



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: 30 June 2025

Appeal Ref: APP/F4410/W/24/3355232

Skellow Grange Working Mens Club Saloon, Yard Office, 223 Skellow Road, Skellow, Doncaster DN6 8JL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Morling on behalf of Rhinos Ltd against Doncaster Metropolitan Borough Council.
 - The application Ref is 24/01365/FUL.
 - The development proposed is erection of industrial / workshop units with associated parking.
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Decision

1. The appeal is dismissed and planning permission for the erection of industrial / workshop units with associated parking is refused.

Preliminary Matters

2. The appeal is against a failure to give notice within the prescribed period of a decision on an application for planning permission. The appeal was validated by the Planning Inspectorate on 28 November 2024. On the 7 March 2025, the Council issued a document purporting to be a grant of planning permission, after the appeal was lodged. This is not a formal planning decision as jurisdiction transferred from the Council once the Planning Inspectorate accepted the appeal. I have had regard to this document insofar as it relates to the Council's case and suggested conditions, but I am not bound by it.
3. The Council has indicated that they would have approved the application. Notwithstanding this, concerns have been raised by third parties regarding noise and disturbance, design and appearance and highway safety with regards to traffic generation and access.

Main Issues

4. It follows that the main issues relevant to this appeal are the effect of the proposed development on:
 - the character and appearance of the area;
 - the living conditions of neighbouring residents with particular regard to noise;
 - highway safety.

Reasons

Character and appearance

5. Sited to the rear of a Social Club, a boxing gym and a beauty salon, the appeal site is within a walled complex. It would be accessed via Ings Lane, a side road leading off Skellow Road. The area presents a mixed character with a more commercial orientation along Skellow Road, which is the main road through the settlement. Along Skellow Road, a convenience store and other commercial uses can be found, but nevertheless, there are residential dwellings with rear gardens to the west. Ings Lane transitions to a quieter, predominantly residential environment, which is palpably different. Here the residential development comprises flats in Burgh House and bungalows set back behind front gardens and private driveways on one side. On the other and directly adjacent to the appeal site is open arable land.
6. This shift is marked by a distinct boundary where the built environment gives way to open, rural farmland. The appeal site itself is currently a hard-surfaced, low-key space with minimal built form, which contributes to the openness of the area. The openness plays a key role in softening the transition between the residential edge of the settlement and the surrounding countryside, allowing the quieter residential character to dominate.
7. The proposed development would introduce a significantly greater volume of built form, and associated traffic, lighting, vehicle activity, and general intensification of use. This would represent a stark departure from the current low-impact setting, creating a more abrupt and jarring edge to the settlement. The increased urbanisation and intensification of use would alter the residential character of Ings Lane and diminish the rural qualities of the surrounding landscape. As such, the proposed development would be unsympathetic to the positive aspects of the area's existing character and visual appeal.
8. Presently, the site is unsightly by reason of the accumulation of scrap metal and debris. However, this does not justify other harmful development as such concerns can be addressed by other means than the appeal proposal.
9. The introduction of industrial units would fail to respect the existing pattern of development, rather it would intrude into the residential area, thereby diluting the identity and eroding the character of the area. The proposed use of the units under Use Classes B2 and E(g) would be likely to generate additional activity, exceeding that which would be expected of a predominantly residential area. As such, the proposed development would have a detrimental effect on the character and appearance of the area.
10. Accordingly, the proposed development would be contrary to Policy 41 of the LP, which relates to character and local distinctiveness. This policy states that development proposals will be supported where they respond positively to their context, setting and existing site features, respecting and enhancing the character of the locality; and integrate visually and functionally with the immediate and surrounding area at a settlement, neighbourhood, street and plot scale.

Living Conditions

11. The introduction of industrial units on the appeal site would increase commercial development into a predominantly residential area, which is generally quieter, close to residential gardens and outlooks and positioned away from active frontage, providing some respite from the commercial uses and Skellow Road.
12. Use Classes B2 and E(g), as specified in the proposal, are broad and likely to generate a range of associated activity. The proposed units could be used for general industrial uses (Class B2) that involve processes or operations that are typically noisy, involve significant machinery, and have associated vehicular movements. The potential noise and disturbance arising from general industrial activity covered by Use Classes B2 in particular would be likely to have a detrimental impact on residential amenity given the proximity to residential dwellings and their gardens. Hence, it would detract from the use and enjoyment of external amenity areas for the neighbouring occupiers.
13. The imposition of conditions on any approval restricting operating hours and delivery times are sometimes used to mitigate the potential for noise and disturbance. However, it has not been shown that such conditions would surmount the concerns raised regarding noise and disturbance, or that they would be economically appropriate or reasonable for the proposed uses. For example, in the absence of specific details regarding the actual operational requirements of the individual units, it is questionable whether it would be reasonable to require all doors and windows to be kept shut, save for loading and unloading, or to restrict outdoor activity and storage. Furthermore, it is doubtful that such controls could realistically be enforced. In this case such conditions could not be applied given the lack of substantive evidence regarding operational requirements or noise generation. As such, I find that the type of uses permissible under the proposed Use Classes would adversely impact on the living conditions of nearby residential occupiers.
14. The proposal would be contrary to paragraph 135(f) of the National Planning Policy Framework (the Framework) which states that development should create a high standard of amenity for existing and future users.
15. For these reasons, the effect of the proposed development would be detrimental to the living conditions of neighbouring residents, with particular regard to noise and disturbance. As such, the proposed development would be contrary to Policy 46 of the LP, which relates to the design of non-residential, commercial and employment developments. This policy states that proposals will be supported where they are designed to have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment.

Highway Safety

16. The information before me and scale of the units broadly indicates that the traffic generation and the demand for parking for each unit would be modest. The development makes provision for allocated parking marked bays for each of the units and a servicing and turning area within the site boundary. Such provision would address concerns regarding parking and servicing in the highway. It would avoid obstruction and congestion in the vicinity arising from parked vehicles associated with the development, loading and unloading from vehicles in the road, refuse collection vehicles, and potentially heavy goods vehicles.

17. Subject to the requirements set out by the Council's Highway Development Control Officer, which could be controlled by condition to any consent granted, concerns that parking and servicing in the highway would be addressed, in the interests of the safety and capacity of the highway. Whilst I have had regard to the concerns highlighted by local residents, I have not seen substantive evidence that would lead me to find otherwise.
18. Moreover, paragraph 116 of the Framework states that development should be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, of the residual cumulative impacts of the road network following mitigation, would be severe, taking into account all reasonable future scenarios.
19. For these reasons, the proposed development would not be detrimental to the safe operation of the highway in the vicinity of the site. Therefore, it would accord with the relevant criteria in Policies 13 and 42 of the LP which relates to ensuring access points, street design, parking and operational highway requirements safely cater for pedestrians, cyclists and vehicles.

Other Matters

20. The provision of 4 industrial units would bring employment opportunities and represents economic growth. It may also contribute to the vitality and viability of existing businesses in the Skellow Local Centre. These are benefits which weigh in favour of the proposal. However, the extent of such benefits is not quantified and in the absence of evidence to show otherwise, they are likely to be modest. Consequently, I do not consider the benefits outweigh the harm I have identified in this case.
21. The appellant indicates that it would assist to facilitate the redevelopment and retention of an existing community facility but there is no mechanism to secure it. On that basis, this matter carries little favourable weight.

Conclusion

22. Although I did not find harm in relation to the safe operation of the highway in the vicinity of the appeal site, the proposed development would be detrimental to the character and appearance of the area and unacceptably harmful to the living conditions of occupants of neighbouring properties by reason of noise and disturbance.
23. I conclude therefore, that the proposed 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.
24. The appeal is dismissed and planning permission is refused.

N Kempton

INSPECTOR