



Appeal Decision

Site visit made on 26 June 2025

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 July 2025

Appeal Ref: APP/Y2003/W/25/3363582

Land off Carr Lane, East Lound, Doncaster, North Lincolnshire DN9 2LT

- 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 Mrs Alice Gill against the decision of North Lincolnshire Council.
 - The application Ref is PA/2024/1370.
 - The development proposed is change of use of land from agricultural to equestrian including stables and menage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appellants appeal submission, they have included additional plans which indicate a different site layout to the plans which the Council determined the planning application on. The Council have clarified these were submitted after their recommendation. In the interests of natural justice and having regard to the principles of the substantive and procedural tests¹. I have dealt with the appeal based on the original plans which were before the Council at the time of determination.
3. The appellant in their statement of case have set out that the proposal is for private use and not commercial. The Council have referred to Policy R8 – Commercial Horse Riding Establishments of the North Lincolnshire Local Plan, 2003 (LP) in their reason for refusal. Therefore, I do not consider it is necessary for me to assess the proposal against the requirements of this policy.

Main Issues

4. The main issues are i) the effect of the proposed development on the character and appearance of the surrounding area, with regard to the Isle of Axholme Area of Special Historic Interest; and ii) Whether the proposal would comply with local and national planning policy relating to flood risk.

Reasons

Character and appearance

5. The appeal site lies outside of any settlement boundary and within an area defined as open countryside. It is located to the east of Carr Lane and consists of an open grassed field, devoid of any built development with ditches and drains running

¹ *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823 (Admin)

along the north, east and west of the site. There is vegetation and hedgerows along the boundaries of parts of the site with significant views afforded of the wider landscape to the south which all positively contribute to the verdant open rural character and appearance of the area.

6. The site falls within the Early Enclosed Land historic character zone and land designated as the Isle of Axholme Area of Special Historic Landscape (ASHLI), which is a non-designated heritage asset (NDHA) and identified within Policy LC14 of the LP.
7. The significance of the historic landscape ASHLI is derived from the vast range of fields which reflect the last examples of open-field cultivation that stems since medieval times. Means of enclosure are generally not evident within the landscape, with defining features made in the form of drainage ditches, allowing extensive views across the landscape.
8. The National Planning Policy Framework (the Framework) requires that the effect of an application on significance of a NDHA should be taken into account in determining the application. This includes that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
9. The proposal would entail the change of use of the land from agricultural to equestrian. This includes the siting of stables, menage, fencing and gates. Whilst the change of use of the land alone may be acceptable within the area as outdoor recreation the design and external appearance of the proposed stable block would be at odds with this open part of Carr Lane. The stable block would be prominently positioned to the north-east of the site and of substantial construction in height, length and width. The materials of brick with pantile roof would add to its siting incompatibility and thus it would be highly prominent in this immediate area when viewed from along Carr Lane and likely wider views looking from the south and Ferry Road.
10. Therefore, the stable block combined with the area of concrete hardstanding and other associated paraphernalia proposed would appear incongruous, intrusive and detract from the open, rural character of the immediate surrounding area and erode the historic landscape. Despite the appellant's intentions to look after the land, I would disagree that the design and layout should be justified by the notion of providing efficient space for the proposal. In addition, matters of whether fencing or enclosures fall within permitted development rights² are not for me to assess in the appeal.
11. As I saw at the time of the site visit there are other occasional buildings within the locality of the site. Those I saw were mostly screened from immediate views, some as traditional builds and some were not. Nevertheless, I do not consider those I saw positively contributed to the character and appearance of the landscape and that their existence can justify further development or set precedent within a historic landscape.
12. I have undertaken a balanced judgement, having regard to the scale of any harm or loss and the significance of the heritage asset. Whilst I acknowledge that there are other equestrian facilities in the area. The proposal would result in the loss of

² The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

the open nature of this part of Carr Lane currently devoid of built development which positively contributes to the character and appearance of the area, and the significance of the wider landscape setting of the countryside and historic landscape.

13. For the above reasons, I conclude that the proposal would cause adverse harm to the character and appearance of the area with regard to ASHLI. It would conflict with Policies RD2, LC7, LC14 of the LP and Policies CS5 and CS6 of the North Lincolnshire Council, Core Strategy 2011 (CS). Taken together amongst other matters these policies only grant permission where proposals would not be detrimental to the character or appearance of the open countryside and distinctive local character of the landscape; they seek to protect the landscape and require a high standard of design and siting that is appropriate within the ASHLI.

Flood risk

14. Policy CS19 of the CS supports proposals that avoid areas of current or future flood risk, and which do not increase the risk of flooding elsewhere. It requires a sequential approach for the suitability of land and is guided by the Strategic Flood Risk Assessment (SFRA) to ensure proposals include site specific flood risk assessment. Policy DS16 of the LP amongst other criteria does not permit development in floodplains where it would increase the risk of flooding elsewhere, unless adequate protection measures are undertaken.
15. The Framework at paragraph 181 requires that in determining applications it should be ensured that flood risk is not increased elsewhere. Where appropriate applications should be supported by a site-specific flood risk assessment. Development should only be allowed in areas at risk of flooding where certain criteria is demonstrated. The Planning Practice Guidance (PPG) sets out that a site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3.
16. The site is identified as being situated within Flood Zone 2/3a for risk of fluvial flooding and is within the Council's SFRA. The planning application was accompanied by a design and access statement which incorporated a flood risk assessment (FRA). This sets out that the site lies within Flood Zone 3 and has a high probability of flooding including a copy of the flood risk map.
17. There is limited information, and the FRA is absent of any substantive assessment other than the proposal would not result in liveable accommodation. The FRA sets out the end use should be considered low risk. It falls silent on information pertaining to drainage or consideration of local or national planning policies to address flood risk and that the proposal would not increase the risk of flooding elsewhere. I acknowledge that a flood risk assessment should be proportionate to the proposal but without such evidence I cannot be certain of the risks of flooding, and conditions would not overcome this. Furthermore, the plans indicate that rainwater would be collected but there is no precise detail to suggest that this would not add to any issues of drainage or flooding in the area.
18. For the reasons given above, it has not been demonstrated that the proposal would be safe for its lifetime and will not increase flood risk elsewhere. Thus, I conclude that insufficient information has been provided to demonstrate that the proposal would comply with local and national planning policy which seeks to steer new development away from the areas at the highest risk of flooding. The proposal

would be contrary to Policies CS19 of the CS and Policy DS16 of the LP as set out. Moreover, it would be contrary to the guidance contained within the Framework, relating to Flooding.

Other Matters

19. The appellant in support of their appeal has referred to several other equestrian developments within the vicinity of the Borough. Whilst I have had regard to those due to the proximity of the appeal site. There is nothing to suggest that the circumstances of those are directly comparable and provide justification for me to consider any policy departure. Nonetheless, I have determined the appeal on the evidence before me and site observations.
20. The Council have drawn my attention to the fact they did not refuse the proposal on biodiversity net gain or protected habitats. However, it appears from the evidence there maybe some ambiguity relating to the baseline metric in relation to the ditches and drains bounding the site. Nevertheless, the Council have suggested conditions could address this matter, and even if I were to take a different approach this would not alter my findings above on the main issues.
21. The matter of highway safety and access could be dealt with by suitably worded conditions. In addition, the appellant claims that the Council has been un-cooperative and not flexible in providing opportunities to respond. Nevertheless, there is no substantive evidence to support concerns of any extended period not being granted during the application stage and that the Council determined the proposed development under the statutory time limits. Therefore, these considerations weigh neither for nor against the development and are a neutral consideration.

Conclusion

22. The proposal conflicts with the development plan taken as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above the appeal is dismissed.

K A Taylor

INSPECTOR