



Appeal Decision

Site visit made on 12 March 2019

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th May 2019

Appeal Ref: APP/N2535/W/18/3217978

High Harbour Cottage, Caistor Road, Middle Rasen, Market Rasen, LN8 3JF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Miss Johanne Carter against West Lindsey District Council.
- The application Ref 138092, is dated 4 July 2018.
- The development proposed is change of use from residential to commercial use. The change of proposal from residential to commercial is to take an unused storage barn & convert it into a useful business that promotes the Lincolnshire countryside, places to visit, local events & to give people who live in towns & cities a view, experience & breathe in the fresh air of the countryside. The building is an old brick building with wooden eaves, two doors one at the end gable & one to the court yard, no alteration will be made to the building keeping its original look & in keeping with the surroundings. The commercial use will be a very small coffee shop (open Friday/Saturday/Sunday 10-16.00 & one evening 6.00 - 9.30 one evening every 3/4 months). The idea to have the coffee shop alongside the below (proposal of small adventure motorbikes limited to 8 in stock) is the following:-

It is aimed at adventure motor bikers, who want to see/experience the countryside whilst having a look at world travel routes, local ride routes, suggested places to visit, events & not forgetting socialising with like-minded people. It will be also open to cyclists & walkers who can also use the surrounding areas, woodland & cycle routes. The coffee shop will sell, tea, coffee, cakes & sandwiches, there will also be a very small amount of instant purchases that lend their self to the adventure motorbike market place.

The motorbike shop (same building as the coffee shop) will hold stock only up to 8 motorbikes & sell from the premises.

The selling will be done via a website & main selling sites such as ebay, autotrader or trade shows, customers will collect the bike's when suitable to them. No changes will be made to the building.

Decision

1. The appeal is allowed and planning permission is granted for the change of use of cow shed from residential to commercial use at High Harbour Cottage in accordance with the terms of the application, Ref 138092, dated 4 July 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The premises shall only be used as a motorbike and coffee shop and for no other purpose.

- 3) Notwithstanding the red line boundary shown on the General Location Plan (Drawing Number 0001) this planning permission relates solely to the change of use of rooms 1 and 2 on the existing internal building plans (Drawing Number 0002) and to the area of hardstanding/parking areas immediately to the front and side of these rooms, shown on the additional plan submitted with the appeal (also Drawing Number 0002).
- 4) The motorbike and coffee shop shall only operate between the hours of 10.00 and 16.00 on Fridays, Saturdays and Sundays plus one evening per month between the hours of 18.00 and 21.30.
- 5) No more than 8 motorcycles shall be stored on the site at any one time in connection with the business use hereby approved.

Preliminary and Procedural Matters

2. The description of development in the banner heading above is taken from the application form. For ease of reference, I have thereafter used the shortened description of the development that appears on the appeal form and the appellant's statement of case 'the change of use of cow shed from residential to commercial use'.
3. A plan identifying parking spaces was submitted with the appeal. This additional plan does not alter the scheme from that which was subject of the planning application and forms evidence of a confirmative nature. In addition, there have been no objections to the scheme from third parties. With these factors in mind, I am content that no party would be prejudiced by my acceptance of the plan. In essence, taking the plan into account does not run contrary to the principles outlined in Wheatcroft¹.
4. The red line plan includes the dwelling, adjoining farm buildings and adjoining land associated with High Harbour Cottage. Whilst no proposed plans have been submitted, on the basis that no structural or external alterations to the appearance of the building are proposed, it is clear to me that the proposal only relates to the buildings marked room 1 and room 2 on the existing plans and to the parking areas shown on the additional plan submitted with the appeal. I have determined the appeal on this basis.

Main Issue

5. The main issue in this appeal is considered to be whether the proposed use would be appropriate in a countryside location.

Reasons

6. The Council did not determine the application but have confirmed that had they done so, they would have refused it on the grounds that the site is not an appropriate location for the development proposed, it is not accessible by public transport and it does not relate to an existing activity on the site. The Council considers that the proposal would conflict with policies LP7 and LP55 of the Central Lincolnshire Local Plan (CLLP).
7. The appeal site is located in the countryside and comprises a single storey, brick built building with a pitched roof. Attached to the building, there is a

¹ Bernard Wheatcroft Ltd v SSE

- dwelling and a range of former farm buildings that are no longer in active agricultural use.
8. Access to the site, which is approximately 2 kilometres to the north of both the village of Middle Rasen and the market town of Market Rasen, can be gained via the A46 Caistor Road, to the east of the site or via Sand Lane to the west of the site. Sand Lane leads to the A1103 to the north or into Middle Rasen to the south.
 9. There is a footpath along Caistor Road providing safe pedestrian access between the site and Market Rasen. Whilst I did not see any bus stops close to the site the appellant's final comments advise that there are regular bus services running along the A46 (approximately 700m from the site) as well as a local 'Call Connect' bus service, which will pick up and drop off outside the door.
 10. Policy LP55 of the CLLP relates to development in the countryside. Part A(a) of this policy, whilst relating to residential conversions, states that priority should be given to converting disused buildings for business purposes rather than to residential use. Part E of the policy relates to non-residential development in the countryside but is silent on the matter of conversion/changes of use of existing buildings.
 11. Policy LP7 of the CLLP relates to sustainable visitor facilities and requires such development to be located within existing settlements or as part of planned urban extensions unless such locations would be unsuitable for the proposal or the proposal relates to an existing use. This policy is also silent on the matter of conversions.
 12. In the absence of any clear development plan policy on the conversion of existing buildings to business use in the countryside and in accordance with paragraph 11(d) of the National Planning Policy Framework (the Framework) planning permission should be granted unless i) the Framework provides a clear reason for refusing the development or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.
 13. Paragraph 83 of the Framework states that planning decisions should enable, amongst other things, the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. It also supports sustainable rural tourism and leisure developments which respect the character of the countryside.
 14. Paragraph 84 of the Framework states that decisions should recognise that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements and in locations that are not well served by public transport.
 15. The proposal to convert an existing building to business use, in a rural area, beyond existing settlements and in a location not well served by public transport would not conflict with the Framework.
 16. I am also mindful of the fact that subject to meeting the relevant criteria, agricultural buildings can be changed to a flexible commercial use, including A1 (shops) and A3 (restaurants and cafes) under Class R of the General Permitted

Development Order (GPDO), which suggests support for conversions to business use in rural locations.

17. The appellant wishes to sell a small number (up to a maximum of 8) motorcycles from the site. The bikes, which it appears from my site visit are already being sold from the site, are advertised online via a website and other online selling sites such as eBay and Autotrader. Viewing and collection is by appointment. This type of business is frequently operated without the need for planning permission and would not constitute a material change of use unless the number of deliveries and visitors to the site were such that they would materially alter the nature of the existing use.
18. However, the appellant now also proposes to open a shop/café, which would change the use of the site. The shop/café would be open to walkers, cyclists, horse riders and any other members of the general public as opposed to just customers viewing/purchasing motorcycles. The bikes would be displayed either inside room 1 on the submitted plans or on the area of hardstanding immediately outside of the building to be converted, as shown on the additional drawing submitted with the appeal. A small selection of ancillary motorbike products would also be sold from the shop.
19. I saw from my site visit that room 1 on the submitted plans is a disused former agricultural building. The interior has been painted out, maps and photographs are displayed on the walls and a timber bar/counter has been placed at the end of the room. Based upon the appellant's statement of case it is evident that seating would be provided within this building for customers. My understanding, based on the limited information provided, is that the coffee shop would also act as a meeting place for likeminded individuals with the same enthusiasm for motor cycles as the appellant.
20. Room 2 on the submitted plans, which has an internal connection to the main house, would presumably be used for preparing hot and cold drinks and cold food including sandwiches, cakes etc.
21. I am aware that there many different types of motorbikes and motor biking activities. As well as being used as a general mode of transport, motorcycles are used as a hobby and in connection with sport and leisure purposes. In my view, riding motorcycles in rural areas, along rural roads and visiting rural attractions and events, mainly on weekends and bank holidays, is a leisure activity connected to the countryside and one which assists in retaining the vitality and viability of many rural visitor attractions and facilities.
22. I therefore conclude on this main issue that notwithstanding the fact that the proposal would partially conflict with policies LP7 and LP55 of the CLLP, which are silent on the conversion of existing buildings to non-residential use in the countryside, the appeal site would be an appropriate location for the proposed use and would accord with paragraphs 83 and 84 of the Framework.

Other Matters

23. The Council made reference in their appeal statement to the means of access and potential conflicts with farm traffic. The proposed opening hours of the shop are 10.00 to 16.00 Fridays, Saturdays and Sundays plus one evening 18.00 to 21.30 every 3 to 4 months. According to the appellant's submissions this would minimise the potential for any conflicts with farm traffic, which is

busier during the week. I note that no objections have been raised by neighbours or the Parish Council and that the owners of the adjacent farm have wrote in support of the proposal.

24. Based on the evidence before me, including the limited scale of the proposal and the proposed opening hours, there would be very limited car and van/trailer movements to and from the site, which is aimed more at bikers, cyclists and walkers. As such the proposal would not be detrimental to highway safety.

Planning Balance

25. The proposal would conflict with parts of policies LP7 and LP55(E) of the CLLP, which direct new visitor facilities towards settlements. These policies are however silent on the matter of converting existing rural buildings for business use.
26. Other material considerations, namely the support within paragraphs 83 and 84 of the Framework and in Part 2, Class R of the GPDO for the conversion of agricultural buildings to business use and indeed a requirement within Policy LP55(A) of the CLLP for buildings to be robustly marketed for business use prior to being considered for residential use, all suggest that conversions to business use should be supported.
27. Whilst I accept that public transport in rural areas is somewhat limited there are bus services that run close to the site and there is a footpath along the main road. Furthermore, the use is aimed at walkers, cyclists etc and is within a reasonable walking and cycling distance of nearby settlements. As such although some visitors may arrive in private vehicles or on motorcycles, other alternatives are available.
28. On balance, the proposal would in my view be an appropriate and sustainable use of this existing rural building and the material considerations I have identified would outweigh the minor conflict with the development plan, which is silent on the issue of conversions to non-residential use.

Conditions

29. Neither party has suggested any conditions other than the standard three year time limit for commencement, which I have imposed. I have added a condition relating to the drawings in order to clarify precisely which part of the red line site the change of use relates to.
30. A condition is also necessary to limit the use to that which has been applied for on the basis that in planning terms other commercial uses may not be acceptable and need to be fully assessed in each case. Given the concerns raised by the council, I consider that it would be reasonable to restrict the scale of the development and the operating hours to those set out in the appellant's submissions. This would enable any potential impacts of the development to be monitored and recorded and such details could inform the main parties on the suitability or otherwise of any future application(s) to vary these conditions or to otherwise expand or alter the business proposed.

Conclusion

31. For the reasons set out above, the appeal is allowed.

Rachael Bartlett

INSPECTOR