



Appeal Decision

Site visit made on 10 September 2025

by **P Storey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 September 2025

Appeal Ref: APP/Y2003/W/25/3367209

Land R/O South Yorkshire Hotel, Wharf Road, Ealand, Scunthorpe DN17 4JW

- 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 Alexander Van Steen of Sensory Plus Ltd against the decision of North Lincolnshire Council.
 - The application Ref is PA/2024/973.
 - The development proposed is described as: "Erect 2 workshop units".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposed development would:
 - be appropriate to its countryside location, having regard to the spatial strategy of the development plan;
 - have an acceptable effect on the character and appearance of the area;
 - accord with local and national planning policy relating to flood risk; and
 - make appropriate provision for biodiversity.

Reasons

Development in the countryside

3. The appeal site comprises land to the rear of the former South Yorkshire Hotel, now a private residence, located on Wharf Road in Ealand. The site lies outside the defined development limits of Ealand. It is therefore designated as open countryside for planning purposes.
4. Policy RD2 of the North Lincolnshire Local Plan, Adopted Plan May 2003 (the LP) strictly controls development in the countryside. Employment-related development will only be permitted where it is appropriate to the open countryside and cannot reasonably be accommodated within defined development boundaries. It also requires that such development is not detrimental to the character or appearance of the countryside, residential amenity, or highway safety, and that it be accessible by public transport and well-integrated into the landscape.
5. Policy CS1 of the North Lincolnshire Local Development Framework Core Strategy, adopted June 2011 (the CS) establishes a spatial strategy that directs development to defined settlements, with limited development in rural areas only where it

supports local services and is in keeping with the character of the settlement. CS Policy CS2 reinforces this approach by requiring a sequential strategy that prioritises previously developed land within settlement boundaries and restricts development in the countryside to that which is essential to its functioning. CS Policy CS3 further limits development outside defined boundaries to uses such as agriculture, forestry, or tourism.

6. The proposal is for the erection of two industrial units housed within a single building, to accommodate the relocation and expansion of Sensory Plus Ltd, a business providing sensory equipment for service users with special educational needs and disabilities.
7. Due to the sensitivity of the company's customer base and to provide opportunities for prospective customers to visit and sample products, the appellant contends that the business has specific operational requirements that necessitate a tranquil, low-stimulus environment not achievable within conventional industrial estates. It is further argued that the proximity to the appellant's residence in the former South Yorkshire Hotel enhances site security, reduces operational disruption, and supports sustainable living. The appellant also highlights the adjacency of the site to existing industrial development, the availability of public transport, and the proposed landscaping and biodiversity enhancements as factors that mitigate the impact of the development on the countryside.
8. The appellant's desire to secure a quieter, low-stimulus setting for the benefit of service users and customers is fully understandable, particularly given the nature of the business and its focus on supporting individuals with sensory sensitivities. The appellant has also raised legitimate concerns regarding the security of equipment and materials, citing previous incidents of theft and the need for a more secure, on-site arrangement. These motivations reflect a genuine and commendable effort to provide a safe, stable, and appropriate environment for both staff and customers.
9. However, the site lies within the open countryside, where development is strictly controlled under the spatial strategy of the development plan. The proposal does not fall within any of the exceptions set out in the relevant policies that would justify development in this location, and would therefore conflict with the development plan. Although the appeal has been supplemented by additional evidence, including a summary of local property searches, this does not robustly demonstrate that there are no feasible alternative sites that could accommodate and meet the operational needs of the business in a manner consistent with the development plan. As such, whilst the appellant's motivations are acknowledged and respected, the weight I attach to these considerations does not outweigh the harm identified through conflict with the development plan.
10. For these reasons, I conclude that the proposed development would not be appropriate to its countryside location and would fail to accord with the spatial strategy of the development plan, resulting in conflict with Policy RD2 of the LP and Policies CS1, CS2 and CS3 of the CS, the aims of which have previously been set out.

Character and appearance

11. The appeal site comprises an area of undeveloped land which, at the time of my visit, was laid to grass and used informally for the storage of various pieces of machinery and other paraphernalia associated with the business. Whilst historical

records indicate that the land once accommodated buildings associated with a working farm, no physical remnants of those structures remain. The site lies to the north of the Ealand Industrial Estate, which is formed of a linear arrangement of industrial units situated along the northern side of the railway line. To the west and northwest are the rear gardens of a mix of residential properties. Open agricultural land extends around the site from the north to the east, reinforcing the rural character of the area and contributing to the wider countryside setting of the settlement.

12. Although there is built development to the south and west, the surrounding landscape to the north and east is predominantly open and agricultural in character, contributing to the rural setting and visual identity of Ealand. Views of the site are available from Bonnyhale Road and other vantage points to the north and east, where the openness of the countryside is a defining feature.
13. Policy CS5 of the CS requires all new development to be well-designed, appropriate for its context, and to contribute positively to the character and quality of the area. It emphasises the importance of scale, layout, and landscaping in ensuring that development integrates successfully with its surroundings. Policy LC7 of the LP similarly requires development in rural areas to respect the scenic quality and distinctive local character of the landscape, and states that proposals which fail to do so will not be permitted.
14. The appellant argues that the proposed building, comprising two adjoined industrial units, would be visually contained and compatible with the adjacent industrial estate. It is contended that the development would not be readily visible from most public viewpoints and that the industrial backdrop already defines the character of the immediate area. The appellant also highlights the use of green steel cladding to blend with the landscape and the inclusion of landscaping and biodiversity enhancements to soften the visual impact. It is further argued that the majority of the appellant's landholding would remain undeveloped, preserving the openness of the wider site.
15. Nevertheless, whilst the site lies adjacent to existing industrial development, it remains part of a wider open landscape that contributes to the rural character of Ealand. The proposed building would be of substantial scale and, due to its siting and massing, would result in a clear encroachment into the countryside. This would extend the built form of the settlement beyond its established edge, diminishing the openness and visual containment that define the area.
16. Although the development would be seen in some views against the backdrop of the industrial estate, it would nonetheless appear as a prominent new structure when viewed from Bonnyhale Road and other eastern approaches. Whilst proposed landscaping would offer some mitigation, it would take time to establish and would not sufficiently soften the visual impact of the built form in the short to medium term.
17. For the reasons given, I therefore conclude that the proposed development would harm the character and appearance of the area and would conflict with Policies RD2 and LC7 of the LP, and Policy CS5 of the CS, the aims of which have previously been set out. It would also conflict with the relevant provisions of the National Planning Policy Framework (the Framework), which have similar aims.

Flood risk

18. The appeal site lies largely within Flood Zone 3, as confirmed by the Environment Agency's flood risk mapping. The Framework and Planning Practice Guidance (PPG) identify the proposed development as a "less vulnerable" use, which may be appropriate in Flood Zone 3 subject to the Sequential Test (the ST) and, where necessary, the Exception Test.
19. Paragraphs 173 to 176 of the Framework set out the requirement for development proposals to apply a risk-based sequential approach to steer new development to areas with the lowest probability of flooding. The PPG reinforces this principle and provides further guidance on how the ST should be applied, noting that this should be proportionate, focusing on realistic alternatives in areas of lower flood risk that could meet the same development need.
20. The Framework, PPG and development plan do not define the extent of the ST search area in prescriptive terms. However, reflecting the provisions of the PPG, it is reasonable to expect the extent of the search area to be justified with reference to the operational scope of the business, its customer base, and the geographical area it serves.
21. In this case, the appellant's ST defines the search area as limited to Crowle and Ealand. Whilst a graphic is provided to illustrate the search radius, the area is not quantified, and no substantive evidence is offered to justify why such a narrowly defined geography is appropriate for the scale and nature of the business. Although factors such as proximity to staff and suppliers may make this location desirable, the submitted evidence describes the business as serving a much wider operational and customer base. A search area confined to two small settlements does not reflect this broader functional catchment, and in the absence of clear justification, it cannot be considered proportionate or robust for the purposes of the ST.
22. The ST identifies three alternative sites, all of which are discounted primarily on the basis of being within Flood Zone 3 or otherwise unsuitable. However, the narrow search area excludes consideration of sites in lower flood risk zones elsewhere in North Lincolnshire that may be suitable and available.
23. Policy CS19 of the CS remains in broad accordance with the Framework and the PPG. It requires that development in areas of high flood risk be permitted only where it provides wider sustainability benefits that outweigh the flood risk, is located on previously developed land unless no reasonable alternatives exist, and is demonstrated to be safe through a site-specific Flood Risk Assessment (FRA).
24. Whilst the appellant has provided an FRA with mitigation measures intended to ensure the development would be safe, the ST has not been adequately addressed. The search area is insufficiently justified and too narrowly defined given the scale of the business and its likely customer base. As such, the proposal fails to demonstrate that there are no suitable alternative available sites in areas of lower flood risk.
25. For the reasons given, I conclude that the proposed development does not adequately demonstrate that the ST has been satisfactorily addressed. The proposal would therefore be unacceptable in terms of flood risk and would conflict

with Policy CS19 of the CS and the requirements of the Framework and PPG, the aims of which have previously been set out.

Biodiversity

26. Policy CS17 of the CS requires development proposals to retain, protect and enhance features of biological and geological interest, and to seek to deliver a net gain in biodiversity. These principles are reinforced by the statutory requirements introduced under Schedule 7A of the Town and Country Planning Act 1990 (as amended), which mandate a minimum 10% biodiversity net gain (BNG) for most planning applications submitted after 2 April 2024.
27. The application was submitted on 15 August 2024 and is therefore subject to the BNG condition under Schedule 7A. However, in response to the relevant question on the application form, the appellant indicated that the condition would not apply, citing an exemption for self-build and custom-build development. The reason given was that the development was “for his own use.” However, this exemption is applicable to housing development, which is not the proposal in this case. As such, the BNG requirement under Schedule 7A applies in full.
28. The Council’s ecologist reviewed the original submission and identified several deficiencies. These included the omission of the watercourse along the southern boundary from the BNG metric, inaccurate application of strategic significance to baseline and post-development habitats, and failure to satisfy trading rules. Concerns were also raised about the feasibility of achieving the predicted habitat conditions, particularly where tree planting could conflict with grassland management objectives. Based on the information available at the time of determination, the Council could not be satisfied that the statutory BNG condition could be met.
29. Whilst the appellant has made efforts to address these concerns through additional details submitted at appeal stage, the original application failed to demonstrate compliance with Schedule 7A and Policy CS17. The exemption claim was incorrect, and the biodiversity metric did not provide sufficient evidence that a minimum 10% BNG could be achieved and maintained.
30. For these reasons, I therefore conclude that the proposed development does not demonstrate that it would make appropriate provision for biodiversity in accordance with Policy CS17 of the CS and the statutory requirements of Schedule 7A of the Town and Country Planning Act 1990 (as amended).

Other Matters

31. The development would support a growing business with national reach, providing specialist sensory equipment to service users with special educational needs and disabilities. The proposed development would facilitate the relocation and expansion of the business, safeguarding existing jobs and enabling future employment growth. The appellant has indicated a target of significantly increasing staff numbers over the coming years, alongside commitments to local training, charitable work, and community engagement. These economic and social benefits carry weight in favour of the proposal, particularly in light of the appellant’s stated desire to invest in the local economy.

32. The proposal also attracted notable local support and no objections from consultees. These factors weigh positively in the planning balance. However, while they are acknowledged and afforded appropriate weight, they do not overcome the significant weight I must give to the conflict with the development plan. As such, whilst I recognise that the proposed development would deliver certain benefits, they are not sufficient to alter my previous findings given the harm identified.

Conclusion

33. For the reasons given above, I conclude that the appeal should be dismissed.

P Storey

INSPECTOR