Planning Inspectorate

Appeal Decision

Inquiry held on 16-18 and 22 September 2025

Site visit made on 19 September 2025

by Katie McDonald MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th October 2025

Appeal Ref: APP/U2750/W/25/3364391
Land on south side of the A63 bypass on the corner of the roundabout of the A19/A63 near Brayton, Selby

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
- The appeal is made by Mr Paul and Harry Campey (Campeys of Selby Limited) against the decision of North Yorkshire Council.
- The application Ref is ZG2024/0159/OUTM.
- The development proposed is outline planning application with all matters reserved except for means of access for storage/distribution use (Class B8) with HGV parking and ancillary uses including vehicle servicing workshop.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal is an outline proposal with access. All other matters are reserved. Indicative plans have been provided and I have had regard to them so far as they are relevant to the assessment of the appeal.

3. A draft planning obligation was presented at the inquiry, but due to land ownership issues, a final obligation could not be executed. A condition was presented to me in the event the appeal was allowed. However, it has not been necessary to deal with this any further.

4. An amended location plan was submitted to reflect the site plan and planning obligation, and correct the 'blue line'[1]. The change was not substantive and no parties would be prejudiced by it. I have taken account of it accordingly.

5. The plans indicate works, notably bunding and a footpath to the south west of the site, on land outside the 'red line'. Whilst these works would take place within the 'blue line', they would be operational development, and are indicative only. Therefore, I have not had regard to them in my assessment of the appeal.

6. The development falls within the description at 10(b) of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations). For the purposes of an Environmental Impact Assessment (EIA), the development would not be likely to have a significant effect on the environment, but exceeds the criteria at 10(b) of Schedule 2 of the EIA Regulations as the overall

[1] Inquiry Document (ID) 9

area of the development exceeds 5 hectares. Considering the nature, scale and location of the proposed development and nature of the receiving environment, whilst there may be some impact on the surrounding area because of this development, it would not be of a scale and nature likely to result in significant environmental effects. Accordingly, this development is not EIA development.

7. The Planning Practice Guidance (PPG) chapter on Flood Risk was revised during the Inquiry. Both parties provided comments in the form of a note[2], and I have considered this in the decision.

Main Issues

8. The main issues are:

   a) Whether the site is suitable for the proposed development, having regard to the Council's spatial strategy.

   b) The effect of the proposal on the character and appearance of the area.

   c) Whether the proposed development would be in a suitable location with regard to local and national policies relating to flood risk.

   d) Whether the proposal would support active and sustainable modes of travel.

   e) The effect of the proposal on the setting of the Grade II listed Brayton Tunnel.

   f) The effect of the proposal on the loss of best and most versatile agricultural land.

   g) The need for the proposal.

Reasons

9. Located to the south of the A63, east of the A19 and north of the Selby Canal, the site comprises 2 large, undeveloped, arable fields of around 8 hectares. The landform is flat and open, and the site is highly visible and prominent from both the A63 and Selby Canal. The proposal is to form a consolidated depot for a haulage company, comprising a large warehouse to be used for storage and distribution, office, HGV car park and workshop along with a staff car park. Vehicular access would be taken from the A63 and pedestrian access from the A19.

10. The Design and Access Statement[3] and plans indicate the warehouse building would have a footprint of around 4,645 square metres (sqm), being located centrally in the site, with there being 109 HGV spaces and 108 car parking spaces with 5 disabled[4]. The proposed office building would be in front of the warehouse with a gross internal floor area of circa 204 sqm[5]. The workshop building would be sited at the far end of the eastern boundary within the area designated as HGV parking. The workshop has a proposed gross internal floor area of circa 552 sqm. Staff car parking would be to the north, close to the A63. A gatehouse is also on the indicative plans, with a gross internal floor area of circa 26 sqm. Attenuation ponds, bunds and swales are also detailed on the indicative landscape strategy. Whilst the details are indicative, the amount of floor space and parking areas would be likely

[2] ID 8
[3] Core Document (CD) 1.19
[4] CD 1.1
[5] CD 1.25

to come forward at reserved matters stage given this is what the appellants has identified as their business needs for the proposal when consolidating their existing facilities.

Whether the site is suitable for the proposed development

11. The development plan, for the purposes of this appeal, comprises the Selby District Core Strategy Local Plan (October 2013) (CS) and saved policies from the Selby District Local Plan (February 2005) (LP).

12. The site lies in the countryside, outside the defined Development Limits. Part A (c) of Policy SP2 of the CS sets criteria for '*development in the countryside'*. This includes reference to well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13; or other special circumstances.

13. Policy SP13 sets out the scale and distribution of economic growth. Part c details the expectations for rural areas, being sustainable development which brings sustainable economic growth through local employment opportunities or expansion of businesses and enterprise. Five examples are included, although the list is not closed. That said, the examples do not suggest large scale industrial development, such as this, would be appropriate.

14. Policy EMP2 of the LP allocates employment sites, of which the site does not feature, and there remains existing sites that have not yet been developed. Policy EMP11 of the LP facilitates the provision of large-scale industrial and business development in exceptional circumstances where proposals cannot ordinarily be accommodated within allocated employment land. The policy is intended to cater for major inward investment proposals that require large, strategically located sites that would otherwise have to be treated as a departure from the Development Plan.

15. Policies SP2 and SP13 of the CS, and Policy EMP11 of the LP require further assessment of matters that I will deal with below. However, in principle, the site's location in the countryside would be contrary to the spatial development strategy and the settlement hierarchy. I will conclude on this main issue when I have assessed all other main issues.

Character and appearance

16. The site is in the Humberhead Levels National Character Area[6], which is a flat, low-lying and large scale agricultural landscape. At a county level, it falls in the Levels Farmland Landscape Character Type. It is also described at a local level as part of the Landscape Character Type 13 – Haddlesey Farmland[7] (HFLCT). The HFLCT key characteristics are described as:
    - *Flat arable farmland with a patchwork of regularly shaped fields of a large scale with grassed field margins and occasional trees*
    - *Distinct lack of hedgerows, creating a vast sense of openness with long distance views and lack of enclosure.*
    - *Very sparse settlement pattern, with few isolated properties.*

[6] CD 8.12
[7] CD 13.3

- *Areas of woodland distributed unevenly through landscape, with significant areas concentrated near Gateforth.*
- *Major energy transmission infrastructure present, with prominent views of power stations, transmission lines and occasional wind turbines.*

17. The site and surrounding area contain many features of all 3 landscape character areas. Of note is the HFLCT, with the site being a flat open large field, with occasional trees running along the ditch. Overhead low level power lines run across the site, but there are limited prominent views of Drax power station from the site.

18. Selby Canal is the main watercourse in the area, and the site is highly visible from the towpath, which borders the site. Dwellings on the edge of Brayton are visible from the site, but their location and established landscaping means the site feels relatively remote from settlements. Brayton Barff and the church spire at Brayton are both visible from the site and towpath, which are identified as key landmarks in views. Given these are visible from the towpath, a well used recreational resource, these landmarks are important features, as is the setting of the Selby Canal, which has a tranquil, pleasant and rural character in this location. From the Grade II Listed Brayton Tunnel, views across the site are vast and open, running all the way to the boundary with the A19 where there is taller planting to the roundabout.

19. The site is influenced by the A63 to the north, and vehicular traffic can be heard and seen, particularly as it rises up the embankment over the canal. This contains the site to some extent but does not detract greatly from the rural, open and tranquil setting when viewing the site from the canal. This is notable given views to the south of the canal are interspersed with established planting.

20. The proposal would introduce a large scale change to the area. It would not be located adjacent to an existing settlement pattern, and it would be an isolated and sizeable proposal. The warehouse and office building, despite any changes to shape or location at reserved matters, would be tall, wide and bulky. Furthermore, there would be the additional buildings, such as the warehouse, and the large swathes of parking for HGVs, trailers and cars. HGVs are large, tall vehicles and their presence, even if transient, would introduce industrial scaled activities to this site, which due to its open, arable and flat nature, along with the visual prominence from both the canal and A63, is sensitive to change. Moreover, the proposal would operate 24/7, such that there would always be impacts from lighting and operational activities, which would detrimentally affect this rural setting.

21. The proposal would also affect views from the canal across the site towards the church spire at Brayton and towards Brayton Barff. Whilst both could still be seen at points when travelling past the site, the proposal would be in the foreground and this would adversely affect the setting and character of these key landmarks.

22. The location and design of the development would be highly visible and harmfully disproportionate throughout this flat and open landscape. Woodland planting and restoration of hedgerows are suggested as a method of landscaping, which would follow the LCA management guidelines. Landscaping is also proposed in the obligation to the south and east, outside the ‘red line’. Whilst this would increase the perceived naturalness of the character area, and provide valuable habitats and corridors for local biodiversity, no amount of landscaping would enable the scale and activities of the proposal to become well integrated in this location. Bunding was also suggested as a method of mitigating the visual impacts of the proposal.

Arguments were presented by both parties as to why it would or would not be an alien feature in the landscape. In this location, there are examples of engineering operations to create infrastructure or flood alleviation. However, specific bunding to reduce the visual impact of large scale industrial buildings and works is not common, and the bunding in this context would be contrived.

23. No formal landscape assessment was submitted with the proposal, and whilst the Council did not request one, for a development of this size, a Landscape and Visual Assessment would have proved informative. Despite this, attempts were made in the evidence to ascertain the effect of the proposal in landscape terms. It was agreed that the effect on the landscape and visual effects would be adverse, and whilst these would be localised, they would, in my view, remain adverse in years 5 and 15. The localised effect would be significant, given views from the canal would be significantly affected, and the canal is an important and well used recreational route, with the management guidelines seeking to preserve the setting of the canal as a leisure and green resource[8]. Although it would affect only a proportion of the canal route, it is at a point where the landscape opens, if travelling westwards, and a vast sense of openness is felt. The introduction of this proposal would very negatively affect views from the canal.

24. Overall, the proposal would be of an inappropriate scale in this isolated countryside location, which would result in a prominent development that would detrimentally harm the character and appearance of the area. This would conflict with Policy ENV1 of the LP and Policies SP2, SP13 and SP18 of the CS. These policies seek to ensure high quality development of an appropriate scale in relation to the site and its surroundings; safeguarding and, where possible, enhancing the historic and natural environment including the landscape character and setting of areas of acknowledged importance.

25. There would also be conflict with the National Planning Policy Framework (the Framework), which seeks to ensure planning decisions contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Flood risk

26. The Framework sets out that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. This is referred to as the sequential test.

27. The PPG details that the aim of the sequential approach includes application of the sequential test, which is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. This means avoiding, so far as possible, development in current and future medium and high flood risk areas considering all sources of flooding.

28. The site is in Flood Zone 2 and is at risk of fluvial flooding, and therefore a sequential test is necessary. The PPG provides guidance on how the sequential test should be applied, and details that the area to which the test needs to be applied will be governed by local circumstances relating to the catchment area for the type of development proposed and the needs it is proposing to address[9]. The

[8] CD 13.3
[9] Paragraph: 027a Reference ID: 7-027a-20220825 Revision date: 17 09 2025

catchment area should always be appropriate to the nature and scale of the proposal and the settlement it is proposed for. The PPG states that the planning authority will need to determine an appropriate area of search, based on the development type proposed and relevant spatial policies. The Selby District Council Flood Risk Sequential Test Developer Guidance Note Oct 2019[10] does not set out specific guidance for employment generating proposals, but it is still useful and points towards the settlement hierarchy as the locations for future development.

29. No consultation took place with the Council to determine the area of search, and the Council maintain that because the proposal is for haulage and storage, the search area should be the former district of Selby. The appellants disagree, and the Sequential Test[11] carried out by the appellants considered allocated sites under Policy EMP2 of the LP, along with sites at Kellingley and the former Eggborough Power Station. Additionally, employment sites for sale within a 5-10 minute drive from the proposed site were considered.

30. The appellants operate a haulage company the delivers goods nationwide. However, there is a focus on customers around Selby. They are seeking to consolidate their operations to one site. Whilst the settlement of focus is Selby, the appellants operate from numerous sites to the south, east and west of the HQ at Thorpe Willoughby. Indeed, the 3 sites that would be relocated to the appeal site are in Kellingley, Hensall and Heck, over a 10 minute drive from Selby. I understand that one of the aims of the proposal is to reduce mileage when travelling from Selby to these sites. However, they are currently used by the appellants, and given the business has grown considerably in the last 4 years, cannot be said to be placing a constraint on the operations. Furthermore, sites A and B[12], which are customer owned sites, would continue to be used, such that journeys to site A in Eggborough (closely located to sites 1, 2 and 3) would still be carried out.

31. Therefore, aside from considering allocated or windfall sites, I do not understand why the search area was constrained to an area that encompasses a 5-10 minute drive from the appeal site. The search area is small, and considering the proposal is for a haulage company, who undertake thousands of vehicle movements and miles across the UK per year, a 5-10 minute drive search area cannot be considered reasonable for the purposes of a sequential test, despite the well-intentioned attempts to reduce mileage from Selby. There is also nothing to stop the appellants from gaining additional customers from other locations, and the existing customer base should not be wholly restrictive. Furthermore, and importantly, the appeal site should not be used as a nucleus for the search area. The site being the most sequentially preferable should be the outcome of the exercise after all other sites have been considered, not the starting point.

32. Of the sites considered, 5 of the allocated sites have already been built out and are occupied. I do not understand why they were included as possible alternative sites. Of the other allocated sites that were discounted, the sites in Cliffe Common and Sherburn in Elmet would be too small for the proposal and are not sequentially preferable. However, the site in Tadcaster was not assessed. The appellants detailed this was due to the distance away from Selby, and that it would not make commercial sense to locate the development at the site. Tadcaster is to the north

[10] CD 13.1
[11] CD 1.27
[12] CD 10.6 Appendix 1

west of Selby, and would not be in the current catchment area for the appellants' business. However, the site is available, of a lower flood risk and as far as the Council are concerned, could be sequentially preferable. Yet, it was not assessed. The remaining allocated site at Olympia Park is not sequentially preferable as it is of a greater flood risk.

33. The windfall sites at Kellingley and Eggborough Power Station were discounted in the sequential test. However, despite additional information being provided at the inquiry, the reasons given for discounting the windfall sites are poor. The sequential test refers to landowners not willing to sell the land, and this is followed with assertions in evidence[13] that the land would not be sold at a rate reflective of open storage value. However, there is no evidence of discussions or negotiations before me. Whilst it was argued that the layout of the sites was mainly built for manufacturing, the Council argued that the planning permissions had provided development platforms which could be amended to reflect business needs. They are also not fully built out, would be suitable for the type of development proposed and they would be able to meet the same development needs (indeed one is currently being used by the appellants). The evidence before me to discount them as reasonably alternative sites is limited, to say the least. Additionally, in terms of considering other sites, given this proposal is on land in agricultural use, no other sites in the same use for sale were considered in the sequential test. I do not understand why.

34. I accept the appellants have specific requirements to their site search, and are looking to reduce mileage and trips from their various sites. I also understand that a high proportion of the former Selby district is subject to some form of flood risk, and this site *could* be sequentially preferable. However, I have several concerns about the application of the sequential test. The area of search for a development of this size should have been larger, particularly given the nature of the business is haulage and the other existing business locations to the south. Additionally, the reasons given for discounting the windfall sites are poor, with little evidence to substantiate the claims that they are not realistic alternatives.

35. The appellants detailed that they had been in discussions with the Council's Economic Development Team (EDT) to find alternative sites, and consider there are no available alternative sites. However, these were not for the purposes of a sequential test, nor were they detailed in the sequential test, or placed before me or the Council in evidence.

36. Thus, the sequential test search area is not large enough, and it is not a robust nor thorough appraisal of reasonably available sites to form a satisfactory conclusion. For this reason, the application of the sequential test fails. This would conflict with Policy SP15 of the CS, which seeks to ensure that development in areas of flood risk is avoided wherever possible. There would also be conflict with the Framework, which seeks to ensure development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.

Active and sustainable modes of travel

37. Active Travel England, as a statutory consultee on this matter, maintain their objection[14] to the proposal. The main areas of conflict remaining on this issue are:

[13] CD 10.5 6.63
[14] CD 4.32

i. whether accessible, safe or secure access for staff on foot or bicycle would be provided, and
ii. whether use of public transport would be an attractive mode of travel.

38. It was agreed that the site is not located a significant distance away from settlements, such that the distance itself would not discourage active travel. However, the roads which are used to access the site, namely the A19 and A63, are busy roads used by a high number of vehicles. The A19 south of the site contains no street lighting, and the roundabout where the site would be located is of a considerably large size, and has 2 or 3 lanes at each entry point, and up to 2 lanes on the exits, with the national speed limit being in place. The draft planning obligation provides monies towards active travel, and this includes the provision of a crossing point on the southern arm of the roundabout on the A19. This would provide pedestrian and cycle access to the site.

39. The addition of the crossing point means that access to the site would be achievable when approaching the site from Brayton to the north or from Burn to the south. If approaching the site from Brayton or Selby, a walker would be required to navigate the roundabout on the west side, crossing 4 roads with up to 3 lanes of uncontrolled traffic. Although there would be gaps in the traffic, and the crossings would be considered safe from a road safety perspective, vehicles are approaching or leaving the roundabout at higher speeds than in a more built up area and there are multiple lanes of traffic to judge. Additionally, the number of crossing points, width of the roads, and multiple lanes of traffic, along with having to go all the way around the roundabout is an indirect and convoluted way to access the site. It would not provide a welcoming or attractive environment, especially during inclement weather.

40. Moreover, given that it would be mainly commuters accessing the site, many would be travelling early and returning later, and often in reduced light, or darkness. Additionally, the alternative route along the canal is unlikely to be used by many due to there being no street lighting. Therefore, the nature of the route would not encourage walking to the site. Indeed, it would be unsuitable for many, and would not prioritise sustainable modes of travel.

41. The footway around the roundabout is shared, such that cyclists can also use this instead of navigating the road network. However, this requires the same number of crossings and manoeuvres as a walker, and in reality, a cyclist travelling south from Brayton or Selby is unlikely to cross over to the other side of the road to access the shared cycleway. This is because they would have to navigate across oncoming traffic off the roundabout (which could be 2 lanes of traffic merging into one), to access the shared cycle lane, dismount, and then cross over the 4 roads to get around the roundabout.

42. Even a more inexperienced cyclist would be likely to attempt to go around the roundabout in the flow of vehicular traffic, due to the inconvenience of the number of crossings, waiting and dismounting. Whilst this manoeuvre happens, and has been recorded in evidence, cycling across this wide and fast moving roundabout should not be encouraged as a method of accessing the site. This is clear in LTN1/20[15], and accessing the site by cycling around the roundabout would be

[15] CD 8.4 *10.7.1 - Roundabouts account for around 20% of all reported cyclist killed or seriously injured (KSI) casualties (Pedal Cycling Road Safety Factsheet, DfT, March 2018) and roundabouts designed to standard UK geometry can be hazardous for […]*

unsafe, uncomfortable and unattractive for most cyclists. Furthermore, accessing the site via the shared footway would be indirect, inconvenient and unattractive.

43. The barrier that the roundabout at the A19 and A63 presents to walking and cycling is significant, and would deter many from accessing the site on foot or by bicycle. Indeed, this is clear in the appellants own evidence, anticipating that around 77% of staff would be driving a car to the site.

44. Bus access to and from the site is what would be expected in a more rural area, with the service providing a daytime hourly route. The obligations in the draft s106 would provide improved facilities through the formalised bus stops with shelters on the A19, and this may go some way towards promoting bus usage.

45. However, whilst solutions vary between urban and rural areas, this is a large scale business premises, that would have around 180 employees. Utilising a rural hourly bus service to access a large scale employment site is insufficient. Furthermore, even if employees did use the bus service, the low frequency of the service and inconvenient bus times would not present a genuine alternative to the private car, especially considering the 24/7 operation. Additionally, even with the provision of a Travel Plan, there would be a high amount of car parking proposed for staff members, such that staff would have no concerns over the availability of car parking spaces, which could, in some instances, serve to encourage bus use or active travel.

46. The bus service contribution provided for in the draft planning obligation would only be sufficient to ensure that the bus service continued to run in its current form and there are no arrangements before me to increase the frequency of the service. Notably, the evidence assumes around 10 members of staff would use the bus. This is a very small proportion of the staff that would be employed at the site, and allays with my concerns over the lack of likely bus patronage.

47. The Transport Assessment (TA) addendum[16] for the site reduced the amount of active travel methods[17] and increased driving[18] from 4% to 12% in the Modal Split Proportions[19] based on feedback from the Council's highways authority, which set out that "*the suggested mode share is not acceptable given the end user is known. The proposal has a higher walking and cycle rate than will be likely at this site given the barriers separating it from the nearest residential areas. The rates although from the local census area are more likely to be typical of the existing built-up areas than the rural parts of that zone. Given the lack of frequent bus services, this mode and rail are not likely*."[20] This approach, and the appellants, does not prioritise active travel. Furthermore, whilst the modal split proportions were amended to reflect the location being more rural, this only echoes the concerns over the lack of active travel access and its isolated location.

48. Additionally, although the modal split proportions were used to calculate the highways impact of the proposal, it also indicates the expected number of active travel movements that would occur from the site. These would be very few, less than census data for 2011 and the average for Selby. This is at odds with the

cyclists. They usually have flared entries and exits with two or more lanes and wide circulatory carriageways which are often unmarked, lead to high differences in speeds and inherent conflicts between cyclists and motor vehicles.

[16] CD 2.6
[17] Walking, cycling or bus
[18] A car or van
[19] CD 2.6 Table 2.6
[20] CD 4.23 Page 6

Framework, which should prioritise sustainable transport modes, offering a genuine choice of transport modes.

49. I understand the location is favoured due to its access to the strategic road network and the nature of the business, and that solutions may vary. I also note the Appeal Decision[21] presented by the appellants which refers to objectives of promoting active travel and the use of public transport not being of primary importance. However, this was in the context of a motorway truck stop, whose main purpose is to serve lorries using the motorway network, with around 14 employees. This is fundamentally different to the scheme before me.

50. The barriers presented by the A19 and A63, the roundabout, the infrequent bus service, and the corresponding high amount of staff car parking would discourage many walkers, cyclists or bus patronage. Most existing staff live north of the site, and would be subject to these conditions. Elements of the Travel Plan, such as vehicle charging and car sharing would be sustainable modes of travel and beneficial, however, there is a clear failure to create a place that provides safe and suitable access that would encourage active travel to the site.

51. The location of the site is isolated, and it would not support active modes of travel. This is contrary to Policy ENV1 of the LP and Policies SP15 and SP19 of the CS, which together seek to direct development to sustainable locations with good quality means of access, making provision and facilitating active travel which minimise conflicts. However, despite the reason for refusal, the proposal would not conflict with the requirements of Policy T1 of the LP.

52. There would be conflict with the Framework, which, together with the above, seeks to ensure that significant development is focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

Setting of the Grade II Listed Brayton Tunnel

53. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard should be had to the desirability of preserving the setting of listed buildings. This means that considerable weight and importance must be given to any harm caused to designated assets in the planning balance. This includes any harm to the setting of a listed building.

54. The significance of the Brayton Tunnel relates to its architectural interest, embodied in its engineering and original fabric which includes limestone and gritstone headwalls, wing walls, waterway channel walls, a culvert built on timber foundations and paved stone setts to the upper surface of the headwall. Historic interest relates to its construction during a significant period in the history of Canal construction and the association with William Jessop, one of the most prominent canal engineers of the 18th century.

55. The setting of the tunnel is influenced by the surrounding arable, relatively tranquil agricultural fields. The proximity of the A63, and background noise arising from this is noticeable however, the open, flat nature of the area, particularly the site, allows open views from the tunnel to the north and west and this contributes to the setting. The tunnel is appreciated from the canal towpath and is publicly accessible,

[21] CD 10.6 Appendix 5 (APP/H2265/W/24/3347410)

frequented by many walkers, and the landscape surrounding it provides a bucolic, pleasant setting.

56. Whilst outline, the proposal would introduce a large building, swathes of parking, security fencing and high number of vehicle movements. The industrial scale, noisy activities, tall buildings, car parking and lighting would fundamentally change the setting and the way the tunnel is experienced.

57. To this extent, whilst the parties have nuanced disagreements over the aesthetic and communal value, the overall effect of the proposal would be negative and harmful to the setting of the listed building. This would be less than substantial, and in my view, around the middle of the spectrum. The proposal would conflict with Policy SP18 of the CS, which seeks to safeguard and, where possible, enhance the historic environment including the setting of areas of acknowledged importance.

58. The Framework makes it clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. I shall carry out the heritage balance later in the decision.

Best and most versatile agricultural land

59. The Yorkshire and Humber Agricultural Land Classification indicates the site is grade 3 'good to moderate' agricultural land. It is unknown if it is 3a or 3b, and therefore, for the purposes of this appeal, I will apply the precautionary principle and assume that it is 3a best and most versatile agricultural land (BMVAL). There is a high level of BMVAL across the former Selby district and much of the land surrounding the site, aside from urban areas and the golf course, is higher grade. Therefore, the proposal would utilise the lowest grade BMVAL in the area.

60. Nevertheless, the proposal would result in a loss of around 10 hectares BMVAL and this would result in minor harm to the agricultural economy in the area. This would conflict with Policy SP18 of the CS, which seeks to steer development to areas of least agricultural quality. There would also be conflict with the Framework, which seeks to contribute to and enhance the natural and local environment by recognising the economic and other benefits of BMVAL.

The need for the proposal

61. The appellants are an established haulage company, operating since the 1940's. They have a fleet of more than 110 trucks, 200 trailers and employ 145 staff. The proposal would generate 20 new jobs. Currently, the appellants operate from a headquarters in Thorpe Willoughby, where the offices, HGV parking and storage is located. They also have 5 other locations where they store materials for customers, HGVs and other vehicles. These are located to the south and east in Hensall, Heck, Kellingley, Eggborough and Howden[22].

[22] CD 10.6 Appendix 1

62. In the last 4 years the business has doubled in size, and based on the evidence before me, is continuing to expand, being the main Selby haulage company. Since the pandemic, local demand for haulage and storage has increased. The future business model is to become a “one stop shop” for local customers, where they can import freight for their customers, sort and store it, then distribute to its end destination. This is because there is an asserted lack of storage in Selby, and the appellants aim is to streamline and localise all movements to one central destination. They claim that the new facility needs to be close to Selby because around 80% of all business comes within an 8 mile radius of Selby[23], and most of the staff live north of the A63, in and around Selby.

63. Having the business split over several locations is not operationally cost effective. Relocating the business to this location would streamline and localise all traffic movements to one central location. It would also be well positioned to the principal road network. There would be a reduction in fuel consumption and mileage if the sites were amalgamated into one central location. It is asserted this would reduce truck movements by 7 miles per day per truck, totalling 700 miles per day and saving 450 litres of diesel, over 20,000 litres per year. There would be carbon savings, with the appellants asserting these to be around 24,000 tonnes. As an example, the appellants[24] compared the proposed site with Sherburn in Elmet and the existing HQ with the proposed site, and detailed the site could save around 413 miles in a week when compared to the existing HQ operations. Additionally, as there would be a workshop on site, there would be no need to take vehicles for servicing at other locations, saving additional fuel and costs associated as it would become an ‘in house’ function. This would save around 30,000 litres of fuel per annum.

64. The building, although not before me, is anticipated to be of low carbon construction, with solar panels and other energy generating features. There would also be access to an improved grid connection for the appellants anticipated move towards an all-electric fleet of vehicles. However, the grid connection is not specific to this appeal site, and grid connections could be gained at another site, and the carbon costs of building the new facility would need to be considered in terms of overall carbon savings.

65. The location of the site would enable there to be a reduction in over 100 daily HGV movements and the associated noise from the village of Thorpe Willoughby, and remove the delays that can be caused by the level crossing near the site. By vacating the current HQ at Thorpe Willoughby, there would be a potential for further job creation, either using the Thorpe Willoughby building by one business or subdividing the site into several units. This would have economic benefits, although, if re-used, would not result in the asserted reduction in traffic movements through Thorpe Willoughby.

66. There are claims that biodiversity net gain could be over 10%, however, the obligation only provides for the mandatory 10% and thus no benefit can be derived.

67. There is also support from the Economic Development Manager at North Yorkshire Council, who details that the development would support the North Yorkshire Climate Strategy (2023-2030) by reducing truck movements. He also details that the strategic importance of Campey’s to the economic well being of Selby and the

[23] CD 10.6 Appendix 1
[24] CD 15.1 Appendix 4

surrounding area should be considered as part of the special circumstances and be afforded significant weight. However, the Council's planning witness paid little regard to their comments, detailing that the site was a storage use that could reap the same benefits without being located on a greenfield countryside site.

Conclusion on whether the site is suitable for the proposed development

68. The proposal is outline and could be well designed. However, although the scale of the building would meet the business needs, it would nevertheless be of such as scale that it would have a harmful effect on the character and appearance of the area. Thus, it would be inappropriate for this isolated location in the open countryside. This would conflict with Part D of Policy SP13 of the CS.

69. I also fail to understand how it would contribute towards and improve the local economy. Policy SP2 of the CS refers to 'A (c) Development in the ***countryside***…' as the opening to the relevant assessment that this proposal falls to be considered under. The customer base is in and around Selby. Most employees live in and around Selby. This is the Principal Town in the CS. Therefore, whilst it would contribute towards the economy in Selby, this is not a local economy in a countryside location.

70. Furthermore, although there could be some rural customers and the customer locations could change over time, the proposal would not be a small scale rural development as detailed as an example in Policy SP13 of the CS. It would also not meet any of the other examples and whilst not a closed list, the proposal would not bring sustainable economic growth through local employment opportunities in the rural areas. It would also not enhance or maintain the vitality of a rural community. Indeed, it would not be in a rural community, rather an isolated site on the edge of 2 strategic roads, in an unsustainable location.

71. Additionally, the need for the proposal would benefit the appellant's business, and there would be mileage and likely carbon reductions. However, it is important to bear in mind that the proposal is a haulage firm whose whole business is based upon moving goods from one place to another, with trips undertaken across the UK. Consolidating the business to one location, instead of over 4 sites, and providing an onsite workshop is likely to result in a reduction of mileage and carbon emissions in any event; albeit I accept that a site closer to the existing customer base in Selby may result in greater reductions at this time. Nonetheless, the need for the proposal, does not in my view, reach the bar of *other special circumstances* detailed in part A. (c) Policy SP2 of the CS.

72. The proposal would also fail to meet the policy requirements of EMP2 of the LP, which allocated employment sites in the district and encourages small-scale development in villages and rural areas in support of the rural economy.

73. The appellants detailed that the proposal would meet Policy EMP11, which sets out several requirements for large scale industrial development in exceptional circumstances. Although both parties attributed less weight to this policy, the need for the proposal would not be *exceptional circumstances*. It would also not, based on my findings above, meet several of the other policy criteria.

74. Whilst the LP was adopted in 2005, with one year remaining for the plan period, the purpose of the CS is to provide a spatial strategy for future development within Selby District over at least the next 15 years. This applies today. That said, the CS

notes that development limits are to be reviewed through further local plan documents. There have been no further local plan documents and the development limits are elderly and out of date.

75. However, there is no convincing evidence before me that the development limits have failed to provide or restricted sustainable development for the purposes of employment. Indeed, there is over one hundred hectares of undeveloped permitted employment land or existing allocated sites in the former Selby district. These are on the windfall sites at Eggborough and Kellingley, and at Olympia Park[25]. Whilst Olympia Park has struggled to get off the ground, the Council detailed that planning permission for the spine road was imminent. Furthermore, the windfall site permitted at Eggborough power station provided 54 hectares of employment land, and was granted after the Executive Report[26] which detailed there had been a rise in employment needs. Whilst there could be requirements for additional employment land in the future, as it stands, over one hundred hectares of land would be, to my mind, a considerable outstanding supply for the former Selby district.

76. Consequently, the proposal would not be in a suitable location. This would conflict with Policies SP2 and SP13 of the CS and EMP2 of the LP. These seek to direct most of the new development to the town and more sustainable villages depending on their future role as employment, retail and service centres, setting the scale and distribution of employment growth.

Planning obligation

77. A draft obligation was submitted, amended and discussed at the inquiry. The obligation provides for mandatory 10% biodiversity net gain on site, monetary contributions towards the bus service and sustainable travel for off site highway works, travel plan, landscaping works and a monitoring fee.

78. Given my conclusions on the proposal, it is not necessary to examine the agreement any further as the obligations are either neutral in weight, to comply with statutory provisions, or have been considered above.

Heritage balance

79. The public benefits of the proposal would be around 20 jobs, along with carbon savings from fuel reduction. There would also be benefits arising from the upgrading of the bus stops, as these would benefit members of the public. However, these public benefits are relatively minor, and would not outweigh the less than substantial harm to the setting of the heritage asset.

Planning balance

80. The proposal would conflict with the development plan overall. There is sufficient employment land available in the former Selby district, and the development plan is not out of date for the purposes of this appeal, such that the conflict with the spatial strategy attracts full and substantial weight. There would be adverse harm to the character and appearance of the area. This is also of substantial weight.

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[26] CD 15.1 Appendix 1

81. There would be harm arising from the failure to satisfy the Sequential Test, which provides a strong reason for refusing the development proposed in the Framework, when tested under an 11d) situation. This is also of substantial weight.

82. The failure to prioritise and support active and sustainable modes of travel is of significant weight. The effect of the proposal on the setting of the Grade II listed Brayton Tunnel would be harmful. Although the Council assessed the harm as being moderate, I am following the guidance in the Framework, and this would be of great weight in the planning balance. There would also be a loss of BMVAL, and this is of limited weight.

83. The benefits of the proposal are outlined above. Whilst the need for the proposal does not meet the bar of 'special' or 'exceptional' circumstances in the policy test, the weight to be attached to the need and associated benefits are nevertheless significant.

84. However, the conflict with the spatial strategy, and other harms arising from the proposal, on balance, collectively outweigh the benefits of the proposal.

Conclusion

85. For the reasons set out above, the appeal is dismissed.

Katie McDonald

INSPECTOR

APPEARANCES

For the Local Planning Authority:		
Shemuel Sheikh, Counsel		Instructed by North Yorkshire Council
He called		
	Gareth Stent BA(Hons) DipTP MRTPI	Principal Planning Officer, North Yorkshire Council
	Diane Wilson MSc MA PgCert MRTPI	Principal Conservation Officer, North Yorkshire Council
	Helen Golightly BA(Hons) CMLI MA	Environment and Design Manager, North Yorkshire Council
	David Roberts I.Eng FIHE FCIHT	Joint Managing Director – Transport Planning, SCP Transport
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He called		
	Mark Johnson BSc MRTPI MRICS	Senior Planning Consultant, Johnson Mowat Planning Ltd
	Mike Bottomley BA(Hons) MSc MRTPI	Managing Director, M.B. Heritage and Planning Ltd
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	Martin Whittaker FIHE MSoRSA	Director, Optima Highways and Transportation Ltd
	Harry Campey	Appellant
	Paul Campey	Appellant
Interested parties:		
John Ingham		Local resident and Chartered Landscape Architect

INQUIRY DOCUMENTS

ID1	Appellant opening submissions and appearances
ID2	Council opening submissions and appearances
ID3	Fact sheets for alternative sites
ID4	Helen Golightly Errata
ID5	CIL Compliance Statement V2
ID6	Draft Section 106 agreement – 19/09/25
ID7	Revised conditions 19/09/25
ID8	NPPG Flooding note
ID9	Location Plan – Drawing Ref: 14646-DB3-B01-00-DR-A-90001 Rev D
ID10	Council closing submissions
ID11	Appellant closing submissions