



Appeal Decision

Site visit made on 29 April 2026

by **C Walker BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 May 2026

Appeal Ref: 6005509

Land West of Browns Yard, Seas End Road, Moulton Seas End, Spalding, Lincolnshire, PE12 6LD

- 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 D Brown (Building Contractors) against the decision of South Holland District Council.
 - The application Ref is H13-0994-25.
 - The development proposed is the change of use of existing agricultural land to builders yard.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the development on the character and appearance of the area; and
 - whether the appeal site constitutes an appropriate location for the proposed development, having regard to the Council's spatial strategy and, in particular, whether a specific need for a rural location has been adequately demonstrated.

Reasons

Character and appearance

3. The appeal site comprises between 0.93 hectares (ha) and 0.99 ha¹ of agricultural land in arable use. It forms part of a wider field that lies immediately behind an established builder's yard, identified on plan as being within the same control as the appeal site, and other commercial premises. It is surrounded on its remaining sides by open countryside.
4. The small complex of well contained commercial premises lies within a flat, open and rural landscape, with sporadic development dotted through it. The existing builder's yard is enclosed by palisade fencing and lies to the rear of the buildings which front Seas End Road. This is a rural highway devoid of footpaths with grass verges, typically lined with hedgerows and occasional trees. As such, despite the presence of the commercial buildings, which evidence indicates are of farmyard origin and the occasional dwelling, the prevailing character and appearance is

¹ According to the appellant's evidence

rural. Given the surrounding openness, the appeal site is readily visible from public vantage points, particularly on approach from the south-west.

5. The scale of the proposed yard extension, by reason of its depth and width, would erode the strong and established rear boundary of the existing development and result in encroachment into the surrounding landscape. The introduction of additional palisade fencing would further intensify the industrial character of the site which would be at odds with its countryside context. While landscaping is proposed, this would take time to mature, and no details have been provided regarding the height of external storage. As a result, there is a clear potential for stored materials and/or commercial vehicles to exceed the 2-metre height of the fencing and any associated planting, such that the visual impact which would be prominent, especially from the south-west, would not be adequately mitigated.
6. It has been contended that the proposal would result in improved visual containment compared to the existing situation. However, the application site currently comprises an undeveloped parcel of open land and therefore does not give rise to the visual impacts claimed. Moreover, no proposals are put forward to strengthen the boundaries of the existing yard beyond the application site. In these circumstances, the development would intensify industrial features within an otherwise clearly rural setting, thereby exacerbating the visual harm rather than mitigating it.
7. For these reasons I find that the effect of the development on the character and appearance of the area would be harmful. This is contrary to Policies 2, 3 and 7 of the South East Lincolnshire Plan 2011-2036 (adopted 2019) (LP). Amongst other things, these policies expect development to have regard to size, scale, layout, character and appearance of the area, and the relationship to existing development and land uses as well as responding adequately to local context.

Suitable location and need

8. The Council's strategic policies seek to direct new development to the most sustainable locations. The district's spatial strategy is set out in LP Policy 1 which details a four-tier settlement hierarchy that focuses the majority of growth towards the 'Sub Regional Centres', with progressively reduced amounts of planned growth in 'Main Service Centres' followed by 'Other Service Centres and Settlements'. At the bottom of the hierarchy is 'Countryside', where 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.
9. Located north of Seas End Road, Moulton, Spalding, the appeal site is outside of any defined settlement boundary or designated employment area. It is therefore regarded as being within the countryside.
10. The overriding objective of LP Policy 7 is to improve the district's employment land portfolio in line with its identified needs. It details that economic growth will be focussed in the higher-tier settlements, thus in the most sustainable locations, ensuring that better access between housing, jobs and services is promoted. It designates 139ha of land as 'Main Employment Areas' and 0.4ha of land as 'Local Employment Areas'. It also identifies multiple sites as 'Established Employment Sites' across the district which are expected to perform an important role in the local economy, provided proposals are of a scale that respect the character of the

area and/or neighbouring land uses. All of these designations are reserved for uses falling within Use Classes B1, B2 and B8².

11. The appeal site does not fall within any of the aforementioned employment designations, and instead is considered an 'Other Employment Site' in accordance with LP Policy 7. As it does not involve the conversion or re-use of a building, and it is common ground that the appeal site does not constitute previously developed land (PDL), policy support is first predicated on demonstration that no suitable building capable of conversion or re-use is available, or that the re-use of PDL is not available or is unsuitable.
12. The evidence indicates that the extent of allocated employment exceeds the projected need over the plan period in the district to provide choice, enable sustainable growth and flexibility. However, there is no evidence before me that the appellant has considered any other sites at all. As they indicate they have no intention of relocating to an allocated site, this is not surprising. However, it has not been clearly articulated why the proposed builder's yard could not be located in a more sustainable location or importantly why it cannot be disaggregated from the existing business. In this regard the proposal conflicts with the qualifying component of Policy 7. Nevertheless, for completeness, I go on to assess the scheme against its criteria named as (a) to (g).
13. Following the submission of statements, it is now common ground that there is no conflict with neighbouring land uses, and criterion (a) is satisfied. From the evidence before me, there is also no specific dispute between the parties in respect of criteria (d) (e) or (f).
14. Criterion (g) expects there to be an identified need for the business location outside of identified employment areas on the Policies Map. To this end, the appellant asserts the land, being immediately adjacent to their existing business, is a logical and modest extension. It is further asserted that it would not intensify operations but would support the continued and efficient operation of the rural business. As the appeal site lies adjacent to the existing business, I acknowledge the expansion would have a functional relationship with it and be highly convenient. However, this is not the only relevant factor for consideration.
15. Even setting aside the land shown on plan as being for a potential future expansion and/or biodiversity net gain (BNG), the land take is sizeable, representing a significant expansion into the open countryside. Compared to the existing yard, the proposed area for development would more than double. It would not be modest and brings into question whether such a sizeable development can be considered sustainable growth in the context of an expansion.
16. Furthermore, no viability information has been presented to show that relocation would be financially unviable as claimed, or indeed how such an expansion would contribute to its competitiveness or safeguard employment. Moreover, it has not been detailed what the operational requirements of the business are or why the existing site cannot accommodate the materials set to be stored there. For example, no plans have been provided to demonstrate that rationalising the existing space and making most efficient use of it would not free up space to accommodate additional materials/and or vehicles. No deficiencies in site safety

² of The Town and Country Planning (Use Classes) Order 1987 as amended.

have been detailed and neither has it been clearly shown that the expansion would bring about safety improvements.

17. Considering the above, the need for the expansion has therefore not been demonstrated. This brings the scheme into conflict with criterion (g) of LP Policy 7 and I have already found harm in respect of criteria (b) and (c).
18. Although the National Planning Policy Framework (the Framework) seeks to support a prosperous rural economy, it is predicated on growth being sustainable, which I am not satisfied this constitutes. The extent of the expansion is disproportionately large, and the evidence indicates land at the site has previously been subject to a change of use application suggesting it was surplus to requirements, which further questions the need for additional external storage.
19. The Framework expects planning decisions to recognise that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements. However, in this case, the local business needs have not been clearly demonstrated, particularly with regards to the need for this level of expansion or in this rural location.
20. Consequently, I am not satisfied that the site constitutes an appropriate location for the development, in conflict with the Council's spatial strategy, and that a specific need for a rural location has been adequately demonstrated. This is contrary to LP Policies 1 and 7, as well as the Framework.

Other Matters

21. Had I been allowing this appeal, consideration over access to a nearby watercourse for maintenance purposes would have been necessary given the proposed fencing lies within its easement. However, as I am dismissing the appeal, I have not done so, as it would not alter my findings.
22. The proposal would bring about some economic benefits, including during the construction phase. However, as I have set out above, limited detail has been provided, such that I can give them only limited weight. I am mindful that on-site mandatory BNG is capable of being considered a benefit, to which I attach moderate weight. Collectively, I attribute moderate positive weight to the totality of the benefits presented.
23. It is asserted that an overly restrictive interpretation has been made regarding 'need' without adequate regard to the Local Plan support for established rural enterprises. However, the desire to promote rural businesses must be balanced with the need to protect the existing character of the countryside and to safeguard greenfield agricultural land, especially that which is best and most versatile, in accordance with the adopted spatial strategy.
24. I have found that this appeal has not demonstrated the proposal would constitute sustainable growth or that the expansion is reasonably necessary in this rural location. Allowing the appeal in such circumstances would undermine the Council's spatial strategy. While the Framework supports the sustainable growth and expansion of rural businesses, it also expects development to be located appropriately and to protect the intrinsic character and beauty of the countryside. As the spatial strategy reflects these expectations of the Framework, I afford this conflict significant weight. Countryside encroachment and harm to the character

and appearance of the area would also attract considerable weight, particularly as there are no substantiated overriding factors advanced that would outweigh it.

25. My attention is drawn to the absence of any technical objections or harm in respect of matters including highway safety and flood risk. However, these are neutral factors that weigh neither for nor against the proposal.
26. In my judgement, the harms outweigh the benefits, and the proposal would be in conflict with the development plan as a whole. There are no material considerations, including the Framework, that indicate a decision should be made other than in accordance with the development plan.

Conclusion

27. For the reasons I have set out, the appeal should be dismissed.

C Walker

INSPECTOR