The Planning Inspectorate

Appeal Decision

Site visit made on 25 June 2021

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 July 2021

Appeal Ref: APP/A2525/W/21/3270058
Land adjacent to Poplar Cottage, Holbeach Drove, Spalding PE12 0RX

- 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 S Rutland against the decision of South Holland District Council.
- The application Ref H09-0952-20, dated 26 October 2020, was refused by notice dated 8 February 2021.
- The development proposed is change of use of part of agricultural building to furniture restoration.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) whether or not the use is acceptable in terms of its location taking into account Policy 1 of the South East Lincolnshire Local Plan 2019 (SELLP) and (ii) the effect of the development on the character and appearance of the area, including landscape character.

Reasons

Location

3. The appeal building is located within an area of open land to the north of the cluster of buildings known as Poplar Cottage. The evidence indicates that planning permission was approved for the appeal building in 2015 for use as agricultural storage[1]. The Council's spatial strategy relating to the location of development is contained within Policy 1 of the SELLP with its emphasis on directing development to within the settlement boundaries of Boston and Spalding; main service centres; minor service centres and other service centres and settlements.

4. The appeal building does not fall within an identified centre or settlement boundary and instead falls within a relatively remote area of land designated as countryside. Policy 1 of the SELLP states that *'in the countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits'.* Paragraph 3.2.4 of the reasoned justification to Policy 1 states that defining settlement boundaries

[1] Appeal reference H09-0812-15

provides a degree of certainty to the community and developers about where the most sustainable locations for new development will be promoted.

5. In this case, the appellant comments that only half of the building is needed for the storage of agricultural machinery and that '*I thought that I may be able to utilize the remaining area by turning it into a furniture workshop'*. The appellant also states that *'all activity will take place inside the building, there would be no external signage, and the public would not be encouraged to visit the site, all business would be sourced via an internet web site, and furniture collection and delivery would be managed by myself'*.

6. The evidence does not provide certainty as to why a building which was approved only a few years ago for agricultural storage purposes is no longer fully needed for this purpose. In any event, and while I note the appellant's desire to restore furniture, I have not been provided with any credible reason as to why such a use would need to be located in this countryside location as distinct from land within one of the aforementioned settlement boundaries which the SELLP indicates are sustainable locations. I accept that the appellant intends to operate the business on an internet basis, although the evidence does not provide me with a guarantee or certainty that this would be the case in respect of all business activity being undertaken at the site. Indeed, the appellant merely says that the *'the public would not be encouraged'* to visit the site: I do not know how this would be achieved or indeed reasonably controlled.

7. The appellant suggests that when the business is established, it may be possible to employ people which would be an economic asset for the area. In the absence of a business plan for the site, this is not a certainty and, furthermore, the evidence is that the proposal would not lead to any significant economic benefits, at least in the short term. In addition, the appellant has not justified why such a business could not operate within a defined settlement boundary relating to one or more of the identified settlements and service centres.

8. For the above reasons, I cannot therefore conclude that the proposal would accord with the sustainable location requirements of Policy 1 of the SELLP.

Character and appearance including landscape character

9. The proposal relates to use of an existing building. The appellant has confirmed that all activity would take place inside the building and no external alterations to the building are proposed. While the proposal would result, in part, in a different use taking place from inside the building this would not in itself result in a material change in the appearance of the area. In reaching this view, I have taken into account the Council's reference to an appeal decision for change of use of land from a paddock to a builders yard in Whalpole in 2019[2], but this is not development which is directly analogous in so far that it included new fencing and storage containers.

10. The evidence suggests that there is a possibility that at some point the proposed business may expand. The appellant has specifically objected to the Council's suggested personal condition on the basis that other members of the family may want to be involved in the business and, furthermore, other non-

[2] Appeal Ref APP/W/19/3224871

family members may be involved in it once it has established. Without the ability to reasonably control activities at the site, this could have the effect of an increased number of visitors and deliveries into what is a relatively tranquil and quiet part of the countryside. In these respects, and in the absence of certainty about the extent of members of the public, staff and deliveries at the site, the proposal could lead to limited harm to the quiet and peaceful character of this countryside location from vehicular and pedestrian comings and goings and associated noise. I acknowledge that the appellant agrees to machinery not being operated at the site in the early hours of the morning or in the evening, but this in itself would not address all of my above concerns.

11. Based on my site visit observations, the landscape character of the area is defined as one of relatively flat agricultural land bounded by drains and where there is only a limited amount of sporadic built development. Where hedges do exist, they are in places overgrown and not stock proof. The proposal may result in a limited amount of car parking associated with the proposal, particularly if members of the public or additional staff were to visit the site, and in this regard the proposal has the potential to have some adverse effect on the landscape character of the area in so far that it could seek to erode what is essentially a more open and rural curtilage associated with the appeal building. However, in respect of use of the appeal building it has to be acknowledged that this property already exists. Consequently, and in this regard, very little change would be appreciated by those passing-by or from longer distance views over the fields.

12. For the above reasons, I therefore conclude that the proposal has the potential to cause some limited harm to the character and appearance of the area including to landscape character. In this regard, the proposal would fail to accord with the character, appearance and landscape character requirements of Policies 2 and 3 of the SELLP.

Other Considerations

13. I do accept that the restoration of furniture is an important craft and that this could lead to some environmental benefits from a recycling point of view. I also acknowledge that non-agricultural businesses in a rural area can result in economic benefits.

14. Notwithstanding the above, the development plan for the area is very specific in terms of where and under what circumstances development should be located. In terms of the countryside, there is a specific need for applicants to demonstrate that development is necessary for that location, or that it meets the sustainable needs of the area in terms of economic, community of environmental benefits. In this case, the appellant has not justified why the development needs to be located in this countryside location, some limited environmental harm would be caused to the character and appearance of the area, including to landscape character, and based on the evidence submitted very limited weight can be attributed to any economic benefits associated with the proposal.

Conclusion

15. For the reasons given above, I conclude that the proposal does not accord with the development plan for the area taken as a whole and there are no material considerations that indicate the decision should be made other than in

accordance with the development plan. Therefore, the appeal should be dismissed.

D Hartley

INSPECTOR