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# Appeal Decision

Site visit made on 6 February 2024

**by R Bartlett PGDip URP MRTPI**

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

**Decision date: 21<sup>st</sup> February 2024**

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**Appeal Ref: APP/N2535/W/23/3327398**

**Land to the north of Caenby Corner Services, Ermine Street, Bishop Norton, Market Rasen, LN8 2AU**

- 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 Quadra Ventures Limited against the decision of West Lindsey District Council.
  - The application Ref 146450, dated 14 March 2023, was refused by notice dated 21 June 2023.
  - The development proposed is placing of 5no banks of containers offering 3no different size options for self storage.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. Since the appeal was lodged the Hemswell Cliff Neighbourhood Plan 2021-2036 (the NP) has been made. As such, it now forms part of the development plan for the area, and I afford it full weight. The appellant has had the opportunity to comment on this as part of the appeal process.

## Main Issues

3. The main issues are:
  - i) whether the site is a suitable location for the proposed use having regard to the development plan;
  - ii) the effect of the development on the character and appearance of the area;
  - iii) the effect of the development on the setting of nearby listed buildings and archaeology.

## Reasons

### *Location*

4. The site is located in the countryside and comprises part of a previously undeveloped parcel of grade 2 agricultural land.
5. Policy S1 of the Central Lincolnshire Local Plan (April 2023) (the CLLP) sets out the spatial strategy for the area. It restricts development in the countryside to that supported by specific policies or which is essential to agriculture, horticulture, forestry, outdoor recreation, transport or utility services; to the

delivery of infrastructure; to renewable energy generation; and to minerals or waste development. Policy S5 (Parts E and F) of the CLLP support non-residential development and agricultural diversification in the countryside, provided that it is, amongst other things, in an appropriate location for the proposed use, is justifiable to maintain the rural economy or is justified by its need to be located in close proximity to an existing established business or natural feature. Similarly, Policy S34 of the CLLP limits non-designated employment proposals in the countryside to the expansion of existing uses or to those that support the agri-food sector or other land based rural businesses.

6. Policy 1(e) of the NP restricts development outside of the existing or planned built footprint of the village, to that required for agriculture, to support an existing use, or to make sustainable use of a previously developed site. Policy 6(2) of the NP restricts employment and business development outside of the area identified on Policy Map 6, to agricultural diversification and the expansion of existing businesses within the same curtilage.
7. Whilst solar panels are proposed to provide power to the development, with any surplus energy generated being fed back into the grid, these would be an ancillary part of the proposal, the primary use of which is not renewable energy generation. The proposal is not an expansion of an existing adjoining business and is not adjacent to a natural feature that the proposed use relies upon. Whilst I am advised that there is a demand for the proposed use from local people, particularly users of the nearby Sunday Market and Antiques Centre, and that pre-application advice was sought for the proposal on a different site, which the Council was unwilling to support, I have not been provided with any substantive evidence of this demand or with a copy of the pre-application enquiry and advice referred to. In the absence of evidence to identify a local demand for the proposed use, and to demonstrate why such a demand could not be met on a more suitable site, including details of other sites considered and why they were ruled out, I cannot be satisfied that the proposed development of this site is necessary to maintain the rural economy in this area.
8. Despite being roughly triangular and having an irregular boundary on one side, the field, which the site forms part of, is large and there is no substantive evidence before me to demonstrate why it is inaccessible or unproductive for farming purposes. The overhead lines, which cross over a small part of the field and Spital Lane, do not cross over the proposed storage area and are much higher than most modern farm machinery.
9. I acknowledge that paragraphs 88 and 89 of the National Planning Policy Framework (the Framework) support all types of business in rural areas, but this is through the conversion of existing buildings or well-designed beautiful new buildings, neither would apply in this case. The Framework also supports the development and diversification of agricultural and land-based businesses. However, in this case it is unclear how the proposal would support the farm other than by income generated from renting or selling the land as a separate enterprise. It would not be connected to the existing farm enterprise, would not utilise any existing buildings or previously developed land forming part of it, and would need to employ at least one additional person to operate it. Furthermore, it would not comply with the development plan policy requiring such diversification to be in an appropriate location for the proposed use.

10. I therefore conclude that this previously undeveloped site in the countryside is not a suitable location for the proposed use and accordingly the proposal would conflict with Policies S1, S5 and S4 of the CLLP, Policies 1 and 6 of the NP and the Framework.

*Character and appearance*

11. Notwithstanding the small group of commercial buildings adjacent to the roundabout to the south of the site, and the small group of farm buildings, dwellings and a church to the north of the A15 and Spital Lane junction, the surrounding land, is predominantly open, undeveloped, agricultural fields, with sporadic areas of woodland.
12. Spital Lane is a narrow country road, with a 50mph speed limit and a 7.5 tonne weight limit. There are two accesses to the field from this road, the main one of which is adjacent to the junction of Spital Lane and the A15. The second, is an overgrown, unsurfaced, gated, grass track, adjacent to an area that appears to be used as a layby or passing place. The proposal would utilise the overgrown disused access, which would be widened and upgraded to a tarmac surface for the first 10m from Spital Lane. This would inevitably incur some vegetation clearance and I am advised that the trees to the southwest of this access are protected by a Tree Preservation Order (TPO). The potential effect of the new access on these trees has not been considered. The new access to the site would comprise a significant length of 6m wide access track, which according to the plans, would be compacted stone beyond the first 10m, although the planning statement suggests the road would be tarmac/concrete.
13. It is proposed to site 50 containers, which would be divided into 88 units, plus a further large container building to provide welfare facilities. The containers would be 2.4m high and some would have solar panels on top. According to the planning statement the containers would be blue. The area upon which the containers would be sited, together with the parking and circulation routes around them, would be levelled and surfaced using compacted stone. As no excavation works are proposed, other than scraping approximately 150mm off the ground surface, the works to create the level access roads, parking and storage compound could increase the ground level. The planning statement also states the remainder of the field would be fenced off, but no details of this fencing or of any other fencing, gates, barriers or lighting that would be required for security purposes have been provided.
14. I acknowledge that the containers would be relatively low and that conditions could be imposed to control their colour, number, size, siting and height, and to prevent them from being stacked. I also acknowledge that the site has the benefit of some existing landscape screening, that no existing trees or hedgerows are proposed to be removed, and that new landscaping is proposed. However, it was evident from my visit that as the A15 is higher than the site, the existing trees and hedges do not effectively screen it, particularly during the winter months. There are also clear views across the field from the wide access adjacent to the junction of Spital Lane and the A15. Although new landscaping is proposed, and could be conditioned, it would take some time to become established and based on the details submitted would not be effective. The appeal statement suggests an amended landscaping scheme, showing trees along the full extent of the proposed access road was submitted to the Council, however, I have not been provided with a copy of this.

15. The change of use from a field occasionally used by farm machinery, to a commercial storage use that would be floodlit at least some of the time, and would generate daily traffic movement by cars, vans and light goods vehicles, coming and going, and parking on the site, at different times of day and night, would significantly intensify its use and fundamentally change the character of this open agricultural land, and the character of the narrow country lane that it would be accessed from. This together with the appearance of the containers themselves, the hardstanding and substantial new access road, the fencing and lighting and the provision of a new widened tarmac access within a tree lined country road, would all appear incongruous in the landscape. Whilst I accept that the commercial buildings nearby form part of the character and appearance of the area, the appeal site and proposal are unrelated to these and would encroach into previously open undeveloped countryside, accessed from a lightly trafficked, narrow country lane.
16. I therefore conclude that the proposal would result in unacceptable harm to the character and appearance of the area, contrary to Policy S53 of the CLLP, Policy 2 of the NP and Paragraph 135 of the Framework. These policies seek to ensure that all development contributes positively to local character and landscape.

#### *Heritage assets*

17. The site is located approximately 300m to the south of a small group of listed buildings, which are located on either side of the A15. The significance of these buildings is their historic and architectural interest, together with their likely historic links to the Grade I listed Norton Place and its associated historic parks and gardens to their northeast. The group of listed buildings are separated from the site by agricultural land and buildings, and are not viewed in context with it. Whilst the rural setting within which these buildings are experience forms part of their setting, I am satisfied the given the scale of the development and its distance from the listed buildings, it would not result in harm to their significance or their setting. In reaching this view I am mindful of the fact that the site lies outside of the designated protection area highlighted by Historic England for Norton Place and other nearby listed buildings and structures.
18. The site is also within an area where there is high potential for as yet unknown archaeological remains and close to where other Roman artefacts have been found. However, as the information submitted states that there would be no excavation works and that the access and hardstanding would be formed by scraping off 150mm of topsoil and laying crushed stone, its construction should not result in any greater ground disturbance than farming the land and would be unlikely to disturb any potential archaeology. Had I been allowing the appeal I would have considered imposing conditions to restrict excavations and/or to require a written scheme of archaeological investigation and a watching brief.
19. I therefore conclude that the proposal would not result in harm to any heritage assets and would accord with Policy S57 of the CLLP and the Framework.

#### **Other Matters**

20. Existing development around the nearby roundabout comprises a petrol filling station with adjoining used car dealership and coffee shop, transport café, HGV

park and hotels, all of which appear to be long established uses connected with the busy transport route they are adjacent to. The exception to this is the land on the northeastern side of the roundabout, which I am advised was last used as a racetrack and Sunday Market. This land is currently being advertised as a future business park. However, there is no evidence before me to indicate that the site is either allocated in the development plan or has planning permission for such use. At the present time this outdoor recreational land is predominantly devoid of buildings and structures. My attention has also been drawn to a Council Waste Depot, which appears to have been provided on the eastern side of the former racetrack site. Waste development is listed as an acceptable countryside use in Policy S1 of the CLLP. The presence of these existing commercial uses does not justify the introduction of new unconnected development that would encroach further into a previously undeveloped area of the countryside.

### **Conclusion**

21. For the reasons given above, the proposal conflicts with the development plan as a whole and there are no material considerations of sufficient weight that indicate a decision should be made other than in accordance with it. I therefore conclude that the appeal should be dismissed.

*R Bartlett*

INSPECTOR