

Appeal Decision

Site visit made on 10 September 2024

by C Skelly BA (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 November 2024

Appeal Ref: APP/E2001/W/24/3341295

1 Breeze Lane, Beeford, East Riding of Yorkshire YO25 8AR

- 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 Colin Wilburn against the decision of East Riding of Yorkshire Council.
 - The application Ref is 23/03357/PLF.
 - The development proposed is erection of dwelling following demolition of existing outbuilding (now demolished)
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the site represents an appropriate location having regard to the Council's settlement network.
 - The effect of the proposal on the character and appearance of the surrounding area.
 - Whether the proposed development would be likely to increase the likelihood of flooding in the area.

Reasons

Appropriate Location

3. The appeal site is located to the side of an existing two storey dwelling at No 1 Breeze Lane. The area comprises a number of outbuildings including a single storey pitched roof, brick-built garage, a large part breeze block workshop with corrugated roof sheeting, a stable building and a further outbuilding. The wider site therefore retains its appearance as a farmstead. The area is used for the parking of a number of vehicles. There is an area of hard standing to the side and front of the garage building, with the remainder of the site being rough grass with some rubble. The site is bounded partially by a brick wall and a mix of hedging and trees. Breeze Lane is a narrow access road, which serves a number of residential properties.

4. This part of the village has a linear character with properties fronting onto Bridlington Road. Although there are dwellings along Breeze Lane, they are more dispersed and do not appear as part of the main form of the village. The development limit reflects this character and runs along the rear building line of the properties along Bridlington Road and excludes the garage building.
5. Policies S3 and S4 of the East Riding Local Plan Strategy Document (2016) (ERLPSD) set out the overall approach for new development and a settlement network which aims to focus development in settlements with a range of services and infrastructure. Despite being located adjacent to the development limit of Beeford, a Rural Service Centre, the site is therefore classified as countryside.
6. Policy S4 (c) sets out the type of development which would be supported in the countryside, which includes affordable housing, agricultural workers dwellings, replacement dwellings or those of exceptional quality or truly of innovative design. The proposal is for a market house and is not required for agricultural purposes. The proposed design of the property is not considered to be of exceptional quality or truly innovative design. Therefore, the proposal does not meet the requirements for new housing in the countryside set out in Policy S4 (c).
7. I note the appellant's comments that planning permission has previously been granted for the same development in 2014. However, at the time the previous decision was made there was a building on the site which has subsequently been demolished. I have no information before me which suggests that the previous permission was lawfully commenced and is thereby extant and therefore, I do not consider that this is a 'fallback' position.
8. The proposed dwelling would extend the built form into the countryside beyond the development limit. The proposal would not provide development which is considered suitable in this location having regard to the Council's settlement network. The proposed development thereby conflicts with Policies S3 and S4 of the ERLPSD and would undermine the Council's spatial strategy.

Character and Appearance

9. There are a range of architectural styles in the immediate area constructed from a mix of brick and render. The proposal would be a simple single-storey brick dwelling with pantile roof to reflect the style of neighbouring dwellings. However, the principal elevation would face into the site, with the gable end facing towards the existing dwelling. Part of the remaining land would be used as a garden for the new property.
10. Although the building would be located within the cluster of outbuildings it would have a residential rather than agricultural appearance. Although No 1 faces onto Breeze Lane, the other neighbouring properties front onto Bridlington Road, with their backs facing towards the appeal site. The properties are set back from the main road and have rear gardens of a similar depth, which provides a strong demarcation between the built form of the settlement and countryside beyond. The proposed orientation and siting of the dwelling would therefore fail to reflect the form and layout of nearby dwellings. The new dwelling would therefore read as being back-land, which would erode the

existing pattern of development thereby harming the character and appearance of the surrounding area.

11. The proposal would harm the character and appearance of the surrounding area and thereby conflicts with Policies S4 and ENV1 of the ERLPSD which seeks amongst other things to achieve high quality design that optimises potential of the site, contributes towards a sense of place and respects the intrinsic character of their surroundings. The proposal conflicts with Policies C1 and I1 of the National Design Guide, with regard to understanding local context. The proposal also conflicts with paragraph 135 (d) of the National Planning Policy Framework (2023) (the Framework) which requires that development maintains a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

Flooding

12. The site is located predominantly within Flood Zone 1, however the periphery of the site lies within Flood Zone 2 and Future Flood Zone 3. A Flood Risk assessment for the adjacent site has been submitted to support the proposal and this was accepted by the Council and the Environment Agency have confirmed that finished floor levels could be dealt with appropriately through condition. However, the supporting text of Policy ENV6 says that in the first instance consideration should be given to infiltrate surface water into the ground wherever possible, followed by discharge into an open watercourse, discharge into a culverted watercourse and finally discharge into a combined public sewer system.
13. The application form states that surface water would be disposed of via the main sewer. No further information has been submitted with the appeal and therefore I cannot be certain that the proposal would not lead to increased flood risk of the site and immediate surrounding area. The proposal thereby conflicts with Local Plan Policy ENV 6 which amongst other things seeks to proactively manage flood risk by ensuring all new developments incorporate sustainable drainage systems. The proposal would also conflict with paragraph 173 of the Framework which says that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

Other Matters

14. Drawing 'CW/12/02'B' refers to the application being a proposed 'dwelling for disabled'. The appellant has submitted information relating to the previous planning approval which includes a Design and Access Statement. This document sets out evidence dating from 2013 relating to the health of the appellant's wife and the need for the single storey accommodation. No further information on this matter has been submitted with this appeal and it has not been raised as part of the arguments of either party. Given the date of this information and the lack of evidence that these circumstances remain, I have given this limited weight.
15. The appellant has referred to the timeliness of advice from Officers during the determination of the planning application, however, this is not a matter for my deliberation in the context of a planning appeal.

Conclusion

16. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
17. For the reasons given above the appeal should be dismissed.

C Skelly

INSPECTOR