



Appeal Decision

Site visit made on 25 November 2024

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2024

Appeal Ref: APP/E2001/W/24/3341871

Land West of The Birches, 8 Little End, Holme upon Spalding Moor, Yorkshire YO43 4DS

- 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 J S Allison Ltd against the decision of East Riding of Yorkshire Council.
 - The application Ref is 23/02279/PLF.
 - The development proposed is change of use of land and building to business use comprising office and storage of equipment and materials and external storage for scaffolding and cement mixer.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of land and building to business use comprising office and storage of equipment and materials and external storage for scaffolding and cement mixer at Land West of The Birches, 8 Little End, Holme upon Spalding Moor, Yorkshire YO43 4DS, in accordance with the terms of the application Ref 23/02279/PLF, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan GW-JSA-001R; Site Plan 101423.02 and Plans and Elevations 101423.01
 - 3) The storage of scaffolding poles and cement mixer shall only take place in the external storage area outlined on approved Site Plan 101423.02 described as 'outdoor storage building' and shall not be stacked or deposited above a height of 2 metres measured from ground level. No materials, goods, plant, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored externally outside of this external storage area at any time.
 - 4) Activity associated with the storage use hereby permitted shall only take place between the hours of 8am to 6pm Mondays to Fridays, 8am to 5pm on Saturdays and not at any time on Sunday or on Bank or Public Holidays.

Application for Costs

2. An application for costs was made by J S Allison Ltd against East Riding of Yorkshire Council. This application is the subject of a separate decision.

Preliminary Matters

3. The address in the banner heading above has been taken from the application form as this accurately reflects the location of the appeal site. However, the description of development has been taken from the decision notice as this more succinctly describes the proposal than the version provided on the application form.
4. The revised National Planning Policy Framework (the Framework) was published on 12 December 2024. I have considered the changes and as they are not material to the proposal, further comments were not sought from the parties. I have, however, determined the appeal having regard to the revised Framework.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

6. The appeal site accommodates a parcel of grassed land with a single storey building located centrally within it and an open sided structure to the west. It is bounded by hedgerows and mature trees at the western boundary, with the open countryside beyond. To the east the site is bounded by a gravel track serving nearby glamping pod visitor accommodation and next to the track is the dwelling known as The Birches. To the south is the dwelling known as Greenside Lodge and to the north is a low timber fence. The site is located off Little End, a narrow residential lane.
7. The appeal site lies outside, but close to, the development limit of Holme upon Spalding Moor, a rural service centre. It is not disputed that the proposal would be regarded as being in the countryside. Development in the countryside is required to meet the provisions of Part A and Part C of Policy S4 of the East Riding Local Plan 2012 – 2029: Strategy Document (2016) (ERLP).
8. In accordance with Part A, the proposal includes the re-use of previously developed land and does not involve the significant loss of best and most versatile agricultural land. Given the scale and extent of the proposal, its location adjacent to a settlement, and in the absence of any detailed evidence to demonstrate otherwise, I have no reason to find that the proposed development would not make the best use of existing services and infrastructure and would minimise the need to travel. As such, the proposal would be of an appropriate scale to its location taking into account the need to support sustainable patterns of development.
9. Part C of ERLP Policy S4 sets out the types of development that would be supported in the countryside, which in all cases must respect the intrinsic character of the surroundings. Of most relevance to this appeal is employment uses in accordance with ERLP Policy EC1. In line with Part D of Policy EC1, the proposal would involve the conversion of an existing building. This policy also reflects Policy S4 and requires that development must be of an appropriate scale to its location and respect the character of the surrounding landscape.
10. The change of use would utilise the existing building at the appeal site with the addition of an external storage area, limited to some 64 square metres and 2

metres in height that would be for the storage of scaffolding and cement mixer. Notwithstanding that it is described as 'outdoor storage building' on the submitted site plan, it is clearly understood from the description of development that this area is for external storage and there is no additional building shown on the existing and proposed plans and elevations drawing.

11. The existing building at the appeal site in combination with the hedgerows and trees at the site's western boundary largely terminate the view from Little End. As such I did not observe clear views of the wider countryside beyond and the site does not have an overriding rural character as a consequence. Given the generally enclosed nature of the site the proposal would not be incompatible with the rural landscape or harmfully encroach into it. As such, while scaffolding poles and cement mixers may not be commonly seen in the rural landscape, the site's context of existing surrounding built development would mitigate the visual effects of the proposal and it would not be detrimental to the intrinsic character of the surrounding area.
12. From all vantage points the proposal would be seen in the context of the adjacent dwellings and the gravel track associated with the nearby visitor accommodation and so would not be particularly stark, even in views close to the site. This includes views from the Public Right of Way (PROW) which runs along the western boundary of the site. In any event, views of the site from the PROW would be filtered by vegetation and have the backdrop of the nearby dwellings and so the proposal would not diminish the experience of the users of the PROW network in this location.
13. The external storage area would also be largely screened from views on approach to the site from Little End and from Greenside Lodge by the existing building at the site. In time the proposed new hedging at the site's northern and eastern boundary would contribute positively to the landscape qualities of the surrounding area. Furthermore, owing to the modest size and siting of the external storage area adjacent to the existing building centrally within the site, the appeal site would remain generally open respecting the pattern of development in this section of Little End. The scale of the proposal would therefore be appropriate for its location and respect the character of the surrounding area.
14. There are concerns that the entire site edged red could be used for external storage, however there is no evidence that the site would be used in this way and the location and amount of external storage could be restricted through the imposition of a condition. As such, the proposal would not be detrimental to the way that the surrounding area functions or diminish a sense of place and would be in line with the provisions of the National Design Guide and the Framework which seek well designed places.
15. Overall, the proposal would not be unduly harmful to the character and appearance of the area and would accord with Policies S4, EC1 and ENV1 of the ERLP. Amongst other things, these policies require that proposals outside of a settlement help maintain the vibrancy of the countryside and that employment development involving the conversion of an existing building is of an appropriate scale to its location and respects the character of the surrounding landscape. All development proposals are also required to safeguard the character and appearance of the area through their use.

16. On the decision notice, the Council also refers to Policies ENV2 and A6 of the ERLP however my attention has not been drawn to any wording in these policies that is relevant to the main issue. These policies have not therefore been determinative in this appeal.

Other Matters

17. Having regard to the scale of the proposal the Highway Development Management team were satisfied that the access from Little End is appropriate and that there would be little impact on the local road network because of the minimal vehicle movements connected with the proposed change of use. Having considered the highway safety concerns from interested parties there is no detailed evidence that would prompt me to come to a different conclusion, and I have no clear reason to find that it would be necessary to restrict vehicle movements through a planning condition.
18. Similarly, subject to the imposition of a condition in relation to operational hours of the storage use, there is no substantive evidence to show that the proposal would be detrimental to neighbouring occupiers living conditions. There is also no firm evidence that the proposed use would result in harmful contamination.
19. While the private view from a window is not of itself regarded as a planning matter, given the separation distance between the site and Greenside Lodge, the orientation of this property and window positions, no unacceptable harm to outlook would arise, even at first floor level. Several interested parties have concerns about future development at the site and surrounding area however I must determine this appeal based on the circumstances of this appeal.

Conditions

20. It is necessary to impose a condition identifying the approved plans for certainty. The proposed new hedging is shown on the Site Plan and so a separate condition is not necessary. In the interest of protecting the character and appearance of the area I have imposed a condition restricting where and how tall external storage can be placed. Given the scale and extent of the office use inside the building it is not likely to give rise to harmful noise and disturbance on its own. However, in the interest of protecting the living conditions of nearby occupiers a condition relating to the operating hours of the storage use has been imposed to ensure that the activity associated with this use does not give rise to disturbance.

Conclusion

21. For the reasons given above, the proposal accords with the development plan, read as a whole. There are no material considerations that indicate that I should take a decision otherwise than in accordance with it. Therefore, I conclude that the appeal should be allowed.

F Harrison

INSPECTOR