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## Appeal Decision

Site visit made on 30 November 2020

**by E Brownless BA (Hons) Solicitor (non-practising)**

**an Inspector appointed by the Secretary of State**

**Decision date: Tuesday, 12 January 2021**

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**Appeal Ref: APP/A2525/W/20/3255666**

**Roslyn, 36 High Road, Whaplode, Spalding PE12 6UA**

- 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 M Seaman of Hortech Systems Ltd against the decision of South Holland District Council.
  - The application Ref: H23-1157-19, dated 26 November 2019, was refused by notice dated 20 April 2020.
  - The development proposed is temporary site of 3 No Storage Containers.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The appeal proposal seeks permission to locate up to three storage containers within the appeal site. The appeal site is presently occupied by two metal storage containers. A third container would be added if planning permission were to be granted. A temporary permission of three years is sought. On the basis of a number of storage containers being present at the appeal site, I am therefore considering this appeal retrospectively.

### Main Issues

3. The main issues are whether the appeal site would be an appropriate location for new employment use having regard to the strategy of the development plan, the character and appearance of the surrounding area and neighbouring land uses.

### Reasons

4. The appeal site lies between the settlements of Whaplode and Holbeach and given its position outside of any defined settlement boundary, for the purposes of applying planning policy, it lies within an area designated as countryside.
5. Within countryside locations, Policy 1 of the South East Lincolnshire Local Plan 2011-2036 (2019)(LP) is permissive of development only where it can be demonstrated that it is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area.
6. Reference is made to the proposed development being necessary in order to relocate part of their existing business, namely the storage of lightly used materials. In part, this would enable an extension of their current premises and provide a replacement storage facility in lieu of another facility that is no longer available for use. There is little information before me concerning the extent of

that extension nor the likely time it will take to construct. Moreover, it is not clear on the evidence before me that any rigorous attempt to investigate whether there are any alternative sites with an established B8 or B2 Use Class within defined settlement boundaries, nor any explanation as to why those sites are considered to be unsuitable. Although the cost of renting alternative industrial units may be undesirable, there is no substantive evidence to adequately demonstrate that the viability of the business would be unduly compromised.

7. Whilst the appellant suggests an expansion of the business would generate economic benefits through additional staffing, the information provided in this regard is generalised and very limited. In my view, it has not been adequately demonstrated that the proposed development would meet the sustainable development needs of the area.
8. Therefore, on the basis of the available evidence, I do not find that the siting of storage containers is essential in that location. The appeal site is not a location to which new employment development should be directed and the proposal would clearly conflict with LP Policy 1, the requirements of which are set out above.
9. LP Policy 7 sets out a hierarchy of sites for employment use. Outside of the allocated employment sites, new employment development/business will be supported in certain circumstances where a proposal would re-use previously developed land (PDL) or consist of the conversion or re-use of redundant buildings. There were no buildings evident at the time of my site visit. Albeit I have had regard to the image provided by the appellant showing buildings within the vicinity of the appeal site some point between 2007 and 2016, I am unable to resolve on the limited evidence before me whether the appeal site amounts to PDL.
10. In addition, there is an absence of information which demonstrates that consideration has been given to alternative sites where the conversion or re-use of redundant buildings or PDL would be capable. As a result of the limited analysis, the proposal would fail to fully comply with the requirements of LP Policy 7.
11. Furthermore, in instances where LP Policy 7 is permissive of new employment development on non-allocated sites this is subject to several criteria being met. Among other things, these criteria require a proposal not to have a significant adverse impact upon the character and appearance of the area, to include a design that is responsive to local context and not to conflict with neighbouring land uses.
12. The appeal site is a relatively small section of a larger rectangular area of grassland that is mainly open and undeveloped. The boundaries to the sides of the wider site are marked by established trees and vegetation and its rear boundary is open to agricultural farmland that is positioned beyond.
13. The appeal site presently consists of an area of hardstanding with two large storage containers and a substantial amount of parts and materials piled up in the open air. A number of trailers and machinery were also present.
14. The appeal site adjoins the close boarded fence delineating the rear boundary of Roslyn, a large detached dwelling that lies within a relatively small cluster of

properties situated along one side of High Road. Dwellings are typically set within spacious plots. A number of business uses are interspersed along this side of High Road, including a cattery, caravan storage facility, cake shop, stone masonry and bulb grading facility.

15. With the exception of the caravan storage, which extends a considerable distance away from the highway, the neighbouring business uses comprised modest sized buildings in unobtrusive positions. Even taking into account the neighbouring caravan storage, the appeal site is within an area that is semi-rural in character and visually part of the countryside surrounding it.
16. The storage containers are substantial in size and their utilitarian design and layout are a stark contrast to the nearby built form. They appear as an intrusive form of development that detracts from the open semi-rural character of the surrounding area. This effect would be exacerbated by adding an additional container. When taken together with the array of additional items stored in the open-air, the appeal site possesses a cluttered and untidy appearance that detracts from the overall semi-rural character of the area. It would remain visible in views from the surrounding countryside from where the proposed development would be read as a prominent and discordant feature projecting into the countryside. Furthermore, it would interrupt the open and rural outlook in views from neighbouring properties. The development has a materially harmful effect on the character and appearance of the surrounding area and its design fails to respond to local context.
17. Given the close proximity of the appeal site to neighbouring dwellings and their private garden areas, together with the access route being alongside the edge of Roslyn, the comings and goings associated with accessing the site and the loading and unloading of materials would be likely to cause noise and disturbance to nearby residents, particularly during times when residents would be more sensitive to noise such as during the early morning. I am mindful that neighbouring businesses may also generate a level of noise and disturbance, however, this does not of itself justify the development which I find would unduly compromise the living conditions of neighbouring occupants.
18. Although the appeal proposal is for a temporary permission, LP Policy 7 does not differentiate between permanent and temporary uses of the land. To my mind, the requirements of LP Policy 7 are applicable to the appeal scheme.
19. I therefore find that the appeal site is not a location to which the proposed development should be directed having regard to the strategy for location of new employment use, its material adverse impact on the character and appearance of the surrounding area and neighbouring land uses. The proposal would fail to comply with the requirements of LP Policy 7. In addition, it would conflict with LP Policy 1, the requirements of which are set out above. There would be conflict with LP Policy 2 insofar as this policy seeks to discourage design which is inappropriate to the local area. Similarly, the proposed development would fail to accord with the National Planning Policy Framework insofar as it seeks to ensure that development is visually attractive and sympathetic to local character.

### **Other Matters**

20. I have given consideration to whether the proposed development amounts to an agricultural use. Despite the purpose of the appellant's business being to

provide water irrigation solutions to agricultural and horticultural businesses, I do not find that its business activities fall within the definition of agriculture<sup>1</sup>.

21. Reference has been made to a number of other developments including, High Road at Whaplode, Washway Road at Fleet and on agricultural land around Holbeach. I have little information relating to the particular circumstances of these developments and whether the circumstances are therefore comparable to the appeal proposal. As such, a comparison is of limited relevance in this instance. In any event, I am required to consider the appeal before me on its individual planning merits.
22. No adverse harm to highway safety has been identified. However, the absence of harm is a neutral matter that weighs neither for nor against a proposal.

### **Conclusion**

23. For the reasons given above, the appeal is dismissed.

*E Brownless*

INSPECTOR

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<sup>1</sup> Section 336 of The Town and Country Planning Act 1990