



Appeal Decision

Site visit made on 6 May 2025

by N Kempton BAHons PGDip MA IHBC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 June 2025

Appeal Ref: APP/E2001/W/24/3347884

**Nova Scotia Farm, Quay Lane, Swinefleet, Goole, East Riding of Yorkshire
DN14 8DP**

- 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 Nigel Lowe against the decision of East Riding of Yorkshire Council.
 - The application Ref is 24/00700/PLF.
 - The development proposed is change of use of agricultural land and buildings for storage and parking of HGVs in connection with haulage business and reinstatement of a non-commercial use vehicular access (retrospective).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised National Planning Policy Framework (the Framework) in December 2024. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by this.
3. During the course of the appeal, the Council adopted the East Riding Local Plan Update (2020-2039) (LP). The wording of the stated policies has been updated, upon which, the appellant has had an opportunity to comment. The Council considers that the appeal remains in conflict with Policies ENV1 and EC4 of the LP. I have had regard to the most up-to-date wording of the policies and determined the appeal on this basis.
4. The description of proposed works is taken from the Council's decision notice rather than the application form in the interests of clarity. The wording of this description reflects that which has been used by both parties in their respective evidence.
5. The change of use of agricultural land and buildings for storage and parking of HGVs in connection with the haulage business and the reinstatement of a domestic vehicular access has already been implemented. As such, the application to which this appeal relates is retrospective.

Main Issue

6. The main issue is the effect of the development on the safe operation of the highway in the vicinity of the site.

Reasons

7. This appeal relates to an existing haulage business operating from Nova Scotia Farm, which is situated in open countryside. The appeal site is located at the junction between Quay Lane and Quart Lane. The area is characterised by a mix of industrial and agricultural uses with a peppering of residential properties.
8. Policy EV1 of the LP states that development will be supported where it, amongst other things, promotes equality of safe movement for all within the site, including access, egress and minimising highway safety risks; Policy EC4 of the LP further states that development proposals should, in addition to other things, produce and agree a transport assessment and travel plan, where a significant transport impact is likely.
9. The sole matter of dispute relates to the safe operation of the highway. The Council and their Highway Development Management Officer (HDMO) identified that there was insufficient information to enable a proper assessment of the suitability of the access and to assess the overall impact upon the existing highway.
10. HGVs associated with the appellant's haulage business turn in and out of the appeal site using an existing access from Quay Lane. Given the size of such vehicles and likely frequency of movements associated with a haulage business relative to the restricted width and condition of the rural lane, there is a reasonable basis to doubt the suitability of the existing access to serve the development. In this context a significant transport is likely. In the absence of evidence to show otherwise, it is likely that damage to the highway might occur which would undermine the safety of other highway users. There is existing damage to the highway verge in the vicinity of the site which reinforces these concerns.
11. In coming to my findings I have given considerable weight to the views of the HDMO in light of their specialist and local knowledge. They indicate that localised widening may be required to prevent damage to the highway verge and that the access from Quay Lane would require upgrading.
12. The information provided in this instance fails to adequately establish how the business operates, the types of vehicles, and the anticipated traffic generation resulting from the development which inhibits a proper assessment of the overall impact of the development on the existing highway.
13. I acknowledge that the appellant has provided some additional information, but this is limited. Detailed information relating to the nature of operations at the site and the resultant traffic generation with logged vehicle movements including reference numbers and dates, have been omitted. Whilst the longevity of the appellant's haulage business operating from the site is noted, as is the limited information provided in respect of turning within the enclosed yard, this does not address the information necessary to enable a full assessment of the development. As such, it runs counter to the requirements of Policy EC4 of the LP.
14. The appellant has provided the names of farms and businesses in the vicinity of the appeal site, which use Quart Lane and Quay Lane for HGV access to their properties and farms. Whilst this information provides some wider context to the appeal development, I am not aware of the circumstances surrounding any consents that may have been granted at these sites or the nature of the operations

being carried out. As such, I am unable to draw any direct comparisons with the appeal development, which I have assessed on its own merits.

15. The appellant disputes the cause of the damage to the highway identified by the Council. Notwithstanding this, it is not shown that this damage would not be compounded by the development that is subject of this appeal.
16. For these reasons, the evidence before me fails to demonstrate safe operation of the highway in the vicinity of the site. Therefore, the development fails to accord with policies ENV1 and EC4 of the LP.

Conclusion

17. I have found that the development fails to demonstrate safe operation of the highway in the vicinity of the appeal site.
18. Therefore, I conclude that the development is contrary to the development plan when read as a whole, and there are no material considerations to indicate that a decision should be taken other than in accordance with that plan.
19. The appeal is dismissed.

N Kempton

INSPECTOR