



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: 2nd June 2025

Appeal Ref: APP/E2001/W/24/3349104

Top Holme Farm, South Newbald Road, South Newbald YO43 4SU

- 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 Louise Banks against the decision of East Riding of Yorkshire Council.
 - The application reference is 24/00503/PLF.
 - The development proposed is the erection of a holiday chalet and provision of car parking.
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Decision

1. The appeal is dismissed.

Preliminary and Procedural Matters

2. The description of development in the banner heading above is taken from the planning application form. The scheme was described on the decision notice issued by the Council as a “change of use of land for the erection of a holiday chalet and provision of car parking following demolition of derelict farm buildings”. That description was subsequently used on the appeal form but, as the appellant also stated that the description of development had not changed from that stated on the application form, I have used the original wording here. Notwithstanding this, no changes have been proposed to the scheme since the planning application was determined, so I am considering it as it was assessed by the Council.
3. On 2 April 2025 the Council adopted the updated East Riding Local Plan Strategy Document (“the ERLP SD”); it replaced the 2016 version of that document extant when the planning application was determined. I invited comments on the implications of any changes to the policies in respect of this appeal, and where relevant in my reasons below I have referred to the policies of the 2025 ERLP SD.

Main Issues

4. The decision notice issued by the Council gave a single reason for which planning permission had been refused, though it encompassed a broad range of matters. Based on all the evidence before me, I consider the main issues in this appeal to be:
 - The effect of the proposed development on the character and appearance of the South Newbald Conservation Area;
 - The effect of the proposed development on the Yorkshire Wolds Important Landscape Area; and
 - Whether the proposed development is appropriate for its countryside location.

Reasons

5. The appeal site is an area of land within the grounds of Top Holme Farm. It is part of the village of South Newbald, though as the settlement does not have defined development limits it is, in the development plan's terms, within the open countryside.
6. The site includes areas of the driveway and a parking area south of Top Holme farmhouse, and part of a paddock east of the house. It contains a pair of outbuildings; a timber shed of recent construction¹, and a dilapidated (and essentially derelict) small block-built barn-type building. There are other farm outbuildings immediately north of the shed and barn but outside the "red line" site boundary. A public footpath runs across (and has been fenced off from) the paddock, and on the east side of this trees have recently been planted to form a coppice.
7. The proposed development is the demolition of the barn building, and the erection of a timber-clad holiday chalet in its place. The scheme would also include areas of hard surfacing and ground-level timber decking around the chalet, new timber fencing to its east, and the planting of a beech hedge to its south.

South Newbald Conservation Area

8. The site lies within the South Newbald Conservation Area ("the SNCA"), and I have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. As heritage assets are irreplaceable, the Framework states that they should be conserved in a manner appropriate to their significance (paragraph 202). It goes on to advise that any harm or loss requires clear and convincing justification (paragraph 213) and that any harm that is less than substantial must be weighed against the public benefit of the proposal (paragraph 215).
9. The SNCA stands at the foot of the Yorkshire Wolds and encompasses most, though not all, of the village. There are predominantly stone and brick buildings along South Newbald Road which runs north-south through the village, though at the centre of the conservation area fields border both sides of the road for a considerable distance. This breaks the village into two distinct parts, giving a sense of spaciousness which emphasises the agricultural character of the area. The southern part of the SNCA, which includes the appeal site, is described in the Council's 2009 SNCA Appraisal as being characterised by farmstead properties; Top Holme Farmhouse is mentioned in the appraisal as an unlisted building of interest. The SNCA Appraisal describes the conservation area's special interest as deriving from its character as "a largely unspoilt rural settlement", and where irregularly-sited rural structures "give a dominance to stone structure pantile roofs, retaining [an] agricultural feel and presence".
10. The proposed chalet would be visible from South Newbald Road at the southern entrance to South Newbald village and the SNCA, where it would be seen across the driveway to Top Holme Farm and the adjacent paddock. It would therefore be in a reasonably prominent location, and would introduce a domesticating form and use into an area of open space and rural buildings which currently broadly align with the prevailing character of the conservation area. In combination with the

¹ It appears to be a different structure to the "existing outbuildings" shown in the submitted drawings.

existing shed to the west, it would also introduce a relatively large expanse of timber-fronted structures. Although new timber would inevitably mellow with age, the chalet and shed together would be clearly seen from the road and from the public footpath alongside the appeal site, and the choice of materials would be at odds with the dominant use of stone and brick in the conservation area.

11. In its officer report, the Council did not agree with its conservation officer's comments that the proposed timber finish of the chalet would be unacceptable. As I have already noted, the chalet would sit alongside the existing timber shed on the site. As I have set out in paragraph 6 above, however, that shed appears to be a very recent addition, and its details (notably the use of what appear to be two standard "house" front doors on its front and side elevations) give it a rather odd appearance. While the submitted drawings do not suggest that the chalet would be so odd in its appearance as the existing shed, the development would not have regard to advice in the SNCA Appraisal that a mixture of stone and brick should generally be used in new developments. I consider that the proposed choice of materials would make a small further contribution to the harm which the development would cause.
12. I therefore conclude that the proposed development would not preserve or enhance the character or appearance of the SNCA. Given the relatively small scale of the site and the large size of the conservation area this would amount to, in the Framework's terms, "less than substantial harm" to the significance of the SNCA as a heritage asset.
13. The appellant has put forward public benefits which would arise from the scheme, including diversification, direct links to local tourist destinations, additional tourist accommodation in line with the Council's Tourism Strategy, and additional revenue generation and support to local businesses. These overall benefits would be limited by the small scale of the development, but they are nevertheless positive factors in the scheme's favour which attract considerable weight. However, they would not outweigh the harm to the heritage asset to which I must attribute great weight. Similarly, while the existing building on the site is in a poor condition and detracts from the quality of the SNCA, the proposed development would itself be at odds with the character and appearance of the area, and any potential benefit in this respect would largely be negated.
14. The proposed development would therefore conflict with Policies A1, ENV1 and ENV3 of the ERLP SD. Together, and among other things, these policies seek to ensure that all development achieves a high quality of design having regard to its wider context and the character of the surrounding area, including in respect of local materials, and that heritage assets are conserved and enhanced. For the same reasons, I conclude that the proposal conflicts with the provisions of the Framework in respect of conserving and enhancing the historic environment.

Landscape

15. The appeal site is within the Yorkshire Wolds Important Landscape Area ("the ILA"), and the "Landscape Character Type 12: Sloping Wooded Farmland" area identified in the Council's Landscape Character Assessment Update ("the LCA"). The particular sub-area including the site, "South-Western sloping Wolds Farmland", is dominated by agricultural land use (though with some areas of forestry) and has few settlements, though South Newbald is one. The character

type as a whole is described in the LCA as being highly sensitive, and with limited capacity to accept residential development without detrimental impact on the landscape character. The LCA advises that new development should respect vernacular style and landscape patterns, and warns that increasing the number of residential properties in this area would have the cumulative impact of decreasing its remote and tranquil character.

16. The proposed chalet would be used as short-term holiday accommodation rather than as a permanent residential property. All the same, the domestication I have described in the preceding section would contribute to the cumulative erosion of the remote and tranquil character of the ILA, though this would be limited by the small size of the development, as well as its proximity to Top Holme Farm and the settlement of South Newbald. However, the harm would be exacerbated somewhat by the scheme's failure to have regard to the prevalent local forms of development and materials, as has again been set out in my assessment of the previous main issue.
17. The LCA identifies opportunities for the maintenance and enhancement of the ILA, including the planting (and replanting) of hedgerows within this character type area. The appeal scheme would include the planting of a new hedgerow between the chalet and the public footpath, though its overall value would be limited by the very short length of planting proposed. While this would be a positive contribution to the improvement of the landscape, it would not outweigh the other harm I have found.
18. I conclude that the appeal scheme would be harmful to the character of the Yorkshire Wolds Important Landscape Area. While the scale of the harm would be limited, there would nevertheless be conflict with Policy ENV2 of the ERLP SD which, among other things, seeks to ensure that development should be sensitively integrated into the existing landscape, and that it should protect and enhance ILAs.

Countryside Location

19. Policy S4 of the ERLP SD indicates that certain forms of development will be supported in villages and the countryside. For areas of countryside the list of acceptable uses includes tourism (within the scope of economic development), though such development is only supported where it would either represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of a heritage asset, or where it would re-use a redundant or disused building without significant alteration. The nature of the appeal scheme, which would see the demolition rather than re-use of a redundant building, would not fall within that description. The development would not therefore comply with Policy S4.
20. Policy EC2 of the ERLP SD is supportive of certain other forms of development in countryside locations where they would develop and diversify the visitor economy. This requires their scale, design and cumulative impact to be appropriate for the location, with particular regard to (among other things) landscape character, and the built environment. It also states that support for such development only applies to either the utilisation of existing buildings, or where it would involve "new, expanded, upgraded or rolled back/re-located sites for camping and caravans".

21. During the appeal, both main parties set out their views on whether the proposed chalet would be a “caravan” (in the terms set out in the Caravan Sites Act 1968 as amended (“the CSA”), or a “building”. I note that the proposed chalet would be transported to the site for installation, and could potentially be removed in the same way; it also appears to fall within the size limits for a “caravan”. At the same time, the proposed installation of hard surfaces and decking around the chalet suggest to my mind an intended degree of permanence. Furthermore, what was applied for was planning permission for the erection of a chalet, rather than for the siting of a caravan.
22. In any event, it has not been necessary for me to attempt to pronounce definitively on this point. Even if I had found that the chalet would in fact be a “caravan”, the harm which I have found to the SNCA and to the ILA in my assessment of the first two main issues above means that the development would not fall within the exceptions set out in Policy EC2.
23. I conclude that the proposed development would not be suitable for its countryside location, and it would therefore conflict with Policies S4 and EC2 of the ERLP SD, the principal relevant provisions of which I have set out in paragraphs 19 and 20 above.

Other Matters

Fallback

24. The appellant suggests they have a clear fallback position, in that an outbuilding could be erected within the domestic curtilage of Top Holme Farm without the need for planning permission. In the context of an appeal under Section 78 of the Town and Country Planning Act 1990 it is not within my remit to formally determine the question of whether such a development would be lawful, although it would be open to the appellant to make an application under section 192 of the Act.
25. I note the arguments put forward on this point by the appellant. However, the appeal site comprises formerly agricultural (rather than domestic) outbuildings, which have a close physical relationship – and appear likely to have had a functional relationship – with the adjacent paddock rather than any parts of the domestic gardens associated with the farmhouse. There is significant doubt in my mind as to whether the site could properly be said to fall within the domestic curtilage of Top Holme Farmhouse, and therefore whether the claimed permitted development right would exist. Consequently, I consider that the fallback position does not carry significant weight in favour of the appeal scheme.

Humber Estuary

26. The appeal site is within the 11.5km “zone of influence” for the Humber Estuary Special Protection Area (“the SPA”). The Council considers that “in combination” effects on the SPA arising from residential and tourism development within the zone of influence cannot be ruled out without mitigation. The ERLP provides a mitigation scheme for those impacts, in the form of a payment towards the delivery of a Strategic Access Management and Monitoring Strategy. There is no mechanism before me by which such a payment might be secured but, as I am dismissing the appeal for other reasons it has not been necessary for me to consider this in detail as it could not change my overall decision.

Conclusion

27. The proposed development would provide benefits for the local tourism economy. However, these benefits would be outweighed by the harm which would be caused to the SNCA and to the ILA, and because of that harm the scheme would not be appropriate for its countryside location.
28. The proposal would conflict with the development plan as a whole. The other material considerations identified in this case do not justify a decision other than in accordance with the adopted development plan. For the reasons given above, the appeal is therefore dismissed

M Cryan

Inspector