



Appeal Decision

Site visit made on 1 July 2025

by F P Tinsley MA (Hons) MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2025

Appeal Ref: APP/A2525/W/24/3358030

The Smallholding, Green Dyke, Lutton, Long Sutton, Lincolnshire, PE12 9LW

- 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 Timothy Wiltshire against the decision of South Holland District Council.
 - The application reference is Ref: H12-0168-24
 - The development proposed is described as 'Agricultural Preparation Building - Retrospective'
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Decision

1. The appeal is allowed and planning permission is granted for the proposed development as described which is 'Agricultural Preparation Building - Retrospective' at The Smallholding, Green Dyke, Lutton, Long Sutton, Lincolnshire, PE12 9LW in accordance with the terms of the application; Ref H12-0168-24, subject to the conditions detailed in the attached schedule.

Preliminary Matters

2. There is disagreement between the main parties as to whether the proposed development requires planning permission and is therefore lawful. However, it is not within my remit to determine the lawfulness of a use or operation in determining the appeal before me under Section 78 of the Act.
3. I have used the description of development as detailed on the Council's Decision Notice rather than the one provided on the planning application form, as it offers greater accuracy and clarity regarding the proposed development. The application form referred to a "retrospective agricultural determination preparation building," but did not explain what a "determination preparation building" entails. Given this ambiguity, the description from the Decision Notice more accurately reflects the nature of the development, as outlined in the planning application and appellant's submissions. The building is intended for the production of agricultural goods on-site, forming part of a process that also involves two other buildings which previously received planning consent under separate permissions. There is evidence on-site that work has commenced to implement these permissions, although progress appears limited.
4. The building subject to this appeal has been substantially completed. However, during my site visit, I observed that it had sustained significant damage and was partially collapsed. It was not being used for agricultural purposes and was instead

storing non-agricultural items, including light aircraft parts and other associated paraphernalia.

5. The Council has identified that the submitted plans do not meet the required standards of precision and enforceability due to deficiencies in the drawn and submitted information. Nevertheless, the Council proceeded to validate and determine the application. I will assess the appeal within the same context, supported by my site visit, during which I was able to view the development in situ.

Main Issues

6. The main issues in this case are:

- The acceptability of the proposed development on the site, having regard to the spatial strategy for the area.
- The effect of the proposed development on the character and appearance of the area.

Reasons

Spatial Strategy

7. The appeal site is located within the countryside, as defined by Policy 1 of the South East Lincolnshire Local Plan 2011–2036 (the Local Plan). This policy allows for development in the countryside where *'it is necessary for such a location, or where it can be demonstrated that the proposal contributes to the area's sustainable development in terms of economic, community, or environmental benefits'*.
8. The proposed building would form part of an agricultural production and processing facility for cultivating beansprouts for commercial sale. This activity would be carried out in conjunction with two other buildings on the site, which were granted planning permission under references Ref: H12-0069-21 and Ref: H12-0068-21. It was evident from my site visit that construction work had commenced on these buildings, but production of beansprouts had not commenced. There is evidence of fruit trees on the site. However, the site appears to be currently used predominately for non-agricultural storage purposes.
9. The Council has stated that there is reasonable doubt as to whether the building is genuinely necessary for agricultural purposes. They note the limited evidence of agricultural production on the site to date and question whether the fruit trees present are extensive enough to meet the definition of agriculture as outlined in the Town and Country Planning Act 1990 (as amended).
10. The appellant's evidence states that three separate buildings are required to facilitate the intended process on the site: germination and propagation would occur in the previously permitted buildings, while production would take place in the building subject to this appeal. The agricultural process cannot be completed without all three buildings being operational. I have no evidence which would lead me to challenge this conclusion.
11. Policy 1 of the Local Plan does not stipulate that new agricultural buildings in the countryside must be linked to an existing operational agricultural enterprise. Nor does it state that proposed agricultural buildings cannot be associated with new

agricultural enterprises, as is the case in the proposal before me. In this regard, I note that planning permission was granted by the Council under references H12-0069-21 and H12-0068-21 for buildings proposed in connection with beansprout production, a rural enterprise which had not commenced at the time of these approvals in 2021. Furthermore, these consents were issued following the adoption of the Local Plan in March 2019, which is the same Local Plan under which the current appeal is being determined. To refuse permission on the basis that the proposed rural enterprise has not commenced would be inconsistent with the previous approvals on the site.

12. During my site visit, I observed that construction of the buildings permitted under references H12-0069-21 and H12-0068-21 had commenced and there is no impediment to their completion in association with the proposed beansprout production facility, of which the building subject to this appeal would form a part. The appellant continues to have the opportunity to discharge planning conditions attached to these permissions.
13. The appellant has provided a reasonable explanation for the delay in commencing bean sprout production on the site, along with their County Parish Holding (CPH) smallholding registration number. They have also explained the current use of the site for storage associated with non-agricultural activity associated with other personal interests. I have taken these factors into account in my determination of the appeal and conclude that there is a reasonable likelihood that the proposed beansprout production enterprise will commence on site.
14. I have also considered that the proposal would facilitate the establishment of a rural-based enterprise, providing employment and contributing to the support of the local rural economy. Paragraph 88(b) of the National Planning Policy Framework (the Framework) supports the development and diversification of agricultural and other land-based rural businesses. Accordingly, the proposal aligns with the Framework in this regard, and I attach significant weight to this in my determination of the appeal.
15. For these reasons, the proposal accords with Policy 1 of the Local Plan which amongst other things allows for development in the countryside where it is necessary for such a location, or where it can be demonstrated that the proposal contributes to the area's sustainable development in terms of economic, benefits.

Character and Appearance

16. The appeal site is a rectangular-shaped area extending to approximately 110 sq.m, located in the open countryside outside the village of Lutton. It forms part of a larger, irregularly shaped plot covering an area of approximately 1.2 hectares, situated to the south of Green Dyke. The nearest residential dwelling is Tobago, a bungalow positioned directly opposite the site access. Two additional dwellings are located to the northeast, while a strip of linear development lies to the southeast along Lutton Bank, beyond agricultural fields. Hedging is present along the majority of the site boundaries, contributing to its enclosure and rural character.
17. As noted above, the plot accommodates two partially completed buildings. There is also an assortment of materials on the site, notably including equipment and machinery associated with light aircraft. A mobile home is present, which appeared unoccupied at the time of my visit. Some evidence of agricultural activity was observed, including the presence of fruit trees. The appeal site itself contains a

single-storey shed structure constructed with a timber frame, fibreglass and plastic-coated steel roofing, and marine plywood exterior walls. At the time of my visit, the building had partially collapsed due to damage.

18. The proposal is broadly similar in scale and materials to the previously permitted buildings on the site, although the use of marine plywood represents a departure from the earlier approvals, which featured horizontal timber boarding. The building would be of a standard agricultural design and would not appear isolated, given the presence of other partially completed structures on the site. Collectively, these buildings contribute to the appearance of a developing rural enterprise.
19. When viewed from the adjoining roads, the proposed building would be largely screened by a substantial hedge. Despite its size, the building would generally not be visible from outside the site and would not appear incongruous in this location. This is supported by the flat topography of the surrounding area. The site is not located within an area subject to any landscape designation or protected status. The building's form and colour are consistent with what is typically expected in a rural setting, and it would not appear as a large or intrusive structure.
20. I therefore conclude that the proposed development would be in keeping with the character and appearance of the area. It would comply with Policy 2 and Policy 3 of the Local Plan, which, among other considerations, require that sustainable development addresses matters such as design, size, scale, layout, density, and the impact on the character and appearance of the area, including its relationship to existing development. These policies also emphasise that development proposals should be of high quality and appropriate to their setting. Furthermore, the proposal aligns with Chapters 12 and 15 of the Framework, which promote development that is sympathetic to the surrounding built environment and landscape setting, while also enhancing the natural environment.

Other Matters

21. I note the concerns raised regarding the conduct of the Council in its determination of the application, as referenced in the appeal correspondence. Nonetheless, I can confirm that I have determined the appeal on its planning merits only.

Conditions

22. I have considered the conditions proposed by the Council against the tests set out in the Framework. Where necessary, I have amended their wording in the interests of clarity and effectiveness.
23. In the interests of certainty, I have imposed a standard condition requiring adherence to the approved plans.
24. To maintain the character and appearance of the area, it is necessary to require the submission of details concerning the materials to be used in the external surfaces of the development. As the development has already commenced and this appeal relates to a retrospective planning application, only details of materials necessary to enable the building's repair and completion are required. This includes specifications for colour/finish, position, and size. These details shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The development shall be completed in accordance with the approved details and thereafter maintained as such.

25. A condition is imposed relating to Biodiversity Net Gain. This requires that a Biodiversity Gain Plan demonstrating a minimum 10% net gain in biodiversity on-site shall be submitted to and approved in writing by the Local Planning Authority. This is to ensure that the development delivers measurable biodiversity improvements in accordance with the requirements of the Environment Act 2021 and the Framework. The condition secures the long-term ecological value of the site and contributes to the wider objectives of sustainable development and environmental enhancement.
26. To protect the living conditions of nearby residents with regard to noise, details of any fixed plant or equipment on, within, or associated with the building shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The equipment shall thereafter be installed and operated in accordance with the approved details.
27. I have not imposed the suggested condition requiring that the existing access be upgraded to Lincolnshire County Council specification prior to the building being brought into use. Planning permission already exists for two buildings on the site, which together will provide the majority of the floorspace for the agricultural production facility that the proposed development is intended to form part. In this context, it would be unreasonable to require such a condition as part of the current appeal and fails the relevant tests in this regard.

Conclusion

28. For the reasons given above, and having had regard to all other matters raised, I allow this appeal.

F P Tinsley

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans and/or documents:
 - Application Form
 - Site Location/ Block Plan
 - Photograph of Elevation with Dimensions Showing Materials & Colours
2. The use of the building shall be confined to agriculture as defined within Section 336 of the Town and Country Planning Act, 1990.
3. Full details of the external materials, doors, windows and rooflights to be used for the construction of the building necessary to enable its repair and completion, including colour/finish, position and size, shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The development shall be constructed in accordance with the details so approved and thereafter so maintained.
4. Prior to the development hereby permitted first being brought into use, a Biodiversity Net Gain Plan to demonstrate a net gain in biodiversity on-site of 10% shall be submitted to, and approved in writing by, the Local Planning Authority. This shall be supported by a Biodiversity Management Plan setting out how the biodiversity enhancements will be managed and monitored for the lifetime of the development. Development shall be carried out in accordance with the approved Biodiversity Gain Plan, and the approved measures shall be retained and maintained for the duration specified.
5. Details of any fixed plant/equipment on, within and/or associated with the building shall be submitted to and approved in writing prior to its installation. It shall thereafter be installed in accordance with the approved details.

******End Of Schedule******