



Appeal Decision

Site visit made on 2 September 2025

by **K Savage BA(Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22nd January 2026

Appeal Ref: APP/D2510/W/25/3367022

Poplar Farm, Great Steeping Road, Monksthorpe, Spilsby, Lincolnshire PE23 5PP

- 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 Ladywath Ltd against the decision of East Lindsey District Council.
- The application reference is S/064/01319/24.
- The development proposed is demolition of existing agricultural building and erection of 3 no dwellings.

Decision

1. The appeal is dismissed.

Procedural Matter

2. During the appeal, the Environment Agency (EA) published an updated flood risk mapping dataset (NaFRA2). I sought the views of the main parties and the EA as to the implications of this for the appeal, and have taken the responses into account.

Background and Main Issues

3. The appeal site is located within the open countryside. The site comprises a large, modern, steel portal framed agricultural building surrounded by areas of hardstanding. Adjacent to the appeal site is indicated to be the appellant's dwelling with a number of farm buildings beyond, although this land is not identified by a blue line on the submitted plans. The immediate surroundings are expansive agricultural fields in all directions, with a very small scattering of single dwellings. A substantial cluster of agricultural buildings stands a short distance away to the south-east.
4. The proposal seeks to replace the existing agricultural building with three dwellings in a courtyard arrangement with shared access and parking to the interior and private gardens to the exterior parts of the site.
5. Prior approval has been granted under Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) to convert the existing building to five dwellinghouses. This development was not implemented at the time of my site visit, but it nonetheless represents a realistic fall-back position for the appellant. I have had due regard to this fall-back position in assessing the proposal.
6. Having regard to the evidence before me, the main issues are:
 - i) whether the location of the proposal would be acceptable having regard to flood risk;

- ii) the effect of the proposal on the character and appearance of the area;
- iii) whether the proposal represents a suitable location for residential development, having regard to relevant local and national planning policy.

Reasons

Flood Risk

7. The initial evidence before me indicated that the site lay partially within Flood Zones (FZ) 1, 2 and 3. The updated flood mapping from the EA indicates that the site now falls partially in FZ1 and partially in FZ2, with a small area to the western edge within FZ3.
8. Policy SP16 of the East Lindsey Local Plan Core Strategy (July 2018) (the LPCS) supports housing in areas of inland flood risk where certain criteria are met. I saw the site to be in active agricultural use at the time of my visit for housing of sheep and storage of farm machinery and equipment. As such, the site is not in need of regeneration or empty and disused, and no marketing evidence has been advanced in respect of attempts to reuse the site for another business, leisure or commercial use. Thus, the proposal would conflict with Policy SP16.
9. Further to this, the National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) require a sequential, risk based approach to the location of development in terms of flood risk, to direct development to areas with the lowest probability of flooding. 'Areas at risk of flooding' are principally land within FZ2 and FZ3, with dwellings categorised as 'more vulnerable' development, for which an exception test must be passed in addition to a sequential test.
10. The PPG has recently been updated and now states that where a site-specific flood risk assessment (FRA) demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by EA flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied. However, this exemption only applies where surface water flooding is the only identified source of flooding. In this case, the appellant's FRA identifies risk from fluvial flooding from Lady Wath's Beck some 80m to the east. As such, a sequential test is still required to be passed.
11. The Council argues that the sequential test has not been passed, as no search of alternative sites in areas of lower flood risk has been undertaken. The appellant points to the extant prior approval for the change of use of the appeal building to five dwellings, for which a sequential test was not required, as having established by means of the GPDO the principle of residential development on site and obviating the need for a sequential test. However, no dwellings have been constructed on site, and therefore there is not an existing residential use that would be replaced. Moreover, prior approval applications under Class Q are not subject to the sequential test, as changes of use are specifically exempted by the Framework. Therefore, a sequential test has not previously been passed at the site in respect of proposed new build dwellings.
12. Although the updated flood risk mapping shows the extent of the site in FZ3 reduced, the extent of FZ2 has increased to the northern part, and would

encompass the footprint of Plot 2. The evidence before me does not otherwise demonstrate that the site is the most sequentially preferable location for housing and that development would be directed to areas with the lowest probability of flooding. The sequential test is not therefore passed. However, I recognise that, were the appeal to fail, the appellant could implement the fall-back position, and it is therefore necessary to compare the practical effects for prospective occupants of each scheme in terms of flood risk and mitigation.

13. The appellant's FRA sets out that the proposed dwellings would incorporate a number of mitigation measures, including raising floor levels to at least 300mm above existing ground level, all bedrooms to be located on the first floor, and other measures to ensure appropriate construction methods and materials to prevent or address potential water ingress. The FRA also recommends future occupants of the dwellings sign up to the Environment Agency's automated early warning system.
14. In comparison, the fall-back scheme would provide more dwellings, bedrooms and occupants. It would locate the majority of living space, including bedrooms, at ground floor level, although it is indicated that it would provide the same overall floor level heights and ground clearances as the appeal proposal. However, the updated mapping shows that almost all of the proposed residential floor space under the Class Q scheme would be located in FZ1, except for the northern and western elevations touching FZ2 and FZ3 respectively. This compares favourably to the appeal scheme, which would see Plot 1 wholly within FZ1 and Plot 3 within FZ1 except for part of its garage, but the majority of the footprint of Plot 2 still falling within FZ2.
15. The overall quantum of residential development is not significantly different between the appeal scheme and fall-back and in practical terms the mitigation measures would be similar. However, given more of the residential floorspace of the fall-back scheme would fall within FZ1, I find that the fall-back scheme would not present greater risk to prospective occupants in terms of flood risk.
16. I recognise that the proposed mitigation measures would be considerations in the exception test; however the PPG is clear that the exception test should only be applied following application of the sequential test. As I have found the proposal does not accord with the sequential test, it matters not whether it would pass the exception test, as this alone would not satisfy the requirements of the Framework and PPG.
17. Therefore, the proposal would conflict with Policy SP16 and has not been shown to pass the sequential test, which indicates that the appeal site would not represent a suitable location for housing with respect to flood risk. This would further conflict with Policy SP3 and with the overall settlement pattern for the district under Policy SP1. However, the potential implementation of the appellant's fall-back position is a material consideration to be weighed against the absence of the sequential test in the overall planning balance.

Character and Appearance

18. The site is located in an area of expansive, flat countryside, with low or no hedgerows along roads and limited tree cover allowing long distance views across large agricultural fields. Sporadic farmsteads and individual dwellings are dotted around the area with often significant distances between them. The character of the area is undoubtedly rural and agricultural.

19. The building on site is substantial in size and the cluster of development it forms with the adjacent dwelling and other ancillary buildings is readily visible across the landscape, including on approach from the north-east and south-west, and from the road passing to the south. The proposed dwellings are indicated to be designed to resemble converted barns with the character of a traditional Lincolnshire farmstead, using facing materials including timber boarding, red brick and red clay tiles.
20. The existing building is of no particular merit in design terms, being a modern portal framed agricultural unit of standard shape and construction. Nonetheless, it is a design common to rural areas and one which, despite its size, does not appear incongruous in a countryside setting, particularly when adjacent to a house and other agricultural buildings that together form a distinct farmstead. It also appeared reasonably new and well-maintained when I viewed it on site. As such, I do not regard it as causing demonstrable harm to the rural character and appearance of the area, such that its removal would be a potential benefit of the proposal.
21. The proposed dwellings would cumulatively have a smaller built footprint than the existing agricultural building, but in setting them around an internal courtyard, they would span across a larger extent of the site, and at up to two storeys in height, would stand taller than the existing agricultural building. In these respects, the proposals would increase the physical and visual presence of development within the open, expansive landscape.
22. In addition, the proposal would introduce a suburban character through the cul-de-sac layout and rectangular plots with straight line, artificial garden boundaries. Although the dwellings would incorporate elements of a traditional barn, notably the facing materials, the need to accommodate residential uses means the designs include an awkward mix of large and small window openings, balconies, projecting wings and solar panels which are not characteristic of agricultural buildings. The result is a disjointed combination of agricultural and suburban residential characteristics that would not integrate with the overwhelmingly rural and sparsely built upon landscape. Indeed, its scale and visibility from surrounding roads would render the proposed development a conspicuous addition that would physically and visually dominate over the simple form of the adjacent farmhouse and its characteristic, ancillary outbuildings.
23. The fall-back position would see the conversion of the existing building to five dwellings, with attendant external garden and parking areas. The images provided show a building with a somewhat industrial aesthetic but, importantly, it would retain the characteristic shape of the agricultural building and would not represent a significant change to the landscape in longer distance views. Therefore, I do not regard the fall-back scheme as a demonstrably more harmful development by comparison, and it does not lend weight to the appeal scheme as a preferable alternative in terms of the impact on the character and appearance of the area.
24. For these reasons, I conclude that the proposal would significantly harm the character and appearance of the area, contrary to Policy SP10 of the LPCS, which requires development to maintain and enhance the character of the District's towns, villages and countryside. There would also be conflict with the Framework's recognition of the intrinsic character and beauty of the countryside and its aim that developments should be sympathetic to local character and history, including the surrounding landscape setting.

Location for housing

25. The appeal site is located in the open countryside beyond any identified settlement in the hierarchy of Policy SP1 of the LPCS. Neither Policy SP3 or SP4, which set out the strategy for housing growth, support housing development in the open countryside. Policy SP8 supports exceptional development in rural areas, including affordable housing to meet a proven need in or adjoining a medium or small village, or development to meet the needs of rural workers. None of these scenarios applies to the appeal scheme, which is for open market housing. In a similar vein, the proposal would not meet any of the exceptions set out under Paragraph 84 of the Framework where isolated development in the countryside could be supported. In any event, the presence of the adjacent dwelling means the proposal would not be considered as 'isolated' for the purposes of the Framework.
26. This aside, the location of the proposal at a considerable distance from the nearest settlement, and only accessible along small, narrow roads, would be contrary to the overall approach of the spatial strategy, and that of the Framework, to direct development in the first instance to the largest and most sustainable locations with the best access to services, facilities and transport options. The location of the appeal site well beyond a reasonable walking distance or safe walking route to the nearest settlement means occupants of the proposed dwellings would be reliant on the private car for all journeys. Whilst the Framework recognises that sustainable transport solutions will vary between urban and rural areas, it seeks to ensure sustainable transport modes are prioritised. In my view, the proposal's location does not fulfil this objective, but rather would exacerbate private car use due to its location well beyond a built-up area.
27. Therefore, the proposal would conflict with the spatial strategy of the district as set out across Policies SP1, SP2, SP3, SP4 and SP8, in addition to the conflict identified above with Policy SP16. There would also be conflict with the related aims of the Framework to direct development to the most sustainable locations and to promote walking, cycling and public transport.

Other Matters

28. The appellant has referred to appeal and planning application decisions. That at *The Old Dairy Yard* is analogous in so far as there also existed a Class Q fall-back, although it differed in that it was the appeal scheme that would provide more bedspaces in that instance. Nonetheless, the Inspector found that other identified harms of the appeal scheme outweighed its comparative benefits versus the fall-back scheme. I have considered the present appeal on its own merits, taking into account all the benefits and the harms in the particular circumstances of this case, with the weight to be afforded them a matter of planning judgment, set out below.
29. I have also had regard to a decision by a neighbouring local planning authority, Boston Borough Council, on a similar form of development where a Class Q fall-back existed. Again, there are particular considerations which differ from this scheme, including the main source of flooding and the presence of heritage assets which were factors in the overall planning balance. Therefore, whilst I acknowledge the approach taken by that local planning authority, I have reached my findings on the specific merits of the proposal before me.

Planning Balance

30. On the main issues, I have found that the proposal would not represent an appropriate location for housing having regard to the spatial strategy of the area and flood risk. It would also cause harm to the character and appearance of the area. This results in conflict with the development plan, taken as a whole.
31. The appellant argues that the Council cannot demonstrate a five year supply of deliverable housing sites, though the evidence is limited to an excerpt from a planning committee report from February 2025 upon which the Council has not commented. However, the Council has conceded this position in a concurrent appeal I am dealing with, and so I proceed on that basis.
32. In light of this position, the weight to be afforded policies relating to the location of housing is reduced. However, that does not mean that no weight should be given. Rather, weight should be afforded based on the degree of consistency with the Framework. Policies SP1, SP2, SP3 and SP16 together reflect the approach of the Framework to directing development to the most sustainable locations, including in terms of accessibility and, importantly in East Lindsey, flood risk. Therefore, these policies still merit considerable weight. Policy SP10 is consistent with the Framework in terms of expecting high quality design and still merits significant weight.
33. For reasons set out above, the appellant's fall-back position has established the potential for residential development on the site, and therefore the failure to apply the sequential test is not a fatal drawback of the proposal in this case. The proposed mitigation measures would otherwise ensure that the development was made safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere. Thus, having regard to the Framework, I find that this is not a matter that provides a strong reason for refusal in this case, and Paragraph 11(d)(i) is not engaged.
34. Instead, Paragraph 11(d)(ii) is engaged, which states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
35. The proposal would provide three, family-sized dwellings at a time when the Council cannot demonstrate a sufficient housing land supply. However, even in this circumstance, the benefit of this would be limited given the small number of dwellings to be provided, but also as the dwellings would be located with poor accessibility to local services, contrary to the key aims of the Framework to create sustainable patterns of development and travel.
36. In terms of flood risk, both schemes would provide mitigation measures to avoid water ingress and property damage so as to make the developments safe for their lifetime. However, on the evidence before me, the appeal scheme would offer no tangible betterment over the fall-back position in terms of the practical implications for future residents in dealing with flood risk. Overall, I regard this as a neutral factor between the two schemes.

37. In environmental terms, the proposal would likely generate fewer overall car journeys compared to the Class Q scheme, given the lower number of dwellings and bedspaces. However, the Class Q scheme would make productive re-use of an existing building, an inherent aim of the permitted development right under Class Q to reduce the impacts of constructing new dwellings in the countryside. Overall, there is no substantive evidence to suggest the appeal proposal would represent a demonstrable betterment over the fall-back in terms of environmental impact.
38. There would be some economic gains from trade work generated by the construction of the dwellings, but these would be temporary, modest in scale and not significantly greater than those arising from the conversion of the existing building. These gains would also be offset to some degree by the loss of agricultural enterprise on the land, though I accept this has not been quantified. There would be some biodiversity net gain from the proposed development which, given the scale of the proposal, merits limited weight.
39. Significantly, the proposal would cause demonstrably greater harm to the character and appearance of the area compared to the fall-back scheme, contrary to the aims of the Framework to secure well-designed places.
40. Drawing these factors together, the small comparative benefits of the appeal proposal relative to the fall-back scheme in terms of fewer car journeys and biodiversity gain are countered decisively by the adverse effect on character and appearance. Therefore, I find that the appellant's fall-back position does not represent a more harmful development in overall planning terms, and it ultimately does not weigh in favour of the proposal as a less harmful alternative.
41. Overall, I find that the adverse effects of the proposal in terms of its location and effect on character and appearance significantly and demonstrably outweigh the benefits of providing additional housing in this case. Therefore, the presumption in favour of sustainable development does not apply.
42. Consequently, the Framework, as a material consideration, does not indicate that permission should be forthcoming, and there are no other material considerations that would justify a decision being made other than in accordance with the development plan.

Conclusion

43. For the reasons set out, I conclude that the appeal should be dismissed.

K Savage

INSPECTOR