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## Appeal Decision

Site visit made on 30 November 2025

**by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 16 December 2025

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**Appeal Ref: APP/A2525/W/25/3373357**

**Land off Spalding Drove, Spalding Lincolnshire (Easting: 525207;  
Northing: 320810)**

- 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 James Johnson (G M Johnson) against the decision of South Holland District Council.
  - The application reference is H16-0104-25.
  - The development proposed is described on the Application Form as 'Proposed industrial development of 2n. light industrial units (Class B2, B8, E (g)(i)(ii)(iii)) with associated parking spaces and other external works including new road access.'
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The application was made in outline with all matters reserved; and access, appearance, layout, scale and landscaping as reserved matters. However, an illustrative Block Plan<sup>1</sup> and an Illustrative Elevation Plan<sup>2</sup> has also been provided to which the Council has had regard. I confirm that I have also dealt with the appeal on this basis.
3. The Council's Decision Notice has two reasons for refusal which relate to whether the proposal is sustainable development and the lack of footpath which would lead to unsustainable forms of travel. As both reasons refer to the overall matter of sustainability, for the avoidance of doubt and succinctness, I will deal with both reasons together.

### Main issues

4. The main issue is whether the proposal would provide a suitable site for employment development, having regard to its location in conjunction with the Development Strategy of the area and the travel needs of the proposal.

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<sup>1</sup> Drawing No. A1726-01 Rev P1, Dated July 2024

<sup>2</sup> Drawing No. A1726-02, Rev P2 Dated July 2024

## Reasons

### *Site Description*

5. The appeal site is situated along Spalding Drove and appears to be an agricultural parcel of land with a large open drain between the land and the road edge of Spalding Drove. The area is very flat with long distance views to the surrounding area with the appeal site not containing any built form. Whilst Spalding Drove is constructed of tarmac and capable of having two cars pass in close proximity in either direction, vehicles are travelling relatively slowly and to the centre of the road due to the road not having any kerbs and the proximity of the drop of the open drain channel that runs along the side of the road. There is currently no access to the appeal site from Spalding Drove, with the indicative plan indicating that a bridge and crossover would be constructed across the open drain channel. There are also no footpaths or street lighting along this section of Spalding Drove.
6. Approximately 175 metres further north of the appeal site is a scrap metal yard where the open drain channel has been diverted around the site. Further north of the scrap metal yard are a small number of detached bungalows, a caravan site and a museum. The main built form of the edge of the settlement of Spalding is approximately 0.5 miles walking distance away, and approximately 2.5 miles walking distance from the shopping core of Spalding Town Centre.

### *Development Strategy and relevant planning policies*

7. The Development Strategy is guided by the South East Lincolnshire Local Plan (LP) Policy 1 which seeks that all development should support a pattern of balanced growth across the district. The policy seeks that development be focussed towards the Sub-Regional Centres and Main Service Centres, with limited development in Minor Services Centres and development restraint in Other Service Centres and Settlements. Where sites are outside of a settlement boundary these sites are considered to be within open countryside where development is not appropriate, unless specifically supported by other policies of the Local Plan. Additionally, the LP Policy 7 relates to the provision of employment land where main employment areas are specifically designated for future growth, along with Local Employment Areas, Restricted Employment Sites and Established Employment Sites. Where B Class employment is proposed outside of these sites, LP Policy 7 seeks that the site meets all of the criteria specified, such as neighbouring uses, character and appearance, maximising opportunities for modal shift away from cars, need, and impact upon highway network, amongst others.
8. Paragraphs 88 and 89 of the National Planning Policy Framework (the Framework) seeks the sustainable growth and expansion of all types of business in rural areas and that planning policies and decisions should recognise that sites to meet local business needs in rural areas may have to be found adjacent or beyond existing settlements or without access to public transport. In these circumstances the Framework suggests that it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).
9. In assessing development LP Policy 2 is a Development Management Policy that applies a number of considerations such as the assessment of layout, size, scale, access, vehicle generation, and sustainable drainage, amongst others. LP Policy 3

is a design orientated policy that has criteria such as seeking high quality and inclusive design, accessibility via a choice of transport modes, crime prevention, and community safety amongst others. LP Policy 33 is related to delivering a sustainable transport network and seeks that development makes best use and management of existing transport infrastructure.

### *Suitability and Sustainability of the Site*

10. The Appellant has mentioned in their Statement of Case (SoC) that they don't believe the site to be in open countryside due to the appeal site being close to a nearby scrap yard. However, this is not the test for whether a site is within/outside open countryside. The appeal site is located outside of a settlement boundary, and therefore any land located outside a settlement boundary is land referred to as open countryside. In this particular case the LP seeks that the proposal is assessed under Policy 7 which allows employment uses outside of designated settlements. I do not agree with the Appellant's SoC that a site outside a designated settlement would automatically be unsustainable, as there is flexibility with the LP as well as in the Framework where Employment sites can be appropriate. The nearby large greenhouse and other rural enterprises in the area as noted by the Appellant are examples of this. These sites do not imply that every site in the immediate area are sustainable locations, and that each site will have needed to be assessed on their planning merits, which is also the case with the appeal site.
11. Turning to the criteria presented in LP Policy 7 around conflicts with neighbouring uses, character and appearance and local context, whilst I appreciate that there is a scrap metal yard in close proximity to the site, the area does not present as one where the overriding character is employment uses. The scrap metal yard appears as an ad-hoc development which whilst I have not been presented with planning history of the site, appears to have been in this location for some time. The presence of a small number of dwellings further north of the site also do not present as a locality where there is a prevalence of employment sites or where one would logically expect the principle of further employment sites to be located. Whilst the use proposed is flexible, depending upon the occupier there is also potential for there to be conflicts with neighbouring residential uses, such as HGV vehicles travelling along the road, noise, smells etc.
12. Looking at the LP Policy 7 criteria regarding highway safety, responsiveness to context together with LP Policies 3 and 33, the principle of an employment site in this location would likely bring HGV vehicles along a road that has residential occupation. A HGV would experience difficulty travelling along Spalding Drove to with their being no kerbs or street lighting and according to the indicative plan, a need to cross a small bridge to gain access to the site. The physical constraints of the characteristics of the access road and open sewer channel means that an employment site would not be a logical proposal and could lead to highway safety issues, particularly if large vehicles come across vehicles travelling in the opposite direction as there is limited room to pull over before encountering the open drain channel and hedges to the opposite side. Whilst I agree with the Appellant's SoC that there are surrounding agricultural operations such as the large greenhouse to the south and buildings facilitating agricultural uses, these also tend to be located and linked to the agricultural enterprise rather than a type of distinct employment site.

13. Turning to discussion around maximising opportunities for modal shifts of transport together with LP Policies 2 and 3, the walkability of the site or access from other transport nodes such as cycling, scooter, etc it is clear that future residents would be dependant on the private car to access the appeal site. There are no footpaths or accessible public transport such as a bus stop or train station within safe walking distance. The locality lacks any street lighting so the appeal site would not be very navigable by persons or cyclists, or any employees with mobility impairments, wheelchairs, amongst others. The road would be particularly troublesome to navigate in low light levels given the open sewer which is located quite close to the road. The lack of street lighting, levels of light during poor weather conditions and the need to navigate this unkerbed road would also be further reasons why the site would not be a suitable location which would offer genuine alternative access to the private vehicle. As such, I disagree that the site would be within easy cycling and walking distance to Spalding, given the physical constraints of the road which make the distance travelled between Spalding and the site quite problematic.
14. I note discussion within the Appellant's SoC with regards of the needs of the proposed employment site. The appeal documents do not provide any detailed information, other than the proposed occupier would be a local agricultural contractor. Given that the application description contains a number of use classes, it is unclear the type of use proposed, its needs, and whether the subject site is the only site that would be appropriate. Whilst I agree that a business with large agricultural machinery would not be appropriate to be located within a town centre location, it is unclear whether other locations which may be more in compliance with the Development Plan have been considered alongside the appeal site and why the appeal site was the most suitable location. The appeal documents also do not contain any evidence with regards to the employment needs of the area which would further extend the Employment Land Study which would assist in identifying such need. I do however acknowledge that the appeal site is unlikely to detract from the viability of delivering an allocated employment site, and that its presence may support local agricultural businesses.
15. Taking the above into account, it is clear that via the assessment of the criteria to Policy LP 7, that judged upon the merits of this particular site, whilst there is the ability to allow a new employment outside of the settlement boundary, this particular application would not be compliant with a number of criteria such as locational and context constraints, travel constraints, suitability with surrounding uses and lack of demonstrable need as discussed previously. In this case the appeal site would undermine the Council's development strategy for the location of development to achieve sustainable patterns of development.

### *Planning Balance*

16. Some of the public benefits of the scheme are outlined within the Appellant's SoC, such as economic benefits from short term employment opportunities in the construction of the scheme, contributing to the employment needs by employing local people; socio-economic benefits from increased local expenditure as a result of new employees, as well as supporting the viability and vitality of surrounding employment sites which attracts low-medium weight. There are also environmental benefits from the Appellant's willingness to upgrade the quality of the environment, such as in the provision of electric charging point and bicycle storage, which is afforded moderate weight.
17. Despite these benefits, the impacts of the proposed development are significant when taking into account the development strategy and the sustainability credentials of the

site as discussed. Consequently, the appeal location is not very sustainable or well-connected to give an overriding social or environmental benefit in this countryside location.

18. Therefore, taking these findings as a whole, I conclude that the location for the proposed development would not be made in accordance with the development strategy, and whilst there are benefits of the scheme in terms of its environmental and economic credentials, these benefits do not outweigh the harms caused to the social and environmental dimensions. In conclusion of this matter the proposal would be made contrary to LP Policies 1, 2, 3, 7 and 33 and described previously.

### **Conclusion**

19. For the reasons given above, the appeal is dismissed.

*J Somers*

INSPECTOR