



Appeal Decision

Site visit made on 18 June 2025

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2025

Appeal Ref: APP/E2001/W/25/3359977

Land to the west of Withernsea Road, Hollym belonging to Allandale, Northside Road, Hollym HU192RS

Grid Ref : 534692, 425405

- 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 Lisa Jackson against the decision of East Riding of Yorkshire Council.
- The application Ref is 24/00804/PLF.
- The development proposed is described as “the site is a 2-acre grass paddock, currently unused and not classed as agricultural land. This application regards a change of use to a secure dog-walking field with access from the A1033. The site will be used by registered members of the public in pre-booked hourly/half hourly slots to exercise their own dogs, from 7am until 9pm daily. In winter, these times will be naturally reduced due to daylight hours. The maximum number of dogs permitted would be 6, although the majority of clients would be exercising only 1 or 2. Access will be given via a key-coded lock (code will be regularly changed and supplied 24 hours prior to booking). The area will be enclosed by a 1.8 metre high post-and-metal mesh fence. Half of the perimeter fencing will be concealed by hedgerow (already in place). A double-gated entrance will be provided into the dog walking area to provide extra security. The field is not located within the proximity of any residential areas. Car parking will be situated at the east side of the site, adjoining the proposed entrance. This will be large enough for three vehicles plus turning space. A hardstanding area will be provided, with the surface being gravelled. Proposed construction of roadside access for vehicles using the site. The roadside access will be located in the furthest corner of the site, approximately 215 metres from the junction of Northside Road, Hollym. The entrance will be located adjacent to the A1033 which is a 30mph road leading into Withernsea. The entrance will be 8 metres in length to allow for entry and exit of vehicles in a safe manner. The maximum number of vehicles using the entrance/exit would be three vehicles although due to the booking system, clients would leave the site prior to the next clients arriving. There will be a requirement for a small section of the hedge line to be removed for the vehicle access to be established. The access point will consist of hardstanding whereby provisions will be in place for all surface water to be drained away safely and appropriately onto personal property. Two fixed signs will be positioned within the field boundary to help advertise the site and also help customers find the field. Bookings will be made via an online booking system. With the nature of the online booking system, we will be able to monitor any members breaking the rules and ban them from any future visits. CCTV will be positioned at the double gated entrance pointing directly at the entrance to the site and furthermore on the key-coded lock”.

Decision

1. The appeal is allowed and planning permission is granted for the change of use from a paddock to a dog walking field, erection of 1.8m high security fencing and construction of vehicular access at Land to the west of Withernsea Road, Hollym belonging to Allandale, Northside Road, Hollym HU192RS in accordance with the terms of the application, Ref 24/00804/PLF and subject to the conditions in the attached schedule.

Preliminary Matters

2. During the appeal, the East Riding Local Plan Strategy Document Update 2025 (ERLP) was adopted by the Council. Both parties were provided with the opportunity to comment on the implications of this during the appeal. I have taken any comments received and any policies, insofar as they are relevant to this appeal, into account during my assessment of the development.
3. I have amended the description of development used in my decision from that set out in the banner heading above, which has been taken from the planning application form. The amended description leaves out wording relating to details that are otherwise included on the plans and documents submitted with the application and is unnecessary to describe the development.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site comprises an existing paddock located on the western side of the A1033 (Withernsea Road). It is bordered by a hedgerow along its roadside frontage, providing a natural enclosure. The surrounding landscape is distinctly rural, with open fields surrounding the site. To the south-west lies the village of Hollym, and a row of residential properties.
6. The proposed development would involve the change of use of the existing paddock to provide a secure, dog-walking field. The proposal would also involve the creation of a new vehicular access and provision of 1.8-metre-high fencing.
7. Policy S4 of the ERLP states that land which is outside of a development limit, will be regarded as the Countryside and certain types of development are supported, where proposals respect the intrinsic character of their surroundings. This includes provision of recreation and community facilities.
8. The principle of development is not disputed. However, the use of the appeal site as a dog walking field would necessitate the creation of a new vehicular access, together with parking and turning areas within the paddock. The access would be directly onto Withernsea Road, the A1033. The Council has confirmed that the new access would need to provide visibility splays of 43 metres in length in each direction, and this would only be achieved by reducing the height of the existing hedgerow to no more than 1.05 metres in height.
9. The existing hedgerow which bordering Withernsea Road is approximately two metres in height and forms a mostly continuous feature. However, there are gaps within the hedgerow which typically provide access to agricultural fields, and a residential dwelling.
10. I acknowledge that these gaps where present are typically narrow in width and not therefore comparable to the overall length of hedgerow which would be required to be altered as part of the proposal. Nonetheless, only a small section of the hedgerow would need to be removed, and that in terms of its size would not be dissimilar to other accesses which were present along this stretch of road.

11. The hedgerow either side of the access would be retained, albeit lowered in height. However, maintenance of the hedge is presumably undertaken from time to time anyway. Furthermore, I am satisfied that subject to the imposition of a suitably worded landscape condition, new hedgerow planting could more than compensate for any removal or alteration of the existing hedgerow.
12. For these reasons, I find that the existing hedgerow would continue to contribute positively to the verdant character of the area, and although there would be a visible change in the appearance of the site, I am not persuaded that this would result in unacceptable harm to the character and appearance of the area.
13. In respect of the fencing, this would be set back behind the retained hedgerow, with only the gates and fencing immediately to either side of the access being more visible within the landscape. As noted above, the provision of a field access is not an uncommon feature of the landscape and the fencing could be erected under permitted development rights¹ to secure the field, regardless of the outcome of the appeal. Furthermore, the type of fencing proposed is not untypical of fencing found in agricultural landscapes such as these.
14. Consequently, I therefore find that the proposed development would not cause harm to the character and appearance of the area. Thus, it would comply with Policies S4, ENV1 and ENV2 of the ERLP, which together seek to ensure development proposals respects the intrinsic character of its surrounding, achieve high quality design and where possible protects and enhances landscape features.

Conditions

15. I have had regard to the planning conditions suggested by the Council. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance.
16. In addition to the statutory commencement condition, a condition is necessary to ensure that the development complies with the submitted plans in the interests of clarity. A condition requiring the submission and approval of a landscaping scheme is necessary to protect the character and appearance of the area.
17. In the interests of highway safety, conditions are necessary to secure provision of the access, visibility splay and parking areas prior to the development being brought into use.
18. Further conditions to limit the hours of operation, the nature of the use, the number of dogs, the use of lighting and the provision of fencing are required in the interests of residential amenity. Finally, a condition relating to waste management and disposal in the interests of public health and residential amenity.

Conclusion

19. For the reasons given above, I conclude that the proposal would accord with the development plan and the Framework. Therefore, the appeal is allowed.

K Lancaster

INSPECTOR

¹ Class A Part 2 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - B 18/08/2024 – Block Plan
 - A 06/15/24 – Access Elevation
- 3) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The scheme shall provide for the retention of existing landscaping features, as well as additional soft landscaping to the site boundaries.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is brought into use and retained thereafter for the lifetime of the development.

- 4) Prior to the development being brought into use, the fencing and gates around the dog walking field shall be installed in accordance with the details on approved plans and shall be retained for the lifetime of the development.
- 5) Prior to the development being brought into use, a waste bin shall be provided of sufficient size to securely accommodate the waste generated by the use and once installed shall be retained thereafter. The waste bin shall be emptied by a licensed waste contractor.

At least once every week whilst the site is in operation the owner/operator of the field shall inspect the whole of the field for any dog faeces not collected by the dog owners, removing and disposing of this using the waste bin and disposal arrangements they have implemented.

- 6) Prior to the development being brought into use the means of access for vehicles shall be constructed in accordance with the approved plans. The access shall be retained thereafter.
- 7) Notwithstanding the submitted details, the development shall not be first brought into use until revised details of the parking and manoeuvring arrangements within the site have been submitted to and approved in writing by the Local Planning Authority and constructed in accordance with the approved details. The approved vehicle parking and manoeuvring facilities shall thereafter be retained and maintained for the lifetime of the development.
- 8) Prior to the development being brought into use, the 43 metre by 43 visibility splays shown on plan no. Block Plan – Ref B 18/08/24 shall be free of any obstruction exceeding 1.05m in height and shall be retained as such thereafter.
- 9) Prior to the development being brought into use, the surfacing for the parking area within the site shall be constructed in semi-permeable materials (grasscrete) as detailed on the approved plans and thereafter retained and maintained for the lifetime of the development.

- 10) No gates shall be erected across the vehicle access within 10m of the highway boundary.
- 11) Other than low-level solar lighting to be installed no higher than the boundary fencing and hedging around the site, no other external lighting (whether fixed or moveable) shall be installed or utilised in association with the dog walking field or associated car park hereby permitted.
- 12) The use hereby permitted shall be solely for the walking/exercising of dogs. Should the use of the land for this purpose permanently cease then it shall be restored to its former condition as agricultural land.
- 13) The use hereby permitted as a dog-walking field shall only take place between the hours of 07:00 hours to 21:00 hours on any day.
- 14) A maximum of 6 dogs shall be allowed to exercise on the field per booking, with a maximum of one booking per time slot.
- 15) None of the land associated with the use hereby permitted shall be used for organised dog training/agility classes or any other events.