
Appeal Decision

Site visit made on 27 December 2024

by **S. Hartley BA(Hons) Dist.TP (Manc) DMS MRTPI MRICS**

an Inspector appointed by the Secretary of State

Decision date: 02 January 2025

Appeal Ref: APP/E2001/D/24/3352359

Riverbank Farm, Moor Lane, Little Kelk, YO25 8HG

- The appeal is made under section 78 of the Town and Country Planning Act 1990.
 - The appeal is made by Steven and Rachel Jagger against the decision of East Riding of Yorkshire Council.
 - The application reference is 21/03601/PLF.
 - The proposal is for a front porch on the northern elevation, roof lights/velux windows on the northern elevation of the pitch roof to the former stable block (now single storey extension to the Farmhouse) and a roof light/velux windows to the single storey mono-pitched roof of the existing Farmhouse on the north, additional two windows to the southern elevation and alteration to the size of two windows on the northern elevation, the formation of the eastern gable end wall, in timber frame and glass, to the former stables now living space to the house, and the erection of a garage to the southwest of the Farmhouse.
-

Decision

1. The appeal is allowed, and planning permission is granted for a front porch on the northern elevation, roof lights/velux windows on the northern elevation of the pitch roof to the former stable block (now single storey extension to the Farmhouse) and a roof light/velux windows to the single storey, mono-pitched roof of the existing Farmhouse on the north, additional two windows to the southern elevation and alteration to the size of two windows on the northern elevation, the formation of the eastern gable end wall, in timber frame and glass, to the former stables now living space to the house, and the erection of a garage to the southwest of the Farmhouse at Riverbank Farm, Moor Lane, Little Kelk YO25 8HG in accordance with the terms of the application reference 21/03601/PLF; and drawing No's GW-RB-001;GW-RB-002;GW-RF-003;GW-RF-RFH-002;GW-RF-RFH-003; GW-RF-RFH-004; GW-RF-RFH-005; GW-RF-RFH-006; GW-RF-RFH-007; GW-RF-RFH-008; 181935-300-032C1; GW-RF-RFH-007A and GW-RF-RHH-001 at Riverbank Farm, Moor Lane, Little Kelk, YO25 8HG.

Procedural Matters

2. The appeal is made retrospectively for development already constructed.
3. A new National Planning Policy Framework was published in December 2024 (the Framework). This replaces the previous version of the Framework, published in December 2023. So far as the main issues are concerned, the 2024 Framework remains essentially unaltered relative to the December 2023 version. Therefore, it has not been necessary for me to seek comments from the main parties in respect of the 2024 Framework.

4. The local planning authority (LPA) has referred to the draft East Riding of Yorkshire Local Plan Update 2020-2039. However, as this has not been adopted, I can afford it only limited weight in the decision-making process.
5. The LPA considers that the appeal proposal includes elements such as the front porch which is on agricultural land and therefore that the submission cannot be a householder application. The assertion of the LPA is disputed by the appellant.
6. However, it is the case that the LPA validated the submission as a householder application and did not invalidate it, or did not choose to return it, at any time following the receipt of the application dated 23 September 2021. Indeed, the LPA assessed the submitted application, and its refusal notice includes a reason based upon its planning merits and not simply that the application was considered to be invalid.
7. I have no objective or conclusive evidence before me to indicate that a householder application is inappropriate, or indeed that the part of the development would be positioned upon agricultural land. Therefore, in this context, I find that a valid planning application has been made.
8. The LPA considers that the proposed development should include other matters, such as for example, the creation of hard surfacing. However, I have determined the appeal based upon those matters which are included in the application form and contained in the banner heading above. The LPA has separate enforcement investigation powers in respect of any other unauthorised development.
9. In addition, there is disagreement between the parties regarding the formation of the gable end wall to the former stable block, as to whether this relates to an alteration or to a rebuilt building. The appeal relates to the gable only, and I have determined the appeal based upon its description in the application form for an alteration to *'the former stables now living space to the house'*. Whether the whole building is or is not lawful is a separate matter for the LPA also to consider under its enforcement powers if it concludes that this is necessary and expedient. This also applies to other matters to which the LPA refers but which are not included in the application description.
10. The proposed development is as described in the banner heading above. The LPA, in its officer report, considers that *'the proposals are overall of a good quality, and have been carried out in a way that has helped to enhance the condition, character and appearance of the Farmhouse. The effect on the surrounding area's character and appearance is therefore considered to be acceptable'*. Furthermore, the officer report adds that *'the garage building is considered to be of an acceptable scale and respectful to the area's rural character and sense of place'*. I have no reason to disagree with these comments.

Main Issue

11. Given my conclusions in the procedural matters section above about the validity of the appeal, and the LPA's comments upon the impact of the development upon the character and appearance of the buildings and area, the main issue is the effect of the development upon flood risk and drainage.

Reasons

12. The LPA considers that the application contains insufficient information to assess the flood risk and drainage implications of the development, consequent upon the increased size of the site's impenetrable area over its pre-development state.
13. However, the Beverley and North Holderness Internal Drainage Board (DB) concludes that *'the Board has no objection to the principle of this development but suggest that any approval granted to the proposed development should include conditions.*
14. Since the determination of the application, the appellant has held further discussions with the DB, the result of which is that the latter has now stated in its email of 13 August 2024 that *'the Board confirms that the information and the calculations you have supplied appears to demonstrate that a betterment and reduction has been provided in the existing impermeable area of the above site following your existing farmhouse refurbishment works. This reduction in the existing impermeable area and the provision of on-site surface water attenuation together with additional on-site permeable areas appears to meet and satisfy the Board surface water requirements'.*
15. I acknowledge that the LPA may not have seen these comments previously and hence, in the interests of fairness, I afforded it the opportunity to comment upon this matter as part of the appeal. In response, the LPA has stated that *'this information was not available at the time of determination. However, in light of this information the LPA accept that the first reason for refusal has been overcome and would not wish to defend this'.*
16. Therefore, in the light of the above, I conclude that the development accords with the terms of Policy S1 of the East Riding Local Plan Strategy Document (2016) which requires sustainable development generally, and in so far as this relates to the avoidance of flooding. It complies with its policy ENV6 which aims to ensure that flooding is managed, and that development does not result in unacceptable consequences to its users, the wider community, and the environment, and with chapter 14 of the Framework which has a similar aim.

Conditions

17. I have imposed a condition to ensure that the development is in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty.
18. As the appeal is a retrospective one, it has not been necessary to include a materials condition as recommended by the LPA.

Conclusion

19. There are no material planning considerations that indicate that the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

S. Hartley

INSPECTOR