



Appeal Decisions

Site visit made on 21 April 2026

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2026

Appeal Ref: APP/U2750/W/25/3364310

Land adjacent to Station Road, Hensall

- 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 Mr E Stringer of E&H Stringer Farms against the decision of North Yorkshire Council.
 - The application Ref is ZG2024/0252/FUL.
 - The development is described as: Change of use of building and land from agricultural to storage (Use Class B8) (retrospective).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant submitted a planning application for the change of use of the land from agricultural to storage and the erection of access pillars and gates. However, on the Council's advice, the access pillars and gates were separated from the change of use. I have therefore used the description of development contained within the Council's decision notice in the banner heading above.
3. I am aware of an enforcement appeal¹ for a similar development as this appeal, and an appeal² against the Council's refusal to grant planning permission for the erection of pillars and gates. These appeals are the subject of separate decisions.

Main Issues

4. The main issues are:
 - (a) the effect of the development on the character and appearance of the surrounding area, including a Strategic Countryside Gap ("SCG");
 - (b) whether the development is in a suitable location;
 - (c) the effect of the development on the living conditions of the occupiers of neighbouring properties, with reference to noise/disturbance and light pollution;
 - (d) the effect of the development on highway safety; and
 - (e) the effect of the development on flood risk.

¹ Appeal Ref APP/U2750/W/25/3364309

² Appeal Ref APP/U2750/W/25/3364313

Reasons

Character and Appearance, including SCG

5. The appeal site is in the open countryside. It comprises a building of typical modern agricultural appearance and materials that is surrounded by a concrete/hardcore apron. The building and apron are located adjacent to the northern boundary of a larger triangular-shaped field, with access gained from the northeastern corner. No boundary treatment demarcates the appeal site from the remainder of the field.
6. The field is bounded by Station Road to the southeast/east, a Public Footpath to the north, and dwellings and a lake surrounded by woodland to the west/southwest. Beyond the Public Footpath and Station Road are open fields and further dwellings that are highly screened by roadside hedgerows. Consequently, the surrounding area is rural in character and appearance.
7. The development comprises the change of use of the appeal site from agriculture to the storage of “*small to medium van sized vehicles*”. Limited information has been provided regarding the operation of the business and at the time of my visit, there were no vans stored on the appeal site. However, photographic evidence shows rows of white vans/vehicles stored outside. Consequently, the use would have a commercial appearance that starkly contrasts with the surrounding rural character and appearance.
8. The field is bound by a predominantly deciduous hedgerow, and a close boarded fence has been erected on the inside perimeter of parts of the hedge that restricts views into the site from the adjacent Public Footpath and from parts of Station Road. However, it was possible to view the appeal site through gaps in the hedgerow when travelling in a northerly direction along Station Road. Furthermore, views into the site (where there is an absence of fencing) would be possible during the winter months when the hedgerow is not in leaf.
9. Solid gates across the access restrict views of the appeal site when travelling in a southerly direction along Station Road. However, these gates were constructed without planning permission, and I have dismissed an appeal³ for their retention. Therefore, the existing gates cannot be relied upon to screen the appeal site from the surrounding area.
10. It is for these reasons that the vans, particularly due to their bright white colour, would be highly visible through sections of the hedgerow and from the windows of nearby dwellings. Consequently, the change of use would appear incongruous and detract from the rural character and appearance.
11. The appeal site forms part of the SCG that separates the northern and southern sections of the village of Hensall. The Council asserts that the concrete/hardcore apron does not have planning permission. This has not been disputed by the appellant therefore I have no reason to disagree with the Council’s assertion.
12. I acknowledge that the number of vehicles stored on the land may fluctuate. However, the whole of the appeal site could be used for the storage of vehicles. Consequently, the storage of small to medium sized vans on what was previously an open field would adversely affect the open character and compromise the SCG.

³ Appeal Ref APP/U2750/W/25/3364313

13. It is for these reasons that the development conflicts with Policies SG1 and ENV1 of the Selby District Local Plan Part 1 – General Policies, adopted 2005 (“LP”) and Policies SP13(D), SP18 and SP19 of the Selby District Core Strategy Local Plan, adopted 2013 (“CS”). These policies, amongst other things, seek to ensure that development has regard to the local character, identity and context of its surroundings including the open countryside.

Suitable Location?

14. The appeal site is within the open countryside. CS Policy SP2A(c) states that development in the countryside will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13.
15. CS Policy SP13C states that in rural areas, sustainable development (on both Greenfield and Previously Developed Sites) which brings sustainable economic growth through local employment opportunities or expansion of business and enterprise will be supported, including for example through the re-use of existing buildings, and the diversification of agriculture and other land based rural businesses. This echoes paragraph 88 of the National Planning Policy Framework (“the Framework”). However, part D of CS Policy SP13 states that in all cases, development should be sustainable and be appropriate in scale and type to its location, not harm the character of the area, and seek a good standard of amenity.
16. I acknowledge that the development would involve the re-use of an existing agricultural building for employment purposes. However, it would also involve outside storage. The evidence suggests that the business employs two full-time employees. However, I have insufficient information before me to determine whether the development provides local employment opportunities. The appellant asserts that the development involves the diversification of their agricultural business. However, the information before me suggests that the appeal site is rented to a separate business rather than operated by the appellant as part of their farm.
17. Even if the development complied with the criteria listed within CS Policy SP13C, I have already determined that the development harms the character of the area. Consequently, the development conflicts with CS Policy SP13D.
18. The appellant has directed me to paragraph 89 of the Framework that states that decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. However, the evidence before me does not suggest that the business requires a rural location to operate.
19. It is for these reasons that the development is not in a suitable location. It therefore conflicts with CS Policies SP2 and SP13, the content of which is described above.

Living Conditions – Noise/Disturbance, Light Pollution

20. The nearest dwellings are located to the southwest, northeast and east of the appeal site. Limited information has been provided regarding how the business operates. However, interested parties have raised concern regarding noise

emanating from the site, the business operating 7 days a week, and vehicle transporters delivering vans to the site.

21. I acknowledge that the Council's Environmental Health department did not comment on the planning application. However, they are not obliged to do so.
22. I could impose conditions to limit the effect of the development on the living conditions of the occupiers of neighbouring properties by restricting such things as the hours of operation, delivery times, no maintenance of vehicles to take place, a lighting strategy to be agreed etc. However, due to the limited information regarding the operation of the business, I could not impose such conditions without the possibility of affecting its viability. Such conditions could therefore be unreasonable.
23. It is for these reasons that insufficient information has been provided to allow me to determine whether conditions could overcome the adverse effect the development has on the living conditions of the occupiers of neighbouring properties with reference to noise/disturbance and light pollution. It therefore conflicts with LP Policies ENV1, ENV2 and ENV3 which, amongst other things, seek to ensure that development does not have an adverse effect on local amenity.

Highway Safety

24. The development utilises an existing access within the northeastern corner of the field. Due to the triangular-shape of the field, the entrance into the appeal site is perpendicular to Station Road. An area of hardcore/concrete is in front of the entrance adjacent to Station Road that allows vehicles to pull up to the junction. I saw during my site visit that visibility from the junction with Station Road was satisfactory in both directions.
25. The appellant has not provided information regarding how the vehicles are delivered to the site. Interested parties have stated they are delivered on vehicle transporters; however, I am unaware of their size. If travelling in a northerly direction along Station Road, there is a very tight bend into the site and therefore I am unsure, from the information before me, whether delivery vehicles can safely negotiate this turn. Furthermore, I am unclear whether the size of the vehicle transporters can be accommodated within the area of concrete/hardstanding without blocking the highway while the gates are opened.
26. I appreciate the access is existing and that the appeal site was previously in agricultural use. However, limited information has been provided to enable me to determine whether the size of agricultural vehicles and the frequency of trips is comparable to the vehicle storage use.
27. I acknowledge the Local Highway Authority raised no objection to the development subject to the imposition of conditions. However, the decision maker is not bound by the recommendations of its consultees.
28. For these reasons, I have insufficient information before me to determine the effect of the development on highway safety. It therefore conflicts with LP Policies ENV1, T1 and T2 and CS Policy SP19 which, amongst other things, seek to ensure there would be no detriment to highway safety.
29. The Council's fifth reason for refusal also lists LP Policy ENV3. However, this policy seeks to ensure that proposals involving outdoor lighting do not create conditions prejudicial to highway safety, which is not directly relevant to this reason for refusal.

Flood Risk

30. The appeal site is within Flood Zones 2 and 3. A site specific Flood Risk Assessment ("FRA") has been submitted. However, it contains several inaccuracies. It omits that the change of use relates to the building as well as the concrete/hardcore apron; it states there are no changes to the existing surface; and it states that the hardstanding areas and tracks are permeable. The FRA is therefore not fit for purpose.
31. The Framework states that development should only be allowed in areas at risk of flooding if certain matters can be demonstrated including: that development is appropriately flood resistant and resilient; it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; that any residual risk can be safely managed; and that safe access and escape routes are included where appropriate as part of an agreed emergency plan.
32. The FRA states that it is not necessary to provide any mitigation measures, but that the site will be registered with Floodline; and it does not propose any flood resistant measures. I acknowledge that an FRA should be proportionate to the anticipated degree of flood risk, however, the submitted FRA has not been prepared in accordance with the Planning Practice Guidance⁴.
33. For these reasons, I have insufficient information before me to assess the effect of the development on flood risk. The development therefore conflicts with the Framework in this regard.

Other Matters

34. The appellant asserts that the development provides vital income to support their wider agricultural holding and that they were forced to consider diversification and other financial income streams due to financial concerns. While I am sympathetic to the appellant's situation, their assertions have not been supported with evidence.
35. There is a dispute between the main appeal parties regarding the lawfulness of the agricultural building that was constructed following the grant of prior approval⁵. The Council raise concern that the building was not used for agricultural purposes and therefore, its construction also requires planning permission. The appellant has submitted a photograph that they assert shows hay stored within the interior of the building and a signed (unwitnessed) statement that the building was used for agricultural purposes from 1 June 2021 until March 2023. As I am dismissing the appeal, it has not been necessary for me to seek clarity on this matter.

Conclusion

36. For the reasons given above, the appeal should be dismissed.

A Berry

INSPECTOR

⁴ Paragraph: 080 Reference ID: 7-080-20220825

⁵ Planning Ref 2020/0738/AGN