
Appeal Decision

Site visit made on 25 November 2025

by **F P Tinsley MA (Hons) MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 January 2026

Appeal Ref: APP/U2750/W/25/3373664

Templar Nurseries, Temple Hirst, Selby, North Yorkshire YO8 8QN

- 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 Miss Catherine Ellis against the decision of North Yorkshire Council.
 - The application reference is Ref: ZG2024/0384/FUL
 - The development is erection of four agricultural sheds.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the Council's decision notice as it more accurately describes the development than the application and appeal forms. I have, however, removed reference to 'retrospective' as this is not a description of development.
3. On my site visit I was able to establish that development has commenced and is partially completed. However, as it is not yet complete, it is not possible to know whether it would be built in accordance with plans. I have therefore determined the appeal on the basis of the submitted plans.

Main Issues

4. The main issues in this appeal are the effect of the proposal on:
 - The character and appearance of the area.
 - The living conditions of surrounding occupiers, with particular regard to noise, odour, and potential for insects associated with the keeping of livestock.
 - Flood risk.
 - Mineral resources.

Reasons

Character and Appearance

5. The appeal site is situated on the edge of a large open field, directly adjacent to the main road, within an area designated as open countryside in the Selby District Core Strategy Local Plan 2013 (the Core Strategy). It lies outside the defined development limits. The surrounding area contains sporadic development,

including dwellings to the east and northeast of the site, and other non-agricultural development to the west. The appeal site, together with the undeveloped field to the north of the main road, provides a clear break in the linear pattern of development on either side of the road. The area is rural in character and highly visible from the main road, with its openness further emphasised by the generally flat topography and absence of boundary screening north of the field.

6. The proposal would comprise four agricultural sheds arranged in a linear pattern, spaced approximately equidistant from one another, and positioned close to the edge of a large field to the south of the main road. This is a highly visible location, and their linear form would accentuate their prominence in the landscape. While the proposed materials and finishes would be typical of agricultural development in the countryside, their siting in such a conspicuous position would create a significant feature in the landscape. Furthermore, their configuration would impede views from the main road towards the south.
7. There is currently no meaningful screening of the appeal site from the main road. It has been suggested that planting along the field boundary could provide screening when viewed from the north. However, any such planting would take a considerable time to establish, during which the sheds would remain highly visible. Moreover, once established, there is a risk that the screening could be removed or fail due to factors such as disease. Consequently, screening the appeal site with trees and vegetation would not adequately mitigate the harm caused to the character and appearance of the area by the sheds.
8. In conclusion, the proposal would have a harmful effect on the character and appearance of the area. Accordingly, it fails to comply with Policies ENV1 and EMP13 of the Selby District Local Plan 2005 (the Local Plan), and Policy SP19 of the Core Strategy. These policies require, among other things, that development takes account of its layout in relation to the site and surroundings, incorporates appropriate landscaping, and is of a scale and type suitable for its location. Development should not harm the character of the area, should be well related to existing farm buildings or situated to minimise visual impact, and should be adequately screened and landscaped. The proposal is also contrary to the National Planning Policy Framework (the Framework), which requires development to function well and contribute positively to the overall quality of the area, not just in the short term but throughout its lifetime.

Living conditions of surrounding occupiers

9. The four sheds are intended to accommodate livestock, predominantly sheep. It is stated that they are required to separate animals associated with agricultural activity. However, no explanation has been provided as to why four separate buildings are necessary for this purpose and why this could not be done in a single building.
10. The Environmental Health Officer identified particular concerns about the location of the two most easterly sheds and their proposed use for housing livestock. They identified a significant likelihood of amenity impacts on nearby residential dwellings due to their proximity. The proposed use of these sheds is likely to result in noise from agricultural operations, which is difficult to control, as well as noise from livestock, which is difficult to manage. In addition, the proposed use is expected to generate odour and insect issues, which are also very challenging to mitigate. No

mitigation has been put forward. While the fields have historically been used for grazing livestock, this differs substantially from the impacts associated with housing animals in sheds. In the absence of evidence to the contrary, I attach significant weight to the professional opinion of the Environmental Health Officer.

11. Concluding on this main issue, the proposal would therefore cause harm to the living conditions of residents in nearby dwellings, with particular regard to noise, odour and potential for insects associated with the keeping of livestock. Consequently, it fails to accord with Policies ENV1, ENV2 and EMP13 of the Local Plan, which, among other things, seek to protect the amenity of adjoining occupiers from unacceptable levels of noise, nuisance or other environmental pollution.

Flood Risk

12. The appeal site lies within Flood Zone 3, as identified by Environment Agency flood mapping. Paragraph 173 of the Framework requires a sequential, risk-based approach to be applied to individual applications in areas known to be at risk of flooding, now or in the future. An exception applies only where a site-specific Flood Risk Assessment (FRA) demonstrates that no built development within the site boundary, including access or escape routes, land raising, or other potentially vulnerable elements, would be located in an area at risk of flooding from any source, now and in the future.
13. The Flood Risk Assessment – Proposed Agricultural Building does not adequately address the objectives of a site-specific flood risk assessment as set out in the Planning Practice Guidance (PPG). It also fails to demonstrate that an exception applies to the proposal before me.
14. Based on the evidence provided, no consideration has been given to whether there are alternative sites within the district or settlement that present a lower flood risk. As such, I am unable to determine whether there are other reasonably available sites at lower flood risk that are sequentially preferable to the appeal site. For this reason, an adequate Sequential Test has not been undertaken.
15. In conclusion, it has not been demonstrated that the proposal would have an acceptable effect in terms of flood risk. The proposal therefore fails to comply with the requirements of the Framework and the PPG.

Mineral Resources

16. The appeal site is located within an area safeguarded for mineral resources, including Brick Clay and Sand and Gravel. Policies S01 and S02 of the North Yorkshire County Council Minerals and Waste Joint Plan 2022 (MWJP) seek to protect future mineral resource extraction by safeguarding land where the resource is found and avoiding sterilisation by other development.
17. The proposal would not fall within any of the exceptions listed in paragraph 8.55 of the MWJP. Consequently, a minerals assessment is required to comply with Policy S02 of the MWJP, which states: “Applications for development other than mineral extraction in Safeguarded Surface Minerals Resource areas should include an assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development.” No such assessment has been provided.

18. I conclude that it has not been demonstrated that the proposal would have an acceptable effect on mineral resources. The proposal therefore fails to comply with Policy S02 of the MWJP as set out above.

Other Matters

19. The appellant has raised concerns regarding the Council's handling of the planning application, including delays in processing and engagement from Council officers. This is a matter to address with the Council and does not alter my decision.
20. The proposal would enable livestock to be housed and thereby support their welfare. However, I have not been provided with compelling evidence to indicate why this requires the proposal, which raises the harms identified above. I have therefore afforded this consideration limited weight in my assessment.

Conclusion

21. 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