



Appeal Decision

Site visit made on 15 July 2025

by **L Wilson BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5 August 2025

Appeal Ref: APP/E2001/W/25/3361678

Land West of Riplingham Road Roundabout, West Ella, East Riding of Yorkshire HU14 3RA

- 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 Aziz Patel, Brookfield Property (Holdings) Ltd, against the decision of East Riding of Yorkshire Council.
 - The application Ref is 22/03975/PLF.
 - The development proposed was originally described as full planning application for a roadside services facility comprising a petrol filling station with rapid electric vehicle charging facility (sui generis) and retail kiosk (Use Class E), alongside a drive-thru coffee shop (Use Class E) with associated access, parking, servicing and landscaping areas.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the appeal site address in the heading above from the decision notice as this is a more precise reflection of the site location. Furthermore, the description of development is taken from the application form. The proposal was amended during the course of the application, and I have determined the appeal accordingly.
3. Since the application was determined, the Council has adopted the East Riding Local Plan Strategy Document Update 2025 (ERLP SDU). Both parties were able to comment on this matter during the appeal process. The Council has confirmed that where reference is made to policy ENV4 of the ERLP SD in the Committee Report, this policy has changed to policy ENV5 in the ERLP SDU.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the site and surrounding landscape, having regard to relevant development plan policies.

Reasons

Planning policy context

5. Policy ENV1 of the ERLP SDU states that all development proposals will contribute to safeguarding and respecting the diverse character and appearance of the area through their design, layout, construction and use. Given the site's location within the Yorkshire Wolds Important Landscape Area (ILA), Part B. and B.1. of Policy ENV2, of the ERLP SDU, are relevant. This states that proposals should protect

and enhance the existing landscape character as described in the East Riding Landscape Character Assessment, and requires special attention to ensuring developments are of an appropriately high quality and will not adversely affect the historic and special character, appearance or conservation value.

6. Policy S4 of the ERLP SDU sets out the requirements for development proposals to be supported in countryside locations. Part D. of the policy lists a number of forms of development that would be supported in the countryside where proposals respect the intrinsic character of their surroundings. This includes employment uses which are in accordance with Policy EC1, as well as new and enhanced infrastructure.
7. My attention has been drawn to an appeal decision¹ to explain why the proposed development complies with Policy S4. There are policy-related and locational similarities between the proposals, but the scale of the developments and site locations cannot be directly compared. In any case, I have determined the appeal on its own merits.
8. Policy EC1 of the ERLP SDU supports the growth and diversification of the East Riding economy. Part D of the policy states that outside of development limits employment development will be supported where it is of an appropriate scale to its location, is accessible and respects the character of the surrounding landscape. It goes on to state that proposals should have a functional need to be in the particular location, which cannot be met on either a nearby allocation, or on a site which satisfies any of the listed criteria.
9. Policy S8 of the ERLP SDU states that roadside facilities and parking essential to support the safety and welfare of motorists and lorry drivers will be supported, where they are of an appropriate scale, meet an identified need, and can be accessed safely. The supporting text sets out that roadside facilities where possible should be located within a settlement. It goes on to state that proposals are required to meet an identified need in a particular location, demonstrating that no suitable alternative facilities exist to meet those needs.
10. Paragraphs 135 and 187 of the National Planning Policy Framework (the Framework) are also relevant. They collectively seek, amongst other things, to ensure developments add to the overall quality of the area, are sympathetic to local character, and ensure planning decisions protect and enhance valued landscapes and recognise the intrinsic character and beauty of the countryside.

The effect of the proposed development on the character and appearance of the site and surrounding landscape

11. The appeal site is located in the open countryside, adjacent to the Riplingham Road/ A164 roundabout. It is triangular in shape and comprises an undeveloped parcel of agricultural land. Haltemprice Bridleway no.49 (a public right of way – PRoW) runs along the western boundary of the site.
12. The wider area is characterised by open countryside, the development limits of West Ella, and major road network. The A164 is a major road in East Riding, connecting the Humber Bridge and Beverley. The adjacent road network has been

¹ APP/E2001/W/20/3251480

subject to recent upgrade works which has included the creation of the Riplingham Road and Swanland Dale roundabouts.

13. The A164 and the shelterbelt planting along its eastern side in this location provides a strong and defensible boundary between the built-up area settlements to the east and the open rolling agricultural land that forms the Yorkshire Wolds ILA to the west. This part of the A164 has limited screening to the western side. Furthermore, development to the west of the A164 is limited and generally consists of isolated farms.
14. The site is located within the ILA and the Yorkshire Wolds National Character Area 27 which is a landscape assessed as having a high sensitivity to change. Protection of the rural character and long open views is identified as being important for conservation of this distinctive landscape.
15. The East Riding of Yorkshire Landscape Character Assessment (LCA) identifies the site as falling within Landscape Character Type 13: Open high rolling farmland (LCT), and Character Area 13C: South Wolds Rolling Farmland. The LCA sets out that this is a high-quality landscape that is sensitive to change as a result of built development. It explains that the open and sparsely populated characteristics of the LCT that contribute to quality would be adversely affected by development that does not respect these characteristics. Sensitivity to commercial development is assessed to be high.
16. The landscape character information was produced before the development of the Riplingham Road and Swanland Dale roundabouts were constructed. The highway improvements have altered the character of this part of the landscape, and reduced the sensitivity of the site and its immediate surroundings. The adjacent roads, roundabouts, signage and street lighting are features of the area. Nonetheless, the undeveloped, open, verdant and agricultural landscape are also key characteristics of the area.
17. The Landscape and Visual Impact Assessment (LVIA) sets out that the landscape is assessed to have a high sensitivity to change and upon completion of development on site it is therefore assessed that the level of impact would be 'Moderate'. The Landscape and Visual Appraisal (LVA) sets out that ten viewpoint assessments were carried out at Construction, Year 1 Operation and Year 15 Operation. Seven of these viewpoints lie inside the ILA. Out of these seven viewpoints, one was found to have effects of 'Moderate/ Substantial Adverse' and one to have effects of 'Moderate Adverse' at all three assessment points. The remaining views within and outside the ILA were found to have a range from no change from the baseline to 'Moderate Adverse' at Year 1, and no change from the baseline to 'Moderate Adverse' at Year 15.
18. The development would be visible from numerous viewpoints. It would be seen in conjunction with busy roads, road signs, pylons and overhead powerlines which are not unusual features in countryside locations. The key views of the proposed development would be experienced by users of the A164, Riplingham Road and Swanland Dale; as well as public rights of way within the local area. Whilst there are features that detract from the countryside, there are limited urbanising features visible when experiencing the site from local highways and nearby footpaths and PRoW.

19. My attention has been drawn to an approved employment-led, mixed-use scheme in the local area, on a site set further away from the A164 when compared with the appeal site². However, the developments, and context of the sites cannot be directly compared. In any event, I do not disagree that the proposed development would be functionally related to, and physically and visually linked to, the A164 and the newly created roundabouts. However, the characteristics of the area are much broader.
20. The topography of the area and existing vegetation would provide some screening. Furthermore, as part of the proposed landscaping scheme, considerable new tree and hedgerow planting is proposed, as well as shrub planting, a green roof and a 'green buffer zone' on part of the site's western boundary.
21. Given the existing limited visible built development, the proposal would have an adverse effect on the character and appearance of the area, and would detract from the ILA and landscape.
22. The Lighting Assessment states that the lighting design is compliant with ILP Guidance Note GN01 'Reduction of Obtrusive Light' (2021) for an environmental zone classification of E2 Rural, and LED technology is proposed. Additionally, the LVA states that any changes to the character and appearance of the area at night would be at worst minor adverse.
23. There is currently a 'Live-Labs' funded DfT trial taking place along the A164 and associated highways. The Council's Street Lighting Team has advised that the current safety data being collected does not support the street lighting being switched back on and that, if the data continues in its current trend, the lighting columns would be removed totally in April 2026.
24. If the lighting columns were removed, then the proposed development would radically alter the character and appearance of the area, particularly at night. However, based on the evidence presented, the DfT trial is at an early stage. Moreover, as highlighted by the appellant's highways consultant, there are a number of areas of uncertainty regarding the possible removal of lighting columns adjacent to the site. Consequently, it would be premature at this stage to conclude that the street lighting will not be returned and therefore I can only give limited weight to this consideration as at present the lighting columns exist (albeit currently switched off).
25. The Inspector's reasoning on lighting in the aforementioned appeal decision also cannot be directly compared to the scheme before me as the scale of the developments, and therefore the level of lighting, are not comparable.
26. The proposed development would be viewed against a backdrop of existing highways infrastructure, which includes lighting columns and illuminated signage. There would also be lights on moving vehicles within the landscape. Thus, the existing lighting forms part of the highway. Nonetheless, the proposed development would introduce new lighting (external and internal) into the area, adjacent to the highway. Taking into account the development as a whole, the lighting at night would draw the eye and would have a harmful impact.

² 19/03263/STOUT

27. The reason for refusal refers to signage. Whilst it is likely that a signage scheme, which may include lighting, would be sought prior to the roadside services becoming operational, the proposed development does not seek advertisement consent. The Council would be able to decide whether to grant consent or not for the signage. Therefore, at this stage I cannot conclude that signage would be harmful.

Need

28. There are petrol filling stations (PFS), with ancillary shops and amenities, a short drive from the appeal site. There are also drive-thrus nearby which are accessible from main routes. Furthermore, there is Electric Vehicle (EV) charging provision along or located close to the A164 between the Humber Bridge and Beverley. I understand that the permissions for EV charging at the North Ferriby Esso have still not been implemented, and one of the permissions has now lapsed.
29. The proposed EV charging hub comprises 12no. ultra-rapid 300kW EV charging bays. None of the existing nearby EV facilities are comparable to the appeal proposals in terms of providing the opportunity for ultra rapid charging with accompanying refreshment facilities. The development would also benefit from the capability of introducing more EV charging spaces as demand increases.
30. The other elements of the proposed development (the PFS and drive-thru coffee shop) sit alongside the EV charging hub to provide complementary uses and to ensure a viable development while the take up on EVs and the associated demand for charging infrastructure of the type proposed increases. A purely EV charging facility at this location would face financial and operational hurdles and would not meet basic safety and welfare needs of the EV user.
31. The appellant has provided an audit of EV charging infrastructure in the local area and wider region. The proposed development would enhance EV charging infrastructure on a major road in the East Riding. It would support the transition to EVs which would accord with the highlighted climate change and EV strategies and policies³. The appellant has also suggested a condition to demonstrate their commitment to delivering the EV charging hub and its associated benefits.
32. Based on the evidence presented, I find that there is an identified need for conveniently located, ultra-rapid EV charging points in the area. However, that is only a small part of the proposed development. It has not been demonstrated that there is an identified need for the development as a whole or that the proposed development would be of an appropriate scale. Additionally, given the nearby PFS and drive-thrus, the development is not essential to support the safety and welfare of drivers.

Conclusions on main issue

33. Drawing together the above points, and taking into account the findings of the LVIA and LVA (including the set out significance criteria of moderate adverse and minor adverse), the proposed development would cause harm in landscape and visual terms, as it would result in built form on a currently undeveloped site. The proposed

³ Including The Paris Climate Agreement, Taking Charge: The Electric Vehicle Infrastructure Strategy (2022), Transport for the North: Electric Vehicle Charging Infrastructure Framework (2022); and Electric Vehicle (EV) State of Play Report (2024), Phasing Out the Sale of New Petrol and Diesel Cars from 2030 and Support for the Zero Emission Transition (2024), East Riding of Yorkshire Council Climate Emergency, the Council's Public Electric Vehicle Infrastructure Strategy, and Policies S2 and EC4 of the ERLP SDU.

landscaping would help to reduce the harm of the development and would assist in to an extent screening the development in the long term, but it would take many years to become well established. Furthermore, as set out in the LVA, even at year 15 there would be 'Moderate/ Substantial Adverse', 'Moderate Adverse' and 'Minor/ Moderate Adverse' effects from a number of viewpoints.

34. The appellant has designed the development to be relatively low-level with a subdued materials palette (that could be secured by a planning condition), and the scheme includes considerable new landscaping. Nonetheless, the proposal would be a harmful addition and intrusive visual detractor from the landscape and ILA. Taking into account the scale of the development as a whole which includes buildings, structures, lighting and significant areas of hardstanding, the proposal would appear stark in contrast to the gently undulating and large open agricultural landscape in which the site would be viewed, and would have an urbanising impact.
35. For the reasons given above, I conclude that the proposed development would cause harm, as it would not be of an appropriate scale and would not respect the character and appearance of the site and surrounding landscape. Consequently, it would conflict with Policies ENV1, ENV2, S4, S8 and EC1 of the ERLP SDU. Furthermore, it would conflict with paragraphs 135 and 187 of the Framework.

Other Matters

36. The proposed development would provide numerous benefits. It would result in the provision of a 12-bay, 300kW ultra-rapid electric vehicle charging hub that would be conveniently located and address an identified need. Given the scale of the development and there is EV charging provision along or located close to the A164, I give this consideration limited weight.
37. The development would also provide wider environmental benefits. These include biodiversity net gain (BNG), and the PFS' forecourt canopy would be fitted with solar photovoltaic panels. Given the date the application was submitted, the proposed development is not subject to the mandatory 10% BNG requirement. Nonetheless, the proposal would deliver a minimum net gain of 23.44% for habitats on the site, and a net gain of 85.49% for hedgerows.
38. Whilst the landscaping scheme is primarily introduced to mitigate the effects of the development, it would help to secure ecological benefits. Taking into account that the site currently comprises an agricultural field which is characteristic of the area, I give limited weight to the environmental benefits as a whole.
39. The proposed development would also provide economic benefits as demonstrated in the Economic Analysis documents. It would generate meaningful employment opportunities, both during its construction and operation. In addition to direct jobs, the proposal would result in a range of other economic benefits such as capital investment, delivering an uplift in Gross Value Added, creating spin-off jobs and uplift in business rates. Considering paragraph 85 of the Framework, I give moderate weight to the economic benefits.
40. In addition, the proposed development would provide social benefits. The ancillary shop and drive-thru coffee shop would improve local choice and provide products and services for people living in the local area. The development generally would also represent a local employment opportunity for people living in the area. Given that there are existing facilities and amenities nearby, including PFSs, drive-thrus,

shops and EV charging provision (albeit the existing EV charging provision is not comparable to the charging hub proposed), I give limited weight to the social benefits.

Planning Balance and Conclusion

41. The site is located in the countryside for the purposes of development plan policy. The proposal would not be in accordance with the development plan as it would not be of an appropriate scale and would cause harm to the character and appearance of the site and surrounding landscape, to which I attach significant weight. As set out above, the appeal proposal would provide social, environmental and economic benefits, and I have found that there is an identified need for conveniently located, ultra-rapid EV charging points in the area. However, on balance, and considering the proposed development as a whole, the positive factors are not of such weight to indicate that a decision should be made otherwise than in accordance with the development plan.
42. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal does not succeed.

L Wilson

INSPECTOR