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## 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: 11 August 2025**

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**Appeal Ref: APP/N2535/W/24/3355755**

**Sunnyside Up Farm Shop, Poplar Farm, Market Rasen, Lincolnshire LN8 3UL**

- 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 John Casswell of Sunnyside Up Farm Shop against the decision of West Lindsey District Council.
  - The application Ref is 146812.
  - The development proposed is change of use of land for siting of caravans (lodges) that is a re-submission of application referenced 144599.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. On 12 December 2024, a revised National Planning Policy Framework (the Framework) was published, after the appeal was submitted, but before the submission of final comments. Those parts of the Framework most relevant to this appeal have not been materially amended. As a result, I consider that there is no requirement for me to seek further submissions and I am satisfied that no party's interests have been prejudiced by my taking this approach. I will refer to the updated paragraph numbers in this decision.
3. The Council's reason for refusal refers to the setting of the area of great landscape value (AGLV). However the written statements of both parties refer to the site as being within the AGLV. I have dealt with the appeal on the basis that the site does lie within the AGLV.
4. The Council has provided me with a copy of its notice publicising the application and I am satisfied this is sufficient for the appeal to proceed.
5. While the Council has not expressed any concern with respect to protected species, I am mindful of the advice in Circular 06/2005<sup>1</sup> (the Circular) that "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision". The appellant's ecological appraisal identified the potential for the site to support skylarks. As skylarks are a species of principal importance, I have considered this as a main issue. The main parties have had the opportunity to comment and I have taken those comments into account when reaching my decision.

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<sup>1</sup> Circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System

## Main Issues

6. The main issues are:

- the effect of the proposal on protected species, specifically skylarks.
- the effect of the proposal on the character and appearance of the area; and
- whether the site is a suitable location for the proposed development having regard to the spatial strategy for the area.

## Reasons

### *Protected Species*

7. The ecological appraisal submitted with the appeal had expired. An update was provided in response to my query on this point. This confirmed that the site was in the same condition as the original survey. The original survey noted that it was “probable that skylarks are nesting within the field itself”. The appellant has subsequently advised that as there are sheep in the field, which I did observe at my site visit, there were no skylarks in the field. This contradicts the update to the ecological survey. I therefore cannot be satisfied that the ecological evidence before me is accurate.
8. Skylarks are a species of Principal Importance (a Priority Species) listed in Section 41 of the Natural Environment and Rural Communities Act 2006 (NERC Act). The NERC Act includes a duty under s40(1) that every public body must, in exercising its functions, have regard to the purpose of conserving biodiversity. In addition, the Secretary of State must a) take such steps as appear to the Secretary of State to be reasonably practicable to further the conservation of the living organisms and types of habitat included in any list published under this section; or b) Promote the taking by others of such steps.
9. It may be that there are grass and arable fields in the surrounding area that would be suitable for skylarks. However, I do not have certainty as to the extent to which skylarks are using the appeal site, or that suitable mitigation could be provided and secured on those surrounding fields. The Circular is clear that surveys should only be secured by condition in exceptional circumstances. I have not been provided with any exceptional circumstances in this case, therefore this matter could not be addressed by condition.
10. The proposal would therefore have an adverse effect on protected species. It would be contrary to Central Lincolnshire Local Plan (2023) (LP) Policy S60 which requires development to minimise impacts on biodiversity.

### *Character and Appearance*

11. The site consists of two fields separated by an intermittent hedge. It is adjacent to a dwelling, what appear to be agricultural type units and a café with a large unmade car park. Beyond that is a further field with an extant permission for the siting of lodges. On the opposite side of the road, there is a further extant permission for lodges. The site, and adjacent site with permission for lodges lie in an area surrounded by substantial conifer plantations. On the opposite side of the road, the land rises away from the road, and there is considerable tree planting on the brow of the hill.

12. From the Council's assessment of the key characteristics of West Lindsey Landscape Character Assessment 1999 – Area 11: Heathland Belt, the site lies within a landscape entirely typical of this area. The site does not make a strong contribution to the landscape qualities of the area given the limited views in which it is prominent, the high degree of enclosure provided by the surrounding plantations, its position immediately adjacent to a main road and the adjoining development. This would be even more the case were the surrounding permissions to be fully implemented.
13. The site would be capable of comfortably accommodating the proposed number of lodges. They would be set reasonably far apart from each other in an informal layout and the site could be further integrated into the landscape through an appropriate scheme of landscaping. The existing hedgerow separating the fields would be retained, allowing the original field pattern to still be discernible. Numerical comparison with other development is not a demonstration that harm would arise from the proposed development. Nor has the Council set out any areas where they disagree with the findings of the appellant's Landscape and Visual Appraisal.
14. The Council has also referred to Area 12: North West Wolds Escarpment. However, I have not been directed by the Council to any locations where there are long views incorporating the site which would be harmed by the proposal. It is not located on the escarpment or an otherwise prominent position. Given the low level of the appeal site and the enclosure provided by the surrounding plantations, any views of the site would likely be glimpsed. The intrinsic character and beauty of the AGLV would not be undermined by the proposal. The officer report considers the site does not lie within the setting of the Lincolnshire Wolds National Landscape and I have no reason to find otherwise.
15. The appearance of the lodges and surfacing materials could be controlled by condition to ensure they would be visually appropriate.
16. The proposal would therefore have an acceptable effect on the character and appearance of the area. It would be in accordance with LP Policy S62 which requires development within the AGLV to conserve the character of locally important landscapes and minimise adverse visual impacts.

#### *Suitable Location*

17. LP Policy S5 Part E a) offers two reasons why non-residential development can be supported in the countryside. In principle, the siting of caravans would support rural tourism and as such would enhance the rural economy. It is not in dispute that the site offers a suitable location in terms of accessibility and that there would be no conflict with neighbouring uses. As set out above, I am satisfied that the proposal would be of a size and scale commensurate with the proposed use and the rural character of the location.
18. LP Policy S43 supports rural tourism in the countryside where it meets one of three criteria. As I have found the proposal to be in accordance with LP Policy S5 Part E, this policy is complied with.
19. For these reasons, I am satisfied the site is a suitable location for the proposed development having regard to the spatial strategy for the area due to its compliance with LP Policies S5 and S43.

## Other Matters

20. There would be a benefit to the provision of more energy efficient holiday accommodation. However this would be of limited weight. The caravans could be removed in the future, however this is true of all caravans, and would not ensure that the roads and any associated hardstandings would be removed.
21. There is no objection from the local highways authority with respect to traffic generation, the access to the site and the internal highways layout. The Council has not identified that the proposal would not protect the public right of way. From my observations at my site visit, I have no reason to reach a different conclusion. However, this is to be expected of all well designed development and would be neutral in my assessment.
22. The Environment Agency objected to the proposal as the evidence is inconsistent on foul water drainage and includes a reference to the use of a non-mains foul drainage system where it may be possible to connect to a public sewer. This is a matter which could be addressed by condition. Furthermore, the Environment Agency also exercises control through the environmental permitting system. The site is not identified as being at any risk of flooding. There is no objection from the Lead Local Flood Authority, and details of surface water drainage can be addressed by condition.

## Conclusion

23. I cannot be certain that the proposed development would not have an adverse effect on a species of principal importance. While I have found the proposal would be in a suitable location and would have an acceptable effect on the character and appearance of the area, this would not outweigh the harm to biodiversity. The appeal proposal would therefore conflict with the development plan when read as a whole. There are no material considerations of sufficient weight to suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.,

*Jennifer Wallace*

INSPECTOR