



Appeal Decision

Site visit made on 9 April 2025

by Jennifer Wallace BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 April 2025

Appeal Ref: APP/Y2003/W/24/3357082

Uplands Unit, East Marsh Road, Goxhill, North Lincolnshire DN19 7NQ

- 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 Davies of Premier Equine International Ltd against the decision of North Lincolnshire Council.
 - The application Ref is PA/2024/52.
 - The development proposed is extension to existing warehouse.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the site is a suitable location for the development proposed with respect to the locational strategy of the development plan;
 - whether the proposal is in a sequentially preferable location and would be at an acceptable risk of flooding;
 - the effect of the proposal on the operation of the highway network; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Suitable location

3. North Lincolnshire Local Plan (2003) (LP) Policy RD2 sets out that planning permission will only be granted in the countryside for employment related development that is appropriate to the open countryside and that the open countryside is the only appropriate location. This is reinforced by North Lincolnshire Core Strategy (2010) (CS) Policies CS1, CS2 and CS3 which seek to direct development to existing settlements and set out that economic development in the countryside should be in the form of economic diversification or small scale employment opportunities. In the countryside, economic development should be essential to the functioning of the countryside. While paragraph 88 of the National Planning Policy Framework (the Framework) does provide support for the growth and expansion of all types of business in rural areas, this must be read in the context of other paragraphs of the Framework which seek to direct development to the most sustainable locations.

4. Premier Equine is involved in the design and distribution of equine products. It is undoubtedly a successful business which currently employs 35 full time equivalent staff, many of whom are local to the area. I have no reason to dispute that the proposal would benefit the business by allowing for expansion, more efficient working practices, providing improved facilities and job security for workers. It is not in dispute that the site makes a positive contribution to the local economy and that four full time equivalent jobs would be created were the proposal to be allowed.
5. While equestrian uses are common in the countryside, the design and distribution of related products is not an operation which would obviously need to have a countryside location. There is no substantive evidence before me as to why this location is integral to the business or the extent of involvement of local suppliers with the business. It may be that relocation would not be sustainable or practical, but there is no detail provided to support this assertion. There is no evidence before me that there are no other available employment premises in the area, or that the only available locations would not be accessible to the existing workforce.
6. The site would therefore not be a suitable location for the development proposed with respect to the locational strategy of the development plan. It would be contrary to LP Policy RD2 and CS Policies CS1, CS2 and CS3 which only allow development in the countryside when it is appropriate and necessary for the business to be in that location.

Flood Risk

7. The proposal is for major development within flood zone 3. Notwithstanding that the proposal is for a less vulnerable use, paragraph 173 of the Framework confirms that such applications should be accompanied by a sequential test. Paragraph 174 confirms that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding and that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. No sequential test has been submitted. In the absence of a sequential test, flood risk has not been comprehensively assessed.
8. A scheme of compensatory flood storage would be provided. It is not in dispute that this would be sufficient for the storage capacity that would be lost, and so flood risk would not be increased elsewhere. Resilience measures, including a place of safety would be provided and a flood warning and evacuation plan could be secured by condition. However, these would be necessary to meet the demands of the proposed development. They would not be a benefit of the proposal, but rather a feature to be expected of any well designed development in flood zone 3.
9. The proposal would make adequate provision to manage flood risk including a place of safety. However, there is no evidence before me to demonstrate that the site is in a sequentially preferable location. The proposal would therefore be contrary to LP Policy DS16 and CS Policy CS2 which do not permit development where it would increase the number of people or buildings at risk and requires development to be directed to those areas that have the lowest probability of flooding.

10. The Council's reason for refusal referred to CS Policy CS17. This relates to biodiversity and so is not of direct relevance to this reason for refusal.

Highway Safety

11. The appellant's proposal indicates that there would be a reduction in the number of vehicle movements as a result of the proposal due to their management and operational practices. This is not disputed by the Council, although concerns were expressed that the business model could change. However, planning permission for this proposal would be permanent, and it would not be reasonable to restrict the permission to the appellant.
12. The local highway authority has identified that typical storage and distribution use of the proposal would give rise to a notable increase in the number of vehicular movements. The surrounding road network is typical of that to be found in rural areas, with roads of limited width, including where they pass through settlements. A number of passing places have been installed and these are of sufficient size to accommodate goods vehicles. However, some of these are a reasonable distance apart, and this would not be sufficient to ensure that there would not be adverse effects from a permanent increase in the number of large vehicles using the highway network. Nor would it address the effects of an increased number of vehicles travelling through Goxhill.
13. It may be that comments from the community have been influenced by vehicle movements from other development. However, the concerns of the Council relate to what the likely impact on the highway network would be from a development of the scale proposed and the existing facilities were it in a typical B8 use.
14. I have not been made aware of any restrictions on vehicles using the surrounding road network, nor did I notice any such restrictions at my site visit. Although the appellant offers controls on vehicle movement, they could not guarantee this would be the case for drivers not directly employed by them. Nor would such a management plan be enforceable given there are no restrictions on the use of the surrounding highway network. Similarly, any travel plan condition regarding staff modes of transport could only apply to the development for which permission is sought and so would not secure the travel patterns the appellant suggests are commonplace.
15. The proposal would have an adverse effect on the operation of the highway network. It would therefore be contrary to LP Policy T2 which requires development to be adequately served by the existing highway network.

Character and Appearance

16. The appeal site sits apart from other development in the flat expansive landscape that is typical of the area. There are some large buildings in the vicinity of the site, however these are typically the functional agricultural buildings commonly found in the countryside. However, when viewed from the west, some of the surrounding industrial plant is clearly visible in the wider landscape. Industrial structures on the opposite bank of the Humber can also be viewed when looking north. Consequently, while the appeal site lies within a rural area, it is within a working landscape which is influenced by industrial uses in the distance.

17. The proposed extension would be substantial. It would project somewhat further south than the existing developed footprint. The proposed building would be taller than the existing and would likely appear to be considerably taller due to the increased eaves height and the design of the roof. However, it would be viewed in the context of, and largely bounded by, the existing buildings on site. The use of suitable materials could integrate the proposal with the existing buildings. While the proposal would be substantial, its effect would be localised to views along existing roads where industrial development can be observed in the distance.
18. The proposal would therefore have an acceptable effect on the character and appearance of the area. It would be in accordance with LP Policy DS1 and CS Policy CS5 which require development to be well designed and reflect the setting and context of its immediate area.

Other Matters

19. Goxhill Parish Council has not objected to the proposal, and I have no reason to doubt the commitment of the appellant to providing a high quality and inclusive workplace. The Framework does acknowledge the benefits of healthy communities and places with high standards of amenity. There is no reason that these principles should not extend to employment uses. These factors do weigh in support of the proposal.
20. The site is located some distance from residential properties other than those in the control of the appellant. There would be no effect on the living conditions of any residents from the proposed extension from operations at the site. I also note the appellant would accept a condition restricting the times of vehicle movements. However, this would amount to a lack of harm and be neutral in my assessment of the proposal.

Conclusion

21. The appeal proposal would conflict with the development plan when read as a whole. There are no material considerations of sufficient weight, including the policies of the Framework, to indicate the decision should be taken otherwise. For the reasons given, I conclude that the appeal should be dismissed.

Jennifer Wallace

INSPECTOR