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## Appeal Decision

Site visit made on 18 June 2025

**by Ryan Cowley MPlan (Hons) MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 12<sup>th</sup> August 2025**

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**Appeal Ref: APP/E2001/W/24/3356644**

**Lakeside House, Main Road, Wyton, Hull HU11 4DJ**

- 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 Anthony Scott against the decision of East Riding of Yorkshire Council.
  - The application Ref is 24/01016/PLF.
  - The development proposed is change of use of and alterations to dwelling to form tea room at ground floor with dwelling at first floor incorporating construction of 5 dormer windows to rear and the siting of a static caravan to be used as ancillary residential accommodation to dwelling.
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### Decision

1. The appeal is dismissed.

### Applications for costs

2. An application for costs was made by East Riding of Yorkshire Council against Mr Anthony Scott. This is the subject of a separate Decision.

### Preliminary Matters

3. The appeal form indicates that the description of development on the application form is no longer correct. In the banner heading above, I have therefore set out a truncated form of the description contained in the appeal form and the decision notice, omitting that which is unnecessary to accurately describe the development. At the time of my site visit I saw that the static caravan that is part of the appeal scheme is already on site, albeit is proposed to be relocated. The appeal is thus considered, in part, retrospectively.
4. The East Riding Local Plan Update 2025 – 2039 (the Local Plan Update) was adopted at the meeting of the Full Council on 2 April 2025. This has superseded the East Riding Local Plan 2012-2029 Strategy Document Adopted April 2016, on which the Council's decision was based. The Council considers that nothing in the updated policies would change the decision on the application. Copies of relevant updated policies have been provided. The appellant has had an opportunity to comment on the relevance of the Local Plan Update through the appeal process. The appeal has thus been determined based on the Local Plan Update.
5. During the course of the appeal, the appellant advised that the name of the property had changed from "The Barn" to "Lakeside House", and the site address contained in the application form is incorrect. The revised address and postcode remain broadly consistent with that used by the Council in their decision notice. The Council has also since acknowledged the change to the name of the property. I have thus used the revised address in the banner heading above.

## Main Issues

6. The main issues are:

- Whether the static caravan element of the development would be acceptable with regard to the Council's spatial strategy;
- the effect of the development on the vitality and viability of town and district centres; and
- The effect of the development on the living conditions of the occupiers of the neighbouring dwelling known as "Westlands", with particular regard to noise and disturbance.

## Reasons

### *Spatial strategy*

7. Based on the evidence and my own observations, the appeal site represents a single planning unit. The parties agree that the appeal scheme proposes a mixed use comprising a dwelling at first floor and tearoom at ground floor. A static caravan currently on site would be retained and repositioned to provide additional sleeping accommodation due to the appellant's personal circumstances and for security reasons. While it contains sufficient facilities to allow independent living, the appellant contends the main dwelling would be used for eating and washing.
8. The static caravan would be an integral part of the site, surrounded on three sides by the combined parking and turning areas for the tearoom and first floor dwelling. It would not benefit from its own residential curtilage or discrete enclosure, it would not have segregated parking or a private garden, and it would share the same access as the rest of the development.
9. The residential use of the caravan in the position proposed would thus be a constituent part of the primary use of the appeal site and would not result in the formal subdivision of the planning unit. The retention of the caravan would thus not result in a net increase in the number of residential planning units in this area and so would not constitute the provision of a new dwelling in the countryside.
10. Moreover, the description of the development is clear that the caravan would be used as ancillary accommodation to the host dwelling. There is no compelling reason before me that planning conditions could not have been used to control the occupation of the caravan and its relationship to the host dwelling and wider plot, were these considered necessary. If the caravan were not used as indicated, or if there were a material change of use in the future to a separate dwelling, then a separate grant of planning permission would be required, at which point the spatial strategy implications could be reassessed.
11. This would however amount to an extension to the residential accommodation on the site. The supporting text to Policy S4 of the Local Plan Update clarifies that development limits are not intended to exclude the prospect of extensions to residential dwellings or other ancillary domestic development such as outbuildings and garages where these are of an appropriate size and respectful to the character of the area. The Council did not raise any concerns regarding the effect of the static caravan on the character and appearance of the area, and there is no compelling reason before me to conclude otherwise.

12. The static caravan element of the development would therefore be acceptable with regard to the Council's spatial strategy. It would not conflict with Policy S4 of the Local Plan Update. This policy, among other provisions, seeks to ensure that development in the countryside is of an appropriate form and respects the intrinsic character of its surroundings.

*Vitality and viability of town and district centres*

13. Chapter 7 of the National Planning Policy Framework (the Framework) seeks to ensure the vitality of town centres. Paragraph 91 indicates that a sequential test should be applied to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Policy EC3 of the Local Plan Update indicates that Town, District and Local Centres will function as the prime location for retail and other main town centre uses. Proposals for main town centre uses should demonstrate compliance with the sequential approach, with the exception of small-scale rural offices, other small scale rural developments or developments that serve a purely localised need.
14. The appeal building has a ground floor area of almost 400m<sup>2</sup>. The proposed opening hours would be 10am to 4pm daily with an expected 30 covers per day, albeit the size of the space and amount of parking suggest it could accommodate more customers. There is no information regarding the catchment area for the development and ultimately no compelling evidence to demonstrate that this would be a small-scale rural development or serve a purely localised need.
15. The appeal scheme therefore does not benefit from the exception set out in part B of Policy EC3 of the Local Plan Update. No sequential assessment has been provided and so it has not been demonstrated that the proposal would comply with the sequential approach, and there is otherwise no information to demonstrate that it would not harm the vitality and viability of the most relevant centres.
16. I recognise that a tearoom did previously operate from this site, and the evidence indicates that this use was considered to be small-scale by the Council at the time. There is however limited information regarding the previous operation before me, and the evidence indicates that the circumstances and justification that led to the decision to permit that use no longer apply. This does not therefore demonstrate that the appeal scheme is acceptable with regard to this main issue.
17. It has therefore not been adequately demonstrated that the development would not have a harmful effect on the vitality and viability of town and district centres. It would conflict with Policies S4, EC1 and EC3 of the Local Plan Update. These policies, among other provisions, seek to maintain the vibrancy of villages and the countryside, support sustainable patterns of development and the vitality and viability of town or district centres and ensure proposals for main town centre uses comply with the sequential approach.

*Living conditions of neighbours*

18. The appeal site borders 2 neighbouring dwellings to the north and west, known as "Westlands" and "Brandywell", respectively. The access to the appeal site, proposed parking and turning areas would be located to the east of Westlands, with parking immediately beyond the shared boundary. The commercial waste storage would also be sited close to the southern boundary of Westlands.

19. The evidence indicates that the lounge at Westlands is situated on the west side of the dwelling, away from the proposed parking and commercial waste areas. Nevertheless, there are still habitable rooms close to the appeal site. Moreover, there are also external amenity areas along the shared boundary. The level of activity at the site and proximity to the boundaries of this neighbouring property are therefore likely to result in an increase in noise and disturbance experienced by the occupiers of Westlands. There is no noise assessment or other supporting evidence before me to lead me to conclude otherwise.
20. The dwelling at Brandywell is further from the parking, turning and commercial waste areas at the appeal site, and more significantly screened from these by the appeal building. Likewise, neighbouring dwellings to the east are further still from the appeal site. The level of noise and disturbance to the occupiers of other neighbouring properties is therefore unlikely to be significant.
21. I note that the previous tearoom on this site was considered by the Council to not give rise to any significant concerns regarding a loss of amenity for the neighbouring residential occupiers. However, at the time the neighbouring dwelling at Westlands was in the same ownership as the tearoom and operation of the tearoom was restricted to persons occupying the dwelling at Westlands. This would no longer be the case and the relationship between the proposed tearoom and the occupiers of Westlands would therefore be materially different to the previously approved scheme.
22. The appellant has suggested that commercial waste and car parking could be relocated to other areas of the site. However, there are no amended proposals in respect of this matter before me, and it is not clear whether there is sufficient space within the site to accommodate these elements of the scheme without causing harm to the living conditions of neighbouring occupiers. Moreover, the appeal process should not be used to evolve a scheme.
23. My attention has been drawn to another decision<sup>1</sup> by the Council to permit the change of use of an agricultural building to dog boarding kennels at Brandywell. Only limited information with regard to that case has been provided, though notably the nature of the development and relationship between that site and neighbouring dwellings is materially different to the appeal scheme. This does not therefore lead me to a different conclusion on this main issue.
24. The proposal would have a harmful effect on the living conditions of the occupiers of Westlands, with particular regard to noise and disturbance. It would therefore be contrary to Policy ENV1 of the Local Plan Update. This policy, among other provisions, seeks to ensure that development achieves a high quality of design, including by having regard to the amenity of existing properties and ensuring the proposal does not have an unacceptable impact on existing uses in the surrounding area.

## **Other Matters**

25. The appeal scheme would provide additional economic activity in a location that is relatively accessible in relation to the local highway network. While this would provide a modest benefit, this must be weighed against the effect on the vitality

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<sup>1</sup> Council Ref 21/03237/PLF

and viability of town and district centres and would not outweigh the identified harm in this case.

### **Conclusion**

26. I have found that the static caravan element of the development would be acceptable with regard to the Council's spatial strategy. However, this does not overcome the harm and development plan conflict arising from the effect on the living conditions of the occupiers of Westlands and the failure to demonstrate that the proposal would not have a harmful effect on the vitality and viability of town and district centres.
27. The proposal would thus conflict with the development plan, taken as a whole. I have found no material considerations that indicate the appeal should be determined other than in accordance with the development plan. Consequently, I conclude that the appeal is dismissed.

*Ryan Cowley*

INSPECTOR