



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: 23 February 2024

Appeal Ref: APP/N2535/W/23/3326876

Highcliff Farm, The Cliff, Ingham, Lincoln, LN1 2YQ

- 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 Henry Wilson of P Wilson and Son against the decision of West Lindsey District Council.
 - The application Ref 146568, dated 4 April 2023, was refused by notice dated 25 May 2023.
 - The development is change of use of agricultural building to B8 (storage and distribution).
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Decision

1. The appeal is allowed and planning permission is granted for change of use of agricultural building to B8 (storage and distribution), at Highcliff Farm, The Cliff, Ingham, Lincoln, LN1 2YQ, in accordance with the terms of the application, Ref 146568, dated 4 April 2023, subject to the following conditions:
 - 1) The change of use hereby permitted relates only to the area outlined in red on approved drawing no. 100 05 location and block plan.
 - 2) The site outlined in red on the approved drawing no. 100 05 shall be used for agricultural purposes or B8 (storage and distribution) purposes only.

Preliminary Matter

2. The application was a re-submission, following the refusal of planning permission for the proposal on the grounds that it had not been demonstrated that no suitable premises were available in a more appropriate location. Whilst the re-submission addresses the previous reason for refusal, since that time a new development plan has been adopted. I must make my decision based upon the policies in place at the present time.

Main Issue

3. The main issue is whether the appeal site is a suitable location for storage and distribution use, having regard to the Central Lincolnshire Local Plan (April 2023) (CLLP).

Reasons

4. Policy S5 (Parts E and F) of the CLLP support non-residential development and agricultural diversification in the countryside, provided it is, amongst other things, in an appropriate location, 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 development in the countryside to the expansion of existing uses or to those that support the agri-food sector or other land based rural businesses.

5. The change of use sought does not relate to the expansion of an existing business on the site, and is not connected to agriculture, the agri-food sector or any other land based rural business. It also does not rely upon a natural local feature, does not require a rural location, and there is no evidence before me to suggest it is essential to support the rural economy in this area.
6. Whilst the income received from renting out farm buildings to other businesses no doubt helps to support the farm, this form of farm diversification, for uses that do not require a rural location, is inappropriate in the countryside and undermines policies that seek to locate employment development in or adjacent to larger built-up areas or within allocated employment sites.
7. Allowing the long-term rental of modern purpose-built agricultural buildings such as this, to non-agricultural related businesses, would set an undesirable precedent for new buildings and new uses in the countryside. I acknowledge that several other buildings on the wider farm site are in use for various non-agricultural purposes. However, these appear to be in older and smaller sheds and Nissan huts, connected to the former military use of the site. There is also a modern purpose-built office building on the site, known as Eco One Business Park, but I am not aware of the circumstances that led to that development being approved.
8. I therefore conclude that this site in the countryside is not a suitable location for the proposed use and accordingly the proposal would conflict with Policies S5 and S34 of the CLLP.

Other Matters

9. The agricultural building in question was only granted planning permission in August 2020. I am advised that, due to changes in farm subsidies following Brexit, the farm has ceased growing oilseed rape and has put the land into environmental schemes, taking advantage of the Government scheme for rewilding. Consequently, the full extent of the building is no longer required for agricultural storage purposes. The rental income generated by letting out part of this building supports the established farm use, and employees of the new use also support the local economy in this area by utilising local services and facilities. I afford these economic benefits moderate weight.
10. The company renting the unit from the appellant installs fibre optic ducting and cables across Lincolnshire. It has relocated from a small industrial unit elsewhere in Lincolnshire due to the need for more internal storage space, and more external space for vans, large articulated lorries and recyclable waste storage. The previous site was unsuitable for the company's needs and evidence has been provided of alternative sites that have been considered and why these were ruled out. This includes consideration of sites suggested by the Council's Growth Team. I afford this undisputed evidence moderate weight.
11. The internal floorspace of the new use is approximately 200 square metres. Under Class R of the General Permitted Development Order (GPDO) agricultural buildings can be changed to a flexible use, including B8 storage and

distribution. The cumulative floor area of an established agricultural unit that can be changed under Class R of the GPDO is 500 square metres. I have not been advised that any of the other buildings on site that are in commercial use have taken up this allowance. The prior approval of the Council may be required for a change of use exceeding 150 square metres. However, there is nothing before me to suggest that prior approval of the limited matters that can be considered would not be granted.

12. Although the appeal building would not qualify for change of use under the provisions of the GPDO due to its age, I am advised that if the appeal is unsuccessful, the use would relocate to an older farm building on the same site, which would benefit from deemed consent under the Order. Relocating the use elsewhere on the same farm, where the same development plan policies would apply, would have comparable impacts in terms of locational suitability. In my view there is a very realistic prospect of the business relocating to another building on the wider farm site, in the event that the appeal is dismissed. As such I afford this fallback position significant weight.
13. Having regard to the nature of the business currently occupying the site, it is likely that employees will use their work vans to transport themselves and their equipment around the district to undertake their installation works. As such, even if the site was in an area better served by public transport, it is unlikely that it would be used. As the harm from being in a location that is not well served by public transport is limited, I afford it limited weight.
14. Community consultation on the emerging Ingham Neighbourhood Plan indicates that there is some local support for employment use on land at Highcliffe Farm. However, this plan is not at a stage where it can be afforded any weight.

Planning Balance

15. The use of the building for B8 storage and distribution purposes in the countryside is contrary to Policies S5 and S34 of the CLLP. However, given the mix of uses already operating from the wider farm site, together with the small scale of the B8 use sought, the fact it utilises an existing building and existing area of associated hardstanding that is well screened, and has safe access on to a suitable road network, the harm resulting from the conflict with the relevant development plan policies would be very limited.
16. As detailed above, I afford significant weight to the fallback position and moderate weight to the economic benefits of the B8 use. Accordingly, the material considerations in this case would be of sufficient weight to indicate that a decision should be made other than in accordance with the development plan.

Conditions

17. As the B8 use has already commenced a time limit condition is unnecessary. As planning permission is only sought for change of use, it is only necessary to condition the drawing number identifying the part of the building and land for which the new use would apply. Given the location of the site within the countryside, it is reasonable to restrict the proposed use to storage and distribution. It would also be appropriate for the use of the building to revert back to agriculture.

Conclusion

18. For the reasons given above, having considered the development plan and all other material considerations, I conclude that the appeal should be allowed.

R Bartlett

INSPECTOR