.
23. Holiday accommodation typically involves the continual rotation of occupiers, with occupiers wanting to make use of the facilities available to them during their stay. Therefore, the outdoor facilities would likely be more intensively used than if the units were occupied as dwellings. Furthermore, people on holiday tend to have a carefree attitude and would not have the same sense of accountability to the occupiers of neighbouring properties than if they were permanent residents. Consequently, in my opinion, the comings and goings, noise levels and general disturbance caused by the large number of guests that could occupy the three units whether as one group or individually, would be of a significantly greater intensity than if they were occupied as dwellings.
24. The appeal site is surrounded by dwellings to the north, west and east, with the northern boundary of the appeal site sharing a boundary with the garden of The Wash House. Furthermore, the main windows of The Wash House directly face towards the appeal site. Boundary treatments consisting of close boarded fences and brick walls, and the buildings themselves, could help dissipate noise generated by the occupiers of the holiday accommodation units. However, given the tranquillity and low background noise levels of the surrounding area, it is unlikely they would be sufficient to prevent the occupiers of neighbouring properties, particularly The Wash House, from experiencing noise and disturbance.
25. The appellant asserts that the proposed hot tubs could be excluded from the scheme and a condition used to prevent them from being provided in the future. However, hot tubs are usually deemed to be domestic paraphernalia that does not require planning permission and therefore a condition excluding hot tubs would not be reasonable or enforceable.

26. The appellant asserts that the holiday accommodation units could be subject to 'house rules' and the behaviour of holiday makers is strictly controlled by operators such as Airbnb. However, no 'house rules' have been included with the appeal and the future operator of the holiday accommodation is unknown. Even if 'house rules' were provided, I am not convinced that rule breaking would not occur, or that any rule breaking could be addressed before the living conditions of the occupiers of neighbouring properties would be affected.
27. The appellant has directed me to the approximate location of holiday accommodation in the surrounding area that is available to book via Airbnb and Booking.com to demonstrate that other holiday accommodation is in proximity of existing dwellings. However, limited information has been provided regarding these properties to enable me to determine whether they are directly comparable to the appeal proposal in terms of the number of bedrooms, the size of garden areas, the proximity of neighbouring dwellings and the tranquillity of the surrounding area. Furthermore, it is unclear whether planning permission has been granted or was indeed required for these examples.
28. In reference to the third main issue, the proposal would harm the living conditions of the occupiers of neighbouring properties, with particular reference to noise and disturbance. It would therefore be contrary to Policy ENV1 B4 of the LP which requires developments to have regard to the amenity of existing properties. It would also conflict with paragraph 135(f) of the Framework that requires developments to create places with a high standard of amenity for existing users.

Other Matters

29. Adjacent to the appeal site are The Wash House and The Long Barn, which are Grade II listed. The appeal site falls within the setting of these listed buildings and accordingly, I have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special regard to the desirability of preserving their setting. These listed buildings, together with other listed and non-listed buildings, collectively form a well-preserved example of an early Victorian model farm that provides evidence of the evolution and intensification of farming practices in the mid-19 century. The significance of these buildings therefore derives from their aesthetic, evidential and historic values.
30. The appeal proposal would involve the conversion of existing buildings with limited external alterations. Domestic paraphernalia would be contained within the internal courtyard area and vehicle parking would be in proximity of other parking areas. Therefore, the character and appearance of the setting of these listed buildings would not be unduly changed by the proposal and it would not affect the ability to appreciate the historic farm complex. Consequently, I do not find that the proposal would harm the setting of the listed buildings.
31. The appellant has directed me to various publications that demonstrate the importance of the tourism industry to the local economy, particularly as occupiers would spend money in local shops, and on services and facilities. I also acknowledge that there would be some temporary economic benefits associated with the construction of the holiday accommodation, and the creation of long-term employment opportunities via the servicing and maintenance of the units once occupied. The proposal would also meet the need identified for additional small-scale tourist developments in the appeal

proposal's sub-area, as detailed within Table 6 of the supporting text to LP Policy EC2. However, taken as a whole, these benefits do not outweigh my findings in respect of the third main issue.

32. I acknowledge that the proposal would bring the existing buildings into use after being vacant for several years, could prevent them from deteriorating, and could improve the current appearance of the appeal site. However, I am not persuaded that a less harmful use could not be found for the existing buildings, notably their permitted use as garaging. While the appellant asserts there is a lack of interest from residents to use the buildings as garaging, this is inconsistent with interested parties' statements.
33. The appellant asserts that the proposal would not generate significant ecological impacts, nor would it affect the living conditions of neighbouring properties with reference to privacy. However, these are neutral matters.
34. The appellant raises concern regarding the Council's handling of the planning application. However, this has not prevented me from forming a decision on the appeal proposal.

Conclusion

35. 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