



Appeal Decision

Site visit made on 21 January 2025

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th March 2025

Appeal Ref: APP/E2001/W/24/3349603

"The Caravan", Adj. The Cottage, Old Trough Lane, Gilberdyke, East Yorkshire HU15 2XW

- 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 Mrs Margaret Walton against the decision of East Riding of Yorkshire Council.
- The application reference is 23/03317/PLF.
- The development for which planning permission is sought is the erection of a dwelling and log cabin.

Decision

1. The appeal is dismissed.

Preliminary and Procedural Matters

2. On 12 December 2024 the Government published a revised National Planning Policy Framework ("the Framework). The provisions most relevant to this appeal were not altered significantly, and I consider that there is no need for me to seek submissions on the revised Framework. I am satisfied that no party's interests have been prejudiced by my taking this approach. Where I have referred to of the Framework, paragraph numbers are from the December 2024 version.
3. I have omitted the word "retrospective" from the description of development in the banner heading above as it is not in fact descriptive of the scheme. Nevertheless, the development has been carried out, and I was able to see it in place during my site visit.
4. The evidence submitted by the appellant included a statement by a former neighbour indicating that the building now used as the dwelling was erected some time ago as a garage and subsequently converted to living accommodation. However, I have determined the appeal on the basis of the planning permission applied for – the erection of the two buildings, albeit that this has already been carried out, rather than a change of use.

Main Issues

5. The main issues are:
 - Whether the appeal site is an appropriate location for the development having regard to the spatial strategy for the area, and its effects on the character and appearance of the area; and
 - Whether the development complies with national and local planning policy which seeks to steer new development away from areas at the highest risk of flooding.

Reasons

Location; character and appearance

6. The appeal site is an area of land at the rear of, and previously associated with, a detached dwelling known as “The Cottage”. It is within Sandholme, a linear settlement extending intermittently along both sides of Old Trough Lane. The two structures have been built at opposite sides of the site, facing one another across an area of gravel and grassed landscaping.
7. Policy S3 of the 2016 East Riding Local Plan (“the ERLP”) sets out the development plan’s settlement hierarchy; Sandholme is not one of the listed settlements, nor does it have defined development limits. Policy S4 states at Part C that land outside development limits will be regarded as countryside, and development proposals supported only in limited circumstances where they respect the intrinsic character of their surroundings. It goes on to say, in respect of residential development, that “conversions [of existing buildings] will be supported where the preservation of the building would enhance the immediate setting and where it [...] would re-use a redundant or disused building without significant alteration or significant extension”, and that new dwellings will be supported where they are “of exceptional quality or of truly outstanding innovative design”.
8. The evidence put forward by the appellant does not substantially address either of those circumstances in which Policy S4 indicates residential development may be supported. The scheme for which planning permission is sought is described as the erection of a dwelling and log cabin – in other words, the construction of new buildings rather than the conversion of existing ones – but there is nothing before me which suggests that the development is either of “exceptional quality” or otherwise “truly outstanding” or “innovative” in its design. The development does not therefore comply with the provisions of Policy S4 in respect of development in the countryside.
9. The dwelling is a single-storey brick structure with a hipped pantile roof; it is modest in size, comparable in scale to domestic outbuildings nearby, and of materials in keeping with those found in Sandholme. The “log cabin” has to all intents and purposes the appearance of a static caravan with brown timber or timber-effect cladding to ground level; it is rather less sympathetic to local character. The siting of the development at the rear of The Cottage means that it is not prominent in public views, though the side wall of the dwelling can be seen along the driveway from Old Trough Lane. Nevertheless, it is at odds with the prevailing linear form of residential development in the settlement, causing a small degree of harm to the countryside character of the area; this is exacerbated slightly by the unsympathetic appearance of the “log cabin”.
10. I conclude that the appeal site is not an appropriate location for the development, which has also caused moderate harm to the character and appearance of the area. The development therefore conflicts with Policies S4, ENV1 and ENV2 of the ERLP. As well as setting out the circumstances in which development in the countryside will be supported, as explained above, these policies also seek to ensure that development achieves a high quality of design, including by having regard to the specific characteristics of the site’s wider context and the character of the surrounding area, and is sensitively integrated into the existing landscape.

Flood risk

11. Paragraph 170 of the Framework states that “inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future)”. The Planning Practice Guidance (“the PPG”) clarifies that “areas at risk of flooding” principally means land within Flood Zones 2 and 3 or where a Strategic Flood Risk Assessment shows it will be at risk of flooding in the future¹. The appeal site is shown on the Environment Agency flood map for planning as being within Flood Zone 1, an area with a low current probability of flooding. However, is within an identified within the Council’s Strategic Flood Risk Assessment (“SFRA”) as being within future Flood Zone 3A.
12. Policy ENV6 of the ERLP seeks to manage the risk of flooding to development by applying a sequential test to ensure that development is steered towards areas of lowest risk, as far as possible. That policy is in line with the relevant provisions of the Framework. While Paragraph 176 of the Framework states that “applications for some minor development and changes of use should not be subject to the sequential or exception tests”, the PPG sets out a very limited definition of minor development in relation to flood risk. It does not include development that would create a separate dwelling², and the appeal scheme does not therefore fall within the “minor development” exception.
13. No sequential test has been carried out, and accordingly it has not been demonstrated that there are no reasonably available alternative sites where the proposal could be developed. While a flood risk assessment was provided as part of the appellant’s appeal evidence, it did not address the future flood risk identified in the SFRA.
14. I therefore conclude that the development has not complied with national or local planning policy which seeks to steer new development away from areas at the highest risk of flooding. It conflicts with Policies ENV6 and A4 of the ERLP which seek to avoid as far as possible residential development taking place in areas at risk of flooding, and which require such development to meet the sequential test and exception test where necessary. It also conflicts with the requirements of the Framework in respect of flood risk, as I have set out above.

Conclusion

15. The proposal would conflict with the development plan taken as a whole. There are no material considerations, including those of the Framework, which indicate that the decision should be made other than in accordance with the development plan.
16. For the reasons given above, the appeal is therefore dismissed.

M Cryan

Inspector

¹ Paragraph: 001 Reference ID: 7-001-20220825

² Paragraph: 051 Reference ID: 7-051-20220825