



Appeal Decision

Site visit made on 18 December 2024

by L N Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2025

Appeal Ref: APP/E2001/W/24/3345618

The Grange Caravan Site, Bempton Lane, Flamborough YO15 1AS

- 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 John Lee against the decision of East Riding of Yorkshire Council.
 - The application Ref is 23/01888/PLF.
 - The development proposed is the demolition of existing building and proposed use of part of the existing caravan site and change of use of land (including part of the caravan storage areas) for the positioning of static caravans and/or touring caravans with a reduction in the number of both holiday and storage units.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing building and proposed use of part of the existing caravan site and change of use of land (including part of the caravan storage areas) for the positioning of static caravans and/or touring caravans with a reduction in the number of both holiday and storage units, at The Grange Caravan Site, Bempton Lane, Flamborough, YO15 1AS, in accordance with the terms of the application, Ref 23/01888/PLF, and the plans submitted with it, subject to the conditions in the attached Schedule.

Applications for costs

2. An application for a full award of costs was made by Mr John Lee against East Riding of Yorkshire Council. This is the subject of a separate Decision.

Preliminary Matters

3. The application form cited a slightly different description to that above, with no reference to demolition. The main parties agreed this revised description during the application determination period, so I have used the same for this appeal.
4. The Government published a revised version of the National Planning Policy Framework ('the Framework') on 12 December 2024. I have considered its amendments against the December 2023 version which was before the parties for their appeal evidence, and updated cited paragraph numbers where necessary. However, I have not gone back to the parties for comment, as the Framework changes are not substantive or determinative in relation to this appeal outcome.
5. The Local Plan Update examination is ongoing, but with some unresolved objections and no interim statement issued to assist in determining whether particular policies are likely to be found sound. I thus concur with the Council that in this instance I should give little to no weight to its draft policies.

Main Issues

6. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

7. The appeal site forms the majority of a caravan site, which benefits from several planning permissions and Lawful Development Certificates covering different portions. It can accommodate up to 164 caravan units in total. An extant implemented permission allows for 84 static caravans in an area to the north of the appeal site red line boundary. The grassed field by the entrance can accommodate 20 camping pods and up to 80 tents. Adjacent to this is a caravan park which can host 80 tourers, to the south of which comprises a storage site for up to 300 tourer caravans, with a large storage building in the middle. The site encloses a small industrial park to the west, with holiday cottages/dwellings to the south, and open fields to the other sides.
8. The appeal proposal is to reconfigure the layout and caravan types within the existing site boundary. The overall number of caravans would slightly reduce to 158, but with no restriction on whether these would be touring or static. As such I have assumed they would all be static as this would have most impact. The stored touring caravans would reduce to 100, and the extant area for camping pods and tents would be retained only as a grassed recreation area.
9. The East Riding Local Plan 2012-2029 Strategy Document (LPSD) designates the site within the countryside. The LPSD does not specifically preclude the provision of static caravans. Its Policies EC1 and S4 amongst other matters support tourism development in the countryside, and encourage tourism development including accommodation to help strengthen and broaden the tourism offer across the East Riding. The Council identifies that the proposal would accord with its aims to strengthen the tourism sector to ensure that its benefits to the economy, environment and community are maximised and can be revitalised year on year. I concur with the Council that the proposal would be acceptable in principle, subject to the consideration of its impact on the character of the area.
10. The reason for refusal predominantly relates to the increase in the number of static caravans being unsympathetic with the character of the surrounding countryside. The LPSD Policy ENV2(B) requires proposals to protect and enhance the existing landscape character. This is identified in the East Riding Landscape Character Assessment, whereby the site lies within the local Landscape Character Type of 'Open High Rolling Farmland', and the Local Landscape Character Area of 'Flamborough Headland Farmland'. The site also lies within the Heritage Coast Important Landscape Area, where the Framework Paragraph 191 identifies that decisions should be consistent with the special character of the area and the importance of its conservation.
11. The Landscape Character Area comprises elevated farmland overlooking the coastline. Inland from the cliff tops, it is a considerable area of permanent grassland, with generally large and rectilinear fields bound by hedgerows and fencing. The large scale openness, the rolling landform, and the pattern of land use contribute to a strong sense of identity for this working agricultural landscape. However, it is also distinguished by its number of tourism developments, predominantly caravan parks and camping areas situated close to the coast line.

The Assessment identifies the area has limited capacity to accommodate sensitive development of this nature without affecting the landscape's overall integrity.

12. The appeal site can be partly viewed from the surrounding footpath network and from Bempton Lane, as well as from the rear of some of the south eastern dwellings. However, it is at a lower level than the more visible existing static caravan area, and is predominantly masked by hedging and existing buildings.
13. Static caravans would have increased massing and permanence than caravans in the current touring pitch area. However, tourers are also often associated with additional structures such as awnings and camping equipment, which adds clutter within the open areas. They are also normally in white colourways compared to more muted statics. Even were very few touring caravans present, the existing impression of this part of the site is of a regimented caravan park, and not one of open agricultural countryside. I find overall there would be a limited harmful impact from this element of the proposal due to its minor increased visibility, permanence, and massing within the landscape.
14. The stored touring caravan area is most evident at present due to the prominence of its white colouring, and the dense and cluttered layout. The large building in its middle is prominent due to its height, with its corrugated sheeting detracting from the character of the area. In comparison, the increased spacing and landscaping of static caravans in muted colours would be cumulatively less impactful.
15. The frontage field is only minimally visible through the boundary vegetation, and views from Bempton Lane would be fleeting. Camping is a more seasonal activity with little permanence. However, there appears to be no restriction on the design or colouring of the 20 approved pods, which would be more permanent structures. The appellant further identifies that self-contained tents, pods, and tourers, require permanent buildings for shared ablution facilities. While this is not expanded upon in detail, it is evident that some additional facilities would be required for the front field, which the Council does not refute could be constructed via permitted development rights. The retention of this area as an open field rather than for camping is therefore a positive element of the proposal in terms of visual impact.
16. The Council has used satellite imagery to support the perception that that this type of accommodation is engulfing the small settlement of Flamborough, and refers to the impact of static caravan developments in general terms. Reference is also made to the proximity of the existing large Thornwick Bay caravan park to the north east, and that this would result in an in-combination effect. Many of the interested party objections make similar observations.
17. However, there needs to be more than a general perception or inference that the type of development proposed causes local harm, for such concerns to carry more than very minor weight. Satellite imagery may be useful in terms of plan-making or to ensure the retention of sufficient gaps between development proposals. It is of very little relevance in this instance where the site boundaries remain the same, and where the site has limited visibility overall or in combination with nearby sites.
18. Overall, I find it evident that when taken as a whole compared to the extant position of uses across the site, the proposal would result in a lesser visual impact. It would thus cause no harm to the surrounding landscape, and scenic value and openness of the Heritage Coast, and would reduce the dominance of the site to the benefit of the area.

19. The reason for refusal also refers that the existing caravan site contributes to a wider village problem of tourist traffic generation resulting in damage to the local highway grass verges. The Council identifies that any further vehicle pressure on the existing highway network would lead to a cumulative adverse impact to the character and appearance of the area, albeit a small impact specifically from the appeal proposal. However, there is no photographic evidence, or indication of which specific roads have such grass verge damage, or an explanation of the types of vehicles and manoeuvres which cause it. How this existing problem would be made worse specifically by the appeal proposal is not explained.
20. If touring caravans cause the damage due to size and manoeuvrability issues, the appeal proposal would reduce their number, including the removal of 200 tourer caravans from storage. The appellant identifies that these are often towed away for holidays elsewhere, plus they have off-site needs for maintenance and servicing. Some do remain within the site, only being moved between the storage area and the pitches as and when needed, but this would still generate car movements for their occupiers in initially getting to the site at the start of each holiday period.
21. Static caravan deliveries involve large vehicles negotiating small roads, but this would only require one per pitch as part of the site implementation and then gradual occupation. They also involve escort vehicles precisely to try to avoid such damage and conflict with other vehicles.
22. The proposed static caravans would have no size restrictions, and so could accommodate potentially double the occupants than the existing tourer pitches. However, there would be six fewer than existing tourers. Tourer pitches also allow for a potentially continuous turnover occupation from different visitors. The individual ownership of static caravan pitches restricts such turnover, therefore likely resulting in a lower intensity of use overall. There would also be a significant reduction in occupants and associated vehicles from the removal of the potential 80 tent pitches and 20 pods.
23. I acknowledge the general tourism pressure on the highway network, as identified by interested parties including the Flamborough Residents Association. Nonetheless, the Highway Authority and the Council did not object on the grounds of highway safety or traffic impact. Although the evidence before me does not allow a fully detailed quantitative assessment, and notwithstanding likely seasonal difference between usage rates for these different accommodation types, I am satisfied there would be an overall lower traffic impact from the appeal proposal.
24. Moreover, I travelled along several roads specifically looking for this damage described as clearly detrimental to the visual appearance of parts of the settlement, but did not identify anything untoward. While my visit was only a snapshot in time, without a more detailed explanation and evidence of the problem and its causes, I do not see how I can give any credence to this suggestion of harm.
25. Overall, I find that the proposal would not cause to the character and appearance of the area, and would comply with the LPSP Policies S4, EC2, ENV1, ENV2, and A2. Together and amongst other matters, these support countryside development where it respects and is sensitively integrated into the distinctive character and appearance of the landscape, particularly the Flamborough Heritage Coast, contributes to a sense of place, is of an appropriate scale, density, massing, height, and materials, and incorporates landscaping.

Other Matters

26. Following a request from the Highway Authority, the proposal includes a new section of pedestrian footway on the eastern side of Bempton Lane. This would aid pedestrian safety and link up to the existing pedestrian infrastructure. The appellant's appeal evidence queries the justification and need for this, because the proposal would reduce pedestrian activity from the site.
27. Notwithstanding this, and that no footpath was requested for the site's previous approved expansion, the LPSD Policy ENV1 amongst other matters seeks a high quality of design and promotes the equality of safe access, movement, and use. The limited ability for persons with mobility issues or children to safely access the site on foot, would not align with the ENV1 requirements. The stretch of footway in question is relatively short and so would be proportionate to the proposal overall, as well as a benefit for the existing site users and staff. An alternative link to the existing footway via the caravan storage area would be a less direct route from the recreation area and many of the new caravans, and is likely to be less safe and desirable due to the function and form of the storage area.
28. Interested parties have suggested that the proposal would reduce the number of touring caravan plots in the area. However, the availability of such sites is not identified as an explicit concern of the Council, or one which would result in any specific policy conflict.

Protected Sites

29. The Flamborough and Filey Coast Special Protection Area (SPA) and the Flamborough Head Special Area of Conservation (SAC) are afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). Habitat features of reefs, sea caves, and vegetated sea cliffs support four regularly occurring migratory species and a breeding seabird assemblage of European importance. As the Competent Authority, I may only grant permission after having ascertained for myself that the proposed development would not affect the integrity of these and any other protected sites.
30. The main threat to these protected sites arises from disturbance effects and habitat degradation from any significant increase in the numbers of visitors to those sites or the wider Heritage Coast area. I have outlined above that the proposal would have a reduced impact in terms of visitor numbers and vehicle movements compared to the existing and extant position on the site. The physical works would be relatively minimal and would be contained within the site confines, over 1km away from the cliffs. As such, I find this to be evidence which rules out any 'Likely Significant Effect' on the protected sites that would undermine their conservation objectives, either alone or in combination with other plans or projects.
31. I also note that Natural England and the Council also confirmed that the proposed development would not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Conditions

32. I have imposed the Council's suggested conditions, subject to slight amendment to reflect paragraph 57 of the Framework and the Planning Practice Guidance. The appellant has agreed to my suggested conditions, including those for which pre-commencement consent is required.

33. I have attached the statutory condition to limit the lifespan of the planning permission, and specified the approved plans to provide clarity for the terms of the permission (conditions 1, 2). A water drainage scheme shall ensure that drainage and flood risk is properly addressed (3).
34. Conditions to restrict the number of caravans and to restrict their permanent occupation are required in order that the proposal addresses the tourism need, and only allows for the type of development which has been assessed within my determination (4, 5).
35. Conditions ensuring the provision of the pedestrian footway, landscaping, and the demolition of the existing building, are necessary to improve access, and to minimise the proposal's visual impact (6, 7, 8). In order to minimise visual impact I have also added a condition not specified by the Council, to require agreement of the general colour palette for any proposed static caravan (9).
36. I have imposed a condition that no tents, camping pods, caravans, or similar shall be sited on the recreation area (10). This was an integral element of the proposal on which my planning judgement was based, including factors of impact on character and in determining the overall reduction of vehicle movements. It was also taken into account in consultation responses including from the Highway Authority and Natural England. As such, I do find it necessary to restrict this area to that shown on the plans.

Conclusion

37. For the reasons given above, and having regard to all other matters raised, I conclude the development accords with the development plan taken as a whole, and therefore the appeal is allowed.

L N Hughes

Inspector

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans;
 - Location Plan Amended JLA dated 22 January 2023
 - Layout Plan As Proposed JL3 dated 30 May 2023
 - Landscaping Plan JL4 dated 3 June 2023
 - Proposed Site Layout JL6 dated 5 September 2023
 - Footpath Plan Drawing JL8 dated 24 October 2023
- 3) No development shall take place until a drainage scheme containing details of surface water and foul water drainage for the site has been submitted to and approved in writing by the local planning authority. The submitted details shall include:
 - a) the results of soakaway tests carried out on site in accordance with BRE Digest 365 and calculations for the volume of the proposed soakaways;
 - b) a full method statement and implementation timetable for the installation of the system;
 - c) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker, and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall be carried out in accordance with the approved details. The drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.
- 4) There shall be no more than 74 caravans stationed at any one time on the area shown as 'Static/touring caravans', and no more than 100 tourer caravans stationed at any one time on the area shown as 'Caravan storage to be retained', on 'Layout Plan As Proposed JL3 dated 30 May 2023'. Caravans are as defined in the Caravan Sites and Control of Development Act 1960 and Caravan Sites Act 1968.
- 5) The caravans shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The operators of the caravan park shall maintain an up-to-date register of the names and main home addresses of all owners and occupiers of caravans on the site, and shall make this information available at all reasonable times to the local planning authority.
- 6) No caravan pitch approved under this permission shall be brought into use until the new section of pedestrian footway along Bempton Lane has been constructed in accordance with the approved Footpath Plan JL8 dated 24 October 2023. The footway shall be retained thereafter in accordance with these details.

- 7) No caravan pitch approved under this permission shall be brought into use until the landscaping works have been carried out in accordance with the details in the approved 'Landscaping Plan JL4 dated 23 June 2023' and the 'Landscaping Scheme dated 5 September 2023'. If over the lifetime of the development hereby approved, any tree, shrub, or plant specified in the approved details or any replacement is removed, dies, or becomes seriously damaged or defective, another of the same species and size as that originally planted, shall be replaced in the next planting season.
- 8) No caravan pitch approved under this permission shall be brought into use until the building shown for removal on 'Layout Plan As Proposed JL3 dated 30 May 2023' has been permanently demolished and its materials removed from the site.
- 9) No static caravan pitch approved under this permission shall be brought into use until a colourway palette of materials has been submitted to and agreed in writing by the local planning authority. All static caravans brought onto the site under this permission shall align closely with this approved colourway palette.
- 10) Immediately following the bringing into use of any caravan pitch approved under this permission, no tents, camping pods, caravans, or similar structures shall be sited on the area shown as 'Recreation/amenity area' on 'Layout Plan As Proposed JL3 dated 30 May 2023', which shall function and be maintained as an ancillary recreational area for the lifetime of the permitted development.

END OF SCHEDULE