



Appeal Decision

Site visit made on 9 May 2023

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd August 2023

Appeal Ref: APP/Y2003/W/22/3302546

Land east of Sandtoft Industrial Estate Road 1, Sandtoft Industrial Estate, Belton, North Lincolnshire DN9 1PN

- 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 Mills of North Lincs Property Ltd. against the decision of North Lincolnshire Council.
 - The application Ref PA/2020/1990, dated 11 December 2020, was refused by notice dated 14 January 2022.
 - The development proposed is change of use of land from agricultural/pasture to industrial/commercial.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. For the sake of brevity and clarity, I have taken the description of development from the Council's decision notice.
3. The emerging North Lincolnshire Local Plan (LP) has been referred to in the evidence in particular Policy EC1. The LP has been submitted for examination with hearings expected around November 2023. The examining Inspector has issued some Initial Questions which, amongst others, raises questions in relation to Policy EC1. On this basis, and with consideration to paragraph 48 of the National Planning Policy Framework (the Framework), I attribute limited weight to emerging Policy EC1 in the determination of this appeal.

Main Issues

4. The main issues are the effect of the proposal on the character and appearance of the surrounding area and landscape; whether the proposal would be in a suitable location; whether the proposal would have an effect on employment provision; and the effect of the proposal on priority grassland, broadleaved woodland and ecological matters.

Reasons

Character and appearance

5. The appeal site is mainly flat open land although some bunding works had been undertaken at the time of my site visit. It has been described that the site lies within the wider Trent Levels Landscape Character Area and more locally in the Flat Drained Treed Farmland – Carrhouse Eastoft, Sandtoft, Westwoodside. The appellant also states that the site lies within the Hatfield Chase Levels

Landscape Character Area (LCA) where it is described that key characteristics include flat topography, embanked straight rivers and ditches and big skies. It is further noted that although this is perceived as an open landscape in fact there are parts where strong shelter belts and wooded copses provide a well tree landscape. Whilst there are wooded areas in the wider locality of the appeal site, the open flat land of the site contributes positively to the character of the area and the key characteristics of the LCA.

6. The proposals would introduce a structure of hedgerows, drainage ponds and vegetated bunds. Whilst the hedgerows and drainage ponds would not be unusual features in the context of the surrounding area, the proposed bunding that would have trees planted on them would be large intrusive features that would be out of keeping with the natural characteristics of the immediate area.
7. The introduction of substantial bunding would undermine the views of big skies against a vegetated horizon, and the flat topography that is provided by the appeal site would be lost. Features such as the straight river and ditches in the area would remain but views would be tainted against the backdrop of substantial vegetated bunding that compromises the character of the flat topography landscape.
8. There is limited information in terms of whether any structures would be required by future users. Nevertheless, the natural features of the area that contributes to the characters locality would be replaced by incongruous commercial operations, that would detract from the character of the area.
9. Whilst the appellant describes the appeal site as low quality, undermanaged and featureless field, the site currently contributes positively to the open character of the area and provides a significant buffer between the existing commercial activities to the west of the site and the public route alongside the River Torne. The built form of the commercial uses to the west of the site are not prominent in the landscape when viewed from the public route to the east of the site and from some views along the M180 highway. The proposal would introduce features that would not be attractive in the context of the open qualities of the area.
10. The proposal would not introduce features of value into the landscape and a proposed green infrastructure framework would not adequately compensate for the loss of the flat, open environment. The proposal would not blend in with the character and appearance of the surrounding landscape.
11. Accordingly, the proposal would have a harmful effect on the character and appearance of the surrounding area and landscape. The proposal is contrary to Policies RD2, LC7 and DS1 of the North Lincolnshire Local Plan 2003 (NLLP) and Policy CS3 of the North Lincolnshire Local Development Framework Core Strategy (CS) which seeks development to be of a high standard of design, respect existing landform, protect distinctive local character of a landscape and not be detrimental to the character and appearance of open countryside.

Location

12. Policy RD2 of the NLLP states that development in the open countryside will be strictly controlled, and permission will only be granted for a number of different types of development. The appeal site is located within the open countryside

and the proposal does not comply with any of these types of development detailed in Policy RD2.

13. Policy CS3 of the CS relates to development limits and details that development outside defined boundaries will be restricted to that which is essential to the functioning of the countryside. The proposed development has been identified as being in the open countryside.
14. The proposal does not constitute employment related development appropriate in the countryside and is not essential to the functioning of the countryside. The proposal would be contrary to Policies RD2 of the NLLP and Policy CS3 of the CS which seeks to protect the countryside from inappropriate development.

Employment provision

15. The appellant has submitted numerous documents including an Employment Land Need and Supply Assessment (ELNSA). This ELNSA provides a review of the need for, and supply, of employment land in North Lincolnshire over the period to 2038.
16. It has been described that the NLLP allocated 1,229.8 hectares (ha) of land as either committed or proposed for employment use, and this land was reallocated for employment uses in the Housing and Employment Land Allocations Development Plan Document 2016 (DPD). It has also been described that the emerging LP proposes nine sites totalling 190.07 ha.
17. The ELNSA has reviewed the employment deliverability and concluded that the allocation, and proposed allocation, figures significantly overestimate the amount of realistically deliverable E(g)/B2/B8 employment land in North Lincolnshire. With focus on the DPD, and including reference to specialist port related uses, sites for non-E(g)/B-class uses, exclusive sites for individual companies and sites in use as part of developed industrial estates, the appellant calculates that a best case scenario for the existing local supply is 124.74 ha and a worst case scenario of 95.69 ha when overlapping sites in the emerging LP are accounted. From the emerging Local Plan, the appellant calculates that a best case scenario of 183.93 ha is likely to be deliverable with a worst case scenario of the supply reducing to 114.85 ha.
18. The Council disagrees with the appellants figures on this matter. In referencing sources including the Strategic Housing and Economic Land Availability Assessment 2021, specific employment sites such as the North Killingholme Airfield site, the Council calculate that there is a total of 398.37 ha of available employment land allocated within the DPD and the emerging LP. Furthermore, the Council refer to the Employment Land Review (ELR) and that this identifies a number of further employment sites which brings the total figure to 626.55 ha of available employment land in North Lincolnshire.
19. The ELR indicates that there is an employment land requirement of 131.7 ha. The appellant argues that the methods used in the ELR to reach this figure are unreliable. In compliance with the Planning Practice Guidance Note '*Housing and Economic Needs Assessment*', the appellant has undertaken an alternative employment land needs model based on forward projections of past take up in North Lincolnshire. When factoring in buffers, the appellant concludes that the employment need in North Lincolnshire over the period from 2020 to 2038 would range from 343.39 ha to 403.11 ha of land.

20. There has been engagement with property market stakeholders and reviews on transaction data which shows increased demand for industrial and warehouse premises with a lack of premises to meet the needs. The appellant claims that North Lincolnshire's industrial and warehouse premises supply was 99.3% occupied as of May 2022. The appellant also questions the deliverability of existing allocated and proposed employment sites whereas the Council state that the majority of the sites have no significant constraints and could come forward for development when opportunities arise.
21. Table 3 in the ELNSA analyses the employment supply, providing comments on status and deliverability. Constraints for each site are detailed within table 3 along with conclusions on deliverability and needs met, and ultimately coming to a significant figure of land to be removed from the available land supply. I am not entirely convinced however, that the constraints identified for the sites would lead to a reduction in the amount of available land supply as concluded by the appellant. Some of the constraints identified would be expected issues when developing sites for employment use and therefore would not necessarily undermine the deliverability status.
22. There are significant differences between the parties' position with regards to need, supply and deliverability of employment land in North Lincolnshire. There is a lack of compelling evidence to enable me to conclude that there is a significant need for the amount and type of employment land proposed with this scheme, as well as a lack of other available employment sites in the area. It is indicated that the proposals would be for the extension of the existing commercial businesses on the adjoining industrial estate. Whilst noting the submitted correspondence from the existing businesses on the adjacent commercial site and previous consents for extensions, there is insufficient evidence indicating that the existing businesses require urgent expansion at this time and no mechanism has been proposed that directly links the proposed development to the expansion of the existing businesses.
23. From the evidence before me and due to the proximity of the SANE-1 Sandtoft Business Park, the proposal would conflict with Policy SANE-1 of the DPD which allocates land to be developed for commercial uses, similar to the uses in the proposed scheme.

Grassland, woodland and ecological issues

24. The Council have indicated that due to the number and magnitude of ecological effect and the lack of adequate avoidance, mitigation and compensation measures, they have concerns in terms of ecological matters. The concerns include matters relating to local wildlife site-quality habitats and baseline habitat value, the Defra biodiversity metric assessment, accounting for previous planning commitments, on and off-site mitigation, absence of development position, protected species and mitigation measures, and the Landscape and Ecological Management Plan (LEMP).
25. A number of years has passed since the original submissions with regards to ecology and therefore a number of documents have been updated. These updated processes include revisions to the Ecological Impact Assessment, amendments to the LEMP, a revised Defra Metric v3.1 spreadsheet assessment, a Biodiversity Metric Assessment report, and provision of additional offsite figures. In addition, a signed Unilateral Undertaking (UU) has been submitted

which would secure an offsite biodiversity offsetting scheme and an onsite landscaping plan.

26. The extant habitats with the highest biodiversity value onsite are not just being retained but are being avoided through the inclusion of appropriate buffers. To mitigate lower biodiversity habitat losses on site such as the agricultural fields, quality habitats are proposed off site that would include additional broadleaved woodland and land that contains soil conditions suitable for creating acid grassland. This offsite compensation would ensure a minimum 10% net gain is achieved and also that the habitats would be retained in perpetuity.
27. The submitted UU provides a mechanism for onsite and offsite landscape and biodiversity mitigation to be provided that ensure that the development would not have an adverse effect on ecological matters. From the evidence submitted, I am satisfied that the proposal would not have a harmful effect on grassland, woodland and ecological matters in the area. The proposal would not be contrary to Policies LC4, LC5, LC6 and LC12 of the NLLP and Policy CS17 of the CS which seeks the promotion and creation of new wildlife habitats, and protection of nature conservation value, trees, woodland and hedgerows.

Other Matters

28. The appellant considers that the proposal would alleviate the parking issues within the main estate road and contribute towards improving any traffic congestion, providing a cleaner, safer and more secure environment. There is no compelling evidence before me to suggest that the existing road infrastructure and parking arrangement is a harmful situation, therefore on this matter I attribute minimal weight.
29. Letters have been provided from existing businesses stating that the proposal would provide new employment opportunities and safeguard existing jobs. However, there is insufficient evidence to indicate how the proposal would equate to the number of jobs quoted. On this basis, I attribute minimal weight to this benefit.
30. There have been no significant concerns raised with regards to heritage, archaeology, agricultural land, flood risk, ground water, drainage and living conditions with particular reference to noise, lighting, emissions and air quality. As these matters relate to the effect on the surrounding environment due to the proposed development, I attribute neutral weight to them.

Planning Balance and Conclusion

31. The Framework provides the three overarching objectives being economic, social and environmental. The proposal for employment land with opportunities for safeguarding and creation of jobs would be economic and social benefits for the area. However, as found above, the proposal would undermine the deliverability of the SANE-1 employment site and therefore I attribute modest weight to these benefits.
32. Protecting the environment is a key aspect of achieving sustainable development. I note that the proposal would not have a harmful effect on grassland, woodland and ecological matters however, mitigation is required to ensure there is no harmful effects. Therefore, minimal weight is attached to this benefit. I have found that the site would be an unsuitable location for the proposal and that the development would be harmful to the character and

appearance of the surrounding landscape. Given the characteristics of the area and the contribution the existing site makes to the surrounding landscape, which would be lost as a result of the proposal, I attribute substantial weight to this matter.

33. The benefits and other matters discussed above would not outweigh the harm I have identified with regard to character and appearance, and location. The proposal would conflict with the adopted development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding.
34. For the reasons given above, I conclude that the appeal should be dismissed.

Chris Baxter

INSPECTOR