



Appeal Decision

Site Visit made on 28 April 2021

by S Tudhope LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2021

Appeal Ref: APP/D2510/W/21/3267373

Willow Dene, Church Lane, Croft, Skegness PE24 4RU

- 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 Simon Traves, Assetto Motorsport Ltd against the decision of East Lindsey District Council.
 - The application Ref S/039/00375/20, dated 20 February 2020, was refused by notice dated 30 October 2020.
 - The development proposed is Change of use of existing agricultural land and erection of a workshop in connection with Motorsport business.
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Decision

1. The appeal is allowed and planning permission is granted for Change of use of existing agricultural land and erection of a workshop in connection with Motorsport business at Willow Dene, Church Lane, Croft, Skegness PE24 4RU in accordance with the terms of the application, Ref S/039/00375/20, dated 20 February 2020, subject to the conditions set out in the attached Schedule.

Preliminary Matter

2. The description of development in the banner heading and my decision above is taken from the Council's decision notice and repeated in the appeal form. This differs from the description of development as originally applied for which included references to Use Class B1. Although I have not been directed to any specific agreement between the parties to change the description, the Council's evidence explains that the proposed development is considered to be a 'Sui Generis' use and not a use that fits within Use Class B1. The appellant has had the opportunity to comment on this matter, has not raised any objection in this regard and, in any case, adopted the amended description in his appeal submissions. As a result, I am satisfied that neither party has been prejudiced by this change of description and that the amended description accurately describes the development proposed. I have decided the appeal accordingly.

Main Issue

3. The main issue is whether the appeal site would be a suitable location for the development proposed having regard to the provisions of the development plan, with particular regard to accessibility.

Reasons

4. Policy SP1 of the adopted East Lindsey Local Plan Core Strategy 2018 (CS) aims to guide the distribution, scale and nature of future development to create a sustainable pattern of places. The appeal site lies within the designated countryside and coastal zone for planning policy purposes. It is situated over

- 0.6km from the nearest settlement boundary of Croft which is identified as a Medium Village.
5. CS Policy SP21 is concerned with employment in the Council's coastal zone and safeguards designated employment land within two of the Towns. Support is given to employment development in the large, medium and small villages and for farm diversification schemes, all of which are subject to compliance with specified criteria. Policy SP21 does not specifically cater for new commercial or employment development outside the recognised tiers of settlements in the coastal zone. This does not mean that the development plan is silent in this regard. Rather it indicates that such proposals would be contrary to Policy SP21. This is consistent with the aims of the development strategy which include locating development, amongst other matters, where it is accessible to services without increased reliance on the use of private motorised transport.
 6. As the appeal site lies within the countryside and the proposed development is not for farm diversification purposes, the proposal is contrary to CS Policies SP1 and SP21.
 7. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications and appeals must be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (the Framework) is a material consideration.
 8. The Council recognises that Policy SP21 is not as flexible as the Framework. Paragraph 83 of the Framework states that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, this includes through well designed new buildings. Paragraph 84 requires planning policies and decisions to recognise that sites to meet local business needs in rural areas may have to be found beyond existing settlements, and in locations that are not well served by public transport.
 9. CS Policy SP2 indicates that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained within the Framework, and states in its supporting text that the Council considers the purpose of planning is to achieve the delivery of positive sustainable development, importantly ensuring the District's economy, both rural and urban, is encouraged to grow and flourish. This suggests that a modicum of flexibility is intended within the policies of the CS, to support these aims.
 10. The appeal proposal is required to support the needs of an expanding existing business, which is currently located within a designated employment area. It is, therefore, a local business, providing local employment. The Council considers that the appellant has not adequately justified why the appeal proposal is the only option and states that empty units are available within the nearby larger settlements and in particular Skegness. However, no substantive evidence has been provided to demonstrate that suitable premises are available.
 11. The appellant has explained why the existing premises no longer meets the needs of the business and has provided evidence regarding the size and type of premises now required. Some evidence has also been provided of unsuccessful searches undertaken for alternative premises. Whilst the search information is somewhat limited, I have not been directed to any development plan policy that requires any specific form, level, or type of justification to be provided for

the type of development proposed. It seems to me, on the totality of the evidence before me, that the needs of this specialist motor vehicle business are not able to be adequately met within the existing offer in a policy compliant location.

12. The CS recognises that the District is one of the most sparsely populated parts of the country with only 5% of the area identified as urban. Therefore, it is probable, that even if a business is located within or adjacent to a settlement, employees travelling to work are quite likely to do so by private motor vehicle. Indeed, this is the case at present for employees and the business owner in relation to the existing premises. Whilst the countryside location would, in part, further limit the possibility of being able to access the business by other means of transport, this would be tempered in terms of vehicular movements, by the business being located at the same address as the owner's home.
13. I note that the Council states in its officer report that the use itself is not expected to generate a high number of movements of large vehicles and the highway authority did not raise any concern with regard to the movement or traffic generation of the proposal. A condition could be imposed, were the appeal to be allowed, to tie the use of the proposed building to the occupiers of the dwelling, thereby ensuring in the future that at least some of the trips generated would be on foot. Taking all these matters into consideration I do not consider that the proposal would result in the need for excessive travel. These matters weigh in favour of the proposed development.
14. The proposal would continue to provide local employment which would inevitably help support local services. There would also be potential for increased employment opportunities from the expansion of the business. This would be consistent with the aims of the CS and the Framework. The CS recognises the need for an integrated approach to resolving economic issues in the coastal area, including the need to diversify the economy, which predominantly relies on tourism and agriculture. The CS also states that the Council places a high level of weight on proposals that support economic growth and the creation of year-round jobs in the coast area. The proposal accords with these aims.
15. In considering these matters, I am also mindful that the Council raises no concern with regard to the impact of the proposal on the character and appearance of the area. I see no reason to disagree. Although the proposed building would be situated close to the road, it would be partially screened by existing boundary planting. Moreover, the building would have the appearance of a modern agricultural building, so would not appear as an unexpected or alien feature in the landscape. I am satisfied that the proposal would not result in conflict with CS Policy SP10. In addition, the Council acknowledges that although the lawful use of the site is agricultural, it has been informally adopted as part of the garden of Willow Dene. In the absence of any evidence to suggest that the site would be likely to return to active agricultural use, if the appeal were to be dismissed, any weight to be given to the loss of agricultural land by way of the appeal proposal would be minimal.
16. Overall, in light of the particular circumstances of this case, the aims of the CS and those of the Framework, I consider that the location of the appeal site is suitable for the proposed development, with particular regard to accessibility. The harm that would result from the identified conflict with Policies SP1, SP2

and SP21 is limited and other material considerations, as discussed above, lead me to determine other than in accordance with the development plan in this instance.

Other Matters

17. The site is situated some 650 metres north west of a Grade 1 Listed Church. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to have regard to the desirability of preserving the setting of the listed building. The proposal would be visible in conjunction with some views of the church tower. However, given the separation distance and intervening landscape features between the appeal site and this heritage asset, I concur with the Council that in this context, the proposal would have neutral impact and would thereby preserve the setting of the listed building in accordance with Section 66(1) of the Act.
18. I have considered concerns raised with regard to noise and disturbance impacts of the proposal. Taking into consideration the Council's conclusion in respect of this matter, the separation distances between the appeal proposal and existing development and in the absence of any substantive evidence to dismiss the appeal on such grounds, the concern raised does not override or affect my conclusions on the main issues.

Conditions

19. I have had regard to the conditions suggested by the Council and the advice in the Framework and the Planning Practice Guidance (PPG). As a result, I have amended some of the suggested conditions so that they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
20. I have imposed a time limit condition, extended to 4 years rather than the standard 3 years as reasonably suggested by the Council, in order to take account of impacts of the current pandemic on implementing planning permissions and to assist the economic recovery. A condition identifying the approved plans is necessary in the interest of certainty. A condition restricting the use of the building to occupiers of Willow Dene is necessary in the interest of residential amenity and accessibility. A condition requiring details of any external lighting is necessary and reasonable in the interest of protecting the rural character of the area.
21. In order to ensure that the users of the building would be safe from flooding, a condition is necessary that requires the submission and approval of details of either an area of safe refuge or a flood warning and evacuation plan.
22. On 1 September 2020 the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into force, which amend the Town and Country Planning (Use Classes) Order 1987 in various ways, including incorporating Use Class B1 into a new Class E. Paragraph 4 of the Regulations provides that applications submitted before 1 September 2020 which referred to uses or use classes which applied before that date must be determined by reference to those uses or use classes. As the proposed use sits within a class of its own (Sui Generis) it has not been necessary to impose a condition removing permitted development rights for a change use within a class, as no such rights exist.

Conclusion

23. For the reasons given above the appeal is allowed.

S Tudhope

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 4 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Drawing No 708/D/01; Elevations & Sections Drawing No 708/D/04; Block Plan Drawing No 708/D/02 Rev.A; and Floor Plan/Site Layout Drawing No 708/D/03 Rev.A.
- 3) The use of the building hereby permitted shall only be carried on by, or be under the control of, a person or persons who occupy the dwelling known as Willow Dene, Church Lane, Croft, Skegness PE24 4RU. The development hereby permitted shall not be sold or let separately from that property.
- 4) Before the installation of any external lighting associated with the development hereby permitted, details of its erection and operation, including design, location, the intensity and fields of illumination, shall be submitted to and approved in writing by the local planning authority. Only lighting in accordance with the approved details shall be installed and operated on the site.
- 5) Prior to the commencement of the use of the building hereby permitted, details of an area of safe refuge from flooding or a Flood Warning and Evacuation Plan shall be submitted to and approved in writing by the local planning authority. The measures agreed shall be implemented prior to the first use of the building and shall be adhered to thereafter.

End of Schedule