



Appeal Decision

Site visit made on 5 February 2025

by N Kempton BAHons PGDip MA IHBC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2025

Appeal Ref: APP/E2001/W/24/3353674

Coney Garth Hill, Brandesburton Road, North Frodingham, East Riding of Yorkshire YO25 8JF

- 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 Watson on behalf of Branham Farming Ltd against the decision of East Riding of Yorkshire Council.
 - The application Ref is 24/01805/PLF.
 - The development proposed is described as 'change of use of land to permit the siting of a glamping pod following removal of existing static caravan (resubmission of application ref: 22/01004/PLF)'.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of land to permit the siting of a glamping pod following removal of existing static caravan at Coney Garth Hill, Brandesburton Road, North Frodingham, East Riding of Yorkshire, YO25 8JF in accordance with the terms of the application, Ref 24/01805/PLF, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Location plan NW010624
Site plan and elevations NW020624.
 - 3) The development hereby permitted shall be occupied as holiday accommodation only and shall not be occupied on a permanent basis or as a person's sole, or main place of residence. An up-to-date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the Local Planning Authority upon request. The register shall contain details of the names of all of the occupiers of the glamping pod, their main home addresses and their date of arrival and departure from the accommodation.
 - 4) Prior to the first occupation of the glamping pod a Flood Emergency Plan (FEP) shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall accord with the terms of the FEP throughout the lifetime of the development. The FEP as a minimum should cover the matters identified in paragraph 5.3 of the Flood Risk Assessment (FRA) (ref RLC/0648/FRA01 compiled by Rob Lobley Consulting dated 22/03/22).

Preliminary Matters

2. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) (published in December 2024). Both parties were given the opportunity to comment on the amended Framework, and I have taken into account representations received.
3. During the course of the appeal, the Council adopted the East Riding Local Plan Update (2020-2039) (LP). The appellant has had an opportunity to comment on the following replacement policies, which the Council has identified as being relevant to the appeal:
 - A3: Driffield and Wolds sub area
 - EC1: Supporting the growth and diversification of the East Riding economy
 - EC2: Developing and Diversifying the Visitor Economy
 - EC4: Enhancing Sustainable Transport
 - ENV1: Integrating High Quality Design
 - ENV4: Conserving and Enhancing Biodiversity and Geodiversity
 - ENV6: Managing Environmental Hazards
 - S1 Sustainable Development
 - S2: Addressing Climate Change
 - S4: Supporting Development in Villages and the Countryside.

I have determined the appeal on this basis.

Main Issue

4. The main issue is whether the proposal represents an acceptable form of development having regard to flood risk.

Reasons

Flood risk

5. The Framework seeks to avoid inappropriate development in areas at risk of flooding by directing development away from areas at highest risk. A sequential risk-based approach forms part of the approach advocated in national policy.
6. The proposal is to site one glamping pod on the existing farm. The Environment Agency's (EA) Flood Map for Planning identifies the appeal site as being within Flood Zone 3, which denotes the highest risk of flooding. In these circumstances, a Sequential Test is required in line with paragraph 173-175 of the Framework and Policy ENV6 of the LP. Indeed, paragraph 176 and footnote 62 of the Framework specifically identifies that the Sequential and Exception Tests should be applied for changes of use of land for the siting of caravans. It is generally accepted that glamping pods are analogous with caravans for planning purposes, classified as a 'more vulnerable' use. Furthermore, footnote 63 of the Framework requires a site-

specific flood risk assessment for all development in Flood Zones 2 and 3. There is no dispute that the proposed development would need to pass both the Sequential and Exception Tests to be acceptable in flood risk terms.

7. The main disagreement between the parties is what catchment area should be used for the Sequential Test. The submitted Sequential Test has restricted the search area to the appellant's farm, whereas the Council considers it should be extended to the Bridlington East Coast Tourism Character Area, within which the Council states there are areas at lower risk of flooding.
8. Policy ENV6 of the LP states that development should not be permitted if there are 'reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. What constitutes a 'reasonably available site' is not defined in the Framework or the Planning Practice Guidance (Flood Risk and Coastal Change) (PPG). PPG goes on to advise that for individual planning applications, the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed. It states that a pragmatic approach needs to be taken where proposals involve comparatively small extensions to existing premises (relative to their existing size), where it may be impractical to accommodate the additional space in an alternative location.
9. Furthermore, the Council has produced guidance in relation to catchment areas which is relevant in these circumstances, but qualifies the general advice by saying that the catchment area to be used requires a judgement to be made on a case-by-case basis. The East Riding's Flood Risk Sequential and Exception Test SPD (the SPD) states that farm diversification schemes should be considered extensions of existing businesses (para 5.3). I have seen nothing to undermine the appellant's evidence that the proposed glamping pod would be operationally linked to the existing business being integrated within the existing farm operation. It would generate supplementary income for the farm. Given the modest scale of the venture it represents a form of farm diversification rather than a separate tourism use.
10. These constitute circumstances as described in the SPD whereby it would be impractical to suggest that there are more suitable alternative locations for the development elsewhere. Consequently, this justifies limiting the search area for the Sequential Test to the farm itself. Based on the evidence before me, I am satisfied that the only area of land on the farm, which is not designated as Flood Zone 3, is demonstrably unsuitable for the proposed development, being an exposed site adjacent to the road, separate and some distance from the existing farm group, thereby presenting issues with regards to servicing, operation and security. Hence, there is no reasonably available site appropriate for the proposed development in an area with a lower risk of flooding. The Sequential Test is passed.
11. The Exception Test has two limbs. Firstly, that the development would provide wider sustainability benefits to the community that outweigh the flood risk. The Council does not dispute the findings of the submitted Flood Risk Assessment (FRA) which concludes that the proposed development would not be at significant flood risk, and would not increase flood risk to others, subject to the recommended flood mitigation strategies. I am also mindful that the glamping pod would replace an existing static caravan. Furthermore, I am satisfied that the proposed development constitutes sustainable rural tourism, which would respect the

character and appearance of the countryside, provide sustainability benefits to the community- albeit at a modest scale- and represent diversification of an existing agricultural enterprise, in accordance with paragraph 88 of the Framework and Policy EC2 of the LP. These benefits are sufficient to outweigh the flood risk in this case.

12. Secondly, the FRA provides good evidence that the development would be safe for its lifetime taking account of the vulnerability of its users without increasing flood risk elsewhere. This is predicated on the glamping pod being used as holiday accommodation rather than a principal residence and a flood emergency plan being in place setting out measures to be followed in the event of a flood event. These are matters that can be secured by planning conditions.
13. My findings are reinforced by the response from the EA, who have not raised objection to the proposed development subject to compliance with the proposed mitigations within the FRA. As such, the Exception Test is met.
14. For these reasons, it has been demonstrated that the proposal represents an acceptable form of development having regard to its flood zone location and the provisions of the Framework. It therefore accords with Policy ENV6 of the LP, which requires flood risk to be managed so that development does not result in unacceptable consequences to its users. It advises that development should be located in areas of lowest flood risk where possible.

Conditions

15. In addition to the statutory time condition (1), which is required to ensure compliance with Section 91 of the Town and Country Planning Act 1990, a condition listing the approved plans, Condition (2) is needed to ensure clarity. Condition (3) is required to restrict the use of the accommodation to a temporary holiday use only. Condition (4) is necessary to reduce the impacts of flooding to the proposed development and future occupants.

Conclusion

16. I have found in relation to flood risk that the proposed development would adhere to the sequential risk-based approach set out in local and national planning policies and would pass the necessary tests.
17. As such, I find no conflict with the development plan when read as a whole. The Framework confirms that development proposals that accord with an up-to-date development plan should be approved without delay.
18. For the reasons given above, the appeal is allowed.

N Kempton

INSPECTOR