



Appeal Decision

Site visit made on 20 November 2024

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th January 2025

Appeal Ref: APP/E2001/W/24/3347369

Eastfield, Feoffee Common Lane, Barmby Moor, East Riding of Yorkshire YO42 1PG

- 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 A Farrow against the decision of East Riding of Yorkshire Council.
 - The application Ref is 24/00214/PLF.
 - The development proposed is change of use of land for the siting of 5 no holiday lodges with associated works, including landscaping, excavation of a lake, erection of a staff facilities building and erection of a building for storage of bins and equipment.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 12 December 2024, a revised National Planning Policy Framework (the Framework) was published. Both main parties have been given an opportunity to provide comments on the revised Framework and the implications for this appeal. I will refer to the revised Framework where necessary below.
3. It has been brought to my attention that the Council is in the process of updating the development plan however it is unclear when the new plan is likely to be adopted. Nevertheless, in so far as they relate to this appeal, no material differences between the existing and emerging policies have been highlighted by either party and the Council maintain that the current status of the local plan update has no significant material impact on the appeal. I have therefore determined the appeal on the basis of the current development plan.
4. At the time of my site visit I saw that the site access road and 3 of the lodges are substantially complete. The central lake has also been excavated. The 2 proposed additional lodges, staff office and equipment store and car parking were not in place. The appeal is therefore considered, in part, retrospectively. Additionally, I observed several large outbuildings and ancillary structures associated with each of the existing lodges that are not depicted in existing or proposed plans, and the status of which is not clear from the evidence.

Main Issues

5. The main issues are:
 - Whether the appeal site provides a suitable location for the development, with regard to the Council's spatial strategy, the provision of tourism

accommodation and the effect of the development on the character and appearance of the area; and

- The effect of the development on highway safety.

Reasons

Whether the appeal site provides a suitable location for the development

6. The appeal site comprises a large field bounded by a combination of timber closed boarded fencing, low post and rail fencing and hedgerow. It lies within the countryside beyond the development limits of the nearest settlement, Barmby Moor. Policy S4 of the East Riding Local Plan 2012 – 2029 Strategy Document Adopted April 2016 (the Local Plan) supports limited development outside of the settlements. Tourism development in the countryside will be supported where it respects the intrinsic character of its surroundings.
7. Policy EC2 of the Local Plan relates more specifically to developing and diversifying the visitor economy. It encourages tourism development, including accommodation, particularly where it helps to meet existing deficiencies. There is however no compelling evidence that the development addresses an existing deficiency in this location.
8. More specifically, Policy EC2 states that tourism developments in the countryside will be supported where their scale and cumulative impact is appropriate for the location, and provided they meet 1 of the 5 criteria listed. The development does not utilise existing buildings; it does not involve new, expanded, upgraded or rolled back/re-located static and touring caravan sites; it is not part of a farm diversification scheme; it does not support an existing countryside attraction; nor is there any evidence of a functional need to be located in the countryside.
9. The supporting text to Policy EC2 acknowledges that some tourism developments, including holiday lodges (which are defined as accommodation that falls into the size and transportability definitions of a caravan, and are normally a twin or single static caravan clad in timber or timber effect), may be appropriate in a countryside location. However, two of the lodges on site are of a size and construction that would not fall within the size and transportability definitions of a caravan.
10. The surrounding area is predominantly rural in nature, comprised of agricultural fields interspersed with patches of woodland and hedgerows in places. Development in the vicinity is generally limited to agricultural buildings and isolated dwellings, albeit there is a retirement village to the southwest.
11. While some new planting has occurred around the boundaries of the site, and more is proposed in the plans before me, the site is and would remain a largely unenclosed area, only partly screened by the boundary treatments. The development has introduced 3 large timber lodge type structures into the field, with 2 additional units proposed, in addition to a staff, office and equipment store building. The siting of the units appears somewhat ad hoc, with significant separation distances, varying orientations, differing relationships to the site access road and central lake, and a mixture of parking arrangements.
12. While planning conditions and/or a legal agreement may bind the use of the lodges to holiday accommodation only, the larger units in particular are a

prominent addition to the landscape and convey a high degree of permanence due to their size. Additional ancillary structures, some of considerable size themselves, located adjacent to or adjoining the lodges further add to the sense of urbanisation and domestication, as does the provision of private garden areas, expansive decking, domestic fencing and fixed play equipment.

13. The lodges would not be well related to any existing buildings or settlements in the vicinity. The spread of the development across the field, limited screening and flat topography of the land accentuates the deleterious effect on the prevailing rural character and appearance of the area. The development therefore fails to respect the intrinsic character of its surroundings, and its scale and cumulative impact is not appropriate for the location.
14. The appeal site therefore does not provide a suitable location for the development, with regard to the Council's spatial strategy, the provision of tourism accommodation and the effect of the development on the character and appearance of the area. The development would be contrary to Policies S4, EC2, ENV1 and ENV2 of the Local Plan. These policies, among other provisions, set out the Council's approach to development in the countryside, including tourism development, which can be supported where its scale and cumulative impact is appropriate for the location. They also seek to ensure that development is of a high quality of design, having regard to the characteristics of the site's wider context and the character of the surrounding area, and is sensitively integrated into the existing landscape.

Highway safety

15. While there is adequate space within the site for vehicular manoeuvring and car parking, the existing access onto the public highway sits at a bend in Feoffee Common Lane, which at this location is a derestricted 60mph road. I saw that visibility at the access is restricted looking south due to the curvature of the road. Vehicles travelling north along the lane also have limited visibility around the bend. The existing access arrangements therefore present a degree of risk for road users. The appeal scheme would intensify the use of the access, and inevitably would result in increased conflict between vehicles.
16. The Local Highway Authority (LHA) also advised that the access in its current location would not be suitable to serve the proposed scheme and should be moved to the south to improve visibility for both approaching and departing vehicles. Swept path analysis is also required to show a caravan transporter accessing and egressing the site in order to establish a suitable width and radii for the access without vehicles overrunning or damaging the highway verge.
17. The appellant has indicated that they are committed to implementing access improvements, including widening the access to improve visibility and accommodate larger vehicles, installation of signage to guide drivers and ensure safe entry and exit from the site and enhanced visibility splays through vegetation management and repositioning of boundary treatments. The submitted UU would also compel the appellant to implement access improvements within 3 months, subject to agreement of the details of these.
18. Nevertheless, the proposed plans before me do not depict any alterations to the existing access arrangements and, in the absence of details of the proposed work and visibility splays, it is unclear whether the above proposals would be sufficient to address the identified concerns.

19. Moreover, the location in which the LHA recommended relocating the access currently features a hedgerow and several trees and is where the proposed plans recommend additional planting, which would contribute to screening the site in views from the southwest. Whether the required highway improvement works can be achieved without material changes to the scheme is thus unclear, as is the effect that this would have on the character and appearance of the area and other relevant planning matters. Reserving this matter to a planning condition or obligation would thus not be appropriate in this instance.
20. The development would therefore have a harmful effect on highway safety. It would be contrary to Policies ENV1 and EC4 of the Local Plan. These policies, among other provisions, seek to ensure that development promotes equality of safe access, movement and use and addresses its likely transport impact.

Other Matters

21. The development 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. It has not been demonstrated however that the same benefits could not have been achieved within the existing policy constraints, as per the previous approval. Given the scale and context of the development these benefits would be modest and insufficient to outweigh the identified harm in this instance.
22. 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.
23. While the larger lodges may be designed with sustainability in mind, including energy-efficient designs, waste management systems, and conservation efforts, there is limited details of these measures before me. Moreover, any measures that simply mitigate the environmental impacts of the development would be neutral in the planning balance.
24. Other than where set out above, I have not identified conflict with any other relevant parts of the development plan or national policy and guidance. However, the absence of harm or development plan conflict with respect to other relevant matters weighs neither for nor against the proposal.

Conclusion

25. The appeal proposal 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