



Appeal Decision

Site visit made on 15 July 2025

by N Kempton BAHons PGDip MA IHBC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th October 2025

Appeal Ref: APP/E2001/W/25/3364627

Foggathorpe Village Hall, Bell Lane, Foggathorpe, East Riding of Yorkshire YO8 6PX

- 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 Hayes against the decision of East Riding of Yorkshire Council.
 - The application Ref is 24/00797/PLF.
 - The development proposed is demolition of existing building and siting of holiday lodge with associated works and infrastructure.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of the planning application, the Council adopted the East Riding Local Plan Update (2020-2039) (LP) (adopted 02/04/2025). Consequently, the policies cited on the decision notice no longer form any part of the development plan. The appellant has had an opportunity to comment on the following replacement policies, which the Council has identified as being relevant to the appeal:

S4: Supporting Development in Villages and the Countryside

EC2: Developing and Diversifying the Visitor Economy

C2: Supporting Community Services and Facilities

ENV1: Integrating High Quality Design

ENV2: Promoting a High Quality Landscape

ENV4: International, National and Local Sites of Importance for Biodiversity

ENV5: Enhancing Biodiversity and Geodiversity

3. I have had regard to the most up to date policies and determined the appeal on this basis.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the character and appearance of the area, including the impact on a mature tree;
 - Whether the proposal represents an appropriate type of development in this location, having regard to the local development strategy for the area;
 - The effect of the proposed development on the living conditions of future occupiers of the holiday lodge, with particular regard to outlook;

- The impact of the proposed development on drainage and surface water management.

Reasons

Character and appearance

5. The appeal site and indeed the area to the south of Foggathorpe village, is well-vegetated, characterised by mature trees and dense hedgerows, with very low-density development set within open countryside. These factors significantly enhance the attractive rural qualities of the area. LP Policy ENV1 Integrating High Quality Design requires development proposals to, amongst other things, contribute to safeguarding and respecting the diverse character and appearance of the area through their design, layout, construction and use. The policy supports development where it achieves a high quality of design, which optimises the potential of the site and contributes to a sense of place and beauty.
6. The appeal site is presently occupied by a small single storey timber structure, which has a low-key presence, and is heavily screened by vegetation within and around the site. Hence, the natural features of the site dominate and reinforce the rural character and appearance of the area.
7. Whilst the proposed holiday lodge, which is to be clad in horizontal timber boards, would replace the existing timber structure, the proposed material palette is more akin to an outbuilding and is not reflective of the predominant materials evident on residential dwellings in the village.
8. Moreover, the siting of the proposed holiday lodge would fail to respect the loose grain character at the edge of the settlement. The constrained site and limited site area would result in the lodge and covered deck area being sited in very close proximity to the site boundaries. The lodge would largely fill the majority of the site, with limited space for parking at one end. Notwithstanding the existing boundary hedge, visibility of the proposed development would be afforded by the removal of a length of hedge to create the vehicle crossing. The siting of the proposed lodge would also necessitate the removal of two trees from within the site.
9. The proposed development would not assimilate well with the settlement. An appropriate design and material palette could be secured, but the proposal would not be visually well-related to the built form of the settlement. It would fail to respect the local context and would create disharmony with the development pattern. As such, the proposed development would fail to positively contribute to the spatial quality of the area.
10. The siting and footprint of the proposed holiday lodge and the proposed parking area would encroach notably into the root protection area of a mature Willow tree. The accompanying Arboricultural Implications Assessment states that the tree would impose considerable restrictions on the development of the proposed building. It also recommends that engineering advice should be sought. The evidence does not convincingly demonstrate that the development would safeguard the long-term health and visual contribution of the tree. Moreover, two existing Ash trees within the site would be removed. Whilst they are diseased, there is no obvious room for replacement trees that could reach a similar size. Hence, overall tree cover would be reduced, and the proposal would be likely to threaten the longevity of a longstanding attractive Willow tree.

11. As a result, the proposal fails to accord with the design expectations of LP Policy ENV1, which seeks to secure development that integrates with, and safeguards the character of the area through high quality design.
12. The proposed development would also be contrary to LP Policy ENV2 Promoting a High Quality Landscape, which supports development proposals that are sensitively integrated into the existing landscape and demonstrate an understanding of intrinsic landscape qualities. This policy seeks to retain landscape characteristics and features such as mature trees and hedgerows.

Location

13. Policy S4 of the LP supports appropriate rural development while safeguarding the character and sustainability of villages and the countryside. This policy supports sustainable growth in villages and rural areas. It aims to balance development pressures with the need to protect East Riding's distinctive landscapes and dispersed settlements. It encourages organic growth in villages with basic services, while maintaining the countryside as a living and working environment.
14. The appeal site is located within the village of Foggathorpe but has no defined development limit. Hence, for the purposes of the LP, the appeal site lies in the countryside. LP Policy S4 supports development in villages where it meets local needs, contributes to economic vitality, or supports rural diversification. With regards to tourism- related development specifically, LP Policy S4 is generally supportive, if proposals respect the intrinsic character of their surroundings.
15. Policy EC2 of the LP relates specifically to development and diversifying the visitor economy. In the countryside, proposals for tourism development are supported where their scale, design and cumulative impact is appropriate having particular regard to, amongst other things, landscape character. The support derived from the policy is further qualified to 5 circumstances, one of which is that the proposal has a functional need to be located in the countryside.
16. Whilst the proposed development would bring some uplift to the local economy from the spending of future occupiers, the appellant has not provided substantive evidence to demonstrate how the proposal would contribute significantly to the rural economy. Neither is it convincingly shown that the proposal falls within any of the 5 circumstances that derive support under Policy EC2. Notwithstanding the inherent rural appeal of the site for rural tourism in generic terms, this falls short of showing a functional need.
17. Furthermore, it will be seen from the first main issue that the proposal would result in harm to the rural character and appearance of the area. Hence, it follows that the proposal conflicts with policies S4 and EC2 of the LP in this respect.
18. Foggathorpe lacks services and facilities, except for a public house and is some distance from the nearest market town. As such, the proposed development would have limited access to services or attractions by means other than a private car.
19. The LP contains policies which specify where rural tourism would be supported, which broadly align with the government's approach to supporting a prosperous rural economy as set out in paragraphs 88-89 of the Framework, which states that for development that is in locations that are not well- served by public transport, it will be important to ensure that the development is sensitive to its surroundings.

Living conditions

20. By reason of the proposed siting and scale of the holiday lodge, the windows would be in close proximity to the boundaries of this constrained site on three sides. This proximity coupled with the height of the boundaries, would restrict outlook from the holiday lodge windows and reduce natural light. The presence of a mature Willow tree, which is just beyond the site boundary but in close proximity to and overhanging the boundary, and the siting of an existing outbuilding in the neighbouring property, which abuts the shared boundary, would further diminish natural light and outlook. Such harms would not be overcome by applying a landscape condition to any consent granted.
21. The appellant points out that the proposal is for holiday accommodation, rather than a permanent dwelling. Such future occupiers would be likely to occupy the proposed lodge for recreational purposes, including spending prolonged periods on the rear decking relaxing. The harm I have identified arising from the above configuration is therefore likely to be particularly acute.
22. Therefore, the proposed development would have a detrimental effect on the living conditions of the future occupiers, with particular regard to outlook. As such, the proposed development would be contrary to Policy ENV1 of the LP, which seeks to achieve high quality design by, amongst other things, having regard to the amenity of existing or proposed properties.
23. The appeal proposal would also be contrary to paragraph 135(f) of the Framework, which states that development should create a high standard of amenity for existing and future users.

Drainage

24. The appeal site lies in Flood Zone 1 and has an existing albeit small community. The evidence before me does not indicate there have been any problems with surface water or foul drainage. Therefore, even though there is limited information provided, I have no basis to doubt that adequate drainage arrangements for the disposal of surface water could be achieved. On that basis, I consider that this is a matter that could be suitably addressed by a planning condition to agree details. Consequently, I find that the proposal would not have a harmful effect having regard to drainage and surface water management.

Other Matters

25. The appellant refers to the provision of electric vehicle charging and cycle storage to support sustainability objectives. Whilst such provision may be advantageous, these were omitted from the proposal, and it has not been demonstrated that they could be provided within the site. I have given the matter limited favourable weight.
26. The proposed development would redevelop a derelict site, which is presently unsightly, thereby returning it to beneficial use. National policy supports economic growth and seeks the efficient use of previously developed land. These are important benefits that weigh in favour of the proposal, which I have taken account of in my overall balance.

Planning Balance

24. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations, which include the Framework, indicate otherwise.
25. I have found that the proposed development would result in harm to the character and appearance of the area and would conflict with the development strategy in the LP for tourism development. Furthermore, the accommodation provided would not provide a high standard of living conditions for future occupants.
26. Balanced against this are the economic benefits arising from the development, provision of short-term accommodation and use of previously developed land. However, having regard to the small scale of the development, these benefits would not be sufficient to outweigh the harms identified arising from the conflict with the development plan.

Conclusion

27. There would be conflict with the development plan when read as a whole. There are no other considerations, including the provisions of the Framework, which outweigh this finding.
28. For the reasons given above, the appeal is dismissed.

N Kempton

INSPECTOR