



Appeal Decision

Hearing Held on 13 October 2020

Site visit made on 13 October 2020

by Matthew Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th December 2020

Appeal Ref: APP/Z2505/W/19/3240669

Reed Point, Spalding Road, Sutterton, Boston PE20 2EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Richard King (Fossit and Thorne Pension Scheme) against the decision of Boston Borough Council.
 - The application Ref B/18/0530, dated 18 December 2018, was refused by notice dated 13 May 2019.
 - The development proposed is the erection of 9 no. industrial units, construction of new vehicular access, and associated parking areas.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - a) Whether the site is a suitable location for the proposal, having regard to local and national planning policies; and,
 - b) The effect of the proposal on the character and appearance of the area.

Reasons

Location

3. Policy 1 of the South East Lincolnshire Local Plan 2011-2036 (2019) (Local Plan) defines the spatial strategy for South East Lincolnshire¹, setting out a hierarchy of settlements based on their sustainability². The site lies outside the nearest settlement boundary, which comprises the main service centre of Sutterton. Thus, for the purposes of planning policy, the site lies in the countryside.
4. Whilst Policy 1 of the Local Plan relates to all forms of development, the remit of Policy 7 is specific to employment generating proposals. In general, it aims to steer development towards allocated or existing employment areas, or appropriate sites within defined settlement boundaries. Outside of allocated

¹ Which includes Boston Borough and South Holland District

² With regard the presence of available and deliverable sites; infrastructure capacity and needs; proximity to local shops, services and community facilities; access to public transport; flood risk.

employment areas such as this, Policy 7 of the Local Plan states that development '*will be supported provided that the proposal involves the re-use of previously developed land or the conversion/re-use of redundant buildings*'.

5. The proposal would not involve the re-use of redundant buildings or previously developed land. Given that the appeal site not only falls outside an area allocated for employment purposes, but it also comprises a greenfield site in the countryside which lies outwith a settlement boundary, to my mind it sits at the bottom of the hierarchy in terms of areas where development is to be directed.
6. In circumstances where redundant buildings or previously developed land is not available, amongst other things, proposals on non-allocated sites may be acceptable provided '*there is an identified need for the business location outside of identified employment areas on the Policies Map*³'. The term 'need' was the subject of some debate during the hearing, and it is not defined either in the Local Plan or the National Planning Policy Framework (the Framework). In the absence of an agreed definition, I attribute it its everyday meaning of being *necessary* or a *requirement*.
7. Part of the appellant's 'need' justification includes an assessment of the suitability of identified employment areas. The appellant discounted several of the 'Main Employment Area' sites listed in the Local Plan due to their location in the north of the borough. On this point, I acknowledge that the Council's Economic Development Officer (EDO) provided supportive comments on the planning application, adding that the nature of the proposal and its location in the south of the borough and close to the A17 would provide an opportunity for business growth and investment. Based on the EDO comments, the Council's officer report also states that there "*is clearly a need for the 'starter' industrial units to be delivered to meet an identified need in the southern part of the borough*". However, there is no evidence to suggest that the EDO has considered the proposal having regard to the availability of more suitable sites in the borough and the current employment land position.
8. Notwithstanding this, included in the submitted evidence is an Alternative Sites Assessment⁴ (ASA), which assessed the suitability and availability of other sites, focussing on the settlement of Sutterton. According to the appellant, the geographical focus of the ASA was partly predicated on the requirements of Policy 7 of the Local Plan, and the fact the site lies close to the settlement, which includes a range of sites allocated and used for employment purposes.
9. The ASA discounted all potentially available sites in Sutterton for a variety of reasons. Apart from one site, Kirton Distribution Park⁵, the Council does not question the veracity of the ASA or its overall findings. However, despite disagreement between the main parties concerning the suitability of Kirton Distribution Park to accommodate the proposal, I find that the ASA focus solely on the settlement of Sutterton is misplaced. This is because sites within other settlement boundaries (apart from Sutterton), and other sites comprising previously developed land, have not been considered despite them potentially being more sustainable according to the supporting text to Policy 7 of the Local Plan. Consequently, even if I was to accept the assertion that there is a need

³ Policy 7(g) of the Local Plan

⁴ Entitled 'Alternative Sites Assessment' December 2018

⁵ Identified as a main employment area under Policy 7 of the Local Plan

for light industrial units in the south of the borough, and that Kirton Distribution Park would not be a suitable alternative site, it has not been adequately demonstrated that better located sites do not exist in the area, and that this is the most suitably available site to fulfil that need.

10. Whilst I accept that there is no explicit requirement contained in Policy 7 of the Local Plan requiring that available allocated employment sites are ruled out in order to justify proposals outside allocated employment areas, it is clear to me that the overall aim of the policy is to focus economic growth in the higher-tier settlements and the most sustainable locations. Therefore, it encourages site selection based on the hierarchy set out in the spatial strategy. This is consistent with paragraph 80 of the Framework which is supportive of the growth and expansion of all types of business in rural areas, on the basis that development is undertaken in a sustainable manner.
11. The supporting text to Policy 1 of the Local Plan gives a range of examples of the types of development which may require a countryside location, including agriculture, recreation and tourism. In this context, I have taken into account supporting information from the appellant sourced from a locally based commercial agent which concludes that there is a lack of starter units available to let, and that there is a demand for the type of units proposed. I have also considered the expressions of interest from prospective tenants of the proposed units. However, no occupiers of the units have been specified at this stage and there is nothing to suggest that future occupiers of the units would require a countryside location. Whilst the site's proximity to the A17 would likely make it attractive for prospective occupiers and businesses, there may be other equally accessible sites elsewhere in the borough, either on sites allocated for such purposes, or within other settlements. Therefore, I see no reason why the proposal would require this countryside location.
12. It was put to me by the appellant during the hearing that the proposal would comprise a windfall development. However, I have not been made aware of a shortfall in employment land across the borough, which is unsurprising given the relatively recent date of the Local Plan which has identified a number of sites and policies to support sustainable economic growth, having regard to the anticipated level of growth over the plan period⁶.
13. In conclusion therefore, the proposal would not be a suitable location for the proposed development. It would conflict with Policies 1 and 7 of the Local Plan which require, amongst other matters, that development comprises sustainable growth, focussing on defined settlements, or where there is an identified need for the business location outside of identified employment areas.
14. The proposal would also conflict with the first part of Policy 1 of the Local Plan which states that development in the countryside will be permitted where it is *'necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits'*. However, notwithstanding the identified conflict with the first part of the policy, compliance with the policy could be achieved by satisfying the second part of the policy, which involves balancing the sustainable development needs of the area, a matter I shall return to later in my decision.

⁶ The Local Plan period is up until 2036

Character and appearance

15. The appeal site comprises a roughly triangular plot of grassland located immediately to the west of Spalding Road. Adjacent to the site lies a water treatment facility, with several commercial uses located opposite the site to the east. The site appears to have been used for the ad-hoc storage of equipment and materials, with no evidence of recent agricultural use. Given the size of the plot and its lack of built form, its openness is an important characteristic which reinforces its affinity with the expansive area of open agricultural land to the north.
16. The proposed buildings would be arranged in a courtyard formation, and an area in between the northern boundary of the site and the proposed buildings would be subject to soft landscaping. The buildings would have low-pitched roofs with an understated, rustic design and appearance; thus the overall design of the scheme would be responsive to local context.
17. However, the combined number and scale of the buildings and their position on undeveloped land would diminish the contribution the site makes to its verdant and open surroundings, thus undermining its intrinsic character. Even though views from the surrounding area would be limited by a combination of factors, including distance to sensitive receptors, the presence of existing taller buildings and trees, and the additional landscaping proposed, the development would be eminently visible from Spalding Road. Whilst I note that a planning condition could be imposed in order to curtail outside storage of materials, on the approach to Sutterton the proposed buildings and hardstanding area would appear as a significant permanent encroachment into the open countryside. As such, the development would have a harmful effect on the character and appearance of the area.
18. Therefore, I conclude that the development would harm the character and appearance of the area and would be in conflict with Policy 7 of the Local Plan which requires, amongst other matters, that there would be no significant impact on the character and appearance of the area. The development would also fail to recognise the intrinsic character and beauty of the countryside, contrary to paragraph 170 of the Framework.

Other matters

19. Objections have been raised by third parties including, but not limited to, concerns relating to highway safety, foul water drainage, and the impact the development would have on neighbouring living conditions. However, no objections were raised by the Council in relation to these matters. In any event, I am dismissing the appeal for the reasons given so it is not necessary for me to pursue these matters further.

Planning Balance and Conclusion

20. The development would create a number of jobs for local people, both during the construction phase, and permanent jobs through occupation of the units by businesses. The proposal would generate business rates and there would be benefits for other local businesses in the supply chain, as well as an increase in spending in the area. Therefore, the proposal would result in significant economic benefits.

21. Furthermore, the proposed buildings would be high quality and energy efficient, and the site would benefit from additional tree and wildflower planting which would improve biodiversity. These environmental benefits would be moderate.
22. Set against these benefits, the proposal would be in an inappropriate location outside a defined settlement boundary. There is no identified need for a development of this type in this countryside location, thus the proposal would conflict with the spatial objectives of the Local Plan. Given the nature of the proposed light industrial use, and its position away from a settlement, there would be limited community benefits. Furthermore, it would be an urbanising form of development, at odds with the open rural character of the site and the countryside surrounding it. Overall, there would be significant environmental harm which would outweigh the totality of the other benefits.
23. Consequently, the development would fail to meet the sustainable development needs of the area in terms of economic, social, community or environmental benefits, contrary to Policy 1 of the Local Plan. It would not constitute sustainable rural development and would be in conflict with paragraph 80 of the Framework.
24. The proposal would conflict with the development plan as a whole and there are no other material considerations which outweigh this finding. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Matthew Woodward

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Chris Atkinson – Agent (Barton Willmore)

Stuart Natkus – Agent (Barton Willmore)

Andy McDowell - Architect

Richard King – Appellant

FOR THE LOCAL PLANNING AUTHORITY

Trevor Thompson – Senior Planning Officer

INTERESTED PERSONS

Ms Katie Edwards – speaking on behalf of local residents