



Appeal Decisions

Site visit made on 6 January 2026

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd January 2026

Appeal A Ref: APP/Y2003/C/25/3359124

Land at Crook O Moor Farm, Jaques Bank, Medge Hall, Crowle, Scunthorpe DN8 5SP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (the Act).
 - The appeal is made by the company secretary of NLTS LTD against an enforcement notice issued by North Lincolnshire Council.
 - The notice was issued on 13 January 2025.
 - The breach of planning control as alleged in the notice is without planning permission the material change of use of agricultural land/buildings to a use for general industrial for motor vehicle repairs.
 - The requirements of the notice are to: i) cease use of the land and buildings for general industrial use (B2) and for motor vehicle repairs. ii) remove all vehicles, machinery, tools and equipment associated with the general industrial and motor vehicle repair use from the land and buildings.
 - The period for compliance with the requirements is: 4 months beginning with the date that this notice takes effect.
 - The appeal is proceeding on the ground set out in section 174(2)(g) of the Act.
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Appeal B Ref: APP/Y2003/W/25/3358327

Crook O Moor Farm, Jaques Bank, Medge Hall, Crowle, North Lincolnshire DN8 5SP

- The appeal is made under section 78 of the Act against a refusal to grant planning permission.
 - The appeal is made by NLTS UK Ltd against the decision of North Lincolnshire Council.
 - The application Ref is PA/2024/300.
 - The development proposed is change of use of agricultural land/buildings to general industrial for motor vehicle repairs.
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Decisions

1. Appeal A is dismissed, and the enforcement notice is upheld.
2. Appeal B is dismissed.

Reasons

Appeal B

3. The main issues are a) the effect of the level and nature of vehicle movements associated with the proposal on highway safety; b) whether the appeal site is a suitable location for the proposal, having regard to the countryside and accessibility; and c) the effect of the proposal on the living conditions of nearby residents, with regard to noise and disturbance.

Highway safety

4. The appeal site lies near to Crook O' Moor Bridge next to the corner where Chapel Road meets with Jaque's Bank. The latter links the site to the A18 to the south. Jaque's Bank is an unlit, long, straight road with good forward visibility between the A18 and the bend with Chapel Road owing to the area's level landscape.

There are no formal passing places along Jaque's Bank. Deep ditches and grass verges run alongside either side of the road, which is also used by cyclists and pedestrians, according to the Council.

5. There is no speed limit signage on Jaque's Bank or Chapel Road, but I concur with the appellant that owing to the dwellings, farms and the width of the road, vehicles are likely to travel at around 30 mph. There are also no weight or width restrictions associated with Jaque's Bank, so theoretically, any vehicle could use the road. However, that does not necessarily mean that the road is suitable for regular and permanent use by large vehicles such as HGV's.
6. Details of the day-to-day operations of the site's previous agricultural use have been provided by the previous owner. These include information about machinery, plant movement and activity. The previous use will likely have had a greater number of vehicle movements during the harvest, but also times with lower numbers or more intermittent vehicle movements. In contrast, the proposal takes place with regular consistent opening hours. There are, however, no details of where the vehicle movements relating to the site's prior use took place beyond the confines of the buildings. Those movements could have been very localised given the number of fields in the nearby area. Some vehicle movements may not have used Jaque's Bank or Chapel Road due to the presence of farm tracks in the area.
7. All vehicle movements taking place in connection with the proposal travel to and from the site using Jaque's Bank. There are five planned visits on average a day and three unscheduled visits per day. The vehicle types range from a van and tractor to buses and coaches. There are also up to five staff members on site per day who use cars to travel to and from the site.
8. The general industrial use differs from the site's previous use because there are a regular number and type of vehicle movements each day, and they are coming to and from the site for repair rather than using the farm as a base to carry out farming activities nearby. The number and type of movements also take place without fail across the year, unlike the agricultural use. Further, the buses and coaches using Jaque's Bank are considerably larger and less mobile than a tractor and trailer, for example.
9. Visibility along Jaque's Bank enables its users to see other users a good distance away. Its width ranges between 4 and 4.5 metres. The grass verges on either side of the road vary in width and condition but can be 2-3 metres wide at points. However, the deep ditches on either side mean that only a limited part of that verge could realistically be used by vehicles should they need to. But that should not be the accepted norm, as the ground condition and stability cannot be assumed to be suitable for vehicular use, especially by heavy and long vehicles.
10. The carriageway width is not sufficient for a car and a larger vehicle such as a HGV, van or bus to pass each other. This would mean that one of the vehicles, most likely the car, due to its size and manoeuvrability, would need to move to one side. The appellant claims that there are eight passing places along Jaque's Bank. However, these are informal at best, and some are accesses to fields or other properties. They are not, therefore, part of Jaque's Bank, and they could well be privately owned. Without certainty that the appellant can rely on these locations, as they either form part of the adopted highway or that the land falls within the appellant's control, I do not consider them to provide suitable passing places.

11. But, even if I put those concerns to one side, locations 5 and 8 are not suitable due to their size, reliance on the grass verges or because they rely on the front of the driveways serving residential properties. Locations 2, 3, 4 and 7 are only large enough for a car, and locations 1 and 6 only seem to be potentially suitable for a car or a van. Furthermore, locations 1 and 6 are a considerable distance apart. As a result, the locations are either too far apart or mostly not large enough for a vehicle larger than a car. Relying on these locations also assumes that two large vehicles will never meet. That is unrealistic given the unscheduled visits and the possible use of the road by other large vehicles. The locations cited would, on their merits, be unsuitable for use by large vehicles if two met. The alternative, therefore, would be for a vehicle to reverse a significant distance or risk using the grass verge next to the deep ditch. Neither is a safe or suitable highway manoeuvre given the use of Jaque's Bank by other road users, even if limited. Using the grass verge could also affect the integrity of the bank of the ditches, especially if they are repeatedly used by vehicles, especially heavy ones.
12. While there may be no recorded accidents and the number of vehicle movements to and from the site could potentially be conditioned, neither factor means that the access is safe or satisfactory for the type and number of vehicles involved in the use that could take place on a permanent basis.
13. Therefore, I conclude that Jaque's Bank does not provide satisfactory access to and from the appeal site for the level and nature of vehicle movements associated with the general industry use. As such, the proposal has an unacceptable impact on local roads and on highway safety, as safe and suitable access to and from the site cannot be achieved for all users. This brings the proposal into conflict with saved Policy T2 of the North Lincolnshire Local Plan May 2003 (LP) and paragraphs 89 and 115 of the National Planning Policy Framework (the Framework). Framework paragraph 114 is not relevant to this issue, and no concerns have been raised anyway about the lack of lorry parking.

Suitable location

14. The appeal site comprises a farm with an area of hardstanding and three buildings. A canal and railway lie to the north, and residential properties lie to the southeast. Agricultural land otherwise surrounds the site in each direction.
15. The site is located outside of any development boundary in the countryside and not within an existing established employment location. Here, development will be restricted/strictly controlled, as Policies CS2 and CS3 of the North Lincolnshire Core Strategy Adopted June 2011 (CS) and saved LP Policy RD2 explain.
16. Only development which is essential to the functioning of the countryside will be allowed to take place according to CS Policies CS2 and CS3. These will include uses such as those related to agriculture, forestry or other uses which require a countryside location. Saved LP Policy RD2 has a similar thrust in that it permits employment-related development appropriate to the open countryside and the reuse and adaptation of existing rural buildings, provided that the open countryside is the only appropriate location and development cannot reasonably be accommodated within defined development boundaries and the proposal accords with other relevant policies in LP; development would not be detrimental to residential amenity or highway safety; and account is taken of whether the site is capable of being served by public transport.

17. I have addressed highway safety considerations in the previous main issue, and I will come onto residential amenity, but it is evident that journeys by public transport to and from the appeal site are not a realistic prospect. This is because of the proximity of bus and rail services and the distance and route that people would need to take to travel to and from the site by them. The site is also not located where it would minimise the need to travel nor would it encourage any journeys that remain necessary to be possible by walking, cycling and public transport. As such, even if similar travel movements were to arise elsewhere, a site more closely located to public transport would, at the very least, give staff the opportunity to travel by those modes of transport or by bicycle or on foot. Therefore, the aims of achieving sustainable development found in CS Policy CS2, which apply to all development, are not and would not be achieved.
18. The proposal is not an agricultural or forestry use, albeit it is an employment use making use of existing rural buildings. However, it has not been demonstrated that this general industrial use requires a countryside location, cannot reasonably be accommodated within the development boundaries, and is the only appropriate location for the use applied for. Furthermore, I do not consider the use to be essential for the functioning of the countryside given that it concerns motor vehicle repairs with vehicles that are not just used in connection with an agricultural use. Further, having regard to the size of the site, the nature of activities, hours of operation, vehicle types and movements and staff numbers, I do not consider this to be a small-scale employment use.
19. The development plan through CS Policy CS11 supports rural diversification, and Framework paragraph 88(a) says that decisions should enable the sustainable growth and expansion of all types of business in rural areas, through conversion of existing buildings. The proposal reuses existing buildings in the rural area, and it provides jobs and other economic contributions to the local economy. However, owing to the highway safety harm and the site's inability to encourage travel by sustainable transport modes, I consider that the proposal is not sustainable growth. But, even if I am wrong about that, Framework paragraph 88(a) does not outweigh the highway safety harm in any event, notwithstanding the proposal's limited economic benefits and the reuse of existing buildings.
20. I therefore conclude that the appeal site is not a suitable location for the proposal, having regard to the countryside and accessibility. The proposal conflicts with CS Policies CS1, CS2 and CS3 together with saved LP Policy RD2. Jointly, among other things, these seek to restrict development in the countryside to that which is essential to its function or that is a small-scale employment opportunity and to minimise the need for travel and encourage the use of sustainable transport modes. This conflict outweighs the support that the proposal gains from CS Policy CS11 and Framework paragraph 88(a).

Noise and disturbance

21. The noise environment around the appeal site is quiet owing to its rural location. Short lived noise from passing trains happens at intervals, and there is distant road traffic noise to the north.
22. Sensitive receptors are found to the southeast of the appeal site at 1, 2, 3 and 4 Jaque's Bank. These properties have rear facing windows on the ground and first floors and rear gardens.
23. The Noise Impact Assessment (NIA) is based on noise recordings taken on site in

May 2024. I have not been informed that the operation that took place then has materially changed, though I note residents' submissions about haulage vehicles coming and going at all hours. Whereas the proposal involves set opening hours which could be conditioned to ensure that no vehicle movements to or from the appeal site take place outside of those hours.

24. The NIA confirms my observations about the background noise levels. It also, following assessment and corrections, shows that noise levels from the proposal fall below typical background noise levels. I recognise that this will not always be the case, as intermittent noise will be louder from doors closing, large vehicle movements and pneumatic tyre changes. However, that would not, subject to the imposition of planning conditions around opening hours and the permitted use, lead to an unacceptable loss of amenity to neighbouring residents from noise. As such, the proposal accords with saved LP Policies DS1 and DS11, which both seek to achieve this standard of amenity.
25. I note residents' concerns that the potential planning conditions cannot be policed, but I am satisfied that they could be drafted with such precision that they would satisfy the 'enforceable' test in accordance with Framework paragraph 57. Conditions mean that if a breach is detected, the Council can choose to enforce compliance with the terms of that condition.

Other Matters

26. I note the parties' points about the condition of Jaque's Bank, but without any substance to support either side's view and given the use of the road by other vehicles and the lack of restrictions associated with it, I cannot be certain whether or not the proposal has directly caused any damage.

Conclusion on Appeal B

27. I conclude on Appeal B that the proposal conflicts with the development plan, and the material considerations do not indicate that the appeal should be decided other than in accordance with it.

Appeal A

28. An appeal on ground (g) is that that any period specified in the notice falls short of what should reasonably be allowed.
29. Considering Appeal B and the time that it would take to determine, the appellant seeks additional time to enable Appeal B to be determined before the notice comes into effect. However, I have considered Appeal B alongside Appeal A. Thus, the outcome of both appeals will be known at the same time. The notice will only therefore come into effect when the decisions are made. This will start the four-month compliance period, and I see no reason to extend that period further. The appeal on ground (g) therefore fails.

Conclusions

30. For the reasons given above, I conclude that Appeal A should not succeed. I shall uphold the enforcement notice.
31. For the reasons given above, Appeal B should be dismissed.

Andrew McGlone

INSPECTOR