



Appeal Decision

Site visit made on 29 October 2025

by **G Robbie BA(Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 February 2026

Appeal Ref: APP/U2750/W/25/3371461

Land off Cedar Road, Cedar Road, Sowerby Gateway, Thirsk

Easting (x): 442057 Northing (y): 480609

- 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 Martin Williams (Scriven Limited) against the decision of North Yorkshire Council.
- The application Ref is ZB25/00848/FUL.
- The development proposed is part retrospective application for retention of surfacing, storage containers, siting of additional storage containers (123 in total) and erection of enclosing screen fencing and enhanced landscaping.

This decision is issued in accordance with section 56(2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 10 December 2025.

Decision

1. The appeal is allowed and planning permission is granted for retention of surfacing, storage containers, siting of additional storage containers (123 in total) and erection of enclosing screen fencing and enhanced landscaping at Land off Cedar Road, Cedar Road, Sowerby Gateway, Thirsk (Easting (x): 442057 Northing (y): 480609) in accordance with the terms of the application, Ref ZB25/00848/FUL, subject to the conditions set out in the attached schedule of conditions.

Preliminary Matters

2. The appeal site lies within a wider area previously granted outlined planning permission in 2012¹ (the 2012 outline permission). As part of that permission, a 'Coordinated Masterplan' for the site was subject to a planning condition imposed on the 2012 outline permission setting out intended uses for various parts of the site. At that time, the condition identified what is now the current appeal site as being intended for office / commercial use.
3. Since the granting of the 2012 outline permission, an application for the approval of reserved matters was granted permission in 2022² (the 2022 reserved matters scheme) for the development of 11 'secure employment units' and two detached buildings. The reserved matters approval, as well as approving the details of the buildings also limited (by condition) the use of the buildings to uses falling within Use Classes E(c) and (g)³.
4. A temporary planning permission was granted in 2024⁴ for the temporary use of the appeal site for the siting of 76 storage containers for a period of up to 3 years.

¹ LPA Ref No: 10/02373/OUT – approved 21 August 2012

² LPA Ref No: 21/01697/REM – approved 1 June 2022

³ Use for the purposes of financial, professional or other services to visiting members of the public (E(c)) or use as an office for operational or administrative functions research and development or industrial processes (E(g))

⁴ LPA Ref No: ZB23/02169/FUL – approved 22 April 2024

The appeal scheme seeks a fresh planning permission for the use of the site on a permanent basis for a total of 123 storage containers.

5. I have used the address initially given on the planning application form in the banner heading above rather than the slightly different wording set out on the Council's decision notice. I have also included eastings and northings in the absence of a postcode for the appeal site. I am satisfied that the differences are minimal and neither party would be disadvantaged by my approach in this respect.

Main Issues

6. The main issues are the effects of the proposed development upon:
 - The character and appearance of the appeal site and surrounding area; and
 - The living conditions of occupiers of the residential properties immediately bounding the appeal site.

Reasons

Character and appearance

7. Cedar Road lies on the edge of Sowerby and, in turn, Thirsk. It is part of a 'loop road' which connects to Oak Drive, from which recent and new housing is accessed. Cedar Road itself initially serves a mix of commercial and industrial units before linking up with Oak Drive and residential development.
8. I am advised that a 'coordinated masterplan' for Cedar Road accompanied the 2012 outline planning permission but I have not been provided with further details of that masterplan. Other than the parcels of land that have been developed and built out, and the presence of the 2022 reserved matters scheme for the appeal site, I have no other information before me as to the nature and content of the masterplan. It is noted however that storage uses were within the broad scope of the 2012 outline planning permission.
9. The approach to the appeal site from Topcliffe Road and along Cedar Road is typical of newly or recently constructed business park settings. The buildings, despite particular features and design touches such as contrast colour panels, are typically utilitarian in form and generic in their appearance. However, the consistent approach to site fencing and landscaping at the entrance to Cedar Road and along the developed site frontages helps create a reasonably pleasant business park setting and lessens the somewhat jarring and abrupt transition to the residential developments beyond.
10. The proposed steel storage containers would be positioned within the appeal site in two long lines parallel to the Cedar Road frontage and the rear site boundaries, with a double line in the middle of the site. This pattern would be replicated on a shorter basis on the lefthand side of the site entrance. As with the storage containers currently within the site, the proposed containers would be utilitarian in their appearance and as such provide limited scope to demonstrate the aims and aspirations of Hambleton Local Plan (HLP) Policy E1 in terms of high-quality design.
11. However, the proposal would see the implementation of a comprehensive landscape planting scheme along the Cedar Road site frontage and, to lesser

degrees, the side and rear site perimeters. Although the Council are concerned about the utilitarian appearance and incongruous, transient character of the expanded storage container use and how this would set the appeal site at odds with the prevailing business park character and setting and the more substantial nature of the existing industrial buildings, I am not persuaded that the appeal scheme would be fundamentally unsuited to its setting.

12. The proposed landscaping scheme along the site's Cedar Road frontage would provide a pleasant and sufficiently dense landscape buffer to screen the containers from view along Cedar Road. This approach would be consistent with the more mature hedge and tree belt along the left-hand side of the entrance from Topcliffe Road, whilst the existing buildings such as the hotel, the commercial units opposite the site and the vehicle depot further along Cedar Road, all incorporate landscaping to varying degrees. As these areas become more established, the denser they will become and the more they will become a key element of Cedar Road. Indeed, the existing nascent planting already provides a pleasing and softening element to the business development along Cedar Road and helps bridge an otherwise abrupt transition between the business units and the residential developments beyond.
13. Whilst the landscaping will provide screening and softening of the visual impact of the containers, as well as assisting the assimilation of the site into the network of vegetation on nearby parcels of land and at the entrance to Cedar Road, contrasting timber screen panels are also proposed to the street-facing container elevations of the front row of containers. This, in the form of an alternating pattern of vertically and horizontally hung hit-and-miss slats, would provide visual interest to the visible elements of the containers whilst still affording visual primacy to both the emerging planting scheme and the existing wire-mesh security fencing. In the context of the larger elevational expanses of the existing units on adjacent sites, the proposed containers would not be an inappropriate contextual response to the juxtaposition of larger industrial units with dwellings.
14. Taking together the timber screen panels, the buffer area proposed for landscaping and the retention of the existing wire-mesh security fencing for continuity with other developed parts of the business park, I am satisfied that the proposal would not have a harmfully incongruous presence within the Cedar Road streetscene. Rather, it would provide sufficient continuity in terms of its retention of the existing wire-mesh security fencing whilst establishing robust landscaping and a visually interesting approach to the matter of the container's appearance. There would therefore be sufficient recognition of the aims and aspirations of HLP Policy E1 in securing high quality design that would integrate successfully with its surroundings and that would draw inspiration from those surroundings. There would be no conflict with HLP Policy E1 as a consequence.

Living conditions

15. The rear of the appeal site adjoins the rear garden boundaries of residential properties on Poppy Drive. Although these are not directly accessed from Cedar Road, Oak Drive and Cedar Road form a loop access road that serves both the residential areas and the business park. Although the area of land adjoining the appeal site to the west is currently empty, the existing developed sites and industrial buildings are clearly visible from, and part of, the immediate context of those residential properties.

16. The containers in the rear-most line would be positioned within the site in such a manner that their doors would open out into the site. The loading and unloading of those containers would therefore take place within the internal 'aisle' and, thus, the activity associated with accessing the containers would be focused in a location largely screened from those dwellings by the containers.
17. The Council had previously accepted that the use of the appeal site for the siting of storage containers would not, at least on the basis of a lesser number of containers, adversely or materially affect the amenity of occupiers of the closest residential properties. The introduction of additional containers within the site, and particularly those in the rearmost row closest to Poppy Drive properties, would both increase the potential for disturbance through comings and goings associated with accessing those containers and increase the proximity and numbers of containers close to those properties.
18. However, I am reassured that the orientation of the containers would naturally direct activity away from the residential properties. Whilst it is recognised that the turning and manoeuvring areas would have potential for activity and vehicle movements during site's hours of operation the site's layout and circulation provision would be such that alternatives would exist for access and egress to the containers.
19. The containers are of a size and nature that the loading and unloading of the containers would more likely to be done manually than by using forms of machinery, whilst suitably worded planning conditions could ensure that the hours of access to the site would be limited. I accept that the hours of operation, particularly until 22:00 would perhaps be later than a 'normal working' day, but in the context of the operational business park on Cedar Road the restricted scale and nature of the containers themselves, I am not persuaded that the differences would be material or that either after 07:00 or up to 22:00 would necessarily be unsociable hours.
20. Moreover, I have been invited to consider the alternatives arising from the extant reserved matters scheme for the site. Deliveries shall not be received or despatched, it is conditioned, between the hours of 23:00 and 07:00. Although the Council has noted that the activities associated with storage containers would be undertaken externally and that that might not be the case with the extant scheme, deliveries coming and going at the business units would be an external operation as much as accessing or unloading containers.
21. Furthermore, the layout of the alternative scheme shows that these activities would be spread across a wider portion of the site, and thus a greater number of properties on Poppy Drive, than would be the case with the appeal scheme. Although the Council expect that the extant scheme's 'operating yard' would be used to largely provide for client / staff parking, the nature and dimensions of the yard and access to the large roller shutter doors suggest that delivery and manoeuvring would also take place in that area. Indeed, a condition of the extant scheme's approval recognises that loading and unloading may take place outside the buildings⁵. In this respect, and for these reasons, the appeal scheme's proposed hours of access and operation and manoeuvring and servicing would be more limited and less extensive than those of the extant scheme.

⁵ Condition 17 of reserved matters approval LPA Ref No: 21/01697/REM

22. HLP Policy E2 states that all proposals will be expected to provide and maintain a high standard of amenity for, amongst others, existing and future occupants of neighbouring land and buildings, particularly those in residential use. HLP Policy E2(c) requires that there are no significant adverse impacts in terms of noise, particularly with regard to noise sensitive uses.
23. The proposed site layout positions the containers in such a manner that the focus of activities to access, and load and unload, containers would be away from those nearest residential properties. The containers themselves would also provide an element of rudimentary attenuation of the effects of vehicles manoeuvring whilst a suitably worded planning condition could ensure that planting and vegetation could supplement the existing property fences along the site's northern boundary. HLP Policy E2's requirement that there should be 'no significant adverse effects' is a high bar and I am satisfied that the proposal, with suitably worded conditions to minimise the effects of the operation of the appeal site in the manner proposed would avoid material harm to the living conditions of residential occupiers of properties to the rear of the site. There would be no meaningful conflict with HLP Policy E2 as a consequence.
24. In reaching my conclusions with regard to this main issue, I am mindful of the representations that have been made with regard to the appeal proposal, both in objection to and in support of, the proposal. However, these have been neutral matters in my consideration of the appeal scheme and have not been determinative in this instance.

Other Matters

25. The Council considered the proposal's effects in terms of highway safety (access and parking), flood risk and drainage and in terms of biodiversity net gain requirements. Subject to the imposition of suitably worded conditions, these matters did not form part of the Council's reasons for refusal and nor have I been presented with any compelling evidence to reach different conclusions in these respects.

Conditions

26. I have carefully considered the list of suggested conditions put forward by the Council against the provisions of the Framework and Planning Practice Guidance. Where necessary, I have altered the wording of the suggested conditions in the interests of brevity but in so doing I am satisfied that the purpose of the condition remains the same and without prejudicing the interests of either main party, or of interested parties.
27. I agree that a time limit condition is necessary given the nature of the proposal whilst a plans condition is necessary in the interests of certainty, the avoidance of doubt and character and appearance and the living conditions of occupiers of nearby residential properties. It is reasonable and necessary that a condition regarding submission of details regarding any further devices, should they be installed to, on or in the containers should be imposed, in the interests of living conditions of those residential occupiers.
28. A condition restricting the hours of operation and access to the site, together with specifying the control mechanism of lighting is necessary in the interests of living conditions. As the successful landscaping of the site's perimeters is important in

the interests of character and appearance, I have imposed a landscaping condition as suggested by the Council. So too, the appropriate surfacing of the site area where not otherwise planted in accordance with the landscaping scheme in the interests of both character and appearance and highway safety.

29. The details of the entrance gates are set out within one of the approved plans but it is appropriate in the interests of highway safety to ensure their positioning in an acceptable location. A ground contamination condition is reasonable as a precaution should any contamination be encountered and I have thus imposed a condition to this effect. A condition regarding signage is not necessary however as the provisions of the Town and Country Planning (Control of Advertisements) (England) (Amendment) Regulations 2007 would appropriately and adequately cover this matter.

Conclusion

30. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be allowed.

G Robbie

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby permitted shall be carried out in accordance with the following drawing nos: site location plan at scale 1:1250 @ A4; GA Plan 1849-2HA-GF-DR-A-0126-P.03; Boundaries Key Plan 1849-2HA-GF-DR-A-0130-P.03; Proposed Fencing Details and Elevations 1849-2HA-XX-DR-A-0131-P.03; FT-SGC-01 Sliding Gate Manufacture Details; 20' Standard Container dated 10/01/2019 and Lighting Column Plan received by the Local Planning Authority.
3. The development hereby approved shall only operate between the hours of 07:00 and 22:00. No external lighting must be used outside of these hours and during the hours of operation the lighting must be controlled by a motion sensor.
4. The containers shall be used for the purposes of storage only. No work using or maintaining material, plant, machinery or equipment shall take place.
5. No extraction equipment shall be installed until a scheme for the control of noise from ventilation, air extraction, heat pumps and heat exchanger units and other similar devices for that container (where such devices are to be installed) has been submitted to and approved in writing by the Local Planning Authority. The measures in the approved scheme shall be implemented in accordance with the approved scheme and maintained in accordance with the manufacturer's specification.
6. A detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, shall be submitted and approved by the Local Planning Authority before the beginning of the first planting season following the issue of this decision. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
7. The site must be surfaced only with a permeable material, including where the containers will be sited.
8. Any entrance gates or barriers shall be set back a minimum of 6 metres from the carriageway edge and shall either open inwards into the site or slide within the site boundary so as not to obstruct the public highway.
9. There shall be no discharge of surface water from the site onto the existing or proposed public highway.
10. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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