



Appeal Decision

Site visit made on 6 November 2024

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2024

Appeal Ref: APP/E2001/W/24/3344576

Land West of Bunkers Hill Cottage, High Street, Rudston, East Riding of Yorkshire YO25 4JB

- 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 Aspin against the decision of East Riding of Yorkshire Council.
 - The application Ref is 23/01604/PLF.
 - The development proposed is retention of 2 holiday lodges and associated outbuildings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appeal submission, the appellant has provided an amended plan omitting the kennel building previously on site. I am satisfied that this does not fundamentally change the development. The Council and interested parties have also had an opportunity to comment on the amended plan through the appeal process and so would not be prejudiced by my consideration of it. I have therefore determined the appeal taking into account the amended plan.
3. I observed on site that, except for Shed 1, the development has already been carried out. The appeal is therefore considered retrospectively.

Main Issues

4. The main issues in this case are the effects of the development on:
 - The character and appearance of the area, including protected trees;
 - The living conditions of the occupants of Bunkers Hill Cottage, with particular regard to noise and disturbance; and
 - Flood risk and groundwater contamination.

Reasons

Character and appearance

5. The site is located within Landscape Character Type 15A of the Yorkshire Wolds Important Landscape Policy Area. The Landscape Character Assessment Update (LCAU) describes this area as particularly distinctive in the Wolds. This lower stretch of the Great Wolds Valley is wide and shallow. Recreation and tourism enterprises, including camping and caravan sites, are found in this area close to Bridlington. The LCAU identified this landscape as high value, and highly

- sensitive to recreational development, albeit with some capacity to accommodate development of this nature dependant on scale and location.
6. The appeal site is visually separated from Rudston and sits within a more rural context. The site is predominantly surrounded by agricultural fields and woodland. It comprises a small, wooded area, enclosed by low mesh fencing. The vegetation is not particularly dense, and less so in winter months, allowing partial views into and out of the site.
 7. Within the site there is also a field enclosed by hedgerow and timber fencing. Adjacent to this is Bunkers Hill Cottage. The southern boundary of the paddock to the south is partially screened by hedgerow, however gaps provide views towards the site from Thwing Road. The site is also on higher ground comparative to the land to the north and west, providing sweeping views across the countryside.
 8. The appeal buildings are within a clearing in the woodland. They are relatively small in scale and have the appearance of domestic outbuildings. They are however separated from the neighbouring dwelling by the adjacent field, and thus sit somewhat isolated. The arrangement and appearance of the buildings is ad hoc, with each of a different design, with differing materials, colour finishes, roof forms and fenestration.
 9. Cabin 1 features raised decking and glazed balustrades. Cabin 2 has external wiring and pipework. Domestic paraphernalia is spread throughout the wider site, including concrete patio hardstanding, outdoor lighting on concrete posts, outdoor furniture and ornaments, plant pots and bamboo screens. A parking area is provided to the front of the cabins.
 10. In view of the above, the appeal scheme has introduced an incoherent and incongruous form of development into a predominantly natural setting, which is visible from various vantage points. This detracts from the prevailing rural character of the area, and the contribution that the woodland makes to this.
 11. The appellant advises that since purchasing the site, it has been visually improved including the removal of paraphernalia associated with its former use as a builder's yard and additional soft landscaping. This does not however outweigh or justify the harm identified above.
 12. The Council found Shed 1 to be a typical structure that is well-screened and therefore inconsequential in terms of its visual impact. There is no compelling reason before me to come to a different conclusion on this matter.
 13. Trees within the woodland block are afforded protection by virtue of a Tree Preservation Order (TPO). The appeal is supported by a Tree Survey and Arboricultural Implications Assessment (AIA)¹. No trees have been or are proposed to be removed, though several are in proximity to the site access and cabins, including trees T1, T2, T5, T6, T7 and T8. These trees are graded moderate to low quality within the AIA. Nevertheless, all are expected to live 20+ years, and I saw that, as part of the woodland block, they contribute to the prevailing character and appearance of the area.
 14. The Council has raised concerns regarding the intensification of the use of the access road, the incursion of the development into the RPA of trees, and the

¹ Company of Gardeners – TREE SURVEY and ARBORICULTURAL IMPLICATIONS ASSESSMENT – 11th July 2023

influence of the package treatment plant on several trees. Given that there is significant growth potential of tree T7, an engineering solution for any foundations is recommended. Concerns are also raised that the development has affected new and regenerative growth since the TPO was designated.

15. The AIA states that due to the shallow depth of the building foundations, and the limited extent to which these intrude into the RPAs, it is unlikely that any roots would have been encountered or damaged during the works. The appellant maintains that any perceived impact on regenerative growth is speculative, and the installation of 'no-dig' surfacing within the RPA of T1 & T2 would be a relatively inexpensive and simple undertaking. They have also confirmed they would accept a condition requiring installation of a root barrier to protect foundations from potential root incursions / conflicts.
16. There is limited information before me however regarding the package treatment plant, and its affect on trees T5-T8. Notably, the AIA indicates that excavations for pipe installations and the plant itself would have had the potential for damaging subterranean roots, and the mini sewerage plant should be located away from the RPA's of retained trees. I therefore cannot conclude that the development will not compromise their longevity, value and long-term retention, with associated loss of their contribution to the character and appearance of the area.
17. I conclude that the development taken as a whole has a harmful impact on the character and appearance of the area, including protected trees. It is contrary to Policies S1, S4, ENV1, ENV2, EC2 and A2 of the East Riding Local Plan 2012-2029 Strategy Document Adopted April 2016 (the ERLP SD). These policies, among other provisions, seek to secure development that improves economic, social and environmental conditions and respects the intrinsic character of its surroundings, including through design, layout, construction and use. They also seek to ensure that development is sensitively integrated into the existing landscape, including by maintaining or enhancing the character of woodland and ensuring development in the Yorkshire Wolds is of appropriate high quality.
18. In respect of this main issue, I have not identified any direct conflict with Policy S2 of the ERLP SD. This policy seeks to ensure that development decisions will support a reduction in greenhouse gas emissions and adaptation to the expected impacts of climate change.

Living conditions

19. The appeal site sits next to an existing dwelling at Bunkers Hill Cottage, with which it shares a private driveway. There is no substantiated evidence before me regarding existing noise levels at the site or in the surrounding area, or the anticipated increase in noise arising from the development. I must therefore assess the relevant matters on the merits of the case as I see them. The LCAU describes this part of the Yorkshire Wolds as relatively remote and tranquil, and I observed that the area is quiet, with limited background noise.
20. With the exception of Shed 1, the appeal buildings are set away from the shared boundary with Bunkers Hill Cottage, separated by the intervening field, boundary fencing and vegetation. The omission of the kennel from this field will reduce the levels of noise that would occur near Bunkers Hill Cottage. Nevertheless, access to this area is available through an ungated opening in the hedgerow and would still be required for Shed 1. I saw there also remains

- an electrical point here. It provides a lawned open space, with less tree cover, and would be attractive to future occupiers of the lodges for recreational use.
21. I recognise that the lodges are relatively small, which would limit the number of guests who can stay overnight. Nevertheless, the number of comings and goings to and from the site would be increased. Their size would also not preclude additional day visitors to the site. Moreover, while some guests may value the peace and tranquillity of the location, the limited internal size of the cabins, combined with the expansive outdoor spaces, would encourage outdoor activities. Given the leisure use of the site, this is likely to include the playing of music, talking or shouting, which would occur across a broad range of times.
22. The appellant has indicated that who stays at the site can be monitored by the owner and rules can be put in place to limit noise after certain hours. However, a detailed management plan to demonstrate how issues relating to increased noise and disturbance would be addressed has not been provided. Moreover, as the site would be unsupervised, it is not clear how effectively it could be monitored or how enforceable such measures would be.
23. The use of the site for holiday accommodation would thus result in an undue increase in noise and disturbance. Notably, in the previous appeal decision relating to this site for the siting of a single lodge², the Inspector came to a similar conclusion.
24. While the existing occupants of Bunkers Hill Cottage have not objected to the development, this does not in itself demonstrate that the appeal scheme is acceptable with respect to this main issue.
25. The development has a harmful effect on the living conditions of the occupants of Bunkers Hill Cottage, with particular regard to noise and disturbance. It is contrary to Policies ENV1 and EC2 of the ERLP SD. These policies, among other provisions, seek to ensure that development achieves a high quality of design, having regard to the amenity of existing or proposed properties, and that the scale and cumulative impact of tourism development in the countryside is appropriate for the location.

Flood risk and groundwater contamination

26. The site is located within a ground water Source Protection Zone (SPZ). The development includes a foul water package treatment plant and surface water soakaway. Policy ENV6 of the Local Plan seeks to ensure new development limits surface water run-off and does not increase flood risk within or beyond the site, avoid development that will increase the risk of pollution in SPZs, and prevent non-mains drainage that would involve sewage or other contaminated discharges as far as possible.
27. Paragraph 189 of the National Planning Policy Framework (the Framework) states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions, and adequate site investigation information, prepared by a competent person, is available to inform these assessments. The information provided regarding the foul and surface water drainage arrangements for the development is limited. The appellant states that the area is renowned for its free draining land, however there is no substantiated evidence of this before me.

² Appeal Ref: APP/E2001/W/16/3147368

28. The Council's Land Drainage Team suggested a condition could be used to secure full details of surface water and drainage details. However, they also indicate that soakaway test results should be provided prior to the grant of any planning permission. Given the retrospective nature of the development, this information should be provided upfront to inform the decision.
29. Based on the evidence before me, I cannot conclude that the development as built does not have a harmful effect on flood risk and groundwater contamination, or that it complies with the relevant provisions of the development plan. The development is contrary to policy ENV6 of the Local Plan which seeks to manage environmental hazards such as flood risk, ground water pollution and other forms of pollution.

Other Matters

30. My attention has been drawn to a 2016 Tourism Accommodation Study, which showed a low level of tourism accommodation in this area. There is also local planning policy support for tourism development. The development could contribute to the provision of tourism accommodation locally. This would in turn provide some economic benefit to the local area. Given the scale and context of the development however, this contribution would be modest.
31. The appellant also confirms that they would provide a Wildlife Enhancement Plan, as requested by the Council's Nature Conservation Officer. However, the level of any biodiversity net gain that could be provided is unclear from the information before me. This therefore carries limited weight.
32. The appeal site sits within the setting of the Grade II listed Rudston War Memorial. Sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be given to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. The significance of the Rudston War Memorial is primarily historic. The evidence indicates that it provides an important connection to the tragic impacts of 20th century world events on the local community.
33. The war memorial is framed by the adjoining road, grass verge, background hedge and nearby trees. Its intervisibility with the nearby church and prominent positioning on the approach to Rudston contributes to its significance. The appeal scheme does not feature prominently within the same setting, and the development has no material impact on the features of its setting described above. Accordingly, I find that the development does not cause harm to the significance of the Rudston War Memorial or its setting.

Conclusion

34. The proposed development conflicts with the development plan, taken as a whole. I have found no material considerations that indicate the appeal should be determined other than in accordance with the development plan. Consequently, I conclude that the appeal is dismissed.

Ryan Cowley

INSPECTOR