



Appeal Decisions

Site visit made on 26 September 2023

by M Madge Dip TP MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23/10/2010

Appeal A Ref: APP/Y2003/C/23/3322068

Land forming parts of former Airfield, East of Redbourne Road, Hibaldstow and north of Carr Lane, Redbourne

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Ralph Day against an enforcement notice issued by North Lincolnshire Council.
 - The notice, numbered EN228, was issued on 20 April 2023.
 - The breach of planning control as alleged in the notice is without planning permission a material change of use of land from (former) airfield to land for open storage.
 - The requirements of the notice are:
 - i. Remove all stored items from the land.
 - ii. Cease the use of the land for storage purposes.
 - The period for compliance with the requirements is 4 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Appeal B Ref: APP/Y2003/W/23/3322073

Slate House Farm, Storage Land, Redbourne Road, Hibaldstow DN20 9NN

- 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 Mr Ralph Day of Manor Farm against the decision of North Lincolnshire Council.
 - The application Ref PA/2022/1294, dated 11 July 2022, was refused by notice dated 23 February 2023.
 - The development proposed is temporary change of use for the storage of pre-fabricated units.
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Appeal C Ref: APP/Y2003/W/23/3322075

Land at Hibaldstow Airfield, Redbourne Road, Hibaldstow DN20 9NN

- 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 Mr Robert Borrill of A M Borrill & Sons against the decision of North Lincolnshire Council.
 - The application Ref PA/2022/1282, dated 11 July 2022, was refused by notice dated 23 February 2023.
 - The development proposed is temporary change of use for the storage of prefabricated units.
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Decisions

1. Appeal A is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

2. Appeals B and C are dismissed.

Application for costs

3. An application for costs was made by Mr Robert Borrill and Mr Ralph Day against North Lincolnshire Council. This application is the subject of a separate Decision.

Preliminary Matters

4. Appeals B and C relate to the same type of development proposal, namely the storage of prefabricated units, but propose the use to take place on different parcels of land within the former Hibaldstow airfield. Appeal A relates to the use of a significantly larger area of land at the former Hibaldstow Airfield for open storage, which includes and extends beyond the land identified in Appeals B and C.
5. Appeal B relates to a roughly 'L' shaped area of land located along the southern side of the former runway and which returns in a southerly direction. Appeal C relates to a roughly 'L' shaped area of land located along the northern side of the former runway and which returns in a northerly direction. The land identified on the plan accompanying the enforcement notice (Notice) includes most of the former runways and their associated taxiways.
6. The plans submitted with Appeal C include a revised site location plan, which relates to the land identified in Appeal B. The Council confirmed at the site visit that their decision in respect of Appeal C had not had regard to the revised site location plan as it clearly related to the other proposal, the subject of Appeal B. The appellant confirmed which land Appeal C relates to and that it was not that shown in the revised site location plan. For the purposes of Appeal C, I will have regard to the original site location plan numbered 2022-034524-01-A.
7. An appeal on ground (a) and the deemed application for planning permission relates to whether planning permission should be granted for the matters alleged. Planning permission being sought in respect of ground (a) is therefore being sought for the material change of use of all the land identified on the plan attached to the Notice for open storage. There is nothing within the Notice to suggest that the open storage alleged relates to the storage of prefabricated units. However, it is clear from the appellant's submissions that they are only seeking planning permission for the storage of prefabricated units, and I shall proceed on that basis.
8. Part of the land the subject of Appeal C has the benefit of planning permission¹ for the storage of prefabricated units for a temporary period of 3 years, which expires on 24 November 2024. While I am told that the plan accompanying that application showed the siting of 60 prefabricated units, each prefabricated unit having dimensions of 5 metres by 10 metres, I have not been provided with a copy of that plan or the associated planning permission. The area with the benefit of planning permission has been excluded from the enforcement notice.
9. A different part of the Appeal C land has the benefit of planning permission for open storage restricted to agricultural produce, agricultural machinery and

¹ Council reference: PA/2021/1110

wooden potato boxes/pallets². The potato boxes/pallet storage is restricted to a maximum height of 10 metres. The part of the site benefitting from this planning permission has a tall tree and hedgerow screen along its western boundary. I saw at my site visit that it is also partially located between existing buildings and other structures.

10. My attention has been drawn to the emerging Local Plan for North Lincolnshire Council. However, having regard to paragraph 48 of the National Planning Policy Framework (the Framework) as it is yet to be examined, it has not yet reached a stage where it carries any weight.

Appeal A on ground (a), and the deemed application for planning permission, Appeal B and Appeal C:

Main Issues

11. The main issues are the same for Appeal A on ground (a), the deemed application for planning permission, and Appeals B and C. The main issues are:
- whether the countryside is a suitable location for the developments; and
 - the effect of the developments, singularly or cumulatively, on the character of the countryside.

Reasons

Countryside location

12. The appeal proposals represent rural economic/agricultural diversification, which would generate some employment. While the appeal sites are previously developed land, the proposals do not represent the re-use of existing buildings. Furthermore, they would not result in the loss of the most versatile agricultural land or cause traffic generation issues. As such, I find no conflict with policies CS1 of the North Lincolnshire Local Development Framework Core Strategy (June 2011) (the CS) and RD7(i), (ii) and (iv) of the North Lincolnshire Local Plan (May 2003) (the NLLP).
13. The scale of each proposal is such that a significant area of land would be required to facilitate them. Given the likely weight of each prefabricated unit it would not be unreasonable to expect that they require a hard surface upon which to be stored. As the prefabricated units are transported by lorry, proximity of their storage facility to a main road network would also be beneficial. While the appeal sites are hard surfaced and are accessible via a main road network, these factors of themselves do not justify a countryside location.
14. The proposed use of this land for the storage of prefabricated units would not prevent the functioning of the countryside. However, the scale of the proposed storage, singularly or cumulatively, is not essential to the functioning of the countryside. The storage of prefabricated units or open storage does not require a countryside location from which to operate. It is not therefore an appropriate form of development in the countryside.
15. For these reasons, the proposal conflicts with policy CS2 of the CS and policy RD2(a) and (b) of the NLLP, which set out the sequential approach to the

² Council reference: PA/2007/1498

location of new development and ensuring that new development in the countryside is essential to the functioning of the countryside, amongst other things.

Character

16. The appeal sites are not located within or adjacent to any nationally or locally important sites of nature conservation. Nor have I been apprised of any local landscape character designation. Local planning policy requires special attention to be given to the protection of the scenic quality and distinctive local character of the landscape.
17. Parts of the former airfield are put to a variety of commercial activities including caravan storage, duck rearing houses, biogas plant, and agriculture. Surrounding arable farmland is largely undeveloped and broken up by native species hedgerows and interspersed with sporadic farmsteads. The appeal sites and the wider surroundings have a distinctly undeveloped and rural character.
18. The supporting documentation and plans suggest that each prefabricated unit would have dimensions of approximately 3.5 metres by 7.5 metres and be of single storey height. No more than 180 units would be stored on Appeal Site C, this represents the smallest quantum of development. No more than 300 units would be stored on Appeal Site B. Both planning permissions being sort are for temporary periods of 3 years. The land the subject of Appeal A could accommodate significantly more than the 480 units proposed in Appeals B and C. Those prefabricated units would be dispersed over a significantly larger area. Singularly, or cumulatively, these developments would introduce a scale of development that would have an urbanising effect, which would cause significant harm to the undeveloped nature of this rural landscape.
19. The prefabricated units are predominantly wrapped in white or bright blue sheeting. They are stored close to one another in rows along the outer edge of the former runways. While individual prefabricated units may not be large, the combination of their colouring and total number, creates a mass of development that is visually prominent in the landscape. This visual prominence is exacerbated by the linear storage pattern.
20. The established hedgerows along the Redbourne Road (B1206) frontage offers a degree of screening. The proximity of the stored prefabricated units to Carr Lane, with its less dense and intermittent hedgerow, and to residential properties on St George's Court, would cause significant visual intrusion. The Platinum Jubilee Woodland planting may well screen the prefabricated units in time, but a satisfactory degree of screening is unlikely to be achieved in the temporary 3 years period that is being sort in respect of Appeals B and C.
21. The prefabricated units may be significantly lower than the height to which wooden potato boxes/pallets can be stored. However, potato boxes/pallets are used in connection with agriculture and are not an uncommon feature within the countryside. Furthermore, the area within which they can be stored is significantly smaller than each of the appeal sites.
22. For these reasons, the developments harm the character of the countryside in conflict with policies DS1, RD2(c), LC7 and RD7 of the NLLP, which seek amongst other things to promote a high standard of design that reflects or

enhances, and is not detrimental to, the character and appearance of the local area, and does not cause visual intrusion, amongst other things.

Other Matters

23. Given the Council has previously granted planning permission for the storage of larger prefabricated units on part of the land the subject of Appeal C, it would be reasonable to assume that they did not consider it to be harmful to the character and appearance of the countryside. This planning permission will remain extant until November 2024, when the temporary 3 years condition will expire. As such, prefabricated units can be stored along part of one former runway for another 13 months, approximately.
24. The extant planning permission relates to a significantly smaller area of land than that currently being proposed. Notwithstanding the larger size of the 60 prefabricated units that can currently be stored, they remain significantly less than the 180 units, 300 units, 480 or greater number of prefabricated units currently being proposed or the subject of the Notice, in terms of scale and massing.
25. I accept that, in respect of Appeal C, the additional row of prefabricated units stored along the former runway could be seen against the backdrop of the lawful row of prefabricated units. Also, that the prefabricated units stored on the section of runway running north/south would be located between existing buildings and other structures, which would reduce their visual prominence somewhat. The scale and massing would not however be diminished to such an extent that visual intrusion and harm to the character of the locality would be reduced to an acceptable level.

Conditions

26. The appellant has suggested that additional landscape screening and hedgerow maintenance, along with alternative coverings for the prefabricated units, could be secured by conditions. There is little doubt that an appropriate landscaping scheme could provide effective screening in the long term. No landscaping scheme has however been provided. In the absence of specific details, including plant species, size at time of planting, location, planting densities, and maintenance regime, it is not possible to determine how effective such screening would become within the temporary 3 years period being applied for.
27. The prefabricated units' white and blue coverings contribute to their visual dominance in the countryside. It is possible that alternative colour finishes of the coverings would go some way to address this harm. No specific alternative coverings have however been suggested. In the absence of such details, it is not possible to discern whether an alternative colour finish will address all the visual harm I have identified.

Conclusion on Appeal A ground (a), the deemed application for planning permission, Appeal B and Appeal C

28. For these reasons, the development proposals, singularly and cumulatively, will significantly harm the character and appearance of the countryside, contrary to policies CS2 and CS5 of the North Lincolnshire Local Development Framework Core Strategy (June 2011) and saved policies DS1, LC7, RD2 and RD7 (iii) and (v) of the North Lincolnshire Local Plan (May 2003), which seek to prevent

visual intrusion and protect and enhance character and appearance of the countryside, amongst other things.

Appeal A on ground (g):

29. An appeal on this ground is that the period specified in the Notice in accordance with s173(9) falls short of what should reasonably be allowed. The Notice specifies a period of 4 months. The appellant seeks to have this extended to 10 months in order that each of the prefabricated units can be deployed to their final destination without alternative storage facilities having to be found.
30. Correspondence from Modular Movements confirms that all the prefabricated units are expected to have been deployed to their final destinations by February 2024. This timeframe coincides with the 4-month compliance period and I find the 4-month period to be reasonable. The appeal on ground (g) fails.

Overall conclusion on Appeal A

31. For the reasons given above, I conclude that Appeal A should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

M Madge

INSPECTOR