



Appeal Decision

Hearing held on 23 April 2025

Site visits made on 22 and 23 April 2025

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 June 2025

Appeal Ref: APP/E2530/W/24/3356615

Land North of West Road, Bourne, Lincolnshire

- 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 Aldi Stores Limited against the decision of South Kesteven District Council.
 - The application reference is S23/1177.
 - The development proposed is construction of a Class E foodstore, car parking, access, landscaping and associated engineering works.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. On 12 December 2024, during the course of the appeal, an updated National Planning Policy Framework (the Framework) was published, replacing the version from December 2023. I have had regard to this as an important material consideration.

Main Issues

3. The main issues are whether the site would represent a suitable location for the proposal, having regard to i) the spatial strategy of the development plan and ii) the effect on the landscape and character of the area.

Reasons

Site and Proposal

4. The site comprises the southern part of a larger, agricultural field on the northern side of West Road on the western side of Bourne, next to a roundabout at the junction with Raymond Mays Way. A restricted byway runs along the western boundary of the site, leading to Bourne Woods, an extensive tract of woodland that extends across the northern boundary of the larger field and forms a visual backdrop to the site in views from West Road. A cluster of three dwellings are located a short distance to the west on the adjacent side of the road, beyond which extends open countryside with a few sporadic dwellings.
5. To the east, a farmstead, Park Farm, stands immediately next to the proposed site entrance onto the roundabout. There is a further agricultural field separating Park Farm from dwellings to the east on Fir Avenue. To the south-east of the roundabout is a substantial recent housing development centred on Welland Drive. To the south-western side of the roundabout is open countryside.

6. The proposed retail store would occupy the north-western part of the roughly rectangular site. The main access road from the roundabout would extend north along the eastern boundary, with the eastern and southern parts of the site given over to customer parking for 127 spaces. Deliveries would occur to the northern side of the site. Development would be set in from the southern (roadside), western (byway) and northern (field) boundaries to enable a landscaping buffer to be planted. There would also be a landscaping border on the eastern side of the carpark between the spaces and the access road. The main building would be single storey with a shallow, monopitch roof ranging from 5.2 metres on the side nearest the byway to a maximum height of 6.2 metres facing the carpark. The building would be contemporary in design, with a mix of glazing and metal and timber cladding.

Policy Context

7. Policies SP1 and SP2 of the South Kesteven Local Plan 2011-2036 (January 2020) (the SKLP) set out the spatial strategy and settlement hierarchy for the area, with Grantham the focus for the majority of development. Bourne is one of three market towns below Grantham in the hierarchy, where development which maintains and supports the role of the market town will be allowed, provided that it does not compromise its nature and character. Priority will be given to the delivery of sustainable sites within the built up part of the town and appropriate edge of settlement extensions.
8. Policy SP4 deals specifically with development on the edge of settlements, setting six criteria to be met. The Council's reason for refusal alleges conflict with criteria (b) and (d), which respectively require developments on the edge of settlements to be well designed and appropriate in size/scale, layout and character to the setting and area; to not extend obtrusively into the open countryside and to be appropriate to the landscape, environmental and heritage characteristics of the area.
9. The appellant points to a contradiction in the Council's position, in that it has argued that the development would extend obtrusively into the open countryside under criterion (d) but has not alleged conflict with criterion (c) that development should be adjacent to the existing pattern of development for the area.
10. 'Adjacent' is not defined in the SKLP for the purposes of Policy SP4, but an ordinary definition is something that is next to or very near to something else. There is nothing in evidence which indicates that a proposal must physically abut existing development to satisfy this criterion. Rather, the supporting text to Policy SP4 at Paragraph 2.13 sets out that proposals on the edge of settlements will only be supported where the site is 'well located to the built form, substantially enclosed and where the site's edge is clearly defined by a physical feature that also acts as a barrier to further growth (such as a road).' It adds that the proposal should not visually extend building into the open countryside.
11. In these respects, it is possible for a development to be 'adjacent' without being physically attached, but it is also required to satisfy criterion (d) and not extend obtrusively into the countryside. The supporting text illustrates what may be appropriate in this regard, with 'obtrusive' relating to visual impact as well as the degree of physical extension. Thus, a scheme may be physically proximate to a settlement, but still extend into the countryside in an unacceptable manner if, for example, the site is not contained by any physical features or it would protrude

visibly beyond a defined, consistent settlement edge. As such, I am satisfied that it is possible for a proposal to accord with criterion (c) but conflict with criterion (d).

12. The appellant also argues it is difficult in practice to fail against criterion (d) but accord with criterion (b). However, criterion (b) principally addresses the design of the scheme itself and whether it is reflective of the character of the area, whereas criterion (d) relates more to the physical location of the site relative to the settlement and open countryside and its effect on the wider landscape. A scheme could be well-designed, matching the form and pattern of adjacent development, but still project in an obtrusive manner into the open countryside and harm the landscape. As such, I see no inherent contradiction in these criteria.
13. Although SP4 is argued by the appellant to be a permissive policy, support is caveated by the various criteria to be met. Moreover, the policy relates to all areas on the edge of settlements, so it potentially applies to significant tracts of land with widely varying characteristics. The policy criteria allow for assessment of individual sites to ascertain their suitability for development. The appellant argues that a policy conflict when only localised landscape harm has been identified means that the policy could never be satisfied. I disagree, as it simply means the policy is not satisfied on this site, or by the particular form of development proposed. Also, whilst SP4 is argued not to be a 'landscape' policy, it is clear that to satisfy both criterion (b) and (d), the proposal should have an acceptable impact in terms of the character of the area and its surrounding landscape.
14. I address criterion (c) first below as this addresses the principle of whether the site is 'adjacent,' before addressing character and landscape impacts forming the main points of dispute between the parties, encompassed under criteria (b) and (d), as well as Policies EN1 and DE1 which address landscape character and design quality respectively. I also briefly address the concerns of interested parties with respect to criterion (a) of Policy SP4.

Whether adjacent to the existing pattern of development

15. The existing field is flat and open to clear view from West Road and glimpsed on approach from Raymond Mays Way. The appellant has argued that the site sits in a transitional area between the built-up area of Bourne and the open countryside, citing the presence of Park Farm and the three dwellings to the west.
16. I acknowledge that Park Farm itself, and the open field between it and Fir Avenue, is included in the Residential West Character Area of the Bourne Character Assessment (November 2023) (the BCA). However, neither Park Farm or the field are otherwise referred to in the assessment of Sub-Area 8b, which focuses on the routes, spaces and building layouts within the streets leading from Beech Avenue and Westbourne Park, the only other reference to land beyond being that some homes have a view of Bourne Woods.
17. As such, I am not of the view that Park Farm is strongly representative of the character sub-area, and my observations on site were that this side of Bourne has a clearly delineated settlement edge defined by the rear boundaries of dwellings on Fir Avenue and Beech Avenue to the northern side of West Road, and by Raymond Mays Way to the southern side. Beyond these areas is an immediate change to open fields and woodland, with the dwellings along West Road representing an isolated cluster that is physically separate from the compact urban form of Bourne.

18. Nonetheless, whilst Park Farm has a rural character consistent with the open fields surrounding it on three sides, I accept that it and the appeal site are physically proximate to the dwellings on Welland Drive across the roundabout to the south-east. In this respect, I find that the site can be regarded as being 'adjacent' to the existing pattern of development and in accordance with criterion (c) of Policy SP4.

Whether development would extend obtrusively into the countryside

19. Whilst proximate to this other development, the appeal site is still separated from the contiguous built form of Bourne by the roundabout and the field to the east, and my impression when stood at the roundabout is that the northern side of the road has a decidedly rural character, inclusive of Park Farm and the dwellings to the west on West Road. Indeed, this rural character also extends significantly beyond to the west and south-west.
20. The proposal would develop what is an open, agricultural field with a substantial main retail building, expansive surface car parking, access roads, lighting and signage. The position of the store to the north-west corner of the site means that the majority of the built form would be located to the furthest point from the existing settlement. In these respects, the proposal would not relate well to the existing built form, in particular by failing to respect the compact pattern and distinct edge to development to this side of Bourne. Rather, the proposal would stand isolated to the northern side of the road, surrounded by undeveloped land for the most part and physically detached from the contiguous built form of Bourne.
21. Although the site is bordered on two sides by the byway and West Road, and partially on the eastern side by Park Farm, there are no physical boundaries to the northern and much of the eastern sides. These would need to be created through new landscaping. Bourne Woods does not enclose the site on the northern side, given there is an open field of some 150 metres depth in between. The roadside boundary is also low in height and provides little by way of physical screening of the site. Overall, I consider the site is not substantially enclosed, but forms part of an expansive, open field. In addition, the northern boundary is not defined by a physical barrier that would prevent future growth beyond the site towards the wood, with the plans indicating the access road could be extended in this direction.
22. For these reasons, I find that the proposal would extend obtrusively into the open countryside, contrary to criterion (d) of Policy SP4.

Policy SP4(b) and (d) – Design, Character and Landscape Impacts

23. The site forms part of the rural hinterland to the western side of Bourne. The most notable feature is Bourne Woods, described in the BCA as an ancient woodland recorded in the Domesday book that is one of the largest in Lincolnshire, which provides a significant wooded backdrop to this side of the town. I was told in evidence it is a highly valued local resource used daily by a great many residents and visitors for recreational purposes. Indeed, the BCA states that many local residents consider Bourne Woods to be a fundamental part of their reason for living in the parish.
24. On a broader scale, the site is located at the border between the Kesteven Uplands and Fen Margins character areas as set out in the South Kesteven Landscape Character Assessment (January 2007) (the SKLCA). The evidence before me indicates that the site and its immediate surroundings are more reflective of the Fen

Margins area, which is described as a transitional area between the wooded Kesteven Uplands that lie to the west of Bourne and the flat open fens to the east.

25. Features of the character area include a broad east-facing slope, medium-scale rectilinear fields with some hedgerow trees and a variety of farming uses and development focused on the A15 and B1177, which includes Bourne. The site and its surroundings exhibit some of these characteristics, including the rising topography to the west and the field pattern. The presence of woodland on rising ground is also noted as a characteristic edge to the landscape. The SKLCA sets out that the area's landscape sensitivity to new employment and residential proposals is likely to be low to medium; that opportunities could exist in certain locations around the edge of settlements for limited new development, but that large-scale proposals in the rural area are unlikely to be successfully assimilated.
26. The appellant's Landscape and Visual Assessment (LVA)) assesses the site as having a low to medium sensitivity to development, with low landscape value attributed to it for a number of reasons including that it is not rare, has no public access for recreation and is not a designated nature site. I acknowledge this, and I accept that features of the surrounding landscape, including the woods and byway treeline, mean that the development would not be exposed to view from long distance, and in these respects it would not have a significant effect on the wider landscape. However, from all of the evidence I have heard, and observed, the site does have an intrinsic value as a buffer of open space between the town and the woods, allowing the historic relationship between the two to be seen and appreciated, with the view from in front of the site on West Road being among the most prominent.
27. Much reference is made in evidence to the effect on West Road as a gateway to Bourne. However, there is no specific 'gateway' policy relevant to the appeal site. I recognise that the site is located on a busy approach road into Bourne, and it would form one of the first developments seen by visitors. However, the treelines along the byway would screen much of the development in longer views from the west on approach into the town. There would be some indication of the presence of the retail store due to signage near the front boundary, but it would be seen in context with the approaching roundabout and urban area, and would have a limited impact on the wider vista from the top of the hill (Viewpoint 10 of the appellant's Landscape Statement of Case), as the massing of the store itself would be well screened by the treeline in summer, and still filtered to a large extent in winter. The adverse impact on these views would therefore be limited, the broad vista from this point otherwise unaffected.
28. Elsewhere, views from dwellings on Fir Avenue would be filtered by the intervening hedgerows and the proposed landscaping, although glimpses may still be possible when trees are not in leaf. Views from properties on Welland Drive would also be filtered by planting, but the presence of the development would still be readily apparent due to the wide access point, signage and the scale of the building itself.
29. The most significant effects would be on views from West Road, specifically the area around the roundabout, where the vista across to the woods would be substantially impacted. Though not a protected view in any development plan policy, it is nonetheless one with evident local value as part of the walking route to the woods from the urban area, presenting a rural, natural character, distinct from the urban character to the south-east of the roundabout and further east on West

- Road. The presence of a significant retail development along the route, including alongside the byway, would undermine this rural character. It would intrude into the immediate setting of the woods, obscuring views of it from the nearest main road, undermining the physical and visual relationship between the town and the woods and the historic contribution of the woods to the wider setting of Bourne.
30. The design of the development, considered in isolation, has its merits as a modern, efficiently designed layout with contemporary styling to the main building. However, it still represents a standard form of commercial development that would effect a significant change to the nature of the site and although the development would not physically affect the woods, it would have an imposing presence due to its size and position.
31. The inclusion of new landscaping would be to mitigate and screen the visual impact of the proposals. However, it would have little effect in screening the development from public view on West Road, due to the commercial interest of the site operator in having the store visible to passers-by. This is exemplified by several of the viewpoints in the appellant's LVA, including Nos 6, 7, 7A and 8. These also contradict the appellant's position that the open space of the car park would still afford views of the woods. While there would still be views of the treeline in the distance, the vista would be dominated by the retail development in the foreground that would severely erode the rural character of the site.
32. The proposed boundary planting on the western side would provide screening along the byway itself; however, the proximity of the building and the inevitable increase in activity levels on the site, including noise from deliveries and moving vehicles, would still have a noticeable adverse effect on the tranquillity experienced by users of the byway as one leaves the main road and walks towards the woods.
33. I am also not persuaded that the change would be lessened in impact due to the presence of built form on the other side of the roundabout, as the prevailing character on the northern side is rural, enhanced by the presence of the woods. The landscape impacts may be local in scale, but there would still be long term, permanent adverse change for visual receptors on West Road, the byway and occupants of Park Farm. I consider the degree of change, and adverse effects, to be significant. More limited adverse effects would occur for residential receptors on Fir Avenue and Welland Drive/Nene Close.
34. In addition, although the Council no longer argues the position taken in its committee report that the proposal would represent an enhancement to the appearance of the area, I cannot agree that it would. In simple terms, the site does not need enhancement. It does not detract from the area, but rather forms a complementary part of the wider rural hinterland of Bourne.
35. For these reasons, I conclude that the proposal would not be appropriate in scale or form to its location and would be in stark contrast to the rural character and setting of the area, causing localised, but nonetheless harmful and permanent effects on the landscape. This would conflict with Policy EN1, which requires development to be appropriate to the character and significant natural, historic and cultural attributes and features of the landscape in which it is situated, and with Policy DE1 which requires high quality design that makes a positive contribution to the local distinctiveness, vernacular and character and not have an adverse impact on settlement pattern or the landscape / townscape character of the surrounding

area. In light of these findings, the proposal would fail to accord with criteria (b) and (d) of Policy SP4.

Policy SP4(a)

36. Criterion (a) states that the proposal must 'demonstrate clear evidence of substantial support from the local community through an appropriate, thorough and proportionate pre-application community consultation exercise.' The Council's position is the assessment of this criterion is to be taken at the point the application is made. The Council accepted that the appellant's evidence of community engagement showed substantial support from a survey undertaken with local residents. The fact that the survey generated a greater number of objections to the proposal did not negate compliance in the Council's view, and it did not allege conflict with criterion (a) in its reason for refusal. However, many interested parties have raised concerns over the actual level of support for the proposal. In particular, it is pointed out that the feelings of many, who supported the principle of a new retail store in Bourne but opposed the specific location, were not accurately represented as objections.
37. I accept that the survey showed there is a strong level of support for a new retail store in Bourne, and this carried through to the application and appeal stages, where many respondents were in favour of the proposal, including in the proposed location. However, at all stages, the greater number of respondents were opposed to the proposal. This includes Bourne Town Council and other local groups, including Friends of Bourne Wood and Bourne Civic Society. In simple terms, the majority of respondents were not in favour of the proposals. Notwithstanding the Council's position, I find it difficult to reconcile that this amounts to *clear evidence* of *substantial* support, but I acknowledge that the Council has not pursued this matter and I accept it is not a factor weighing additionally against the proposal. However, neither does the assessed compliance with this criterion by the Council mitigate for or outweigh the identified conflicts with criteria (b) and (d), as all parts of Policy SP4 are required to be met.

Conclusions on Main Issues

38. Drawing these considerations together, I conclude that the proposal would represent a significant, urbanising development that would extend obtrusively into the countryside. This would cause localised, but nonetheless permanent, adverse effects on the landscape that would result in significant harm to the character and appearance of the area. The proposal would conflict with Policies EN1 and DE1 and would fail to meet the criteria of Policy SP4. Therefore, it would not represent a suitable location for the development, having regard to the overall spatial strategy of the development plan.

Other Matters

39. The appellant's evidence includes a retail impact assessment which concluded that there were no sequentially preferable sites in Bourne and that the store would not have significant adverse impacts on the trading levels of the town centre or other existing stores. It is not argued that there is an unmet need for the development, and the evidence before me is that Bourne is already served by a good range of grocery stores of varying sizes. However, I accept that the addition of a further store, particularly a lower cost operator, would add choice for consumers, but this would be a limited benefit in the context of the existing retail offering.

40. Interested parties refer to other potentially suitable sites having been granted planning permission for housing development in recent years. Questions were also raised as to the appellant's methodology for selecting the appeal site over other locations. The circumstances of other permitted developments differ from this proposal and have no bearing on my assessment. Ultimately, aside from the retail sequential test, there are no development plan policies which require a further assessment of alternative sites to justify a particular location in terms of landscape impact or any other respect. It was open to the appellant to seek permission on the chosen site and I have assessed the proposal on its specific planning merits.
41. At the hearing, Lincolnshire Wildlife Trust (LWT) stated its concerns over the approach taken towards addressing biodiversity net gain (BNG), which in this case is proposed to be addressed through off-site mitigation that would be secured through the completed unilateral undertaking submitted by the appellant. It is a matter of common ground between the main parties that the application was not subject to mandatory BNG introduced under the Environment Act 2021. I recognise the concerns raised by LWT regarding the application of the hierarchical approach of the Framework to addressing biodiversity loss, but the relevant Policy EN2 requires developments to deliver a net gain 'where possible'. The proposal is indicated to deliver a net gain of 79.17% in on-site hedgerow units and a 2.05% net gain in habitat units, achieved through the off-site units to compensate for a 64.7% loss of on-site habitat. Therefore, although not replacing the lost habitat on the site itself, the combination of on-site hedgerow gain and off-site measures would provide an overall level of compensation. The grassland habitat lost is also not identified as rare or protected, and notwithstanding LWT's position, there would not be a direct impact on Bourne Woods. Overall, I am satisfied that the proposal would not result in significant harm to biodiversity, but rather that a modest net gain can be achieved, in accordance with Policy EN2 and the aims of the Framework that decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.
42. Other concerns relate to ecological impacts, including on Bourne Woods which is designated as ancient woodland, a SSSI and a local wildlife site. The proposal would have no direct effect on the woods; however, the appellant's Ecological Impact Assessment acknowledges the potential for indirect effects on surrounding habitats such as from noise, dust and lighting, but sets out that these could be suitably addressed through a Construction Ecological Management Plan. A Landscape and Ecology Management Plan would also be prepared to address the site's management post-development and long term. Overall, I am satisfied that potential impacts on ecology could be mitigated.
43. Concerns were raised at the hearing regarding operating hours and effects on neighbours' living conditions from delivery noise and site lighting. The site would be detached to some extent from most neighbours, with the notable exception of occupants of Park Farm. However, having discussed potential safeguarding conditions at the hearing, I am satisfied that measures could be put in place to prevent undue harm arising from operations on the site, particularly at unsociable hours. As such, this is not a matter weighing against the proposal.
44. I have had regard to other matters including flood risk and drainage, highway safety, climate change and archaeology, and to comments made by interested parties in these and other matters beyond those addressed above. However, whilst I do not discount these matters, from the evidence before me I have not identified

any other substantive issues which would result in additional harms or benefits to be factored into the planning balance. Thus, I do not address them in further detail.

Planning Balance and Conclusion

45. I have found conflict with the development plan in respect of the location of the proposal and its effect on the surrounding character and landscape. This results in conflict with Policies SP4, EN1 and DE1 of the SKLP. I regard these as the most important policies for determining the application, and that they are consistent with the approach to the Framework in their respective aims. As such, they attract full weight in decision making.
46. There would be benefits arising from the proposal. There would be a considerable investment in the local economy to construct the development, including jobs for the local building trades, albeit this would be temporary. Once operational, the store would provide notable new employment opportunities for local people. Additional business rates would also accrue to the local authority. Having regard to the overall scale of the development, these are benefits to which I attribute moderate weight overall.
47. The addition of a further retail store would offer increased choice for local residents. However, for reasons set out above, this would be a benefit of limited weight. The fact that some residents would have reduced travel distances for grocery shopping would be a similarly limited benefit in view of the numbers involved. A minor benefit would also arise in terms of BNG.
48. However, whilst acknowledging these benefits, when taken together they would not outweigh the identified conflict with the development plan, taken as a whole, to which I afford very significant weight. There are no other material considerations of sufficient weight to otherwise indicate the permission should be forthcoming in spite of the conflict with the development plan.
49. Consequently, I conclude that the appeal should be dismissed.

K Savage

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Philip Robson	Counsel, King's Chambers
Robert Hughes BSc(Hons) PGDipLA CMLI	Incola Landscape Planning
Nick Hardy	Planning Consultant, Avison Young
Rosie Walshe	Avison Young
Amelia Critchlow	Counsel, King's Chambers
Rebecca Dias	Aldi

FOR THE LOCAL PLANNING AUTHORITY:

Shemuel Sheikh	Counsel, King's Chambers
Emma Whitaker BSc (Hons), MA, MSc, MRTPI	Assistant Director, Planning & Growth
Debbie Wetherill	Planning Officer
Cllr Charmain Morgan	Chair, SKDC Planning Committee

INTERESTED PARTIES:

Cllr Sue Woolley	County Councillor
Cllr Helen Crawford	District Councillor for Ward
Cllr Nigel Eveleigh	Bourne Town Council
Tammy Smalley	Lincolnshire Wildlife Trust
Steve Roffe	Local Resident
Anne-Marie Brown	Local Resident
Helen Powell	Local Resident
Peter Sharpe	Local Resident
Suzanne Moon	Stamford Mercury and Lincs Online

DOCUMENTS HANDED UP AT THE HEARING

4x plans showing other retail store locations and 400m/800m walking distances

Paper copies of Accurate Visual Representations (AVRs) (Appendix 2 of Appellant's Landscape Statement of Case)

Written copies of prepared comments by Cllr Nigel Eveleigh and Anne-Marie Brown
