



Appeal Decision

Site visit made on 4 January 2023

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 27 January 2023

Appeal Ref: APP/E2001/W/22/3302709

Crawshaw Park, Westfield Lane, Fitling HU12 9AH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Castium Ltd against the decision of East Riding of Yorkshire Council.
 - The application Ref 22/00300/PLF, dated 18 January 2022, was refused by notice dated 20 May 2022.
 - The development proposed is the change of use of a domestic outbuilding (chalet) to Class E/B8 office/storage use, change of use of land for the siting of a unit (Building A) for Class E office use, and siting of units (cabins) for Class B8 storage use.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the above heading is taken from the Council's formal decision and the appeal form as this has been agreed by the parties as being more accurate. I have omitted the words "retrospective application" as these are not in themselves descriptive of development; nevertheless, the development for which permission is sought has already been completed. I could see it accords with the plans during my visit.
3. There are three main buildings on the site referenced as a chalet, cabins and Building A. Building A is identified as being added relatively recently for expansion of the business. It seems likely that the chalet is now lawful. I am considering the appeal on this basis.
4. In 2020, the appeal site was refused planning consent for the change of use of the chalet and cabins to business use, and it is understood that the Council has not taken enforcement action against the development.

Main Issue

5. The main issue is whether the business use is sustainable in terms of location and transport.

Reasons

6. The East Riding Local Plan Strategy Document 2012 to 2029 dated 2016 (Local Plan) sets out the objectives for employment development. Policy EC1 explains the spatial strategy and is aimed at supporting development which is of a scale suitable for its location and, for development outside of development limits as is the case here, which respects the local landscape. Policy EC1 Part D sets out

four criteria that developments should meet to be acceptable. Those most relevant to this case are the second and third criteria listed. The second states that it should involve the expansion of an existing business or, as stated in the third criteria that it should involve the conversion of an existing building.

7. Under the third criterion, conversion of the existing buildings, the cabins and chalet, to business use would be compliant. It is contended that Building A could be justified as expansion of an existing business under the second criterion. However, business use has not currently been established as authorised and therefore business use of the Building A would be contrary to the policy. Consequently, taking the development as a whole, I find it would conflict with Policy EC1 of the Local Plan.
8. Paragraph 84 of the National Planning Policy Framework (the Framework) provides support for a prosperous rural economy through the sustainable growth and expansion of all types of business in rural areas. This is predicated on developments being sustainable.
9. The development is in a relatively remote part of the countryside which has limited access and connectivity to the surrounding main road networks, services and facilities. It is accepted that the remote offsite staff who work from the site must use private vehicles as use of public transport or other forms of sustainable travel are not feasible. In relation to the office-based personnel, two live adjacent to the development. However, due to the development's remote location, the remainder are reliant on the use of private vehicles to attend the site. While private vehicle trips to the site are currently minimised through hybrid office and homeworking, as demonstrated through the current travel survey and trip frequency summary, there is little certainty that this will continue, particularly if the nature of the business use were to change.
10. Further to this, it is evident that business growth has occurred over recent years and this could continue. Expansion of the business could lead to increases in office-based personnel and visits by remote working operatives with associated further reliance on private vehicle usage, in addition to increased supply deliveries. This would further reduce the sustainability of the development.
11. Reference is made to reducing private vehicle impacts through using electric vehicles and minimising trips to the site. However, no details of how this would be implemented have been provided and I afford these matters limited weight. Additionally, imposing planning conditions to secure control of the site visits and deliveries would not resolve the need for private vehicle use or the unsustainable effect of the development.
12. It is appreciated that the development delivers several social and economic benefits including providing a variety of specialist cleaning services both locally and nationally, creating direct and supply chain related employment and contributing to the rural and national economies. However, the remote location of the site in the countryside creates a high reliance on private vehicle use and this environmental harm outweighs the development's benefits.
13. No substantive evidence has been provided to show that the business, with associated loss of jobs, would cease to operate if it was not permitted to remain at the appeal site. Furthermore, there is little to show that the

development could not be in a more sustainable location. Consequently, I find this potential outcome to have limited weight in the determination.

14. In conclusion, I find the business use would not be sustainable in terms of location and transport. The development would be contrary to Policies S1, S2, S4, S8, EC1 and EC4 of the Local Plan and parts 2, 6, 9 and 14 of the Framework. These policies, amongst other matters, seek to ensure development is in suitable and sustainable locations, reduce climate change impacts and provide connectivity for people.

Other Matters

15. It is appreciated that the development started as a homeworking business which may have been able to continue without planning permission. However, this situation has changed, and the appeal is determined accordingly.
16. Comparison is made between the development's supply deliveries and that of unrestricted multiple deliveries to the adjacent Crawshaw Bungalow. However, this bungalow has a residential use and deliveries in this context are likely to differ in frequency and scale when compared to commercial use. Consequently, I give little weight to this.

Conclusion

17. The proposal would conflict with the development plan, when read as whole. Material considerations, including the Framework do not indicate that a decision should be made other than in accordance with the development plan. Having considered all other matters raised the appeal is dismissed.

J Symmons

INSPECTOR