



Appeal Decisions

Site visit made on 15 January 2025

by **J Symmons BSc (Hons) CEng MICE**

an Inspector appointed by the Secretary of State

Decision date: 11 February 2025

Appeal A Ref: APP/U2750/W/24/3347597

Greenlands Farm, Greenlands to Greenland Farm, Reighton, North Yorkshire YO16 6XH

- 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 Timothy Coleman of Messrs A B Coleman against the decision of North Yorkshire Council.
 - The application reference is ZF23/02080/FL.
 - The development proposed is the change of use of agricultural land to create secure dog walking and exercising field and the erection of associated fencing and installation of hardstanding to form car park.
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Appeal B Ref: APP/U2750/W/24/3347598

Greenlands Farm, Greenlands to Greenland Farm, Reighton, North Yorkshire YO16 6XH

- 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 Timothy Coleman of Messrs A B Coleman against the decision of North Yorkshire Council.
 - The application reference is 23/00269/FL.
 - The development proposed is for the siting of shipping containers for use as storage units (B8).
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Decisions

Appeal A Ref: APP/U2750/W/24/3347597

1. The appeal is allowed and planning permission is granted for the change of use of agricultural land to create secure dog walking and exercising field and the erection of associated fencing and installation of hardstanding to form car park at Greenlands Farm, Greenlands to Greenland Farm, Reighton, North Yorkshire YO16 6XH in accordance with the terms of the application, Ref ZF23/02080/FL, subject to the conditions in the attached schedule.

Appeal B Ref: APP/U2750/W/24/3347598

2. The appeal is allowed and planning permission is granted for the siting of shipping containers for use as storage units (B8) at Greenlands Farm, Greenlands to Greenland Farm, Reighton, North Yorkshire YO16 6XH in accordance with the terms of the application, Ref 23/00269/FL, subject to the conditions in the attached schedule.

Preliminary Matters

3. In the interests of accuracy and consistency, I have amended the planning application descriptions of development, with some minor changes, to reflect that

detailed within the Council's decision notice and the appellant's appeal forms and appeal statements. For Appeal B, I have also removed the words 'part retrospective application' as this is not a description of development.

4. The National Planning Policy Framework (the Framework) was updated in December 2024. Insofar as it is directly relevant to the appeal, there are no substantive changes. As a result, I have determined the appeal on the basis of the information provided and the parties have not been prejudiced by this. However, for correctness I have used the paragraph numbering and any related changes in the update where applicable.
5. Both appeal sites are located at Greenland Farm, close to the farmstead buildings and near the end of the farm's access drive. Given that the appeals are also by the same appellant; to avoid repetition I have dealt with them both in one decision letter. However, I have considered each on their individual merits, except where otherwise indicated.
6. To demonstrate both proposals are related to farm diversification, the appellant has submitted an Economic Justification Report¹. This report was not provided to the Council during determination of the planning applications. The Council does not dispute the appeal proposals being related to farm diversification. It acknowledged the report and has also had opportunity to comment on it. On this basis, the inclusion of the report in the appeal would not unfairly prejudice any party, and I have considered it as part of the appeal.
7. Appeal A consists of a strip of arable land between the farmstead buildings and the A165 Scarborough to Bridlington Road and it is proposed that this land would be changed to a secure dog walking and exercising field. Appeal B is located close to Appeal A and next to the farmstead's buildings where there are currently 16 self-storage containers. The proposal for this area would consist of the siting of 30 self-storage containers. It would include the existing containers and therefore be part retrospective. During my visit, I observed that the existing containers accord with the proposed layout drawings and I have considered the appeal on this basis.

Main Issues

8. The main issue in determination of Appeal A is whether it would be in a suitable location having regard to local and national planning policies on accessibility by sustainable modes of transport.
9. The main issue in determination of Appeal B is whether it would be in a suitable location having regard to local and national planning policies on minimising travel by private vehicles.

Reasons

10. Greenland Farm is located approximately 0.6 kilometres (km) from the A165, 3km from the village of Speeton and 4km from Bridlington. The surrounding area's character is typically a gently undulating arable and pastoral land, with sporadic development, rural roads, hedgerows and trees. The appeal sites are indicated as being over 22km from the North York Moors National Park (NYMNP).

¹ 'Economic Justification Report, A B Coleman, Church Farm, Main Street, Speeton, Filey, North Yorkshire YO14 9TD' prepared by Rob Meadley MSc, Brown & Co – Humber dated June 2024

11. The A165 does not have any lighting or footpaths. The Council advises that the closest bus stop with a regular service is in Reighton which is approximately 3.8km from the farm. The Council also confirms the appeal sites are within the open countryside outside of the Development Limits. The appellant does not dispute this.
12. The Economic Justification Report details the reasons for the need to diversify the farm due to such things as derisking potato production, global agricultural commodity price volatility, falling income from the Government's Single Farm Basic Payment Scheme, and inflationary increases in the farm's expenditure. It provides a financial analysis for the period of 2022 to 2024 and a projected assessment for 2025 with and without the proposals. This shows the pressure the farm's financial viability is under without diversification and the improvement the proposed diversifications would have. The report also details that a variety of alternative diversification projects were considered such as caravan siting/storage, glamping, holiday and commercial building conversions and recreational uses. However, these were discounted on the grounds of the return on investment against the expected capital requirement and perceived constraints. It also notes that there is a proven demand for the existing containers. The conclusion of the report states that the diversification projects is essential for the financial viability of the business in the short, medium and long term. The Council did not dispute the details or findings of the report.
13. Policy SD1 of the Scarborough Borough Local Plan 2017 (Local Plan) states that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the Framework. It further states that the Council will work proactively with applicants to find solutions, secure development that improves economic, social and environmental conditions in the area, permit proposals that accord with the development plan unless material considerations indicate otherwise and sets out tests where relevant policies are out of date.
14. Policy ENV6 of the Local Plan seeks to protect and maintain the character of the open countryside and limits new development to those for which an open countryside location is essential including development that relates to the functional needs of, or consolidates or diversifies, an established rural business (criterion b). The policy also states that the scale of proposals should be compatible with their surroundings and not have an unacceptable impact on the character and appearance of the open countryside or the wider landscape including the setting of the NYMNP. This policy is broadly consistent with the Framework which supports development and diversification of agricultural and other land-based rural businesses which respect the character of the countryside.
15. Additionally, Policy INF3 of the Local Plan seeks proposals to contribute to sustainable transport including minimising the distance people need to travel and improving transport choice.
16. The Council confirms in its appeal statements that both proposals would represent farm diversification and would comply with criterion b) of Policy ENV6 and, taking the Economic Justification Report findings into account, I see no reason to disagree. Furthermore, the Council did not raise any significant concerns regarding the proposals' effect on the character and appearance of the open countryside or the wider landscape including the setting of the NYMNP. As the proposals would be positioned against the backdrop of the existing farmstead buildings and the adjacent tree plantation and distant from the NYMNP, I see little reason to disagree

with this assessment. Taking these aspects together, both proposals would comply with Policy ENV6 of the Local Plan and the Framework insofar as it supports a prosperous rural economy.

17. Notwithstanding this, due to the location and access constraints it would be necessary for users to travel to the sites with very limited options to travel on foot, by cycle or by public transport. It is therefore highly likely that users would be reliant on travelling to the sites by private vehicle.
18. However, due to Appeal A only taking hourly bookings during daylight hours and limiting the number of dogs and Appeal B being limited in size and having an ad hoc visiting pattern, the number of vehicle movements created by the proposals would in all probability be small. Indeed, the Council did not raise concerns regarding the number of vehicle movements created by Appeal A in its Delegated Planning Report and in Appeal B, the Delegated Planning Report noted that '*very little traffic movements*' would be generated. It is also evident that the Highway Authority raise no highway concerns or objections to the proposals. The appellant has also confirmed that with the recent ceasing of potato growing the number of lorry movements from the farm has significantly reduced. This would in all probability assist in off-setting the small number of vehicle movements created by the proposals.
19. It is recognised in the Framework that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and that sites to meet business needs in rural areas may have to be found in locations that are not well served by public transport. It also acknowledges that while sustainable transport mode should be prioritised this should take account of the vision for the site, given the type of development and its location. As the proposals have been found to be rural diversification, and given their characteristics and envisaged low level of vehicle movements generated, I do not find conflict with the Framework in terms of it seeking to limit the need to travel and prioritising the use of sustainable transport modes.

Conclusion on Appeal A

20. The Appeal A proposal would be in a suitable location having regard to local and national planning policies on accessibility by sustainable modes of transport. It would comply with Policies SD1 and ENV6 of the Local Plan and Paragraphs 96, 109, 110, 115, 116 and 135 of the Framework.

Conclusion on Appeal B

21. Due to the essential and significant benefit the Appeal B proposal would provide in supporting the financial viability of the farm, this is sufficient to outweigh the limited harm that would arise from its conflict with Policy INF3 of the Local Plan. On balance in this context the proposed small increase in vehicle movements and the limited accessibility of the site would be acceptable. Despite this conflict it would accord with the development plan when read as a whole.
22. Accordingly, the Appeal B proposal would be in a suitable location having regard to local and national planning policies on minimising travel by private vehicles. It would comply with Policy SD1 of the Local Plan and the sustainable development aims of the Framework.

Conditions

23. The Council has suggested a number of conditions, and I have considered these against the comments provided by the appellant and the advice given in the Framework and Planning Practice Guidance. I have amended some of these for consistency and clarity.
24. For Appeal A, in the interests of certainty, a time limit condition for completing the development is necessary. For the avoidance of doubt, a condition is required for the development to be completed in accordance with the approved plans. A pre-commencement condition is also required to ensure the site is suitably and correctly drained to prevent flooding. The Environmental Health Team suggested conditions to restrict the use of the facility to daylight hours and the maximum number of dogs at the site at any one time. While the Council did not suggest these conditions, I consider they are reasonable and necessary to ensure the character of the area is protected from excessive vehicle movements. As the appellant's appeal statement confirmed the proposal would only operate during daylight hours and the maximum number of dogs, I have not considered it necessary to consult with the parties on the inclusion of these conditions.
25. Regarding Appeal B, as the development would be partly retrospective and has already begun, a standard commencement condition is not required. However, for certainty, a condition is required to ensure it would be completed in accordance with the approved plans. A condition is also required to ensure the site is suitably and correctly drained to prevent flooding. To take account of the partly retrospective nature of this appeal and ensure it can be enforced against if the requirement is not met, a strict timetable for compliance is included for this. For certainty and to protect the character and appearance of the area a condition is required to restrict the number of containers and prevent them from being stacked. While not suggested by the Council, I have also included in this condition that the storage containers shall be required to match the existing containers. As the appellant's application and appeal statements confirmed that the same storage containers would be used, I have not considered it necessary to consult with the parties on the addition of this to the condition.
26. In both appeals, the Council has suggested a biodiversity net gain condition be included. However, in its Delegated Planning Reports, the Council did not identify the proposals as causing a loss of biodiversity. As the proposal for Appeal A would be predominantly on an arable field which is subject to farming disturbance and the proposal for Appeal B would be on a predominantly unvegetated hardened strip/track, I concur with this view. I appreciate the importance of providing biodiversity net gain however, based on the above and, in conjunction with the planning applications being submitted prior to the introduction of mandatory biodiversity net gain requirements, I consider it would not be reasonable or necessary to include the suggested condition.

Conclusion

27. For the reasons given above, I conclude that the Appeal A and B should be allowed.

J Symmons

INSPECTOR

Appeal A Ref: APP/U2750/W/24/3347597 – Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following plans:
 - Drawing Number GPL-BCS-CD-XX-AR-A-01 'Location Plan' dated 21 September 2023;
 - Drawing Number GPL-BCS-CD-XX-DR-A-02 'Location Plan' dated 18 September 2023;
 - Drawing Number GPL-BCS-CD-XX-DR-A-03 'Block Plan' dated 18 September 2023; and
 - Drawing Number GPL-BCS-CD-XX-DR-A-04 'Details' dated 18 September 2023.
- 3) Prior to the commencement of the development hereby permitted details of the proposed means of surface water drainage, including details of any balancing works and off-site works, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.
- 4) At all times the use hereby permitted shall only take place between the hours of 07:00 – 18:00.
- 5) A maximum of 12 dogs shall be permitted on the exercise area at any one time.

Appeal B Ref: APP/U2750/W/24/3347598 – Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following plans:
 - Drawing Number IP/ABC/01 'Location Plan A3' dated March 2023; and
 - Drawing Number IP/ABC/02 'Site Plan A1' dated March 2023.
- 2) Within 3 months of the date of this decision details of the proposed means of surface water drainage, including details of any balancing works and off-site works, shall be submitted to the Local Planning Authority for approval in writing. The surface water drainage scheme shall be constructed in accordance with the approved details within 3 months of the approval of the details.
- 3) The number of self-storage containers shall be restricted to 30 and new storage containers shall match the size and colour of the existing storage containers. The self-storage containers shall not be stored or stacked more than one unit high on any part of the approved site area.