



Appeal Decision

Site visit made on 20 December 2024

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 January 2025

Appeal Ref: APP/Z2505/W/24/3345151

The Plantation, Rowdyke Road, Wyberton, Boston PE21 7AQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Evan Jenkins, Lincs Firewood Company Ltd, against the decision of Boston Borough Council.
 - The application Ref. is B/22/0491.
 - The development proposed is a two-storey dwelling for an essential worker.
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Decision

1. The appeal is allowed, and planning permission is granted for a two-storey dwelling for an essential worker at The Plantation, Rowdyke Road, Wyberton, Boston PE21 7AQ in accordance with the terms of the application, Ref. B/22/0491, and the plans submitted with it, subject to the conditions in the attached Schedule.

Main Issues

2. The main issues are (i) the effect of the development on the character and appearance of the area; (ii) the necessity or otherwise for the proposed 'two-storey dwelling for an essential worker' in this location, and (iii) the flood risk to occupiers of the proposed dwelling.

Reasons

Character and Appearance

3. The appeal site is located on land adjoining a group of three dwellings and various buildings of an industrial appearance, including kilns to dry timber. There are extensive areas of concrete hardstanding and outside storage with forklift trucks to handle the wood arriving on the site and arrange for its delivery into crates for outside storage and from the crates into the kilns.
4. A particularly large building for the storage of agricultural machinery has been erected immediately to the rear of the appeal site and adjoining the wood yard. The building is 30m in length; 18m in width; has a ridge height of 8m, and is dominant in the view from the road. When taken together with the wide concrete access road which adjoins the appeal site and the backdrop of the woodyard with other buildings, the new storage building would have the effect of integrating the proposed dwelling into the site rather than it appearing as a 'linear encroachment' into the rural landscape of open countryside.

5. Nor do I concur with the officers' view that the siting of the proposed dwelling in front of the new agricultural storage building would appear alien in this location. This is because on the opposite side of the concrete drive there is a substantial two storey house, one of the two with their occupancy tied to the business.
6. Overall on this issue, I find that subject to conditions on external materials and landscaping the proposed dwelling would have no detrimental effect on the character and appearance of the area. Accordingly, there would be no conflict with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019 ('the Local Plan') or with Government policy in Section 12: 'Achieving Well-Designed Places' of the National Planning Policy Framework December 2024 ('the Framework').

Need for the dwelling in this Location

7. On this issue the Council's view is that an essential worker's dwelling on the appeal site is unnecessary and thereby cannot be justified as a sustainable development, as required in both development plan and Government policy. Clearly the Council is right to be cautious in this regard and I have given the committee report and the Council's appeal statement significant weight.
8. However, the appellant has explained that following a fatal accident at a similar site in Norfolk, it is now company policy for health and safety reasons to always have two employees on hand during the operation of forklifts. This cover is especially needed for night times and during periods of sickness and holidays, and the logistics of ensuring efficient and safe working make it essential for an additional on-site residence. The appeal statement refers to the complexity of the work and the danger that is always present *'loading and unloading large hot kilns in the middle of the night is highly skilled, not the work of a part time casual worker'*.
9. The provision of a new dwelling would involve substantial capital expenditure and this could be avoided by an employee living in one of the localities within a couple of miles distance, as the Committee Report suggests. If the Council is correct in its view that off-site independent accommodation would suffice, I see no advantage to be gained by the business pursuing the far more expensive option of constructing an on-site dwelling, with its occupancy permanently tied to an employee working at the site by means of an enforceable condition.
10. With the recently revised Framework stressing the need for a more flexible and adaptive planning system to meet the country's pressing social and economic needs and the pent-up demand for housing of all tenures, I consider that I should give great weight to the views of the owner of this local rural business in terms of his workforce logistics.
11. The Council refers to an 'ad hoc need for an additional worker' whereas the appellant refers to the *'times when it is extremely difficult to get two people on the yard together, at the right time. And this is the reason we need, so desperately, this extra on-site accommodation.'* I am well aware that applications for a dwelling in the countryside contrary to policy are sometimes based on spurious reasons and all applications of this type therefore need to be assessed with some rigour. However, in this case I am entirely satisfied of the authenticity of the appeal application.

12. Overall, I consider that having regard to my finding on the first main issue that there would be no harm caused to the character and appearance of the area, the planning balance weighs strongly in favour of supporting a proposal that would foster the efficient operation of the business and its continued expansion and which would also safeguard the health and safety of its workers.
13. Furthermore, a dwelling on the site would have its own sustainability credentials by reducing the need for daily travel to and from work, albeit I recognise in the round that with a family in occupation this advantage would be to some degree offset. Be that as it may, on this issue I see no conflict with Local Plan Policies 1, 2 & 3 and the aims of sustainable development in the Framework.

Flood Risk

14. The appeal site lies within Flood Risk Zone 3a where there is a high probability of flooding and must therefore normally pass both the Sequential Test and Exception Test before development can be approved subject to appropriate conditions.
15. The Environment Agency initially objected to the proposed development by letter dated 8 March 2023 because the submitted Flood Risk Assessment ('FRA') did not adequately assess the flood risks posed as required by Local Plan Policy 4 and Government policy in Section 14 of the Framework and its Technical Guidance.
16. However, after two revisions to the FRA, the Agency formally withdrew their objection by letter dated 3 October 2023, subject to a condition requiring the development to be carried out in full accordance with this revision and with particular reference to finished floor levels and mitigation measures. Reference to this withdrawal was included in the Officer's report to the Planning Committee held on 5 December 2023, which refused the application.
17. The FRA concluded that the Exception Test had been met. And in circumstances where the decision-maker agrees that on site accommodation is essential, the application is exempt from the Sequential Test. Accordingly, I find that there would be compliance with Local Plan Policy 4 and Section 14 of the Framework.

Conclusion and Conditions

18. For the reasons explained above I conclude that on all three main issues the planning balance weighs clearly in favour of the appellant's case. Accordingly, there would be no harmful conflict with Local Plan Policies and the relevant parts of the Framework. Having had regard to this and to all other matters raised, the appeal is allowed.
19. The Council has suggested a number of conditions and I agree that these are reasonable and necessary. A condition requiring the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt and is in the interests of proper planning. A drainage condition will prevent pollution and reduce the flood risk, with the latter also addressed by a condition requiring full compliance with the amended FRA as endorsed by the Environment Agency.
20. Conditions in respect of external materials for the building and external hard surfaces will safeguard the visual amenity of the site and in turn the character

and appearance of the area. The condition limiting occupation of the dwelling to an employee and their family legitimises the basis on which the application made. Finally, a condition limiting domestic water consumption will protect the quality and quantity of water resources in the area.

Martin Andrews

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this Decision;
- 2) The development hereby permitted shall only be undertaken in accordance with the following approved plans: PL-LP-001; PL-PB-001; PL-PB-002; PL-SP-300; PL-PLNS-100 & PL-ELEV-200;
- 3) Prior to commencement of the development hereby approved, full written details of the proposed means of foul and surface water disposal to separate systems shall be submitted and the details so approved shall be implemented in full before there are any flows into the receiving systems;
- 4) The development hereby approved shall be undertaken in complete accordance with the Flood Risk Assessment ('FRA') dated 05/09/2023 Version (P7). The mitigation measures set out in the FRA shall be fully implemented prior to first occupation and subsequently remain in place for the lifetime of the development;
- 5) Prior to commencement of the development hereby permitted, a scheme of landscaping and tree planting and biodiversity measures for the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the number, species, heights of planting and positions of all the trees, and biodiversity measures together with details of post-planting maintenance. The approved scheme shall be carried out and completed in its entirety during the first planting season following practical completion of the development. All trees, shrubs and bushes shall be maintained for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary;
- 6) Prior to commencement of the development hereby approved a schedule of external materials and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials so approved;
- 7) The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly employed, or last employed, in the business occupying the site edged blue on Location Plan PL-LP-001 (known as Lincolnshire Firewood) forming part of this Decision Notice, or a widow or widower of such a person, or any resident dependents;
- 8) The water consumption of the dwelling hereby permitted shall not exceed the requirement of 110 litres per person per day (as set out as the optional requirement in Part G of the Building Regulations 2010) and Policy 31 of the South East Lincolnshire Local Plan 2019. Prior to first occupation of the dwelling hereby permitted the developer shall inform the Boston BC Building Control in writing that this duty applies.