



Appeal Decision

Site visit made on 21 January 2025

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 February 2025

Appeal Ref: APP/U2750/W/24/3348312

Bell Farm, Riccall Road, Escrick, Selby YO19 6EE

- 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 Timclad Ltd (York Timber) against the decision of North Yorkshire Council.
 - The application Ref is ZG2023/0712/FUL.
 - The development proposed is erection of a single building for the manufacture of wooden sheds and outbuildings (Resubmission of 2022/0964/FUL).
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Government has published a revised National Planning Policy Framework (The Framework) in December 2024. Both main parties were given the opportunity to comment on any relevant implications for the appeal. I have had regard to the comments made in reaching my decision.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - Whether the appeal site is an appropriate location for the proposed development in respect of development plan policy;
 - Flood risk; and
 - Highway safety.

Reasons

Character and Appearance

4. The appeal site is part of a wider complex of buildings and land uses which are of a varied character. This includes an area for the display and sale of sheds, conservatories and outbuildings to the front of the site close to the A19, as well as other commercial uses in a mixture of buildings. The principal buildings, including a farmhouse, are of a variety of designs, but are primarily constructed from brick and are of an understated functional character representative of this area of countryside.

5. The proposed building would be a structure with green cladding, and a shallow pitched roof. The materials and roof design would contrast awkwardly with the more traditional materials and steeper roof pitches of the other significant buildings in the immediate area. In effect, the appeal proposal would appear as a building of an industrial or commercial design which would contrast awkwardly with the more traditional forms of nearby buildings. That would be the case even given the context of the display of prefabricated buildings close to the A19, which in any event are of a smaller scale than the proposed building.
6. Reference has been made to Escrick Business Park, which includes a number of large, clad buildings. However, this is some distance from the appeal site and is distinctly separate from it. The Business Park does not therefore establish a context for the appeal site which would justify the design of the appeal proposal.
7. The proposed building would be located to the back of the cluster of buildings and would not be unduly prominent. However, even in glimpsed views from the A19 and the surrounding area, the incongruous appearance of the proposal would still be apparent.
8. The appellant refers to enhanced boundary screen planting to the east of the site. However it is unclear how this can be secured given that it is not within the appeal site boundary and it has not been demonstrated that the location of the planting is under the control of the appellant. In any event, given the limited extent of the proposed planting, I consider that the unacceptable appearance of the building would still be apparent from the surrounding area.
9. Due to its design and use of materials, the proposal would lead to significant harm to the character and appearance of the area. The proposal would therefore be contrary to Policies ENV1 and EMP9 of the Selby District Local Plan 2005 (the Local Plan) and Policies SP13, SP18 and SP19 of the Selby District Core Strategy 2013 (the Core Strategy) with regards to the effect of the design on the character and appearance of the area. The proposal would also be contrary to the Framework which seeks to achieve well-designed places.

Development Plan Policy

10. The appeal site is located outside of the development limits defined in the development plan, and is therefore within the countryside for planning policy purposes.
11. Policy SP2A(c) of the Core Strategy sets out that development in the countryside will be limited to specified forms of development, including well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities.
12. The appellant contends that the proposal would be a manufacturing facility which would create 15 jobs which will improve the local economy. However, the evidence suggests that the appellant's manufacturing business is located on a separate site some distance away at Brighton Airfield. The appellant refers to a show area and sales office at Bell Farm, but there is no evidence that they are currently undertaking significant manufacturing operations here. The appellant also contends that the company are seeking alternative locations for production as their

head office is nearing maximum capacity, but there is little evidence in support of this.

13. Although the proposal would create new jobs, there is no substantive justification as to why these should be created in a countryside location rather than an existing manufacturing base. In effect the proposal would not create new jobs to the benefit of the area, but would instead divert those new jobs to the countryside from a potentially more suitable location elsewhere in the area.
14. However, even if I were to conclude that the proposal would improve the local economy, Policy SP2A(c) also requires that the development is well-designed. I have concluded that the proposal would lead to significant harm to character and appearance, and it would therefore not comply with the design requirements of Policy SP2A(c).
15. I conclude that the proposal would not comply with Policy SP2 of the Core Strategy as it would not contribute towards and improve the local economy, instead it would divert new jobs from an existing manufacturing location to a site in the countryside. For the reasons given in respect of character and appearance, the proposal would also not comply with Policy SP2 with regards to well-designed new buildings.

Flood Risk

16. The appeal site is in Flood Zone 2, which is defined as having a medium probability of flooding. As an industrial development, the proposal falls within the 'Less Vulnerable' flood risk vulnerability classification.
17. The Framework sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. A sequential risk-based approach should be taken to individual applications in areas known to be at risk. This approach includes the sequential test, the aim of which is to steer new development to areas with the lowest risk of flooding from any source. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
18. Applications for some minor development should not be subject to the sequential test, including small non-residential extensions. The appellant contends that the proposal relates to an extension to an original planning application made in 1993. However, the appeal proposal is a free-standing building and the evidence suggests that manufacturing operations are now carried out on a site elsewhere. In effect, the proposal relates to the introduction of a new building on this site rather than a small extension to an existing premises.
19. The appellant has submitted a Flood Risk Assessment (FRA) which refers to a requirement of facilitating the onsite manufacture of goods, and that it is impractical to relocate the building away from the existing yard. However, I am mindful that the appellant's manufacturing operations currently take place on a site elsewhere. Although reference has been made to the limited capacity of the alternative site, no substantive evidence has been submitted to that effect. Even taking a pragmatic approach, it has not been demonstrated that it is impractical to accommodate the proposed manufacturing operation in an alternative location.

20. The FRA identifies the site as being at medium risk of groundwater flooding, but refers to mitigation measures to reduce that risk. The appellant also refers to hardstanding on the site that they consider will limit the emergence of groundwater, as well as the finished floor levels and an evacuation plan. However, the Planning Practice Guidance specifies that even where an FRA shows the development can be made safe throughout its lifetime without increasing risk elsewhere, the sequential test still needs to be satisfied.
21. In conclusion, the appellant has failed to demonstrate that there are no reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The proposal therefore fails to comply with the sequential test with regards to flood risk, and is therefore contrary to the flood risk requirements of Policies SP15 and SP19 of the Core Strategy and the Framework.

Highway Safety

22. The boundary of the appeal site is drawn around the proposed building and a narrow access route from the A19. Even if I were to conclude that the route covered the full width of the access to the building, there is insufficient space within the boundary of the appeal site for commercial and other vehicles to enter the site and manoeuvre to leave in forward gear.
23. The appellant has provided a site layout plan which shows a delivery vehicle turning area and parking spaces. However, it has not been shown that these are on land under the appellant's control. The concerns of the Council in respect of whether suitable parking and turning areas can be secured by condition are therefore well-founded.
24. The lack of a Transport Statement and evidence of swept path analysis for the turning of vehicles in association with the appeal proposal and adjacent uses adds to my concerns about the robustness of highways evidence.
25. I therefore conclude that insufficient evidence has been submitted to demonstrate that the proposal would not have an unacceptable impact on highway safety. The proposal would therefore conflict with the highway safety and access requirements of Policies EMP9, ENV1 and T1 of the Local Plan.

Conclusion

26. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be dismissed.

David Cross

INSPECTOR