



Appeal Decision

Site visit made on 13 November 2025

by **H Jones BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1st December 2025

Appeal Ref: APP/U2750/W/25/3371455

Dobsons Yard, Showfield Lane, Malton, North Yorkshire YO17 6BT

- 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 The Original Baker against the decision of North Yorkshire Council.
- The application Ref is ZE25/00420/FUL.
- The development proposed is the siting of 6no. refrigerated containers and link structure.

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by The Original Baker against North Yorkshire Council. This is the subject of a separate decision.

Preliminary Matters

3. On site, the refrigerated containers and link structure proposed are in situ. However, during my visit, I noted that there were only 6 delineated parking spaces. This does not match the 8 proposed by the amended site/block plan¹. Furthermore, this site/block plan also depicts 2 further containers positioned beside the site boundary whereas, on site, there was only a single further container, and it was set in from the site boundary. For the avoidance of doubt, given the proposed parking provision has not been implemented, and the container disparities, I have determined the appeal on the basis of the plans submitted, and I have treated the development as being proposed. This is reflected in my use of tense.

Main Issue

4. The main issue is the effect of the proposed development on highway safety.

Reasons

5. The appeal site is located off Showfield Lane, and it forms one site associated with the bakery business operations of the appellant. Showfield Lane serves a concentration of industrial and storage and distribution uses. These uses include builders' merchants, a concrete plant and multiple automotive businesses. Given the number and types of uses and units located along it, I expect Showfield Lane to be heavily trafficked much of the time with many large vehicles travelling along it.
6. Indeed, during my site visit, I noted a high volume of different types of vehicles using Showfield Lane. The road was also heavily parked-up, with a variety of vehicles

¹ Site / Block Plans As Existing & As Proposed OBN4-10-3-C

including, close to the appeal site access, a low-loader, vans and a lorry cab. I observed that oncoming vehicles frequently could not pass each other, requiring one to pull in and give way. Showfield Lane is also lined by pavements to serve its pedestrians. All these factors leave me with the overall impression that the subsisting highway safety conditions on Showfield Lane are already challenging and, in the interests of safety, there is a need for all highway users to be vigilant and observant.

7. The site/block plan as existing² shows that the appeal site contains a spacious forecourt. On completion of the proposed development the refrigerated containers and link structure would take up a considerable proportion of the forecourt such that there would be much less space for vehicles to manoeuvre within it.
8. The appellant's evidence sets out that the appeal site receives an average of 6 vehicle deliveries per week, 4 undertaken by rigid lorries and the other 2 by articulated lorries. The Council has not objected to the proposal on the grounds that deliveries by rigid lorries would be unsafe or unduly problematic, and I have no reason to come to a different conclusion. However, the redeveloped forecourt would not afford sufficient space for articulated lorries to enter the site, manoeuvre, and exit the site in forward gear. Instead, these vehicles would be required to enter the site in forward gear and then reverse out onto Showfield Lane.
9. I have little evidence before me to provide me with much assurance that the number of deliveries each week, including those by articulated lorries, could not fluctuate and thereby be potentially higher dependent upon business needs and demand. Although it is submitted to me that, where possible, deliveries would be undertaken by the acceptable rigid lorries, no effective means of controlling this is before me. Furthermore, I have no substantive evidence before me on whether the time at which deliveries take place is the subject of any control: whether they take place during Showfield Lane's more peak or off-peak periods, and whether they take place during the hours of darkness when visibility is reduced.
10. Articulated lorries egressing in a forward gear would maximise the driver's visibility and their ability to safely leave the site. The alternative reversing manoeuvre required in this case would make for a more difficult task for the driver. A driver, with their compromised visibility, manoeuvring such a large vehicle onto the heavily trafficked road with its parking congestion and pedestrian routes significantly concerns me. In my view, the challenging nature of the manoeuvre in this particular highway environment could be open to driver error, it risks collisions, whilst the time taken to perform the difficult manoeuvre could also impede the flow of traffic. It would add a hazardous driving manoeuvre to a highway environment which is already challenging. Overall, the reversing manoeuvres which would be necessary for those articulated lorries visiting the redeveloped site, would present unacceptable risks to various highway users and lead to conditions prejudicial to highway safety. Furthermore, no alternative means by which articulated lorries could deliver to the site in a safe manner have been demonstrated to me either.
11. The appellant sets out that a traffic management plan could be devised in relation to how deliveries would be carried out. However, I have very limited information on what types of management measures could be deployed. The presence of a banksman is a clear proposal before me, and it would partially mitigate the articulated lorry driver's restricted visibility and serve as an additional safeguard by alerting other highway

² Site / Block Plans As Existing & As Proposed OBN4-10-3-C

users. However, the reliance on a banksman positioned within the highway to assist with the manoeuvre would bring with it some inherent risks to the banksman's own safety. I find it to be a very compromised solution, one which would not act as a suitable substitute for a safer forward-gear egress and, overall, a proposed solution insufficiently robust to address my concerns.

12. The appellant asserts that the proposal would result in fewer deliveries at the business's other Malton site which, it is put to me, has a challenging highway and delivery environment. However, the evidence before me in relation to the overall operations of the business is limited. I have set out the reasons why the proposed development would give rise to conditions prejudicial to highway safety, and the evidence before me in relation to the business's logistical challenges and the remedy options available are not sufficient enough to convince me that the prejudicial effects of this development should be accepted on these grounds.
13. The appellant makes the point that they are not aware that there has been any objection to the development, however, I note that the Town Council have objected on highways-related grounds. Moreover, in the light of the highway safety risks I have explained, little or no public objection is not in itself enough to overcome my concerns or render the scheme acceptable.
14. For the above reasons, I find that the proposed development would result in conditions unacceptably prejudicial to highway safety. As a result, the proposal conflicts with Policy SP20 of the Ryedale Local Plan Strategy. Amongst other things, this Policy refers to access, parking and servicing, and it requires access to, and movement within, sites by vehicles to not have a detrimental effect on safety, whilst, as applicable, developments need to be able to demonstrate safe and effective vehicular servicing arrangements.

Other Matters

15. The appellant has presented to me some scenarios which, it is asserted, serve as fallback positions and support the case that the appeal should be allowed. In summary, the scenarios presented are that, since the use of the site is unrestricted or could be repurposed to another storage and distribution use, such as the vehicle storage and preparation centre or stone merchants which once occupied the site, the same or potentially more restricted forecourt manoeuvrability issues could ensue. It is also set out to me that, in these scenarios, the option of the use of measures like a banksman being required through the imposition of a condition would not apply.
16. I have no good reason to rule out the prospect that the use of the forecourt for the purposes of storage could alter, or that the site could be occupied by another storage and distribution business in the future. Consequently, these scenarios have a greater than theoretical possibility of taking place. However, the proposed refrigerated containers and link structure the subject of the appeal would take up a considerable proportion of the forecourt. Without them, there is no certainty that another use of the forecourt would take up just as much or more space. Neither would another use of the site necessarily require, in combination, deliveries by articulated lorries, coupled with extensive storage within the forecourt. Granted, it remains a prospect but, quite conceivably, another use of the forecourt or site overall could also take place, one which would leave the forecourt more open, or which would not require the same visits by articulated lorries. Therefore, there is much uncertainty surrounding how

likely it would be for an alternative use of the site to come into fruition with similar or more adverse effects upon highway safety.

17. In contrast, the specific development proposal the subject of the appeal, would prejudice highway safety. Safety is a planning issue of considerable importance and, since I have identified the proposal would prejudice it, this is a matter of very significant weight in my determination. In the circumstances, fallback scenarios with quite vague or uncertain prospects of coming into fruition do not provide sufficient justification to override the harm and development plan policy conflict I have identified in my main issue.
18. In reaching this view, I have had regard to the appeal decisions submitted to me in relation to sites at Henfield, Belchamp Walter and Corsham. However, firstly, the full details of each of the cases are not before me which limits my ability to accurately compare them to the appeal before me. Moreover, unlike is the case here, highway safety was not the main issue in any of the cited appeal decisions. The weight to be attributed to fallback scenarios in appeal decisions is heavily dependent on the case-specific evidence and circumstances. I have come to my own views on the fallback positions in this appeal having regard to the specific evidence before me, my own experience and the particular circumstances of the case. For these reasons, whilst I have had regard to them, the submitted appeal decisions are of only limited weight in my determination.
19. The appellant has emphasised the contribution of the development to the business as a whole and the potential repercussions on the business if it could not be accommodated on the site. I am also mindful of the content of policies within the development plan, and the National Planning Policy Framework, which support the expansion and adaptation of businesses and emphasise the need to support economic growth and productivity. However, I have already set out that the harm I have identified in my main issue is a matter of very significant weight. It has not been shown to me that the appeal scheme is the only development option available to support the business's refrigeration needs. In the circumstances, the contribution the proposal makes to the business and economy more widely is not sufficient to outweigh its adverse effects on highway safety.
20. Finally, it may be, in respect of a range of other planning considerations, that the proposed development would not result in harmful effects. This may include its effects upon the living conditions of neighbouring residents through noise emissions. However, an absence of harm in respect of such matters is a neutral factor in my decision, and it does not outweigh the harm that I have identified in my main issue.

Conclusion

21. The proposed development conflicts with the development plan as a whole, and there are no material considerations which indicate that the appeal should be decided other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

H Jones

INSPECTOR