



Appeal Decision

Site visit made on 18 June 2025

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 June 2025

Appeal Ref: APP/E2001/W/25/3361664

Land North of Catfoss Lane, Catfoss, Brandlesburn, Driffield YO25 8EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr Rodney Robinson on behalf of Robinson The Builders Merchant Ltd against the decision of East Riding of Yorkshire Council.
 - The application Ref 24/30353/CONDET sought approval of details pursuant to condition Nos 3,4,5 and 6 of planning permission Ref 24/1430/STPLF granted on 19 July 2024.
 - The application was refused by notice dated 6 December 2024.
 - The development proposed is the installation of a ground mounted solar array with associated infrastructure, and the erection of a general-purpose agricultural storage building.
 - The details for which approval is sought are: (3) Surface water discharge scheme, (4) Construction Traffic Management Statement, (5) Landscape and Ecological Management Plan (LEMP) and (6) Screen Planting Scheme.
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Decision

1. The appeal is allowed and the Landscape and Ecological Management Plan (dated November 2024) submitted pursuant to Condition No.5 attached to planning permission Ref 24/1430/STPLF granted on 19 July 2024 is approved.

Applications for costs

2. An application for costs was made by Mr Rodney Robinson on behalf of Robinson The Builders Merchant Ltd against East Riding of Yorkshire Council. An application for costs was also made by East Riding of Yorkshire Council against Mr Rodney Robinson on behalf of Robinson The Builders Merchant Ltd. These applications are the subject of a separate decision.

Preliminary Matters

3. This appeal relates to the discharge of a number of conditions imposed by the Council on the original planning permission as described in the banner heading above. The Council issued a split decision which approved the discharge of Condition Nos. 3, 4 and 6 but refused to discharge Condition No. 5. As a result, my decision relates solely to the condition which is in dispute.

Main Issue

4. The main issue is whether the details submitted are sufficient to discharge the Condition No.5, having regard to whether adequate provision would be made for wildlife and habitat enhancement, management and maintenance.

Reasons

5. Planning permission was granted for a ground mounted solar array and a general-purpose agricultural building. Condition No.5 of the permission required a Landscape and Ecological Management Plan (LEMP) to be submitted to and approved in writing by the Local Planning Authority. The condition states that the LEMP shall be compiled by a suitably qualified ecologist and should detail how wildlife enhancements and habitats are to be managed and maintained; cross referenced to how this will enable the Biodiversity Gain Plan to be achieved. The condition also provided guidance on what should be included in the LEMP.
6. The Council refused to discharge this condition on the basis that insufficient information was provided with the application, or within the statutory time period for the application within the LEMP submitted with the application.
7. Prior to determination of the application, the appellant submitted to the Council an updated LEMP (dated November 2024), which was not accepted. This document also accompanies this appeal.
8. In response to the appeal, the Council have confirmed that the amended LEMP is sufficient to discharge the requirements of Condition No.5. However, they have requested that the amended document be disregarded, and the appeal determined on the basis of the LEMP as originally submitted.
9. Nonetheless, in this instance, the amended LEMP has been specifically prepared to address the Council's stated reason for refusal. The Council has had the opportunity to review the document and has confirmed that it satisfactorily resolves their concerns. Given that the condition pertains to matters of biodiversity, landscape, and ecology, I am satisfied that no procedural unfairness would result from considering this information in the determination of the appeal.
10. Therefore, on the evidence before me, I am satisfied that the details provided in respect of the LEMP are satisfactory and the condition can be discharged.

Conclusion

11. For the reasons set out above, I conclude that the appeal should be allowed.

K Lancaster

INSPECTOR