



Appeal Decision

Site visit made on 28 April 2026

by **C Harding BA (Hons) PGCert PGDip MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8th June 2026

Appeal Ref: APP/E2001/W/25/3376517

Land at Holme Industrial Estate, Skiff Lane, Holme Upon Spalding Moor, East Riding of Yorkshire YO43 4BB

- 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 Richard Gee on behalf of GEM Trading Estates Limited against the decision of East Riding of Yorkshire Council.
 - The application Ref is 25/00643/PLF.
 - The development proposed is light industrial unit.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal includes a planning obligation in the form of a unilateral undertaking. The provided planning obligation provides a commitment that the finished floor levels of the proposal would be above flood levels. However, the obligation is deficient in many respects, as it is unclear who is making the undertaking, there is no plan identifying the land to which the undertaking would relate, and there is no indication as to whether the undertaking would be binding against all parties who may have an interest in the land. Moreover, the obligation is not dated, signed or witnessed.
3. As a result, the obligation is incomplete and would not be enforceable. It therefore carries no weight in the consideration of the proposal, and I have not referred to it further.

Main Issue

4. The main issue is whether or not the proposal would be acceptable in respect of flood risk having regard to national and local policies and guidance.

Reasons

5. The appeal site relates to an area of land located within an existing industrial estate. It is surrounded on three sides by existing industrial units. The site is broadly flat, as is much of the surrounding landscape, and is currently in use for storage purposes, for which planning permission was granted in 2017¹.
6. It is not a matter of dispute that the appeal site is located within Flood Zone 1. The provided site-specific Floor Risk Assessment ('FRA'), regardless of its necessity, or

¹ DC/17/01326/PLF

otherwise, nevertheless identifies that the site has a residual, albeit low, risk of surface water, groundwater and overland flow flooding, and that climate change could make flooding more likely. This reflects data in the recent East Riding Flood Data Map ('ERFDM') which forms part of the East Riding Strategic Flood Risk Assessment.

7. I am mindful of the appellant's position that no surface water flooding events have occurred at the appeal site since 2016, when the Council approved the current use of the appeal site and considered that there was no risk of surface water flooding. However, while no flood events may have occurred in this period, flood data modelling, such as that used within the ERFDM is a theoretical process for assessing risk taking account of a range of factors including allowance for climate change, and does not necessarily reflect previous flooding events or lack therefore. Even if the site has not been subject to surface water flooding in the past, it does not automatically follow that there is no risk of such events occurring in the future.
8. On this basis and being mindful that the appellant's own FRA identifies a level of residual risk of flooding despite its location with Flood Zone 1, I find that there is a risk of flooding occurring at the appeal site in the future.
9. National Planning Policy Framework ('Framework') paragraph 170 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Framework paragraph 173 states that a sequential risk-based approach should be taken to individual applications in areas known to be at risk now or in the future from any form of flooding.
10. Framework paragraph 174 clarifies that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source, and that development should not be allocated or permitted if there are reasonably available sites appropriate for the development in areas with a lower risk of flooding.
11. At paragraph 175, the Framework sets out that the sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future.
12. Planning Practice Guidance ('PPG') advises that a proportionate approach should be taken to applying Framework paragraph 175, and that where an FRA demonstrates clearly that the proposed layout, design and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water risk for the lifetime of the development, without increasing flood risk elsewhere, then the sequential test need not be applied.
13. The FRA suggests means of mitigating the identified residual risks, by ensuring that Finished Floor Levels are at a minimum of 150mm above ground levels, and by providing a safe place of refuge above +4.83 mAODN. It is stated that emergency evacuation could be provided by means of the proposed access and on to Skiff Lane which is located with Flood Zone 1.
14. It also stated that suitable surface water scheme will be required. In relation to this, the appellant has clarified that surface water would not be directed to sewer mains

but would be directed to the existing surface water drainage scheme present on the industrial estate, however, no detail of this scheme is before me. It is stated that it is currently performing adequately, however I have no detail before me in terms of expected run-off rates at present and following the development, potential capacity of the system, how the system operates currently or how it would operate following the construction of the proposal.

15. Therefore, even if I were to agree that the proposed Finished Floor Levels, achievement of +4.83 mAODN for the safe refuge and means of emergency escape would mitigate the identified residual risk in these respects, it has not been shown that flood risk would not be increased elsewhere. Therefore, the sequential test exemption set out in Framework paragraph 175 would not apply in this case, even in applying this paragraph on a proportionate basis having regard to advice within PPG.
16. Overall, the advice contained within the Framework and PPG indicates that the sequential test should be applied in this instance. It has not been shown that there are no other sequentially preferable alternative sites available for the development. Accordingly, even if I were to agree that the mitigation measures set out in the flood risk assessment would provide adequate protection to the proposal, this would not overcome the failure to apply the sequential test.
17. Equally, although the proposal would be no more vulnerable than the existing use of the site for the purposes of applying the exception test, as the sequential test has not been passed, the exception test is not relevant in this case.
18. I therefore conclude that the proposal is not acceptable in respect of flood risk. It would be contrary to Policy ENV6 of the East Riding Local Plan Update – Strategy Document Update 2025 which states that flood risk will be managed to ensure that development does not result in unacceptable consequences to its users, the wider community and the environment, including by means of applying the sequential test.

Other Matters

19. The proposal would represent a new commercial development on an existing industrial estate, for which it is stated, and not disputed, that there is demand. It is expected that the proposal would create up to four full time employment opportunities. These are benefits of the proposal.
20. However, having regard to the failure to apply the sequential test, it has not been shown that the same benefits could not be achieved on a sequentially preferable site elsewhere in the area. This therefore reduces the weight that can be afforded to these benefits.
21. I note that no objections to the scheme were received from the Environment Agency, Ouse and Humber Drainage Board or the Council's Land Drainage Team. However, the Council as local planning authority has responsibilities in relation to flood risk, including the application of the sequential test. The absence of objections from these bodies, therefore, does not necessarily indicate that I should reach a different conclusion.

Conclusion

22. I have found that the proposal would be unacceptable in respect of flood risk. It would conflict with the development plan when read as a whole, as well as advice within the Framework. I afford this conflict and harm significant weight, which would not be outweighed by the stated benefits of the proposal.
23. Therefore, having regard to all matters, there are no material considerations, including the Framework, which would indicate taking a decision other than in accordance with the development plan in this case.
24. For the reasons given above, I conclude that the appeal should be dismissed.

C Harding

INSPECTOR