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Telephone: (01482) 393845  
Date: 4<sup>th</sup> August 2023

Dear Rob,

<b>Proposal:</b>	Proposed demolition of farm buildings and erection of 2 lodges to be used as holiday let
<b>Location:</b>	Top Holme Farm, South Newbald Road, South Newbald, East Riding Of Yorkshire, YO43 4SU

I write further to your pre-application enquiry received on 18<sup>th</sup> May 2023, and can now make the following comments. Please accept my apologies for the delay in the issue of this advice.

**Summary:**

On the basis of the information submitted with the enquiry, the proposed holiday accommodation/tourism use would not utilise any existing buildings, and the details provided with the enquiry are too limited to determine whether or not the proposals form part of a farm diversification scheme, support an existing countryside attraction, or have a functional need to be located in the Countryside.

At this time therefore it **could not** be afforded support by such relevant provisions within Policy EC2 of the East Riding Local Plan Strategy Document (ERLP SD). Whilst Policy EC2 does support new caravan sites within the Countryside (incl. temporary structures falling within the definition of a caravan), from the details provided it is considered that the two lodges proposed would be considered as ‘buildings’, which **would not** fall within the exceptions specified within Policy EC2 (B.2). However a temporary structure, within the definition of a caravan, could be afforded support in principle under the provisions of Policy EC2 as a new caravan site, subject to compliance with relevant policies of the ERLP SD and National Planning Policy Framework (NPPF).

Notwithstanding this matter, some concerns are raised over the accessibility of the site, and the conflict with provisions within the NPPF and ERLP SD which seek to promote sustainable patterns of development. Some further concerns are raised over the domestication of the site, which located on the fringe of the settlement and visible from the Countryside beyond, following the change of use, as compared with the relatively modest structures that exist on site at present. A significant change to the character of the site may not preserve or enhance the character and appearance of the village Conservation Area, likewise it may not protect and enhance the landscape character of the Yorkshire Wolds Important Landscape Area. However, detailed comments are reserved pending the submission of additional information as to the nature and form of the proposal along with any additional justification that outlines the merits of the scheme in seeking to outweigh such a policy conflict. Additional information is also required prior to further comment in respect of the residential amenity upon neighbours, and matters relating to impacts upon trees and landscaping and ecology and biodiversity, and the proposed foul and surface water drainage arrangements.

Alan Menzies  
Executive Director of Planning and Economic Regeneration

## **Background:**

The proposed development concerns the change of use of land to the east of Top Holme Farm for the erection of 2 lodges for holiday accommodation use following the demolition of farm buildings.

Whilst forming part of South Newbald the site, as with the remainder of this settlement, is located within the Countryside as defined within the ERLP. The site does not comprise and is not within the immediate setting of a listed building, though does fall within the South Newbald Conservation Area. There is also a Public Right of Way crossing in front of the site. The site is also located within Flood Zone 1 (low probability flood risk) and within an area identified as being at 'very low' risk of flooding from surface water accumulations.

## **Planning Considerations:**

Planning applications are determined in accordance with the Development Plan unless other material considerations indicate otherwise. In this instance the Development Plan comprises the documents making up the East Riding Local Plan, most notably the Strategy Document (ERLP SD) (2016). The NPPF is also relevant in the decision making process.

## Principle of Development

South Newbald has no defined development limits as allocated by the ERLP, and therefore for planning purposes, the enquiry site is considered as being within the 'Countryside'.

Paragraph 84 of the NPPF states that planning decisions should [inter alia] enable '*(a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings*', and in (c) identifies the provision of sustainable tourism and leisure developments as a component in supporting a prosperous rural economy, provided that such development '*respect(s) the character of the countryside*'.

Paragraph 85 recognises the planning balance required with development proposals in rural areas, stating that '*sites to meet local business and community needs in rural areas may have to be found...beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (e.g. by improving the scope for access on foot, by cycling or by public transport)*'. Paragraph 105 also recognises that '*...opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in...decision-making.*'

Policy S4 of the ERLP SD affords support for development which helps maintain the vibrancy of the Countryside where it is of an appropriate scale. The policy, in sub-section C, outlines the limited forms of development able to be supported within the Countryside provided that they respect the intrinsic character of their surroundings, this includes (C.11) proposals for tourism development.

ERLP SDP policies EC1 and EC2 include provisions which reflect these requirements, in order to help strengthen and broaden the tourism offer across the East Riding and support the expansion of existing businesses. Policy EC2 (B) specifically lends support to tourism developments, provided that their scale and cumulative impact is appropriate for their location, and they [inter alia]: '*involve new... static and touring caravan sites; form part of a farm diversification scheme; support an existing countryside attraction; or; have a functional need to be located in the Countryside (ensuring the re-use of existing buildings where possible)*'. Table 6 under Policy ENV2 adds that within the Yorkshire Wolds Tourism Character Area there is a requirement for [inter alia] '*small-scale accommodation, focused on bed and breakfast, inns and self-catering units, in market towns and through farm diversification schemes*'; and; '*Camping and touring caravan parks*'.

The scheme would not utilise any existing buildings, and the details provided with the enquiry are too limited to determine whether or not the proposals form part of a farm diversification scheme, support an existing countryside attraction, or have a functional need to be located in the Countryside. At this time therefore it could not be afforded support by such relevant provisions within Policy EC2 of the ERLP SD. Whilst sub-section B.2 of Policy EC2 does support new caravan sites within the

Countryside, from the details provided it is considered that the enquiry concerns two lodges which would be considered as 'buildings', which would not fall within the exceptions specified within Policy EC2. However a temporary structure, within the definition of a caravan, could be afforded support in principle under the provisions of Policy EC2 (B.2) as a new caravan site, subject to compliance with relevant provisions of the development plan, and other materials considerations raised.

Echoing NPPF paragraph 85, policies S1 and S2, and supporting para.7.21 of Policy EC2, of the ERLP SD advise that, owing to the rural nature of the East Riding, access to tourism facilities will often be by private car. As a consequence, consideration needs to be given to Policy EC4. This policy seeks to increase overall accessibility, minimise congestion and improve safety, by supporting development that is accessible, or can be made accessible, by sustainable modes of transport (A).

Some concerns are raised that the proposal would conflict, to some extent, with the aims of Policy EC4 insofar as it would not strictly support or encourage sustainable travel options given that the site is within the countryside and is not served by trains or readily served by bus, with the nearest settlements of any note lacking any depth of supportive services (North Newbald, which can be accessed via a segregated footpath). Were you to proceed with an application for planning permission, it is advised that it also be accompanied by justification that seeks to outweigh the conflict with policies S2 and EC4, which may perhaps be achieved through the demonstration of compliance with other policy provisions, such as those under Policy EC2 (sub-section B.4) if, for example, it can be justified that the proposals have a functional need to be located in the countryside.

#### Character, Appearance, and Amenity

NPPF paragraph 84 and policies S4 and EC1 of the ERLP SD, supported by paragraphs 130 (a, b, and c) and 174 (b) of the NPPF and Policy ENV1 requires, amongst other matters, that all development proposals respect the character of their location, having an appropriate scale, height and finish, and have regard to the specific characteristics of the site's context and the character of the surrounding area, incorporating landscaping alongside boundary treatments of an appropriate scale, to enhance the setting of buildings and views.

The enquiry site is also located within the Yorkshire Wolds Important Landscape Area as designated under Policy ENV2 of the ERLP SD, where development proposals should protect and enhance existing landscape character, paying special attention to ensuring developments sensitively integrate into the existing landscape, and are of an appropriately high quality and do not adversely affect the historic and special character, appearance or natural conservation value of the Wolds.

Whilst not comprising or within the immediate setting of a listed building, the site is within the South Newbald Conservation Area. The development proposals should therefore be determined in accordance with the statutory duty expressed within s.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 where special regard shall be afforded to the desirability of preserving or enhancing the character or appearance of that area. The application should also be determined in accordance with such relevant provisions of the NPPF and ERLP SD policies ENV1 and ENV3.

In addition to the above provisions, sub-section B of Policy ENV1 advises that the achievement of a high quality of design that optimises the potential of the site and contributes to a sense of place will be accomplished by [inter alia]: *'(14) Paying attention to the use of local materials, architectural styles and features that have a strong association with the area's...built form, with particular attention to heritage assets'*. Policy ENV3 sub-section B adds that *'The significance, views, setting, character, appearance and context of heritage assets, both designated and non-designated, should be conserved, especially the key features that contribute to the East Riding's distinctive historic character including [inter alia]: (1) Those elements that contribute to the special interest of Conservation Areas, including the landscape setting, open spaces, key views and vistas, and important unlisted buildings identified as contributing to the significance of each Conservation Area in its appraisal;'*

Along South Newbald Road, aside from the dwelling house, boundary treatments comprise a brick/stone wall with planting behind/above. This planting comprises interspersed trees and coniferous and native hedgerows, though gaps are present in some locations, including at the existing

site access which affords the most direct views toward the existing buildings/proposed site. Similarly, short range views from Trundlegate (to the south) are typically glimpsed between or above the hedgerows and planting which run adjacent to this road (and boundary planting to the south adjacent to High Field), though longer range views are attainable from the east/south east from Trundlegate Cottages owing to the absence of any substantive boundary treatments to the east of the site, and the raised level of these properties and the gradient of the road which rises from west to east.

The two holiday accommodation units would be sited in a similar location to the existing concrete block and sheet roof outbuildings (following their demolition), to the east of the main dwelling at Top Holme Farm with each provided with an area of external amenity space to the rear. The details provided show two different lodge forms, one measuring approx. 7.3m x 5m with a shallow pitched roof 2.8m in height, the other measuring approx. 6m x 5.1m with a steeper pitched roof at 3.71m.

Whilst the existing buildings are not considered to contribute significantly toward the character and appearance of the conservation area, they are nevertheless, of a typical rural character (minimal and of few openings). In contrast, the proposed holiday accommodation units would alter the character of the site, and likely to a domesticated appearance which, on the basis of the present site layout, appears to 'spill' into the meadow area to the south. Such an increased domestication and visibility of such paraphernalia could be quite a significant change to the site, and may not preserve or enhance the character and appearance of the village conservation area or, likewise, protect and enhance the landscape character of the Yorkshire Wolds Important Landscape Area.

Notwithstanding the concerns raised above in respect of the principle of development, if a tourism use is able to be supported on this site, then it would be preferable that the two units (being appropriately scaled and finished (temporary) structures with minimal incidental features or paraphernalia) be sited to the north of the area coloured yellow on the supplied plans (facing south), so there room is provided for enhanced landscaping along the southern boundary, with the access to be provided within the existing built envelope rather than encroaching into the meadow. Whilst able to be changed, at present the amenity space is proposed to be bounded by close-boarded timber fencing, and whilst this appears evident to the north-east (defining the meadow edge) this form of boundary treatment would not be encouraged within this agricultural/semi-rural setting, with a more appropriate treatment such as timber post and rail fencing with hedgerow, preferred. The suggestion re. landscape screening is in addition to that to the south east of the site (where a 'coppice' is proposed) which is welcomed (subject to matters re. Public Right of Way being addressed).

In respect of residential amenity, having regard to the separation afforded to the nearest neighbouring properties (outside of the ownership of the applicant) – being that at Highfield to the south-east of the site - with existing and proposed landscape planting along the boundary which would provide a degree of screening, it is considered unlikely that two appropriately scaled holiday accommodation units in the location proposed would give rise to any undue loss of daylight/sunlight, outlook, or privacy to these occupiers. However, the proximity of the nearest neighbours does warrant careful consideration in respect of the layout of the site, to avoid an adverse increase in noise and other disturbance from comings and goings and other activities associated with the use of the site. Further consideration would need to be afforded to the amenity of this neighbour from noise, were the Public Right of Way necessary to be diverted as part of a planning application, given that the suggested diversion passes close to the rear elevation of this neighbouring property.

A final assessment in respect of amenity would be subject to the submission of further detail of the scheme, and statutory consultation with neighbouring occupiers and other interest parties undertaken during the course of a full planning application.

Notwithstanding the above, given the proximity of the proposed tourism/holiday accommodation and its relationship with the existing dwelling at Top Holme Farm, any planning permission would likely be subject to a condition restricting the management and operation of the holiday accommodation to the owner/occupiers of this existing dwelling. This would be imposed in the interests of preserving the amenity of the occupants of the existing dwelling, and to maintain a

degree of control over the use and activity of the accommodation.

#### Highway Safety, Access, and Parking

From the submitted details it would appear that the existing site access is proposed to be utilised for the lodge development, leading to three off-street parking spaces. However, the manoeuvring space around these parking spaces appears constrained by the width of the driveway and adjacent fencing.

Although the proposed parking arrangements appears acceptable against the requirements of the Council's Sustainable Transport SPD (2016), the appropriateness of the access, and parking/manoeuvring arrangements is ultimately subject to consultation and comment from the Council's Highway Development Management section, who have not been consulted on this request.

#### Nature Conservation

Whilst this enquiry has not been subject to review by the Council's Nature Conservation section, there is potential for the existing buildings to provide habitat(s) for protected species. Therefore, in accordance with the statutory legislative provisions, the NPPF, and Policy ENV4 of the ERLP SD, and with the proposal concerning the conversion of the outbuilding, were you to pursue this proposal, any future application must be accompanied by information in respect of ecological and biodiversity interests of the site (Biodiversity Survey and Report – refer to the Council's Validation Checklist for further advice). Such a document would allow the Council to determine if the development is likely to affect protected species and/or their habitats.

Please note that if further assessment is deemed necessary following the undertaking of an initial Biodiversity Survey and Report (i.e. there is a need for further protected species survey) then these may be subject to survey timing and/or other seasonal constraints. It is therefore recommended that you take advice from a suitably qualified Ecologist with regard to these requirements.

#### Flood Risk and Drainage

The site is located in Flood Zone 1, which is the lowest probability of flooding and the site is below 1 hectare, therefore a Flood Risk Assessment would not be required. Whilst any future application will be subject to consultation with Council's Land Drainage Team (and other drainage authorities as appropriate), were you to proceed with an application for planning permission this should be accompanied by sufficient information detailing the proposed means of disposal of foul and surface water, with the latter to accord with the surface water drainage hierarchy – where on-site infiltration (i.e. soakaway) should be first explored, ahead of discharge to a watercourse or mains sewer.

#### Public Right of Way

Whilst limited details have been provided with this enquiry, it would appear that the proposals concern the re-siting of the existing Public Right of Way (PRoW) which crosses land to the south of the proposed lodge site. Having regard to the Council's 'Public Rights of Way and Planning Guidance Document', any such proposals would require a Public Path Order (PPO).

The Council can consider applications and can make (but not confirm) a PPO to alter the public rights of way network ahead of granting planning consent. PPOs can take a considerable time to complete and it is essential that if a PPO is required the developer contact the Council's Public Rights of Way and Definitive Map team as early as possible in the process.

#### Other Matters:

Notwithstanding this advice, please see the attached documents which sets out the key Development Plan policies that are of relevance, and what would be required should you choose to submit an application for the proposed development.

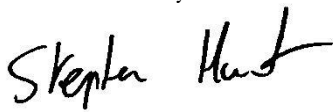
You may also need permission under the Building Regulations. Local Authority Building Control is wholly independent, non-profit making service that operates only to protect and look after your interests. The service operates from regional offices in Beverley, Bridlington and Goole so help and advice is always available and enables us to offer same day inspections for requests made prior to

10am. All the details of the Building Regulation Approval service, and the relevant application forms, are available at <https://www.eastriding.gov.uk/buildingcontrolservices/>. You can also contact Building Control at [building.control@eastriding.gov.uk](mailto:building.control@eastriding.gov.uk) or by calling the Building Control helpdesk on 01482 393800.

Please note that while every effort is made to ensure that the advice given is as accurate as possible, I must advise you that the contents of this letter are the informal opinion of an Officer and cannot prejudice the outcome of a formal application for planning permission. Planning applications are subject to consultation processed and any responses have to be taken into consideration prior to a decision being made. Please also note that in the interests of transparent decision making, if you progress to make a planning application for this proposal then this pre-application advice will be made available by the Council in the public domain. Until then, however, the advice will remain confidential and will not be disclosed by the Council.

I trust that this information is satisfactory, should you wish to discuss these matters further please do not hesitate to contact this office.

Yours sincerely

A handwritten signature in black ink that reads "Stephen Hunt". The signature is written in a cursive style with a large, sweeping initial 'S'.

Stephen Hunt MRTPI  
Director of Planning and Development Management

**Advice for 23/10433/PREP**

<b>Key Development Plan Policies</b>	
<p>These are the key local plan policies against which your application will be considered.</p> <p>Your proposal will also be considered against guidance in the <b>NPPF</b> and the <b>Planning Practice Guidance (PPG)</b></p> <p>You can view the Local Plan in the councils website at <a href="https://www.eastriding.gov.uk/planning-permission-and-building-control/planning-policy-and-the-local-plan/">https://www.eastriding.gov.uk/planning-permission-and-building-control/planning-policy-and-the-local-plan/</a></p> <p>As the site is located within a conservation, regard should be afforded to the statutory duty expressed within s.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990</p>	<p><b>East Riding Local Plan Strategy Document (2016)</b></p> <p>Policy S1 (Presumption in favour of sustainable development)</p> <p>Policy S2 (Addressing climate change)</p> <p>Policy S4 (Supporting development in villages and the countryside)</p> <p>Policy EC1 (Supporting the growth and diversification of the East Riding economy)</p> <p>Policy EC2 (Developing and diversifying the visitor economy)</p> <p>Policy EC4 (Enhancing sustainable transport)</p> <p>Policy ENV1 (Integrating high quality design)</p> <p>Policy ENV2 (Promoting a high quality landscape)</p> <p>Policy ENV3 (Valuing our heritage)</p> <p>Policy ENV4 (Conserving and enhancing biodiversity and geodiversity)</p> <p>Policy ENV5 Strengthening green infrastructure</p> <p>Policy ENV6 (Managing environmental hazards)</p> <p><b>Other Relevant Documents</b></p> <p>South Newbald Conservation Area Appraisal</p> <p>East Riding of Yorkshire Council Sustainable Transport Supplementary Planning Document (SPD) (2016)</p> <p>East Riding of Yorkshire Council Tourism Accommodation Study (2016)</p> <p>East Riding of Yorkshire Council - Planning for Tourism Accommodation: A Guidance Note for Developers (2011)</p> <p>Public Rights of Way and Planning Guidance Document</p>

<b>Validation Requirements</b>	
<p>These are the items from the Council's Local List that you need to submit with your application for it to be registered as a valid application.</p> <p>These are in addition to the national requirements (application form, certificates, fees and plans).</p> <p>You can find more guidance on each of these requirements in the Validation Checklist which is available on the Council's website at <a href="https://eryc.link/planning-permission-prior-approvals">https://eryc.link/planning-permission-prior-approvals</a></p> <p>Fees can be calculated on the Planning Portal at <a href="https://1app.planningportal.co.uk/FeeCalculator/Standalone?region=1">https://1app.planningportal.co.uk/FeeCalculator/Standalone?region=1</a></p>	<p><b>Local List validation requirements</b></p> <ul style="list-style-type: none"> <li>- Design and Access Statement and Heritage Statement</li> <li>- Biodiversity Survey and Report</li> <li>- Foul and Surface Water Drainage Assessment</li> </ul>