



Appeal Decision

Site visit made on 19 May 2025

by **K Williams MTCP (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24th June 2025

Appeal Ref: APP/E2001/W/24/3357239

Jackson Robson Licence, 2-4 Wellington Road, Bridlington YO15 2BN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Mark and Cheryl Bates, Three B's Micropub against the decision of East Riding of Yorkshire Council.
 - The application Ref 24/02429/PLF was approved on 7 November 2024 and planning permission was granted subject to conditions.
 - The development permitted is the change of use from former accountants offices into three separate units to form public house (Sui generis), holiday let (Class C3) and dwelling (Class C3) without complying with a condition attached to planning permission Ref 24/02429/PLF, dated 07 November 2024.
 - The condition in dispute is No 3 which states that: *There shall be no occupancy of the residential unit or holiday unit hereby approved shall not be occupied until details of covered and secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.*
 - The reasons given for the conditions is: *This condition is imposed in accordance with policy ENV1, S8 and EC4 of the East Riding Local Plan and in order to ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles.*
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The East Riding Local Plan Update 2025 – 2039 Strategy Document Update April 2025 (the Local Plan) and the East Riding Design Code April 2025 were adopted at the meeting of the Full Council on 2 April 2025. The Local Plan has superseded the East Riding Local Plan 2012-2029 Strategy Document Adopted April 2016 (the superseded Local Plan) which formed part of the development plan at the time of the Council's decision on the approved planning application and when they submitted their statement of case on the appeal.
3. I requested copies of the Local Plan and asked the Council to advise if any policies referred to had been superseded. Both main parties have had an opportunity to comment on the adoption of the Local Plan and the relevance of any adopted policies. Although I was not provided with copies of adopted Local Plan or referred to any specified policies, the Council advised that the update to the Local Plan would not have any impact on the appeal.
4. However, as the Local Plan is a public document, I have reviewed the online version as I must determine the appeal on the adopted development plan. My decision is therefore based on the East Riding Local Plan Update 2020 – 2039,

(the Local Plan), and the National Planning Policy Framework (the Framework) as a material consideration. As I have not been provided with the Sustainable Transport Supplementary Planning Document 2024, East Riding Local Plan Update 2020 – 2039 (the SPD) I have also had to refer to the online version of this document.

5. The development includes a residential unit and a holiday let. The appellant's argue the condition does not pass the necessary tests within the Framework and that it is unnecessary, unreasonable, and based on a fundamental misunderstanding of local demand for cycle facilities. The appellant is therefore seeking the removal of the condition in its entirety.

Main Issues

6. The main issue is whether the condition is necessary and reasonable having regard to the aims of encouraging travel by means other than private motor vehicles in the interests of promoting sustainable transport.

Reasons

7. The policies in the Framework are material considerations which should be taken into account in dealing with applications. Paragraph 109 of the Framework requires plan making to identify and pursue opportunities to promote walking, cycling and public transport use. At paragraph 110 the objectives highlighted are in order to reduce congestion, emissions, improve air quality and public health. These objectives are reiterated throughout the Framework within the chapters on promoting healthy and safe communities and meeting the challenge of climate change and strongly contribute to the overarching objectives of sustainable development set out in paragraph 8 of the Framework.
8. At paragraph 111 it continues that Planning Policies should provide for attractive and well-designed walking and cycling networks with supporting facilities such as secure cycle parking. At paragraph 115 in assessing applications for development is requires that sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location.
9. Together, as part of a recently adopted Local Plan Policies ENV1, S8 and EC4 of are consistent with the aims of the Framework. Whilst there are some subtle differences between the superseded Local Plan Policies, overall they are consistent in identifying the need to reduce emissions and thus identifying cycling as a key sustainable mode of transport. The aim of the Policies is to encourage cycling as an alternative means of transport partly through the provision of cycling storage facilities. I can appreciate that the town's lack of secure and covered provision is at odds with the requirements, however that does not obviate the need for new development to provide such facilities. Furthermore it is evident that the Council's Local Plan Policies and the SPD include measures to promote cycling across the district.
10. The appeal site is in a location easily accessible by more sustainable means of travel, there are bus stops in the vicinity of the site, and the railway station can be accessed on foot. There is nothing in the wording of the policies to indicate that such locations are excluded from the requirement to provide cycle storage facilities. The appellant's also have considerable experience of running a B&B business and advise they have only ever had one instance of guests arriving with

a cycle. However, Bridlington is a location likely to attract visitors to the town and I do not know the circumstances of the other businesses, such as where they were located or if they had such cycle storage facilities to encourage their use. There is no substantive evidence to corroborate low levels of cycle use.

11. While the appeal property may only be used for one family, the additional holiday let and public house potentially gives rise to a greater number of visitors. Therefore, I cannot be certain that the level of visitors to the site, cycle users and need for cycle storage would not be increased compared to the former use. The provision of cycle storage is more likely to encourage people who do cycle to have the confidence to do so in the knowledge facilities would be available.
12. The Council advise the site would fail to be considered against the cycle parking standards of the SPD. This does not provide details of what kind of covered secure cycle storage is required. It is unclear what the size of the facilities would be needed. Whilst there would be a convoluted route to the rear yard, it has not been demonstrated that some cycle access would not be possible and it has been not disputed that any facilities for cycle parking could be provided within the appeal site. Furthermore, there is no evidence that the appellant has discussed the type of provision with the Council in order to satisfy the requirements of this condition.
13. That the planning officer may have cause to change their view on the trigger point for providing the condition from pre-commencement to prior to first occupation, is not something which alters my view. Ultimately the Council's decision was to impose this condition in any event.
14. I therefore conclude that the condition is relevant to planning, necessary and reasonable having regard to the aims of encouraging travel by means other than private motor vehicles in the interests of promoting sustainable travel. The condition as drafter meets the requirements within Framework paragraph 58. The removal of the condition would be contrary to the aims of Local Plan Policies ENV1, S8 and EC4 of the Local Plan. Together they outline key principles for sustainable development, focusing on reducing energy demand and minimising energy consumption while also promoting integrated transport options, specifically highlighting and encouraging new cycling facilities.

Conclusion

15. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, the retention of the condition is necessary and I therefore conclude that the appeal should be dismissed.

K Williams

INSPECTOR