



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: 26 November 2024

Appeal Ref: APP/E2001/W/24/3344974

Toft Lane Woods, Bridlington Bay Road, Carnaby YO15 3QG

- 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 Eddy Halliday against the decision of East Riding of Yorkshire Council.
 - The application Ref is 23/03056/PLF.
 - The development proposed is chalet site for the siting of 6 no. permanent holiday chalets (to accord with Local Plan Policy EC2 and the size and transportability definitions of a caravan.)
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Eddy Halliday against East Riding of Yorkshire Council. This is the subject of a separate Decision.

Preliminary Matters

3. The Local Plan Update was submitted to the secretary of state on 31 March 2023. At that time, the Council considered the weight of emerging policies ranged from none to limited, due to unresolved objections, and the early stage of the examination. Moreover, there were no material differences to the current policies in respect of this proposal. The Council has since confirmed that the examination process is still ongoing, and it has recently consulted on proposed modifications. The main parties have not explicitly referred to emerging policies, and there is limited information before me regarding their relevance to the appeal proposal, the proposed modifications, whether there remain any unresolved objections or when the plan is likely to be adopted. I have therefore not given any weight to emerging policies in my decision.

Main Issues

4. The main issues are the effects of the proposal on (i) the character and appearance of the area; and (ii) highway safety.

Reasons

Character and appearance

5. The appeal site comprises an existing pocket of woodland located to the west of Carnaby. It is in a prominent location on the approach to the village, adjacent to the A614 and A165 (Bridlington Bay Road) roundabout. The

ground levels across the site are however lower than the adjacent highway and views through the site are appreciably obscured by its dense vegetation.

6. The surrounding area is predominantly rural in nature, though development within the vicinity has a notable urbanising influence on its prevailing character and appearance. Agricultural fields extend away from the site to the north and west. There is also a field to the east of the site, separating it from Carnaby. To the south of the site is a holiday park and a rail line, beyond which sits a large linear industrial estate. These areas of development can be viewed within the setting of the appeal site from various vantage points.
7. The proposal would introduce 6 holiday cabins, along with associated footpaths, car parking and a refuse storage area onto the appeal site. Given the surrounding context, the presence of holiday cabins in this location, amongst the existing mature woodland, would not appear unduly isolated or out of character. The amount of development would be limited, and its prominence in the landscape would also be reduced by the lower site levels.
8. Nevertheless, the appeal site in its current condition, along with other pockets of dense woodland and tree belts in this area, softens the visual impact of existing development in the landscape. The proposal is supported by a Tree Survey, Arboricultural Implications Assessment, and Arboricultural Method Statement document¹ (the Arboricultural Report). This identifies 7 individual trees on site and 2 hedgerows, with only one tree indicated to be removed (T2) along with a section of hedgerow (H2). Tree protection measures including HERAS fencing and ground protection boarding are recommended.
9. The identified trees and hedgerows provide screening to the site and contribute to the verdant and semi-rural character and appearance of the area. T4 to T7 are category A trees, defined as trees of high quality with an estimated remaining life expectancy of at least 40 years. The site is a notable feature on the approach to Carnaby and contributes to its natural setting.
10. While the appellant states that there will not be any significant harm to the existing trees, the Arboricultural Report shows encroachment by several of the cabins into the Root Protection Area (RPA) of trees T3 to T6. Tree protection fencing within the RPAs is shown on the Tree Protection Plan², however the Arboricultural Report recommended changes to the layout to avoid encroachment into RPAs of individual trees. Limited details of the impact on these trees have been provided. Notably, the Council's Tree Team objected due to the potential impact on several trees and their roots.
11. The Arboricultural Report also states that surveying trees as groups is usually avoided close to areas likely to be developed. Despite this, most of the site, including the areas in and around the proposed cabins, walkways and parking areas has been considered as a single tree group (W1). I saw on my site visit there are numerous trees across this area. There are no works to W1 set out within the Tree Work Schedule. The proposed cabin locations are stated to be open pockets within the existing woodland. The report recommends that the entirety of this woodland be considered as an RPA and canopies of woodland trees be protected throughout the construction process. Additionally, W1 trees should be protected with ground protection boarding as required.

¹ Report no: 21_5837_12_30

² MAP FILENAME: 21_5837_12_30_TPP_v2

12. However, as none of the individual trees within W1 are identified within the Arboricultural Report and associated plans, their relationship to the proposed cabins, footpaths and parking areas has not been clearly demonstrated. I saw on my site visit that, while there are open pockets within the woodland, it is not clear that these are sufficient to accommodate the proposed development without harm to or loss of existing trees. Moreover, the Tree Assessment Plan³ contained within the Arboricultural Report does not correspond with the submitted Site Layout as Proposed plan⁴.
13. The appellant states that many trees within the woodland are poor quality. I observed damage and decay to some trees, however the individual condition, size and life expectancy of W1 trees has not been specified and so the extent of this is not clearly articulated in the evidence. The Arboricultural Report categorises the entire group as moderate quality mature woodland with an estimated remaining life expectancy of at least 20 years.
14. Pressure for future pruning or removal of any retained trees is likely to be limited given the woodland appeal of the site and its proposed occupation for holiday purposes only. Nevertheless, based on the evidence before me and my own observations, I cannot be sure that the proposed development itself would not result in undue harm to or loss of existing trees on site.
15. This group of trees adds to the density of the woodland. Significant harm to or loss of trees within this group, or to other trees along site boundaries, would erode its contribution to the natural setting of Carnaby and have a deleterious effect on the character and appearance of the area.
16. The appellant has already carried out additional planting, including native species hedgerow, and has indicated more could be secured by planning condition. However, the new planting I observed on site was limited, and there is no detailed soft landscaping scheme before me to demonstrate that new and proposed planting would be sufficient to mitigate harm to existing trees.
17. The appellant suggests that even if the site were cleared of trees this would still comply with relevant policies. Policies ENV1 and ENV2 of the East Riding Local Plan 2012-2029 Strategy Document Adopted April 2016 (the ERLP SD) seek the incorporation of soft landscaping and nature conservation into developments, and the protection of important hedgerows, trees and woodland, and so would offer little support to such a proposal.
18. My attention has been drawn to a recently approved caravan site to the east, which does not benefit from soft landscaping, in addition to other holiday parks in the vicinity of varying degrees of prominence in the landscape. While some are not particularly well screened, there is no evidence to indicate they were created through the removal of existing woodland. The appellant also contends that the Council described the landscape differently in a recent application for a solar development adjacent to the appeal site. I have however assessed the prevailing character and appearance of the area based on my own observations, and this does not lead me to a different conclusion.
19. The proposal would have a harmful effect on the character and appearance of the area. It would be contrary to Policies S4, EC2, ENV1 and ENV2 of the ERLP SD. These policies, among other provisions, seek to ensure that, within the

³ MAP FILENAME: 21_5837_12_30_TAP_v2

⁴ Dwg. No. 20010/04

countryside, proposals respect the intrinsic character of their surroundings and tourism development is of a scale and cumulative impact appropriate for the location. They also seek to ensure that development achieves a high quality of design, incorporates soft landscaping and is sensitively integrated into the existing landscape, making the most of opportunities to protect and enhance landscape characteristics and features, including by maintaining or enhancing the character and management of woodland.

Highway safety

20. Vehicular access into the appeal site and its car parking facilities would be taken via Tofts Lane. The existing lane features an access onto the A614 to the north, close to the A614 / A165 roundabout. While the speed limit in this location is 30mph, these roads form part of the strategic local highway network and, at the time of my site visit, were well trafficked.
21. The existing access sits on a slope, sufficiently steep that a vehicle waiting to exit the site would roll backwards unaided. Visibility is not demonstrated on the plans before me; however, I saw during my site visit that it is limited by vegetation and the curvature of the road to the east, obscuring the view of vehicles approaching the roundabout from the A165. The access is also located at the point at which eastbound traffic on the A614 splits into two lanes.
22. These factors reduce the ease of ingress / egress onto the A614 from the existing access. The current condition of the access therefore presents a degree of risk for road users. However, it is currently only used by farm traffic. The appellant estimates that the development would generate 10 vehicle movements per day, based on its size, the type of guests that would be attracted to stay there and the proximity of public transport. There is however little substantiated information before me regarding traffic, anticipated vehicle movements or public transport availability. The proposal would intensify the use of the access and would result in increased conflict between road users.
23. While cycling and walking could be encouraged, including through the provision of a pool of hire cycles for occupants to use, the footpath and cycle path provision around the site appears limited. Visitors to the site are therefore likely to remain principally reliant on the private car for transport.
24. The Local Highway Authority (LHA) raised concerns that the existing access is not acceptable for any additional traffic. The LHA recommended details of an alternative access be provided, however this has not been forthcoming.
25. While there may be no evidence of highway safety issues at this access previously, this does not demonstrate that there would not be any arising from the proposal in future, particularly given the intensification of its use.
26. My attention has been drawn to tourism development on the opposite side of the A165 at Manor Court. I observed that the access to this site is also located close to the same roundabout. It does not share the same characteristics as the appeal scheme access, and its presence does not in itself demonstrate that the proposal would not have a harmful effect on highway safety.
27. In its Officer Report, the Council erroneously referred to the creation of a new access track leading from Bridlington Bay Road. Nevertheless, it is clear from the remainder of the Officer Report, the Decision Notice and representations

from the LHA that the highway safety assessment was based on the use of the existing access off the A614. This does not lead me to a different conclusion.

28. The proposal would have a harmful effect on highway safety. It would be contrary to Policies EC4 and ENV1 of the Local Plan. These policies, among other provisions, seek to increase overall accessibility and promote equality of safe access, movement and use, minimise congestion and improve safety, including by ensuring new development addresses its likely transport impact. The proposal would have an unacceptable impact on highway safety and so would conflict with Paragraph 115 of the National Planning Policy Framework (the Framework) in this regard. It would also be contrary to Paragraph 114, which seeks to ensure safe and suitable access to the site can be achieved.

Other Matters

29. The proposal would add to and broaden the mix of tourist accommodation in the area, support the local tourism economy and provide employment during construction and operation. Given the scale and context of the development however these benefits would be modest and insufficient to outweigh the identified harm in this instance.
30. Paragraph 88 of the Framework supports the sustainable growth of business in rural areas, including sustainable rural tourism development, provided it respects the character of the countryside. Paragraph 89 also recognises that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. However, it indicates that in these cases it is important to ensure development is sensitive to its surroundings and does not have an unacceptable impact on local roads. Given the harm identified above, this would provide limited support for the proposal in this instance.
31. A number of representations in support of the proposal were submitted. The matters raised in these have been taken into account in my assessment of the proposal. However, representations supporting the development do not in themselves demonstrate that it is acceptable with regard to the main issues.
32. The Framework acknowledges the benefits of early engagement and good quality pre-application discussion. While the Council indicated in its pre-application response that the principle of tourism development on the appeal site is supportable, it also raised concerns regarding highway safety and indicated that a robust landscaping scheme should support any application. I have assessed the proposal based on the information before me and my own observations. This does not therefore lead me to a different conclusion.

Conclusion

33. 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