



Appeal Decision

Site visit made on 25 February 2026

by **Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 10 March 2026

Appeal Ref: APP/E2001/W/25/3373900

Land north of Willow Bank, Main Street, Spittal, Pocklington Yorkshire YO41 5QR

- 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 and Mrs Burton against the decision of East Riding of Yorkshire Council.
 - The application reference is 24/03284/PLF.
 - The development proposed is erection of a self-build dwelling with pergolas and construction of new vehicular access with electric entrance gates and brick piers, timber fence to south east boundary and associated landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the site is a suitable location for the proposed development having particular regard to: (a) its effect on the character and appearance of the area, including whether the proposed design would be of exceptional quality; (b) the ability of future occupants to access services, facilities and employment by means other than private motor vehicles;
 - the effect of the development on highway safety;
 - the acceptability of the development in relation to flood risk; and
 - whether the development would complement the mix of housing within the locality.

Reasons

Location

3. Policy S3 of the East Riding Local Plan Update 2025-2039 (the LPU) seeks to achieve a sustainable distribution of development by directing it towards locations within a defined settlement network. Spittal is not one of the settlements listed within the network, and given that it is not otherwise defined by a settlement boundary, or 'development limit', it is located within the countryside for the purposes of the LPU.
4. Policy S4 of the LPU sets out a broad range of criteria for new development within the countryside. Within this context the Council's principal concerns are that the development would harm rather than respect the intrinsic character of its

surroundings, and that it would not support a sustainable pattern of development. These matters are subjects of parts D and A of Policy S4 respectively.

(a) *Character, appearance and design*

5. Spittal is a hamlet comprising several dwellings of generally modest size which stand either side of Main Street. The site itself is a generally flat grassy field located at the north end of the hamlet and adjacent to the plot on which Willow Brook stands. Enclosure along the road frontage by a post and rail fence allows clear views across the field towards the distant higher ground of the Yorkshire Wolds. Aside from its means of enclosure there is little to differentiate the field from adjoining agricultural land.
6. The plot roughly opposite the site is already occupied by a dwelling. Viewed on plan, the pattern of established boundaries appears to provide scope for 'rounding off' of the settlement. When viewed on the ground however, the established disposition of built form and open land either side of the road, as too the character of the site, places it more firmly within the immediate landscape setting of the settlement. Here it contributes towards an attractive entry into Spittal and forms part of the modest gap between it and the village of Fangfoss towards the north. The site is thus perceived to form a component of the open countryside.
7. The proposed dwelling would consequently be viewed to represent a northward encroachment of development into the setting of the settlement. In so doing it would obstruct the attractive view towards the Wolds. No matter what planting was undertaken within the space remaining, development of the site would not result in its enhancement.
8. One of the categories of development part D of Policy S4 nonetheless supports within the countryside is 'new dwellings of exceptional quality'. This design-based exception reflects that set out within paragraph 84(e) of the National Planning Policy Framework (the Framework), which relates to isolated homes. The application was indeed presented as 'meeting the standards of paragraph 84'. However, as the proposed dwelling would not be isolated, paragraph 84 is not applicable. Insofar as both parties have nonetheless referred to the criteria set out within paragraph 84(e), I agree that they are broadly useful considerations within the context of the more generally phrased exception within part D of Policy S4.
9. Though occupying a similar position relative to the road, the dwelling would be considerably larger in size than any other dwelling in Spittal. This disparity would be accentuated by the visual prominence and bulky form of the main frontage component, as too the sprawling layout which would be appreciable from the road. The visuals suggest that this would remain strongly apparent at night given the substantial amount of glazing proposed and likely resulting light spill. In the first instance therefore, the design would not directly integrate with the established streetscene.
10. The proposed design otherwise seeks to achieve a fusion of traditional and contemporary architecture apparently inspired by Yorkshire farmsteads. Whilst this is an interesting idea in principle, the supporting material does not identify a specific historic model or explain how that model was reinterpreted to provide the design proposed. Based simply on the evidence before me the link appears somewhat vague and tenuous. Thus, whilst the design seeks to provide the main components

of 'farmhouse' and contrasting range of 'agricultural buildings' defining a yard, it appears unlikely that the concept and its origin would be clearly perceived.

11. Particularly problematic is the poor approximation of a traditional farmhouse which forms the principal frontage component of the scheme. This adopts a generic form which is just about recognisable, including an at least partly symmetrical front elevation. However, its massing, proportions and crude detailing provide an appearance which is starkly at odds with that of traditional buildings within the locality. This is accentuated by the excessive roof span, a top-heavy roof form featuring oversized dormers and undersized chimney stacks, and the otherwise squat dimensions of the frontage and openings below.
12. The use of brick and tile on the front elevation, each common components of the local vernacular, would not be sufficient to salvage the design. The abrupt transition to more contemporary finishes on the side and rear elevations would otherwise further increase the level of visual incongruity.
13. The wings to the rear would be more distinctly contemporary in design but would clumsily collide with the rear elevation of the frontage building. Here the stilted support of the pavilion above a reflective pool would be an interesting feature, but the lack of integration or coherence within the overall design would be more striking. So too would the partial above ground burial of the 'hidden wing', which, given that it would appear at odds with the flat character of the site, would announce rather than conceal the presence of the building.
14. Though support for multigenerational living is advanced as a driving force behind the design, no detailed explanation of how this would work in practice has been provided. It is unclear where the units making up the 3-4 generations of an extended family referenced would be accommodated, how they would interact, or how this would differ from what could be achieved within any other 7-bed dwelling.
15. The simple provision of a ground floor bedroom with accessible bathroom is not in itself sufficient to mark the design as specialised or in any way remarkable. The suggested room layout and door widths otherwise suggest that access by wheelchair would be somewhat limited, and as the bedroom itself would be isolated, it is unclear how this would foster the caring environment claimed. Precisely who the lift would benefit is also unclear. The appellant's further claim that the dwelling would provide a higher level of accessibility than the 'thousands of new homes' built locally is unsubstantiated.
16. Though the design has also been promoted as adaptable, in what way and for what purpose the accommodation could be adapted is not immediately obvious in the absence of any detailed explanation. Again, the assertion that scope for adaptability differs from local new-build housing is unsubstantiated. For this and the above reasons, I find the scheme's claim of exceptional design partly on grounds of its support for multigenerational living, unconvincing. Consequently, and given that there is no certainty of the way in which the dwelling would in fact be occupied, I see nothing within the design which indicates that it should be treated differently to any other proposal for a similarly large house.
17. The environmental credentials of the design have also been promoted. But whilst the scheme would utilise a number of technologies in combination, there is nothing innovative or 'cutting edge' about the installation of high-performance insulation and glazing, solar panels, heat pumps and rainwater harvesting, all of which are

increasingly common components of building designs. Installation of mechanical ventilation with heat recovery would perhaps be more unusual, but hardly innovative or novel. The same can also be said of sedum roof covering.

18. As the design would not therefore be of exceptional quality or respect the intrinsic character of the surroundings, it draws no support from part D of Policy S4 of the LPU. To the extent that the criteria within paragraph 84(e) of the Framework are broadly relevant to a more general assessment, the design would not be truly outstanding, would not reflect the highest standards in architecture, or help to raise standards of design more generally in rural areas. Nor would it significantly enhance its immediate setting or be sensitive to the defining characteristics of the local area. In short, the development would harm the character and appearance of the area.

(b) Travel

19. There are no services or facilities in Spittal. The nearest are located to the north within Fangfoss. That similarly falls outside the defined settlement network, but hosts a pub, primary school, church, and a bus stop. These can be easily reached from the site by cycle, or by taking a short walk along the pavement which links Spittal with Fangfoss. As these services and facilities would not fully meet the day-to-day needs of future occupants of the proposed development, it is likely that they would need to use private motor vehicles to access larger centres. This would probably also be true in relation to employment. Whilst electric vehicles might be used, there is no certainty of this. Travel in private vehicles could therefore generate environmentally harmful emissions.
20. As noted by the Framework, opportunities to maximise sustainable transport solutions vary between urban and rural areas. With that in mind access to a bus stop is notable, and some limited but genuine choice would exist in relation to travel. Future occupants of the development would not therefore be wholly reliant on the use of private motor vehicles to access services and facilities. Moreover, patronage of services and facilities in Fangfoss could, in a minor way, help to enhance or maintain the vitality/vibrancy of the community; considerations relevant in relation to both the Framework and part A of Policy S4. Having further regard to the latter, the development would involve only a single dwelling meaning the scale of any impact of travel would be limited, no significant loss of best and most versatile agricultural land has been identified, and there appears to be no scope to utilise previously developed land. It appears that the scheme can therefore draw some support from part A of Policy S4.
21. As set out within part B of Policy S4, it is however also necessary for development in the countryside to comply with part D. Consequently, even if my findings above indicate locational acceptability in relation to part A of Policy S4, overall conflict nonetheless arises on account of my findings in relation to part D above.

(c) Conclusion

22. For the reasons set out above I conclude that notwithstanding acceptability in relation to the ability of future occupants to access services, facilities and employment by means other than private motor vehicles, the site is an inappropriate location for the proposed development given the harm that it would cause to the character and appearance of the area. Within that context the

proposed design would not be of exceptional quality. An overall conflict with Policy S4 of the LPU would therefore arise.

Highway Safety

23. The site would be accessed from the inside of a bend on Highfield Lane/Main Street, which curves in both directions but most sharply towards the south. The road has a 30mph speed limit and during my brief site visit it appeared reasonably well used. HGVs and other large vehicles were frequent components of the traffic. I have no reason to believe that this was atypical.
24. The proposed driveway would run diagonally eastward into the site. Left hand visibility upon leaving the access would be severely restricted by established and proposed boundary treatments on both the appeal site and Willow Bank. This would be exacerbated by falling ground levels within the site relative to the highway, and the alignment of the driveway which would require craning of the neck to see anything approaching from the left.
25. Drivers of vehicles approaching the site from the south would in turn have little awareness of the driveway until they were in very close proximity to it. With limited space to react and brake if encountering a vehicle pulling out to turn right, a risk of collision would arise.
26. The collision risk would be further compounded by the proposed provision of gates within the access in a position that would allow insufficient space for vehicles to pull off the road when accessing the site.
27. Though I have been provided with a generic visibility splay diagram, no visibility splays consistent with the standards set out within Manual for Streets 2007 (MfS) have been proposed. Nor can this or any of the above matters be appropriately addressed by the imposition of a condition requiring a different layout given the extent of the changes necessary.
28. In 2001 planning permission was granted for a new access in approximately the same location as that currently proposed. Given that that permission expired around 20 years ago it cannot now be considered as a 'fallback'.
29. That access would have served Willow Bank rather than a new dwelling. The related plans furthermore indicate that in that case acceptable visibility splays could be achieved. This was further secured by a condition restricting the presence of any obstruction within it to 1.05 metres above the height of the adjacent carriageway. Whilst the circumstances therefore differ, so too do standards, given that MfS subsequently set 600mm as the limit for obstructions within visibility splays. The 2001 permission does not therefore provide a basis to consider the current proposal acceptable.
30. For the reasons set out above I conclude that the development would give rise to an unacceptable risk to highway safety. It would therefore conflict with Policy ENV1 of the LPU which amongst other things seeks to secure safe movement including access, egress and minimisation of highway safety risks.

Flooding

31. An underground culvert runs across the front of the site. This is apparently prone to blockage, and concerns have been raised both over its structural integrity and

whether it is intact. The front of the site and adjacent road are identified as being at risk from surface water flooding, and a number of recent flooding events have been drawn to my attention. The culvert appears to have played a role in this flooding. The culvert has not however been subject of detailed investigation, little explanation has been provided of how the proposed drainage system could be integrated without increasing flood risk within and beyond the site, and indeed no site-specific flood risk assessment has been provided. Though the dwelling would clearly be located outside the area identified as being at risk of flooding, the access would pass through it, and in so doing would cross over the culvert. Insofar as Policy ENV6 of the LPU requires attention to these matters in achieving proactive management of flood risk, clear conflicts would arise.

32. For the reasons set out above I conclude that the appellant has failed to demonstrate that the effects of the development in relation to flood risk would be acceptable. Conflict would therefore arise with Policy ENV6 of the LPU as set out above.

Mix

33. Part A of Policy H1 of the LPU states that new residential development should contribute to the overall mix of housing in the locality by providing a range of house types and sizes. In this regard its primary focus is on developments which provide more than one dwelling, in relation to which the development itself can achieve a 'mix'. This is explained within the supporting text. The direct relevance of Policy H1 to the appeal scheme is therefore doubtful.
34. I have otherwise been provided with no indication of what the current mix of housing is in Spittal or the broader locality. Though the Council has provided the Local Housing Need Assessment 2022, exactly how this supports the assertion that the proposed dwelling would not positively contribute to the mix within the area has not been explained. Even if there is a greater proportion of large dwellings than small dwellings locally, what harm the provision of a single 7-bed dwelling would cause is unclear. Is it however apparent that Policy H1 does not explicitly prohibit the provision single large dwellings.
35. For the reasons set out above I conclude that in the absence of any clear evidence I have no basis upon which to find that the proposed dwelling would fail to complement the mix of housing within the locality. To the extent to which it has any relevance I therefore find no conflict with Policy H1 of the LPU.

Other Considerations

36. The appellant has raised concerns over the way in which the Council handled the application. This is however a matter which falls outside the scope of this decision, and does not alter my findings above.
37. Insofar as the development has been promoted as supporting occupation by an intergenerational family, including some provision for wheelchair users, I have had regard to the Public Sector Equality Duty contained in the Equality Act 2010 (EA 2010) and the requirement to take steps to meet the needs of persons who share a protected characteristic. In this case the information provided does not indicate that the accommodation would meet the needs of any specific individual with a protected characteristic. Even considered generically, my findings above indicate that the extent to which the proposed accommodation would meet the needs of a

wheelchair user, and particularly one requiring care, are questionable. Having due regard under Section 149 of the EA 2010 I am therefore satisfied that dismissing the appeal would not have any adverse effect on persons sharing a protected characteristic.

38. The development would provide a single new dwelling which would make a general contribution towards boosting the supply of housing. The scale of that contribution would be minor, as would be the related social and economic benefits, regardless of how quickly the development could be delivered. Contrary to the appellant's claim, the dwelling would not be 'affordable', and though the development has also been presented as self-build, no planning obligation which would secure its provision as such has been supplied. Identification of the development as self-build within the description is insufficient, and though conditions have been suggested it is doubtful whether they would be enforceable. Even were I to find otherwise, the above benefits would be insufficient to outweigh the harm that I have identified.

Conclusion

39. For the reasons set out above the effects of the development would be unacceptable, giving rise to conflict with the development plan taken as a whole. There are no other considerations which alter or outweigh these findings. I therefore conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR