



Appeal Decision

Site visit made on 11 March 2025

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 April 2025

Appeal Ref: APP/E2001/W/24/3355809

Broadgate Reservoir, Broadgate, Walkington HU17 8RQ

- 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 Troy Morgan against the decision of East Riding of Yorkshire Council.
 - The application Ref is 24/00657/PLF.
 - The development proposed is change of use of former reservoir to dwelling, erection of first floor extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The East Riding Local Plan Update 2025 – 2039 (the Local Plan Update) was adopted at the meeting of the Full Council on 2 April 2025. This has superseded the East Riding Local Plan 2012-2029 Strategy Document Adopted April 2016, which formed part of the development plan at the time of the Council's decision. A copy of relevant policies has been provided and both main parties have been given an opportunity to comment on the relevance of the Local Plan Update to the appeal. The appeal has thus been determined based on the Local Plan Update.
3. The planning application was accompanied by a Noise Impact Assessment (NIA) dated 3 May 2024¹. The appellant has advised that further survey work has been carried out since the refusal. An NIA dated 27 October 2024 has also been referred to. However, the document submitted is dated 27 October 2023² and the reference number and contents appear to pre-date that of the NIA considered by the Council. I have thus determined the appeal based on the latest NIA before me.

Main Issues

4. The main issues are:
 - Whether the proposal would provide a suitable location for housing, with particular regard to the Council's spatial strategy;
 - Whether the proposal would provide satisfactory living conditions for future occupiers, with particular regard to noise, pollution and disturbance; and
 - Whether the proposal would place unreasonable restrictions on existing businesses and facilities adjacent.

¹ ENS Noise Impact Assessment Ref: NIA-11121-24-11367-v2

² ENS Noise Impact Assessment Ref: NIA-11121-23-11367-v1

Reasons

Whether the proposal would provide a suitable location for housing

5. The appeal site comprises a disused reservoir beyond the development limits of Beverley and is therefore considered to be in the countryside. However, the site remains close to the town, with footpath and bus links along Broadgate. The main parties agree that the development complies with the provisions of Policy S4(A). The evidence before me and my own observations do not lead me to a different conclusion on this matter. Policy S4 however also states that development in the countryside should accord with the specific provisions of Part D of this policy.
6. Part D indicates that, within the countryside, proposals for the conversion of buildings for new housing are supported where they would respect the intrinsic character of their surroundings, and where preservation of the building would enhance the immediate setting and would re-use a redundant or disused building without significant alteration or significant extension.
7. To facilitate the conversion, the southern wall of the reservoir, including the earth embankment, and a smaller segment of wall and embankment on the east elevation, would be removed. Most of the living accommodation would be provided on the ground floor, within the footprint of the existing building, with part of the interior of the reservoir opened to create a private courtyard. An extension at first floor would be formed around the existing first floor structure, providing an additional bedroom with a dressing area, ensuite bathroom and external terrace.
8. In its current disused state, the reservoir does not positively contribute to the immediate setting or the prevailing character and appearance of the countryside. The proposed dwelling would have a modest profile and be significantly screened in most views by the retained embankments and a belt of trees along the southern boundary. It would also sit within the context of the calcium carbonate works and quarry behind and existing residential developments to the east and west. The proposal would therefore not appear unduly incongruous but would respect the intrinsic character of its surroundings and enhance the immediate setting.
9. The first-floor extension would be a relatively modest addition in the context of the overall size of the existing reservoir, and there would be a net reduction in total floor space. While segments of embankment would be removed, the majority would be retained, which would respect the original form and design of the reservoir and provide a considerable degree of enclosure.
10. The proposed openings would provide access, natural light and outlook for future occupiers, which is necessary given the concealed nature of the structure and the extent to which the outer walls and embankments would be retained. The glazed south facing elevations would allow direct sunlight to reach the interior of the building. While the remaining roof of the reservoir would be replaced, its replacement would be of a form akin to the original, providing additional light to the ground floor. In this context, the proposed works are not excessive. Taken as a whole and having regard to the scale, context and unique characteristics of the structure, the proposal would not amount to a significant alteration or extension.
11. The proposal would thus in principle provide a suitable location for housing, with particular regard to the Council's spatial strategy. It would comply with the provisions of Policies S1, S2 and S4 of the Local Plan Update. These policies,

among other provisions, seek to ensure that proposals support the future sustainable growth of settlements, taking into account future access and connectivity, protect the intrinsic character of the countryside, and reduce the generation of additional greenhouse gas emissions including by directing most new development to areas where there are services, facilities and jobs, reducing the need to travel, efficiently using land and re-using the area's building stock.

Living conditions for future occupiers

12. The site is located to the south / south-west of an operational calcium carbonate works and quarry. The business operates for 24 hours a day, 7 days a week, throughout the entire year. It has an active blasting licence, and operations include crushing, grinding, hammering, cutting, blasting and transporting of chalk. Fuel and bottled gases are also stored on site. The evidence indicates that the reservoir is located approximately 30 metres from the maintenance and fuel storage building, 80 metres from the chalk storage shed/crushing equipment, bagstore and process buildings, and 160 metres from the chalk mine. Without adequate mitigation, the proximity of the business to the appeal site, and the nature of the operations, are likely to give rise to undue noise, pollution and disturbance for future occupiers.
13. The NIA indicates that a noise survey was undertaken in the vicinity of the appeal site from 29 September to 6 October 2023. A follow up survey to obtain further long-term data was undertaken from 12 to 19 April 2024. This found that the noise climate at the site is due to continuous fixed plant, occasional vehicle movements and loading impacts associated with the minerals site, distant traffic on surrounding roads, occasional aircraft, and birdsong. I observed some of this noise at the time of my site visit. A scheme of façade sound insulation works has been suggested to achieve the recommended internal noise criteria.
14. The internal noise environment would be largely reliant on the installation of a suitable sealed glazing system. The appeal proposal has however been designed with large openable sections in the glazed façade serving living accommodation. Future occupiers would likely wish to open these to benefit from the south facing aspect and to provide additional ventilation during periods of fine weather, particularly given the enclosed nature of the structure. This would expose the interior to higher noise levels, forcing future occupiers to choose between opening a door or window and enjoying a quiet internal living environment.
15. Moreover, while the proposed courtyard would be somewhat shielded from quarry workings due to the layout of the dwelling, the impact on external amenity areas is not clear from the evidence before me, with the proposed first-floor terrace particularly exposed. While a mound with a fence atop and tree and shrub planting along the northern boundary is proposed, the acoustic screening attributes of these measures have not been demonstrated.
16. The NIA contends that when blasting operations do occur, they are of extremely limited frequency and duration. While reference to earlier planning applications on nearby sites³ has been made, there is no substantiated information with respect to the frequency, proximity or duration of blasting operations. No assessment of potential vibration levels has been provided, and the scope of the blasting licence and the potential for future expansion in operations is not set out in the evidence.

³ Council Refs DC/01/00182/OUT/BEVW and 17/00398/STOUT

17. I saw on my visit that the appeal site was not covered in chalk dust. Nevertheless, the proposed dwelling would be close to external storage areas at the minerals site. Notably, the NIA acknowledges the potential for dust from the quarry, recommending that free air paths be eliminated using a mechanical ventilation system. The potential for dust to become an issue, including the impact of weather conditions and dust generating activity now and in future on both internal and external areas, has not been assessed in detail. The extent to which this may infringe upon the living conditions of future occupiers is therefore not clear.
18. The Council's Public Protection section has raised concerns that the NIA is unlikely to have picked up a true worst-case scenario of the crusher and other fixed plant at night and that there could be a loss of residential amenity. The operator of the site itself has also objected based on the impact of noise, dust and vibration from the mineral working on future occupiers, including from blasting.
19. While I recognise there are other residential developments in proximity to the quarry, the evidence considered at the time of those decisions is not before me. Moreover, their relationship to the adjacent business is materially different to the appeal site, which is significantly closer to the maintenance and fuel storage building, chalk storage shed/crushing equipment, bagstore and process buildings.
20. Notwithstanding its objections, conditions to secure mitigation measures have been suggested by the Council's Public Protection section. However, it is standard practice for conditions to be recommended without prejudice to the outcome of a decision, particularly in the appeal process. This does not in itself demonstrate that the proposal is acceptable with respect to this main issue.
21. The combined factors above lead me to conclude that the proposal would fail to provide satisfactory living conditions for future occupiers, with particular regard to noise, pollution and disturbance. The proposal would thus be contrary to Policies ENV1 and ENV6 of the Local Plan Update. These policies, among other provisions, seek to ensure that proposals have regard to the amenity of existing or proposed properties, and that environmental hazards, including aerial pollution and other forms of pollution, will be managed to ensure that development does not result in unacceptable consequences to its users.

Whether the proposal would place unreasonable restrictions on existing businesses

22. Paragraph 200 of the National Planning Policy Framework (the Framework) states that decisions should ensure that new development can be integrated effectively with existing businesses. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.
23. Given my findings above, the proposal before me does not adequately demonstrate that suitable mitigation would or could be provided to alleviate the adverse effect that the existing minerals business would have on the proposed dwelling. Were the appeal to be allowed, there is a real prospect of restrictions being placed on the operator of the adjacent minerals business to curtail operations in order to address this. The proposal would thus fail to integrate

effectively with the existing business and would have a detrimental effect on its operation. Notably, the operator of the site has objected for similar reasons.

24. Accordingly, the proposal would place unreasonable restrictions on existing businesses and facilities adjacent. It would therefore conflict with Policy ENV1 of the Local Plan Update and Policy AGG10 of the East Riding of Yorkshire and Kingston upon Hull Joint Minerals Local Plan 2016-2033 Adopted – November 2019. These policies, among other provisions, seek to ensure that development does not have an unacceptable impact on existing uses or result in unreasonable restrictions being placed on them, safeguard minerals infrastructure from non-mineral development which would adversely impact on its operation and costs, and require non-mineral development which would adversely impact on the operation of minerals infrastructure to provide suitable mitigation.

Other Matters

25. The proposal would provide one dwelling close to an existing town, which would positively contribute to the local housing supply. It would re-use previously developed land, ensuring the prudent and efficient use of natural resources, as advocated in the Framework and Policy S2 of the Local Plan Update. It would provide a temporary economic boost during construction, and additional residents may contribute to the local economy and vitality of the community. However, these benefits would be modest given the small scale and context of the development.
26. While the proposal would incorporate design approaches that minimise energy demands and the plans before me depict renewable energy generation on site, any measures that simply mitigate the environmental impacts of the development, rather than providing a net gain, would be neutral in the planning balance.
27. Other than where set out above, I have not identified conflict with any other relevant parts of the development plan or national policy and guidance. However, the absence of harm or development plan conflict with respect to other relevant matters weighs neither for nor against the proposal.
28. This application and a previously withdrawn scheme received letters of support from some local residents, though Walkington Parish Council objected. However, representations in support of the proposal do not in themselves demonstrate that the development would be acceptable in respect of the main issues.

Conclusion

29. While I have found that the proposal would in principle provide a suitable location for housing, with particular regard to the Council's spatial strategy, this does not outweigh the identified harm and development plan conflict arising from the failure to provide satisfactory living conditions for future occupiers, with particular regard to noise, pollution and disturbance, and the placement of unreasonable restrictions on existing businesses and facilities. The proposal therefore conflicts with the development plan, taken as a whole. I have found no material considerations that indicate the appeal should be determined other than in accordance with the development plan. Consequently, I conclude that the appeal is dismissed.

Ryan Cowley

INSPECTOR