
Appeal Decision

Site visit made on 31 March 2025

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 May 2025

Appeal Ref: APP/F4410/W/24/3353057

Former Thorne Coronation Club, King Edward Road, Thorne, Doncaster DN8 4BU

- 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 Peter Holling (4L'S Products Ltd) against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref is 23/01996/FUL.
 - The development proposed is the change of use to use the land to run a storage container business with full 24/7 CCTV. Proposed to resurface the land if allowed or as advised to suit the surrounding area.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. At the time of my site visit there were a number of containers present on the appeal site. They were not laid out in accordance with the plans submitted and, whilst the application is for a change of use only, it would be possible to impose a planning condition requiring the layout shown on those plans provided it would meet the tests set out in paragraph 57 of the National Planning Policy Framework (the Framework). I have assessed the proposal on the basis of the plans provided.

Main Issues

3. The main issues are the effect of the proposed development on (i) flood risk and (ii) the character and appearance of the area.

Reasons

Flood risk

4. The appeal site is located in Flood Zone 3 where there is a high probability of flooding. The planning application was accompanied by a Flood Risk Assessment (FRA), but this does not specify what the estimated flood level is on the site and how the level of the containers would correspond with that level. If the level of the containers would not be raised above the flood level, they would be at risk of flooding. It is not clarified if the containers would prevent water ingress during a flood event and therefore whether they would be flood resistant and resilient. Furthermore, there are no details provided in terms of the characteristics of a possible flood event or any emergency planning that might be needed to be put in place, including in terms of flood warning and the evacuation of people from the site.

5. The Environment Agency objected to the proposal on the grounds that the FRA did not adequately address a number of matters, including those specifically highlighted above. The submissions before me do not address that objection. Without any comfort being provided in that regard, it is possible that the location of the containers and their floor levels would put their contents at risk of flooding. People using the facility could also be put at risk during a flood event and there are no details of how this might be avoided or mitigated against. As these are key tenets of the Framework, to which Policy 57 of the Doncaster Local Plan 2021 (LP) directly refers, it has not been demonstrated that the aims of this relevant policy of the development plan have been met.
6. The Council also makes reference to surface water drainage, but the FRA is detailed in that respect and suggests that a system incorporating permeable areas could provide suitable attenuation to compensate for the increase in impermeable areas that would result. Subject to that being the case, there would be no conflict with Policy 56 of the LP where it requires that development sites must incorporate satisfactory drainage measures.
7. In conclusion, the proposal could make adequate provision for drainage, but it has not been demonstrated that the necessary matters relating to flood risk have been fully addressed. Therefore, the proposal fails to accord with Policy 57 of the LP.

Character and appearance

8. Both reasons for refusal one and two in effect refer to matters of character and appearance. Policy 10 of the LP allows for non-residential uses of appropriate scale in residential policy areas provided they do not cause harm to the living conditions of the occupiers of nearby dwellings. The containers would not be stacked upon one another and would be located centrally within what is a site that is large in area. This would ensure that the proposed development would be of an appropriate scale.
9. The areas immediately adjacent to the appeal site are predominantly residential and the site is bounded on three sides by residential properties. However, the nature of the use is not likely to generate significant levels of noise, and the appellant advises that the hours which customers could visit the site would be restricted. These factors mean that the use would not cause disturbance to the extent that the living conditions of the occupiers of those properties would be harmed. The proposal would therefore accord with Policy 10 of the LP.
10. The containers shown on the plan submitted would for the most part be set well within the site. Although they would be visible from some public vantage points, they would not have a harmful visual impact on the character and appearance of the area because of this set back and because the appeal site is reasonably well enclosed by other development and boundary treatments. The fencing, which has already been erected, is not overly prominent in the surrounding street scenes, is formed of a see-through lattice design and is coloured green. For those reasons this too does not cause harm to the character and appearance of the area. I therefore find there to be no conflict with the aims of Policies 41 and 46 of the LP either.

Other Matters

11. The Council's suggested conditions include a condition which would grant a temporary planning permission for a period of 5 years. The Officer Report suggests that such a temporary period may be acceptable to the appellant. This would not however overcome the matter relating to flood risk that I have identified above.
12. It is stated that the site has been vacant for some time and that visual improvements have been achieved now that it is no longer derelict. There would be some economic benefits arising from the development, and it would make efficient use of previously developed land. However, these matters also do not justify a development which has not been shown to address the necessary flood risk considerations.

Conclusion

13. Although I find no harm to the character and appearance of the area, flood risk matters have not been fully addressed and this leads to a conflict with the development plan taken as a whole. The benefits of the development do not outweigh the failure to accord with the development plan. Therefore, I conclude that the appeal should be dismissed.

Graham Wraight

INSPECTOR