



Appeal Decision

Site Visit made on 4 January 2021

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 January 2021

Appeal Ref: APP/E2530/W/20/3261031

Cemetery Farm, Humby Road, Ingoldsby NG33 4ER

- 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 T Arnold against the decision of South Kesteven District Council.
 - The application Ref S20/0972, dated 17 June 2020, was refused by notice dated 12 August 2020.
 - The development proposed is the erection of 3 (No.) agricultural buildings (straw, hay and feed store, timber drying and storage, and general purposes building) and creation of new access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect of the proposed development on the character and appearance of the area and on the adjacent cemetery and (ii) whether a need for the new buildings has been demonstrated.

Reasons

Character and appearance and the adjacent cemetery

3. Whilst located close to the settlement of Ingoldsby, the appeal site and its immediate surroundings have an open, rural countryside feel. There are currently 4 large agricultural buildings present on the site which were permitted under reference S17/2263.
4. Although set back from the public highway these buildings are, due to their size and positioning, readily apparent from a number of vantage points, including from along Humby Road over the boundary hedge and across the cemetery. Their height and bulk means that they have a substantial visual impact, but they are physically well spaced away from one another. This provides visual relief and a sense of spaciousness between the buildings, aiding their integration into the rural character of the area in which they are located.
5. The proposal would introduce 3 additional buildings into the existing row of 3 buildings that are positioned adjacent to the site boundary. Collectively, these 6 buildings would greatly reduce the spaciousness of the site, eroding the visual separation between the existing buildings. The layout proposed would cumulatively have less of an agricultural feel and more of a regimented industrial character. The 6 buildings would as a result visually dominate their surroundings and appear out of character with the open and spacious rural

- nature of the area. This would cause harm to the character and appearance of the area.
6. The appellant refers to an application for prior approval which they consider was not determined in the statutory period and which they consider could therefore be implemented. The Council maintains that the operations proposed would not be reasonably necessary for the purposes of agriculture or forestry and for that reason would not be permitted development, regardless of any procedural matters arising from the prior notification process. Ultimately however, this is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. It is open to the appellant to apply to have the matters determined under sections 191 or 192 of the Act. Any such application would be unaffected by my determination of this appeal.
 7. In any event, the fallback position suggested by the appellant would allow for 2 new buildings and not for the 3 which are subject to the appeal. The impact of 2 buildings would be lesser than what is before me, and therefore if this fallback was to be ultimately implementable, its lesser impact means that it can only carry limited weight in my considerations and that it does not justify the more extensive proposals which are before me.
 8. The existing building B is already located in close proximity to the cemetery, and the addition of further buildings would not have an undue visual impact when viewed from within its confines, due to their proposed positioning in a linear arrangement behind building B. The proposed new access would bring vehicular movements closer to the boundary with the cemetery than what is currently permitted, but the already approved access track would itself lead to movements taking place in relative close proximity to the cemetery.
 9. Overall, whilst there would be some increased impact on the cemetery, primarily from noise and disturbance generated from movements on the appeal site, this is considered in the context of the previous scheme which has been permitted under reference S17/2263. In such a context, the proposed development would not have a materially harmful effect on the cemetery.
 10. For these reasons, the proposal would cause harm to the character and appearance of the area. Consequently, the proposed development would fail to accord with Policies E7 and DE1 of the South Kesteven Local Plan 2020 (LP), where they seek to protect character and appearance. There would also be a conflict with the aims of The National Planning Policy Framework (The Framework) where it seeks to achieve well-designed places.

Need

11. At the time of my site visit there was little evidence of agricultural activity on the appeal site, this being limited to a number of sheep being present in a pen adjacent to existing barn A. Elsewhere, the other existing barns on the site did not appear to be in use, and there was only limited evidence of planting in the area which is denoted on the plans as being for the growing of trees. The appellant points to the impact that the Covid-19 pandemic has had on the establishment of the new business on the site, although this is countered by the Council and by representations of interested parties who suggest that there was little activity on the appeal site prior to the pandemic.

12. Policy E7 of the LP refers to the rural economy and provides support for new buildings for farming and forestry enterprises where it is clearly demonstrated that it is an essential element of the viability of a business proposal. There is also a more general support for agriculture and forestry development in the open countryside within Policy SP5. Whilst I have had regard to the appellant's submission in relation to the intended operations on the appeal site, for whatever reason, these proposals do not appear to have been realised at the current time and I have no substantive evidence before me to suggest when they might be.
13. On the basis of the information I do have, I am not clear why a further 3 buildings are needed or justified, or why and how they would be an essential element of the viability of the business proposal. In particular, given the large scale of both the existing and proposed buildings, I am not persuaded that a further 3 buildings of the size proposed are necessary to meet the proportionate needs of the agricultural and forestry operations that are suggested.
14. For these reasons therefore, the proposal fails to comply with policy E7 of the LP, which requires rural economic development to demonstrate an essential need for its presence, in the interests of helping to prevent uncontrolled development in rural areas.

Other Matters

15. The appellant refers to the proposed buildings being required to address concerns with respect to crime. However, I have little information before me in relation to crime and how these further 3 buildings would address any concerns in this regard. This consideration therefore can carry only limited weight and it does not outweigh the harm I have found.
16. There is support in Paragraph 83 of The Framework for the rural economy and the appellant states that the proposal would provide local employment. However, the information provided in this respect is also limited, and it does not justify the harm that would arise.
17. I acknowledge the information that has been provided by the appellant as to why they wish to establish the business. However, planning permission is already in place for the establishment of a business on the appeal site. For the reasons set out, the proposal before me fails to demonstrate that there is justification for the addition of 3 further buildings.

Conclusion

18. The proposal would cause harm to the character and appearance of the area. Whilst the LP offers support for the rural economy, it has not been demonstrated that the proposed buildings would be an essential element of the viability of the business proposal. Accordingly, the proposal fails to accord with the development plan, and I therefore conclude that the appeal should be dismissed.

Graham Wraight

INSPECTOR