



## Appeal Decision

Site Visit made on 11 February 2021

**by Graham Wraight BA(Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24 March 2021**

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**Appeal Ref: APP/N2535/W/20/3262989**

**Land adjacent Enterprise Road and North Kelsey Road, Caistor, LN7 6QB**

- 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 Wilkin (Hillen Projects) against the decision of West Lindsey District Council.
  - The application Ref 140497, dated 21 January 2020, was refused by notice dated 3 June 2020.
  - The development proposed is the erection of seven dwellings with associated landscaping and car ports accessed from North Kelsey Road. Erection of three commercial/light industrial units to the rear of the site accessed from Enterprise Road.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are (i) the effect of the proposed development on the provision of employment land and whether there are material considerations to permit the development and (ii) the impact of odour on the occupiers of the proposed dwellings.

### Reasons

#### *Loss of employment site*

3. Policy LP5 of the Central Lincolnshire Local Plan 2017 (LP) sets out that the appeal site falls within an Important Established Employment Area (EEA) for what was previously use classes B1, B2 and B8. The policy further states that proposals for uses aside from any of these uses will be refused, unless they are clearly ancillary. Whilst including 3 commercial/light industrial units, the proposal also includes 7 dwellings, and therefore it fails to accord with Policy LP5. This conflict alone means that it fails to accord with the development plan, taken as a whole.
4. The LP which allocated the appeal site within an EEA dates from 2017, however it would appear from the information before me that the site was previously allocated on the same basis in preceding development plans. Areas of the current allocation, including the appeal site, remain undeveloped. A planning application has been submitted relating to land close to the appeal site, which raises the possibility that development could take place on it, but at this moment in time there is little certainty in this matter.
5. The time period that has passed since the adoption of the LP is not a substantial period. Planning permission was granted in 2015 for 9 B1 business units but this has not been implemented. Information relating to marketing has

been provided, but it provides only very limited details regarding the parameters within which the site was marketed. It does not therefore comprehensively demonstrate that the appeal site is not viable at the current time for solely employment use. Whilst other planning permissions were granted in the past and not implemented, these date from 1987 and 1989 and no information relating to their circumstances or to longer-term marketing has been provided.

6. The Planning Appraisal & Market Commentary (PAMC) reports a shortage of light industrial/business units across the Lincolnshire region as a whole and in particular in Caistor. Industrial occupancy in Caistor is stated to exceed 95% and the appellant's submission includes details of only one vacant unit in the area. Collectively, this does not suggest high vacancy levels in relation to existing units. Whilst the PAMC notes the implications that an oversupply of new accommodation would have on existing units, it also recognises the need for speculative schemes to come forward.
7. The PAMC concludes it would not be financially viable to develop the appeal site solely for industrial/business accommodation. However, there is no substantive evidence before me to demonstrate that this would be the case, the implications of the loss of part of the EEA to non-employment use or that the other developments in Caistor referred to would lead to market saturation. Furthermore, elsewhere in the appellant's submission there is confidence that the 3 proposed units would appeal to a wider prospective clientele, and there is nothing to demonstrate why this demand would not extend to additional units of the same specification on the appeal site.
8. There is also uncertainty in the appellant's submission as to whether the housing element is required to in effect subsidise the employment element. If the housing is needed for this reason, no details have been provided as to how a scheme would be phased to ensure that the employment element was delivered, nor is there a suggested mechanism before me to ensure that this would be the case.
9. The proposed dwellings would be accommodated on the appeal site in a manner that would not cause conflict with Policy LP26 of the LP, which refers to both design and amenity considerations. The Government's objective is to significantly boost the supply of housing and the proposal would provide 7 modern homes on a small site in a location with adequate access to services, delivering social and economic benefits. However, a fully employment-based scheme would also represent an effective and efficient use of land and would also bring social and economic benefits. There is nothing before me to suggest that such a scheme would conflict with Policy LP26 with respect to design and amenity matters.
10. Reference is made to the West Lindsey Economic Strategy 2014-2035 and to the Housing Strategy 2018-2022. However, I have not been made aware as to how these specifically would justify the loss of an allocated employment site. That the site is overgrown and somewhat unkempt does not justify the proposed development.
11. In a previous appeal decision (APP/N2535/W/17/3191949), the Inspector considered that the provision of 4 new dwellings and 2 industrial units was acceptable on part of the EEA. However, in this respect, the Inspector noted that the site currently only accommodated one small office building, the

positioning of which precluded any additional employment facilities being brought forward. They concluded that the provision of additional floor space through the erection of two units would outweigh the loss of part of the front of the site for employment purposes. These circumstances are clearly different from those of the appeal site, as there is no existing building affecting how the site can be developed.

12. Taking into account all of the considerations that have been put before me, I conclude that they do not individually or collectively outweigh the loss of the employment land and the conflict with the development plan. Therefore, it has not been demonstrated that there are material considerations present in this case to justify a decision being taken other than in accordance with Policy LP5 of the LP. Policy 6 of the Caistor Neighbourhood Plan 2013-2031 includes an overarching aim of ensuring that local business development can occur. It does not profess to guide the location or retention of such development and therefore there is no explicit conflict with it. However, this does not alter the position with respect to Policy LP5 of the LP and the development plan as a whole.

#### *Odour*

13. The site is allocated for employment use and has previously benefitted from a planning permission for offices. It is reasonable to expect that employees working at offices would not be willing to work at premises that were subject to unpleasant odour for extended periods of time. Furthermore, there are houses close to the appeal site and the information provided suggests that there have only been isolated and infrequent complaints. The fact that they have not been persistent also suggests that they have been able to be satisfactorily resolved.
14. The odour report that has been submitted with the appeal provides detailed evidence relating to wind direction, the possible sources of odour and how they could be managed. The report concludes that there would be a slight adverse impact on residents of the proposed dwellings and that odour should not prevent the development of the site for residential purposes. On the basis of the technical evidence I have before me, I conclude that any impact arising from odour would not be of a magnitude to cause harm to the living conditions of the occupiers of the proposed dwellings.
15. Therefore, the proposal would accord with Policy LP26 of the LP where it seeks to protect living conditions.

#### **Conclusion**

16. Whilst I do not find that there would be harm with respect to odour, there are no material considerations, including The Framework, that indicate the decision should be made other than in accordance with Policy LP5 of the development plan. Therefore, I conclude that the appeal should be dismissed.

*Graham Wraight*

INSPECTOR