



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: 29 September 2026

Appeal Ref: APP/E2001/W/25/3375085

Land and Building east of Manor House Farm, Lockington Road, Lund, East Riding of Yorkshire YO25 9TG

- 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 Jonathan Walker against the decision of East Riding of Yorkshire Council.
 - The application Ref is 25/00554/PLF.
 - The development proposed is change of use of agricultural barn to dwelling. Demolition of adjacent barn.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The government published a new National Planning Policy Framework ('the Framework') on 17 August 2026. As this could affect the issue and matters in this case, the Council and appellant were invited to make further comments. My decision reflects the most recent version of the Framework and the responses received in relation to it.
3. The Council has brought to my attention the comments made by its Nature Conservation Officer in relation to protected species. I am therefore mindful of the requirements of the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') and the Wildlife and Countryside Act 1981 ('the WCA'), as well as the advice contained within Circular 06/2005: Biodiversity and Geological Conservation ('the Circular') in this respect.
4. Although the Council did not cite such concerns as a reason for refusal, it is clear from both the officer's report and the subsequent statement of case, that they existed. Given the legislative framework and advice within the Circular, even though these concerns were not followed to resolution within the planning application process it is therefore necessary for me to consider this as a main issue.
5. As the concerns of the Council in relation to this are apparent throughout its evidence, this is an issue upon which the appellant has had opportunity to comment. Therefore, there would be no prejudice or loss of natural justice or unfairness in my proceeding in this manner.

Main Issues

6. The main issues are:
 - the effect of the proposal upon protected species;

- whether the proposal would be an appropriate form of development having regard to its location, the extent of alteration required and its effect upon the immediate setting;
- the effect of the proposal upon the significance of designated heritage assets, and;
- whether the proposal would provide suitable living conditions for future occupiers.

Reasons

Protected species

7. The WCA affords protection to identified wild birds and other species of animal. As well as the animals themselves, this protection extends to structures or places that a protected species may be using for shelter or protection. Contravention of these protections may constitute a criminal offence.
8. The Circular sets out that the presence of a protected species is a material consideration when a development proposal is being considered. It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposal, is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. However, the circular also clarifies that protected species surveys should not be required unless there is a reasonable likelihood of the species being present and affected by the development.
9. The evidence includes a Preliminary Roost Assessment Bat Survey Report ('the PRA') which considers the potential presence of protected species. Although this report finds that there would be negligible risk to bats and other species, and I have no reason to disagree, it is limited in scope and only considers the proposed demolition of the hay barn. There is no indication that the grain store was surveyed or the conversion element of the proposal considered.
10. The grain store is a modern building and given its intended use, is likely to be reasonably weatherproof. However, it is also located in a rural location and given its stated redundancy, is likely to be subject to a low level of use and disturbance. It is also noteworthy that the PRA identifies that the area surrounding the hay barn, which would include the grain store, is of moderate-high suitability for commuting and/or foraging bat habitat. Given these factors, I consider there to be a reasonable likelihood that bats or birds may be using the building.
11. In respect of great crested newt ('GCN'), my attention has also been drawn to the presence of additional ponds other than that considered within the PRA, as well as that a further pond within 500 metres of the appeal site has a recorded GCN presence. Again, this indicates a reasonable likelihood that protected species may be present. These positions are evidently shared by the Council's Nature Conservation Officer and have not been disputed by the appellants.
12. On the basis of the evidence which is before me, I cannot be certain that protected species are not present at the appeal site, or that if they are, that they would not be affected by the development. Therefore, the proposal would fail to accord with ERLP Policy ENV5 which states that proposals will be supported where they conserve, restore, enhance or recreate biodiversity, including priority species and habitats.

Appropriate form of development

Planning policy

13. Policy S4 of the East Riding Local Plan Strategy Document Update 2025 ('ERLP') states that outside of the settlements listed in ERLP Policy S3, development will be supported to help maintain the vibrancy of villages and the countryside, where it is of an appropriate scale to its location taking account of the need to support sustainable patterns of development, encourages the re-use of previously developed land where appropriate; and does not involve the loss of best and most versatile agricultural land.
14. There is no dispute that the appeal site is situated outside of any of the settlements listed in ERLP Policy S3, or that for the purposes of ERLP Policy S4, that it is located within the countryside. I have no reason to disagree.
15. In relation to development in the countryside specifically, ERLP Policy S4 sets out that a limited range of developments will be supported where they respect the intrinsic character of their surroundings. These include among others, conversion for new housing where the preservation of the building would enhance the immediate setting and where it would represent the optimal viable use of a heritage asset or would re-use a redundant or disused building without significant alteration or significant extension.

Whether redundant or disused buildings

16. Both appeal buildings are modern agricultural sheds and there is no suggestion that either forms a heritage asset. The appellant has indicated that despite their relatively recent construction, these buildings are now redundant to the wider farm operation as the business has entered into partnership with another local enterprise to combine grain drying operations in the interests of efficiency.
17. It is proposed that the smaller of the two buildings would be demolished. As the appeal site lies within Lund Village Conservation Area ('the CA'), this requires planning permission. The Council considers that this building is not redundant, however, even if this is the case, I have not been directed to any policy which seeks to restrict the demolition of such buildings, even where a cessation of use has not been demonstrated. Accordingly, in principle, the removal of this building would not be contrary to the development plan.
18. Agricultural businesses often evolve and adapt to various commercial circumstances, sometimes within short timeframes, and this can involve consolidation. That the enterprise has chosen to relocate its grain drying operation to another location for operational purposes appears to be a reasonable business decision, and there is no requirement for the building to remain in agriculture use if there is no practical purpose for doing so.
19. The fact that farm operations continue at Manor House Farm does not necessarily indicate that there is still a use for grain store. The Council acknowledges that on inspection the building appeared to be extremely underutilised, despite some evidence of equipment storage. There is no suggestion that such storage could not be accommodated elsewhere either at Manor House Farm or at other locations. Taking account of these factors, even though the grain store may be relatively modern, this does not mean that it cannot now be redundant.

20. On this basis, the proposal would comprise the re-use of a redundant building for the purposes of ERLP Policy S4.

Whether the proposal would amount to significant alteration or extension

21. ERLP Policy S4 only supports such development where it would not involve significant alteration or extension. The policy itself makes no reference to the structural integrity of the building, although the supporting text does indicate that in order to be considered suitable for conversion to residential use, an existing building must be structurally sound, without significant rebuilding, alteration or substantial extensions.
22. The Council, in its statement of case, introduced concerns that the building may not be structurally capable of accommodating the proposal, citing that the steel frame may not be suitable for supporting the proposed interior mezzanine floor or external larch boarding.
23. While no structural report has been submitted, the building is of modern construction and with an apparently robust steel frame. There is no visual suggestion that the building is anything other than entirely structurally sound. Given the building currently supports profile sheet cladding, its replacement with wooden boarding is unlikely to add significant additional loading. While the mezzanine floor could add significant additional load, it could also be supported by other means, or the existing structure reinforced if necessary. None of these scenarios is likely to amount to significant rebuilding. Moreover, I am mindful that the wording of ERLP Policy S4 itself makes no reference to the structural condition of the host building or any requirement to provide a structural report.
24. I have been directed to *Hibbitt and another v Secretary of State for Communities and Local Government (1) and Rushcliffe Borough Council (2)* [2016] EWHC 2853 (Admin). However, this judgment specifically relates to the conversion of buildings under Schedule 2, Part 3, Class Q of the General Permitted Development Order ('the GPDO') and whether a building can be considered for conversion for residential purposes as permitted development.
25. As identified by another Inspector, the general scope of *Hibbitt* relates to similar issues raised with ERLP Policy S4. However, there are also important distinctions. ERLP Policy S4 uses different language to the GPDO and requires only that proposals do not amount to significant alteration or significant extension, in comparison to the GPDO that seeks to ensure that building works only extend to those "reasonably necessary" to allow conversion. Although the supporting text to ERLP Policy S4 makes reference to the need to avoid significant rebuilding, this is not a requirement set out within the policy itself, and in any case, this is not wholly comparable to the requirements of the GPDO discussed in *Hibbitt*, either.
26. The supporting text to ERLP Policy S4 states that extensions that exceed what could be built under permitted development rights will be considered to be significant, however it makes no specific reference to alterations. Therefore, there is no basis to apply such a high bar where only alterations are proposed.
27. As a result, the scope of works permissible under ERLP Policy S4 is wider than in the GPDO and may include those which are beyond 'reasonably necessary', but do not amount to significant alteration or extension.

28. The provided plans indicate that one elevation and the roof would remain largely unchanged. The ground floor of the remaining elevations would be altered, with the footprint reduced slightly in places and large windows inserted. The existing first floor profile sheet cladding would be replaced with vertical larch boarding.
29. Given the frame, concrete panel and brickwork construction of the building, these building works would likely be relatively straightforward to implement. The frame of the building would remain, with areas of brick work and panelling removed at ground floor level, and the ground floor elevations stepped-in slightly. As the building would be marginally reduced in size overall in volumetric terms, no extension to it is therefore proposed, nor would the proposal amount to the demolition and rebuild of the current building.
30. Visually, the proposed alterations would change the appearance of the building, primarily through the introduction of glazing and timber boarding and the stepping in of the ground floor. However, in the context of the overall structure these changes would not fundamentally alter the character of the building; its original scale and form would remain easily discernible, and its rural character retained.
31. Furthermore, the modern and somewhat utilitarian design of the existing building means that rather than being unsuitable for conversion it is less sensitive to intervention than perhaps other older and more traditional buildings found in the countryside. The support for conversion of buildings within ERLP Policy S4 is not dependent upon their existing architectural merit, rather the policy requires such schemes to deliver enhancements, indicating the relevance of the policy to buildings of poorer quality in either condition or design.
32. The proposed internal alterations to the building, although required to facilitate human habitation, would fall outside of the definition of development set out at Section 55(2)(a) of the Town and Country Planning Act 1990. They would not, therefore, require planning permission.
33. Overall, the proposal would not amount to the significant alteration of the building, for the purposes of ERLP Policy S4.

Whether the proposal would represent an enhancement the immediate setting

34. The building to be converted is an entirely unremarkable agricultural building. Although disused, its condition appears to be sound. Given its context, it is not harmful to its surroundings, and its effect is broadly neutral. The building which would be removed is a storage barn.
35. The proposed dwelling would be contemporary in design and, given the host building is itself modern, this is both understandable and appropriate. The proposal would bring an inevitable degree of domestication, even taking account of the limited proposed curtilage, however the original function of the building would remain evident.
36. Conflict with design advice within Item 9.4 of the East Riding Design Code ('the ERDC') is alleged, as the proposed larch board cladding would not match the existing building. However, the ERDC makes allowance for contrast in-lieu of matching material, and furthermore, has an overarching aim of ensuring that building conversions are sympathetically carried out and do not erase the previous history of the site.

37. Timber boarding is commonly found on agricultural buildings and its use in the proposal would not appear as incongruous. Although not matching the existing profile sheet cladding, it would contrast with those elements of the original form that would be retained at ground floor level. The overall approach would form a sympathetic composition. I do not, therefore, find conflict with the ERDC in this respect.
38. The proposal would also result in the removal of the existing barn which would serve to open up the area surrounding the grain store. The removal of an otherwise redundant agricultural building of little visual merit would be a small enhancement to the yard. Furthermore, the conversion of the grain store would add animation to an otherwise disused building. As identified above, there would be a degree of domestication as a result, including in terms of the provision of outdoor amenity space. Based on the evidence before me however, I am satisfied that the resultant development and landscaping would serve to break up the stark appearance of the eastern edge of the farmyard at the point at which it meets the wider countryside. Taken as a whole, I consider that the proposal would represent a minor enhancement to the immediate setting of the building.

Conclusion on first main issue

39. The proposal would be a suitable location for the development proposed. It would accord with ERLP Policies S3, S4, ENV1 and ENV2 which together and among other factors set out the spatial approach to new development, seek to foster good design and ensure that new development is sensitively integrated into the existing landscape.

Heritage assets

40. Framework Policy HE4 identifies that heritage assets, as an irreplaceable resource, should be conserved in a manner appropriate to their significance. Harm to the significance of heritage assets should be avoided or minimised and significance conserved. Any harm to, or loss of, the significance of a designated heritage asset should have clear and convincing justification.
41. Framework Policy HE6 states that when considering the potential effect of a development proposal on the significance of a designated heritage asset, substantial weight should be given to the asset's conservation. Any harm to a designated heritage asset will be a matter of considerable importance and weight, and such harm should be weight against any public benefits resulting from the proposal.
42. Furthermore, Framework Policy HE9 sets out that development proposals within CAs should retain and conserve buildings and features which make a positive contribution to the character of the CA and consider the area's special architectural or historic interest in the design of the development.
43. The appeal site relates to an area of yard and two buildings which form the eastern extent of a collection of farm buildings of Manor House Farm. The farm is located to the east of Lund, with the Grade II listed farmhouse and historic farm grouping located to the west, closer to the village core, and the more modern operational element of the farm to the east, to the north of Lockington Road and behind a number of other buildings converted to residential use. The appeal site lies within the CA.

44. The significance of the CA is derived, insofar as is relevant to this appeal, from the historic layout of the village, the predominance of historic buildings and the relationship between the village and the wider landscape within which it is located.
45. The Manor House is a Grade II listed building, described within the listing as dating to the late 17th or early 18th century. The evidence indicates that it was reconstructed in the 18th century using materials from an earlier Manor House located closer to the village church. The appellant identifies, and it is not disputed, that the significance of the Manor House is primarily derived from the age of the building and its associated fabric, as well as internal fixtures.
46. A grand stone entrance and garden wall adjoin Lockington Road and are surviving elements of the earlier phase of development, these are also Grade II listed. Their significance is derived from their design, elevated status and evidential value as part of an earlier phase of development. Together, the Manor House, gateway and walls, and the surviving elements of the farmstead to the west of Manor House have group value.
47. I am also aware that the village contains the Grade II* listed All Saints Church, the significance of which is derived from its age, stature and position as a focal point of the village.
48. In its reasons for refusal the Council alleged no harm to either the listed gate and wall or All Saints Church. A level of harm to these heritage assets is suggested within the Council's statement of case but has not been substantiated or explained to any extent. However, as I have statutory duty in relation to listed buildings, I have nevertheless included them in my considerations.
49. The appeal site is at the eastern extent of the village and CA. It is evidently part of a working farm enterprise and is situated among other, more modern, agricultural buildings. There is a relationship between this working yard and the Manor House to the west, however given the differences in age between the buildings, the link is not overwhelmingly apparent, and the character of Manor House and its immediate domestic surroundings are instead focused to the west, where the remaining elements of the traditional farmstead can be found, albeit now converted to residential use.
50. The Lund Conservation Area Character Appraisal identifies the potential loss of farmsteads as being the greatest threat to Lund's character and appearance. It states that the loss itself would be harmful but would also cause a shift between the balance of old and new buildings.
51. The proposal would result in the loss of two agricultural buildings; one to demolition and one to conversion. Both are modern buildings and cannot be reasonably considered to form part of the traditional farmstead, which, as I have identified, was likely to the west of Manor House, and which at least partly remains. The loss of the buildings on the appeal site would not harmfully alter the balance of old and new buildings within the CA, rather it would result in the loss of a single modern building, to the benefit of this balance.
52. Equally, the visual relationship between the appeal site and the Manor House is marginal, with only glimpsed views between them and from in specific locations. The clearly modern context of the working yard and the identified focus of the listed building towards the west both mean that the appeal site is very peripheral to the LB and does not, therefore contribute strongly to its setting.

53. Intervening landforms and existing buildings negate any relationship between the appeal site and the listed gates and wall. While limited views of the church tower are possible from the appeal site, this visual relationship is extremely limited and likely reflects much of the village, given the status of the church within the settlement. In these terms, the appeal site does not form part of the functional setting of this building. Overall, the effect of the proposal upon the listed buildings would be neutral.
54. It is stated that the proposal would have the potential to dilute the level of agricultural activity around the appeal site, to the detriment of the character of the CA. However, as I have already found, the buildings can be reasonably considered to be redundant. Therefore, the reduction in associated activity would be marginal at worst, and there is no suggestion that the use of the livestock barn and paddock to the west, which I saw were both housing cattle at the time of my visit, would also cease. These elements make a far stronger contribution to the agricultural character of the farmstead than the buildings on the appeal site. I find no harm to the character of the CA would result in this respect.
55. The Council variously identifies the building to be converted as having no architectural elements worthy of retention, being of functional design, and unoffensive when used as designed. The building appears to be in sound structural condition, and its relatively recent construction is evident. It is an entirely unremarkable agricultural storage building. As I have identified, its relationship with the Manor House and other listed buildings is limited and given its context among other modern farm buildings and the minimal current level of activity associated with it, its current effect upon the character and appearance of the CA is neutral.
56. The proposed design approach would be undeniably modern, however this would reflect the modern building being converted and would not be an inappropriate approach, as I have discussed in detail above.
57. Overall, I find that the proposal would not harm the significance of listed buildings or the character or appearance of the CA. It would accord with ERLP Policy ENV3 which states that proposals that conserve or enhance the significance of a heritage asset and its setting should be supported.

Living conditions

58. ERLP Policy ENV1 states that development will be supported where it achieves a high quality of design that optimises the potential of the site and contributes to a sense of place, and that this will, in part, be accomplished by having regard to the amenity of existing or proposed properties. ERLP Policy ENV6 seeks to manage environmental hazards and ensure that development does not result in adverse impacts in terms of, among things, noise and air pollution.
59. Framework Policy P3 highlights that development proposals should be appropriate for their location taking into account likely effects of pollution on health and living conditions. Development proposals should not give rise to unacceptable levels of air, noise or other forms of pollution.
60. Framework Policy P4 states that existing businesses should not have unreasonable restrictions placed on their current or permitted operation as a result of development being approved after they were established. Where the operation of an existing activity could have a significant adverse effect on a proposed new development in its vicinity, development proposals should identify the nature of

potential impacts and be able to demonstrate that suitable mitigation can be provided.

61. The proposal would introduce a residential dwelling into a working farm environment. I accept that agricultural uses can involve odour, noise and activity throughout the day and night. There is, therefore, the possibility that such activities could harm the living conditions of the future occupiers of the proposed dwelling.
62. However, such effects are dependent upon a number of factors including the nature and scale of the agricultural enterprise, and other site-specific issues. It is not necessarily the case that dwellings cannot co-exist with farming activities in all circumstances.
63. Manor House Farm has a close relationship with the wider village. Other than Manor House itself, a number of residential properties can be found nearby, including to the south and west of the appeal site. It is also notable that a further agricultural yard can be found to the south of Lockington Road. The Council has identified, and it is not disputed, that the closest residential property is currently 50 metres from the working yard.
64. There is no suggestion that the farm operation is not currently successfully co-existing with neighbouring properties. 50 metres is not a significant degree of separation and given the number of dwellings that are close to the yard and agricultural buildings it follows that should the current use be fundamentally incompatible with residential uses in close proximity, such concerns would have likely been made known to the Council. There is no evidence before me to indicate that this is the case, and I am cognisant that the Council's Public Protection Officer has not objected to the proposal.
65. Moreover, with the buildings subject to the proposal having been identified by the appellant as already redundant, the main focus of agricultural activity at the holding is likely to be to the west, around remaining buildings, including the cow shed. Given the distances involved, it has not been shown that the proposal would provide inadequate living conditions for future occupiers. As there is no evidence before me to demonstrate that effects would be significantly adverse, there is no need for the appellant to demonstrate suitable mitigation.
66. It has also not been shown that the nature of the existing use would prevent the provision of suitable usable outdoor amenity space.
67. Overall, I conclude that the proposal would provide suitable living conditions for future occupiers. The proposal would therefore be in accordance with ERLP Policies ENV1 and ENV6, the relevant content of which I have set out above.

Other Matter

68. My attention has been drawn to some alleged errors in the submitted appeal form. While I have noted the stated concerns, they do not render the appeal invalid or prevent me from issuing a decision.

Planning Balance

69. The proposal is acceptable in relation to its effect on the significance of designated heritage assets, and that it would provide adequate living conditions for future occupiers. As set out, the proposal accords with the relevant policies of ERLP in

these regards. These policies are broadly in accordance with the Framework, and I afford them significant weight.

70. I have also found that the proposal accords with ERLP Policy S4. Framework Policy S5 does not require a proposal for the conversion of an existing building to represent an enhancement to its surroundings. Nor does it require that alterations be less than significant. Accordingly, ERLP Policy S4 is not wholly consistent with the Framework and having regard to Annex A of the Framework, I afford it very limited weight.
71. I cannot be certain that the proposal would not lead to harm to protected species. I have therefore found that the proposal would fail to comply with ERLP Policy ENV5. This policy is broadly in accordance with the Framework, and I afford it significant weight.
72. Overall, the proposal would be contrary to the development plan when read as a whole.
73. Framework Policy S3 states that decisions on development proposals should apply a presumption in favour of sustainable development. This means that outside settlements, that Framework Policy S5 should be applied. Framework Policy S5 states that only certain forms of development should be approved outside settlements, and that these should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the Framework.
74. Policy S5(c) of the Framework identifies one such form of developments as being the reuse, extension, alteration or replacement of an existing building. When assessed against the criteria of this policy, the building to be converted is of permanent construction, there is no suggestion that it is unlawful, and no extension is proposed. It would therefore comprise development for which the policy provides conditional support, subject to assessment against other policies in the Framework.
75. Framework Policy N2 indicates development proposals should contribute positively to the natural environment, and that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or compensated for, then the development should be refused. In this case, I cannot be certain that significant harm to biodiversity can be ruled out, and the proposal would therefore fail to comply with this policy.
76. Framework Policy S5(2) states that circumstances in which the benefits of approving development proposals are likely to be substantially outweighed by adverse effects include, but are not restricted to, situations where the development proposal would fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances.
77. There would be benefits associated with the proposal. It would represent farm diversification and rural business development in accordance with Framework Policies E2 and E4, to which I afford substantial weight. It would also result in a modest contribution towards boosting the supply of housing. Although it is not disputed that the Council can demonstrate a five-year supply of suitable housing land, this does not represent an upper limit. As the proposal would amount to a single dwelling, I afford this factor moderate weight in favour of the proposal.

78. The proposal would have economic benefits both during construction and once occupied. Given the scale of the development and the amount of construction work involved, such benefits are likely to be relatively small in nature and in some cases, time-limited. It would also lead to a modest enhancement of the character and appearance of the immediate setting and would take advantage of an opportunity to reuse an existing structure. These are further benefits of the scheme to which I afford minor weight.
79. However, I have also found that the proposal would fail to comply with a national decision-making policy which states that the development should be refused. This weighs heavily against the proposal and having regard to Framework Policy S5(2), substantially outweighs the benefits that I have identified. The proposal, would not, therefore, amount to sustainable development to which the presumption in favour of approval would apply.

Conclusion

80. The proposal would fail to accord with the development plan when read as a whole. 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.
81. I therefore conclude that the appeal is dismissed.

C Harding

INSPECTOR