



Appeal Decision

Site visit made on 14 October 2025

by F P Tinsley MA (Hons) MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2025

Appeal Ref: APP/E2001/W/25/3367760

Allison Lane End Farm House, Allison Lane, Lissett, Drifffield, YO25 8PS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Stead of Cromwell Wood Estate Company Limited against the decision of East Riding of Yorkshire Council.
 - The application reference is Ref: 20/02657/PLF
 - The development proposed is 'change of use of land and buildings for the repair, refurbishment and reconditioning of motor vehicle engines (retrospective).'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of the development as detailed in the Council's decision notice, as this more succinctly and accurately describes the development for which permission is sought. I have however omitted the term 'retrospective'.
3. During my site visit, I observed that the use for which permission is sought is already operating; therefore, I have addressed the appeal on this basis.
4. The application seeks permission for the use to operate for a period of five years.
5. A draft unsigned Section 106 planning obligation was lodged with the appeal. A request was sent to the appellant on 14 November 2025 requesting them to provide a completed planning obligation. The appellant has not provided the requested document.

Main Issues

6. The main issue in this appeal is the effect of the proposed development on the living conditions of the occupants of Allison Lane Ends Farmhouse (the farmhouse), and highway safety, with specific regard to the appropriate mechanism to control these potential impacts.

Reasons

7. The farmhouse fronts the main road on Allison Lane. It is surrounded by several associated buildings predominately to the rear of the premises.
8. The motor vehicle repair, refurbishment, and reconditioning business (the business) is located to the rear of the farmhouse in what appear as former agricultural buildings. It is currently operating on the site and is an activity likely to generate noise from the use of tools and other processes.

9. The appellant resides at the farmhouse and is not directly engaged in the business operation on the appeal site. The site accommodating the business is rented out to a third party who operates the business. Whilst the appellant does not directly operate the business, they have retained ownership of the land and buildings.
10. There is potential for noise disturbance from the business to impact on the living conditions of the occupiers of the farmhouse. While restricting operating hours would help mitigate the potential impact, it would not entirely eliminate the possibility of noise disturbance due to the close proximity of the farmhouse to the business. Retaining both the farmhouse and business in single ownership increases the potential for the activities on both sites to be managed so as to mitigate the potential for harm to the living conditions of the occupiers of the farmhouse.
11. Both the business and the farmhouse share a common access from Allison Lane, leading to a private courtyard area to the rear of the farmhouse and to the front of the business. This entrance also provides access to the fields behind the appeal site for agricultural purposes, which are under third-party control. It is proposed that this shared access arrangement should continue.
12. The Highways Authority has reviewed the proposal on the basis that an enlarged access with improved visibility splays will be provided. On this basis, they have deemed the proposal acceptable, subject to conditions. I have not been presented with satisfactory evidence that the existing access arrangement is acceptable in terms of highway safety. I therefore conclude that the enlarged access with improved visibility splays is necessary.
13. The proposed access includes widening the existing access significantly and amendments to the highway verge to enhance sightlines. However, the land required to deliver the enlarged and improved access lies within third-party ownership and is outside the appellant's control.
14. I am satisfied that in order for the proposal to be acceptable, the requirement for both the farmhouse and the business to remain in single ownership is reasonable, necessary, and proportionate. If ownership were to be separated, there would be an increased potential for noise and disturbance from the business use to negatively affect the living conditions of the farmhouse's occupiers. The level of harm in this scenario would be unacceptable. Single ownership will also reduce the likelihood of conflict associated with the use of the shared access from Allison Lane in terms of different patterns of use associated with domestic and business use. It is also necessary that the enlarged access with improved visibility splays is provided in order for the proposal to be acceptable in terms of highway safety.
15. Securing single ownership of both the farmhouse and the business, together with the provision of the enlarged and enhanced access, is necessary to make the development acceptable in planning terms directly related to the development, and fairly and reasonably related in scale and kind. This is consistent with paragraph 58 of the National Planning Policy Framework and Regulation 122 (2) of the Community Infrastructure Levy Regulations 2010. The appropriate mechanism to achieve this is a Section 106 planning obligation. I have not been provided with evidence of an alternative mechanism that could deliver this outcome. Condition 3, as identified by the Council in their statement, would neither secure the shared

ownership of the business and farmhouse nor address the requirement to include land in third-party ownership outside the application site to deliver the access.

16. I note that the appellant argues that dismissing the appeal would represent an interference with the entitlement of every natural or legal person to the peaceful enjoyment of his possessions such that Article 1 of the Human Rights Act 1998 is engaged.
17. I have not been provided with a completed planning obligation which would deliver the measures necessary to render the proposal before me acceptable. An incomplete planning obligation is not capable of being a material consideration in my determination of this appeal.
18. Without the measures secured through a planning obligation, the harm caused by the impact on the living conditions of the farmhouse occupiers and on highway safety would render the proposals unacceptable. This would be contrary to Policy ENV1 of the East Riding Local Plan 2012–2029 Strategy Document (the Local Plan), which states that development will be supported where it achieves a high standard of design, optimises the potential of the site, and contributes to a sense of place, while also having regard to the amenity of existing or proposed properties and promoting equality of safe access, movement, and use.
19. The human rights interference associated with my findings is in accordance with the law and is necessary to protect environmental interests which is a legitimate objective. The public interest cannot be achieved by means that cause less interference with human rights. As such, dismissing the appeal is a proportionate response in these circumstances and a violation of rights under Article 1 would not occur.

Other Matters

20. The business is currently trading and contributes to the rural economy by providing employment and serving as an example of rural diversification. In this respect, it supports the objectives of Policies SP1 and EC1 of the Local Plan, which aim to improve economic conditions in the East Riding. Notwithstanding the presence of another motor repair business within the local area, there is insufficient information before me to suggest the formation of a cluster of this type of development. This consideration does not, however, outweigh the concerns regarding the living conditions of the farmhouse occupiers due to noise and highway safety.
21. There is no detailed evidence before me that the proposal would harm the living conditions of occupiers of the dwellings to the south of the site on Allison Lane, nor that it would result in contamination of the principal aquifer as a consequence of the business use. The Environment Agency has addressed this matter in its consultation response.

Conclusion

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

F P Tinsley

INSPECTOR