



PL.09 16/17

**Planning Committee**

**21 September 2016**

**Subject: Determination of Planning Appeals**

Report by:

Chief Operating Officer

Contact Officer:

Mark Sturgess  
Chief Operating Officer  
[Mark.sturgess@west-lindsey.gov.uk](mailto:Mark.sturgess@west-lindsey.gov.uk)  
01427 676687

Purpose / Summary:

The report contains details of planning applications that had been submitted to appeal and for determination by the Planning Inspectorate.

**RECOMMENDATION(S): That the Appeal decisions be noted.**

**IMPLICATIONS**

**Legal:** None arising from this report.

**Financial :** None arising from this report.

**Staffing :** None arising from this report.

**Equality and Diversity including Human Rights :** The planning applications have been considered against Human Rights implications especially with regard to Article 8 – right to respect for private and family life and Protocol 1, Article 1 – protection of property and balancing the public interest and well-being of the community within these rights.

**Risk Assessment :** None arising from this report.

**Climate Related Risks and Opportunities :** None arising from this report.

**Title and Location of any Background Papers used in the preparation of this report:**  
Are detailed in each individual item

**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

**Yes**

**No**

**Key Decision:**

A matter which affects two or more wards, or has significant financial implications

**Yes**

**No**

## **Appendix A - Summary**

- i) Appeal by Mr and Mrs P Morvinson against the decision of West Lindsey District Council to refuse planning permission for replacement of existing building with new dwelling of similar footprint at Glebe Farm, Kingsmead Park, Swinhope.

**Appeal Dismissed** - See copy letter attached as Appendix Bi.

**Officer Decision** – Refuse permission

- ii) Appeal by Mr Philip Medley against the decision of West Lindsey District Council to refuse planning permission for conversion of redundant barn into dwelling, including change of use from agricultural to domestic use at Hillside Farm, High Street, Snitterby.

**Appeal Dismissed** - See copy letter attached as Appendix Bii.

**Officer Decision** – Refuse permission

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# Appeal Decision

Site visit made on 26 July 2016

**by A Napier BA(Hons) MRTPI MIEMA CEnv**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 19 August 2016**

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**Appeal Ref: APP/N2535/W/16/3148368**

**Hillside Farm, High Street, Snitterby, Gainsborough, Lincolnshire  
DN21 4TP**

- 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 Philip Medley against the decision of West Lindsey District Council.
  - The application Ref 132980, dated 15 April 2015, was refused by notice dated 22 December 2015.
  - The development proposed is conversion of redundant barn into dwelling, including change of use from agricultural to domestic use.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The appellant's appeal statement refers to possible alternative proposals, which would include the use of dormer windows. Details of these alternative schemes have not been provided and there is nothing to indicate that they have been subject to consultation or wider publicity. As such, to avoid potential prejudice to the interests of others, I intend to consider the appeal on the basis of the details that were before the Council when the planning application was determined.

## Main Issues

3. The Council's officer report indicates that the appeal building is considered to be 'curtilage listed' in relation to the adjacent grade II listed Hillside House. The submitted details, including the appellant's Heritage Assessment and the Council's officer report, indicate that the appeal building dates from 1809. Its form, design details and previous agricultural function indicate a close association with that property and I understand that it was historically part of a single agricultural complex with the main listed building.
4. Consequently, from the evidence provided, I am satisfied that it would be appropriate to treat the appeal building as part of the listed building under s.1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and a designated heritage asset. Furthermore, given the Council's consideration above, I am satisfied that my intention to consider the appeal on this basis would not be materially prejudicial to the interests of any party. The appeal before me relates solely to the refusal of planning permission and I have not

been made aware of an application for listed building consent in respect of the proposal. Nonetheless, I am mindful of my statutory duties in this regard.

5. The main issues in this appeal are:

- The effect of the proposal on the character and appearance of the area, with particular regard to whether or not the proposal would preserve the listed building, any features of special architectural or historic interest that it possesses, or its setting; and
- Whether the proposal would represent sustainable development, having particular regard to the policies of the development plan and the National Planning Policy Framework (the Framework).

## **Reasons**

### *Character and appearance*

6. From the evidence available to me, including the listing description, I consider that the significance of the adjacent listed Hillside House is largely derived from its historic age, use, form, fabric and architectural features. In addition, its setting, within but on the edge of the village, forming the dominant element within the historic farmyard complex, is also important. Whilst now separated from the principal building, the appeal building is a small scale, former agricultural building, constructed of locally traditional materials and with a largely functional design. From the evidence provided, I consider that the value of the appeal building to the significance and special interest of the heritage asset is largely derived from its remaining agricultural character, its remaining historic fabric and its siting in relation to the main listed farmhouse.
7. It is not a matter of dispute that the condition of the appeal building is very poor and, at the time of my visit, the roof no longer existed and some of the walls had collapsed or had been partially demolished. The Council has indicated that the removal of the roof and part of the walls was undertaken without the consent or notification of the local planning authority and is considered likely to have had a destabilising effect on the remaining structure. Whether or not listed building consent was required for the works to the building is not a matter before me as part of this appeal. However, the current condition of the building is not a matter in contention and it appears to me to be highly unlikely that the building would continue to exist in the longer term without some form of intervention.
8. Even in its poor condition, due to its remaining fabric, form, character and siting within the historic farmyard complex, the appeal structure continues to make a positive contribution to the setting of the listed farmhouse. The submitted evidence, including the structural survey, indicates that the retention and refurbishment of the remaining part of the building would be unlikely to be economically viable or feasible, with the possible exception of one wall. Consequently, in all probability, I find it very likely that the appeal proposal would require the demolition and rebuild of the majority, if not all, of the appeal building.
9. Having regard to the Planning Practice Guidance (PPG), there is nothing before me to indicate that the neglect of the building or damage to its fabric has been

deliberate in the hope of making permission easier to obtain.<sup>1</sup> Indeed, the details provided indicate that the generally positive pre-application response of the local planning authority to the principle of a proposed residential conversion was not maintained in relation to the formal planning application, largely due to the deterioration in the condition of the building. Nonetheless, in these particular circumstances, it appears to me that a sensitively designed partial re-use or rebuild of the existing structure would be less harmful to the setting of the main listed building than the loss of this ancillary building entirely.

10. Although new openings, a side extension and an increase in the height of the building would materially alter its appearance, the proposal seeks to broadly follow the form and scale of the building as it previously existed. In this respect, the Council have not raised objections to the design of the proposed dwelling. However, concerns have been raised about the potential loss of historic fabric and the submitted evidence is somewhat limited in this regard. There is relatively little information regarding the detailed construction and demolition methods proposed, including in relation to the storage and re-use of existing materials, details of proposed new materials or the means by which the stability of the appeal building and neighbouring structures would be ensured during these works.
11. In some circumstances, it may be possible for such matters to be addressed by condition. However, given the sensitivity of the building and the importance of the remaining structure to the setting and significance of the heritage asset, I am not satisfied that such an approach would be appropriate in this particular case. Accordingly, whilst the proposal would retain a building on the site, for the above reasons, I am not satisfied that the details provided are sufficient to demonstrate that the development proposed would appropriately conserve the contribution of the appeal building to the significance of the heritage asset, including through the successful re-use of historic fabric and in terms of its impact on the setting of the principal building.
12. The appeal site is situated on the edge of the settlement and currently forms part of a larger area of land associated with Hillside Farm, which is a relatively modern two-storey dwelling. The appeal building is separated from the open agricultural land by a garage outbuilding and a large yard, which I understand is currently used for HGV parking by the appellant. As such, I am satisfied that the proposal would not result in an extension of built development into the wider countryside and, given its location in relation to existing development, I consider that it would have only a very limited effect on the streetscene. However, these matters would not address the harm identified above.
13. Consequently, for the above reasons, I conclude that the proposal would have the real potential to have a significantly detrimental effect on the character and appearance of the wider local area, as the details provided do not satisfactorily demonstrate that the appeal development would appropriately preserve the listed building, without material harm to its setting. As such, the proposal would not be in accordance with the *West Lindsey Local Plan First Review 2006* (LP) Policy STRAT 1, where it seeks to protect local character and appearance, including in relation to the historic environment.
14. For the reasons given, I have found that the proposal has the real potential to result in harm to the significance of the heritage asset, which is a matter to

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<sup>1</sup> PPG ID: 18a-014-21040306

which I give great weight and importance. However, it would not involve the loss of the principal building or damage to any features of particular special interest. As such, whilst material, I consider the resulting harm would be less than substantial. Paragraph 134 of the Framework requires that, in the case of designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

15. The main public benefits resulting from the scheme would be the provision of a new dwelling, which would add to the local housing stock and contribute to meeting local housing need. Whilst the village has a limited range of local services and facilities, the proposal would be located within close proximity to existing development and within walking distance of those local facilities, such as the nearby public house and church. As such, it would be likely to make a modest contribution to supporting these local services, both during construction and after occupation. As a result, I consider that the proposal would have some social and economic benefits. Given the scale of the development proposed, these benefits would be likely to be very limited. Nonetheless, having regard to the general support for such development within the Framework, I give them moderate weight.
16. Paragraph 132 of the Framework advises that great weight should be given to the conservation of a heritage asset in considering the impact of a proposal on its significance. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. In addition, paragraph 131 of the Framework refers to the desirability of new development making a positive contribution to local character and distinctiveness. For the above reasons, I consider that the development would not make such a contribution and, as such, whilst the use of the site as proposed may be viable, it would not represent its optimum use.
17. For these reasons, I conclude that the benefits of the proposal would not be sufficient to outweigh the harm identified to the significance of the heritage asset and the proposal would not meet the aims of paragraph 17 of the Framework, to achieve high quality design, take account of the different roles and character of different areas and conserve heritage assets in a manner appropriate to their significance.

#### *Sustainable development*

18. Snitterby is a relatively small rural village, which is situated towards the lower end of the development plan settlement hierarchy, as defined in LP Policy STRAT 3. In that respect, it is a location where LP Policy STRAT 8 generally limits new residential development, with certain defined exceptions for smaller scale proposals, including in relation to local needs housing. Planning law requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework is such a consideration, to which I give considerable weight.
19. In this case, the Council has indicated that it considers that the relevant policies of the Local Plan for the supply of housing should not be considered as up-to-date. There is nothing before me that would lead me to an alternative view on this matter and I am mindful of paragraphs 47-49 and 14 of the Framework in this regard, including Footnote 9.

20. Given my findings above, I consider that the Framework policies in relation to designated heritage assets indicate that development should be restricted. As such, I find that it would not be appropriate to apply the weighted balance of paragraph 14 of the Framework in this particular case. However, I am also mindful of the aims of the Framework, to boost significantly the supply of housing, as well as the advice within the PPG, that all settlements can play a role in delivering sustainable development in rural areas.<sup>2</sup>
21. The three roles of sustainable development are mutually dependent. Paragraphs 6-9 of the Framework indicate that 'sustainability' should not be interpreted narrowly. Elements of sustainable development cannot be undertaken in isolation but should be sought jointly and simultaneously. Sustainable development also includes 'seeking positive improvements in the quality of the built, natural and historic environment as well as in people's quality of life'.
22. I have found above that the proposal would result in some public benefits, which are matters that weigh in its favour. For the above reasons, I find that the proposal would not result in a new isolated dwelling within the countryside, but would make a limited contribution to maintaining the vitality of the village. Furthermore, I understand that the proposal is intended to provide accommodation for the appellant's daughter. Whilst there is relatively little information before me on this matter, I recognise that the personal benefits to the appellant in this regard would be likely to be significant and this is a matter that also weighs in favour of the scheme.
23. In addition, with the use of appropriate conditions, I am satisfied from the details provided that the proposal would not be materially harmful to the living conditions of neighbouring occupiers. However, I have also found that it would cause unacceptable harm to the significance of the heritage asset and the character and appearance of the local area. As a result, in these respects, it would be contrary to LP Policies STRAT1, STRAT 3 and STRAT 8. The Council has also referred to LP Policy RES9, which provides for the re-use of existing buildings within the countryside. However, given its location, I do not regard this particular policy as directly relevant to the appeal proposal.
24. Consequently, considered overall and having regard to paragraph 14 of the Framework, I conclude that the benefits of the scheme would not outweigh the harm identified. Therefore, I find that the proposal would not meet the overarching aims of the Framework, to achieve sustainable development, and its contribution to the supply of housing would not represent a compelling reason to allow the appeal.

#### *Other matters*

25. Reference has been made to other recent development elsewhere. I do not have full details of these other schemes or the background to those decisions. However, from the limited information available to me, these other developments appear to be materially different to the appeal proposal in terms of their nature, scale, design details and relationship to other development nearby. I therefore consider that they are not directly comparable to the appeal scheme, which I have considered on its merits and in light of all representations made.

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<sup>2</sup> PPG ID: 50-001-20160519



26. Concerns have been expressed about delays in the provision of pre-application advice and the determination of the application. However, this is not a matter that is primarily before me in this appeal, but is an issue for the Council in the first instance, and does not lead me to alter my findings above.

**Conclusion**

27. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*A Napier*

INSPECTOR



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# Appeal Decision

Site visit made on 19th July 2016

**by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 26 August 2016**

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**Appeal Ref: APP/N2535/W/16/3149287**

**Glebe Farm, Kingsmead Park, Swinhope, Market Rasen LN8 6HT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr and Mrs P Morvinson against the decision of West Lindsey District Council.
  - The application Ref 133688, dated 4<sup>th</sup> November 2015, was refused by notice dated 18 March 2016.
  - The development proposed is replacement of existing building with new dwelling of similar footprint.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The application is in outline with all matters reserved for future consideration. I have dealt with the appeal on that basis, treating the site layout and elevation plans as indicative.
3. In their appeal statement the Council refers to policies in the emerging Central Lincolnshire Local Plan. However, this document remains unexamined and un-adopted and as such, this limits the weight I can attach to its policies. I have therefore determined the appeal on the basis of the saved policies within the West Lindsey Local Plan Review, 2006 (LP) as well as the National Planning Policy Framework (the Framework).

## Main Issues

4. The main issues are (a) whether the site is a suitable location for residential development and (b) the effect of the proposed development on the living conditions of future occupants with regards to privacy and the provision of outdoor amenity space.

## Reasons

### *Location of Development*

5. The Council acknowledge that the policies within the LP in respect of the spatial strategy are considered to be out of date. Therefore, regardless of the specific status of 5 year housing land supply in West Lindsey (as disputed by parties), paragraph 14 of the Framework applies. This requires permission to be granted unless any adverse impacts of doing so would significantly and

- demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole.
6. Paragraph 55 of the Framework is clear that for development in rural areas to be sustainable, this should be located where it will enhance or maintain the vitality of rural communities. Consequently, new residential development should not be detached from being part of a viable and vibrant rural community, where there would be ready access to an immediate social network and ready access to some day to day facilities without the need to travel. In addition, one of the core planning principles of the Framework seeks to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling (paragraph 17).
  7. The appeal site comprises part of the rear garden area of Glebe Farm, which contains an existing depilated outbuilding which would be demolished. Adjacent to the site is a large development called 'Kingsmead Park' which contains around 60-70 park homes. There are no services and facilities associated with this development.
  8. The nearest settlement of Brookenby is around 200m away from the appeal site. This is a small village with limited services and facilities which comprise of a village hall, a church and a business park. In terms of access to services, Brookenby is supported by Binbrook, a larger village which is around 1 mile away from this settlement. Binbrook has a greater provision including a primary school, nursery, village hall, pubic house, church and a variety of shops. There is also a medical practice which would cover the area of the appeal site. Brookenby and Binbrook are linked by a pedestrian footpath which is unlit.
  9. The appeal site is accessed from Swinhope Road. At my site visit, I saw that this road, while not heavily trafficked, was reasonably well used, as one of the access roads leading towards Brookenby. Speeds along here are at the national speed limit and there is no footpath linking the appeal site to the village centre.
  10. The appeal site is a considerable distance from the services and facilities at Binbrook at around 1970m away. I note that this distance falls within the figures for acceptable walking distances as recommended by the Institution of Highways and Transportation, and has been found to be an acceptable distance in respect of other developments in the area. However, the appeal site falls just within the preferred maximum figure for commuter/school/sightseeing and, given the lack of dedicated footpath from the appeal site and the lack of speed restrictions, on balance, I consider that residents would be unlikely to be able to safely access such facilities by foot.
  11. I note the provision of a bus services on No53B which includes a stop at Kingsmead Park, and gives access to larger settlements of Market Rasen, Lincoln and Grimsby and No25 between Ludford and Grimsby. However the frequency of these services is limited, with No 53B being a twice daily service in school times only and no weekend service. No25 is a single service Monday-Friday with an extra service on Tuesdays and Thursdays only. There is also a 'Call-Connect' service which operates on a booking basis, and also provides a fixed route service between Brookenby, Binbrook and Market Rasen to Louth ones daily Monday-Friday.

12. Accordingly, while I recognise that some needs may be met by the bus services, due to the limitations of this provision, I consider that the use of a car would still be necessary. Moreover, the bus services, as a single mode of alternative transport, would be unlikely to represent a realistic travel choice for many of the necessary regular journeys, resulting in reliance on unsustainable forms of travel, contrary to the core principles of the framework.
13. I accept that the site is not isolated from other residential properties in the area, including the Kingsmead Park development, however, overall, I find that the appeal site is remote from basic services and amenities required for day to day living. Consequently, I do not consider that development in this location would be appropriate when account is taken of the social and environmental objectives underlying Framework policies on transport and accessibility.
14. I also have no evidence before me that services in nearby areas are under threat of closure or that one additional house would significantly enhance or maintain the vitality of those communities. The proposal therefore runs counter to this element of Paragraph 55 of the Framework.
15. The appellant contends that the site is on brownfield land due to the location of the appeal site within the curtilage of Glebe Farm, quoting part of a decision notice for a different application in respect of the change of use of garden land. However, in the glossary of the Framework, private residential gardens are specifically excluded from the definition of previously developed land. In any case, should the land have been considered to be previously developed, this would not have overcome the concerns I have in respect of the location of the site, and its remoteness from services and facilities.
16. While development has been permitted at Kingsmead Park, I saw that these were park homes, having a temporary appearance and as such are not comparable to the erection of a dwelling, as a brick built, permanent structure. Furthermore, I do not have the details of the history of this site, nor do I have the details that led to those proposals being accepted or information relating to the planning conditions under which it operates. In any case, I have dealt with the appeal on its own merits.
17. Overall, I conclude that the location of the proposed development would not be suitable. The development would therefore run contrary to the aims of the framework paragraphs 17 and 55 which envisage new rural housing to be located within viable and vibrant rural communities, where there would be ready access to some day to day services, using sustainable forms of transport. The proposal would also fail to accord with Policy STRAT 12 of the LP which seeks to restrict development within the countryside.

#### *Living Conditions*

18. The appeal site is located to the rear of Glebe Farm, situated behind an existing outbuilding. While the application is in outline form, the indicative plans show that the site would utilise and extend an existing driveway which runs to the rear of Glebe Farm. It is also indicated that the dwelling would benefit from a private garden area to the front of the dwelling as the red line site plan showing a reasonable sized plot.
19. I acknowledge that the appeal site would be surrounded on 3 sides by garden land of Glebe Farm, however, I am not persuaded that the relationship

between future occupier of the proposed dwelling and occupiers of Glebe Farm would be materially harmed. Specifically, appropriate landscaping, along with the siting, and design of the proposed dwelling, secured at reserved matters stage, could ensure that there would be no loss of privacy.

20. Furthermore, given the size of the plot and the indicative site layout, while the outdoor amenity space would be on the small size, I am satisfied that this would be adequate for the level of accommodation proposed. Moreover, the scale of the proposed dwelling would be dealt with at reserved matters stage and would ensure that an appropriate balance is struck between the footprint of the built development, and its surrounding garden space.
21. On this issue, I therefore conclude that there would be no significant impact upon existing occupiers of Glebe Farm, or future occupants of the proposed dwelling. The proposal would therefore be in accordance with saved LP policies STRAT 1 and RES3 which seek to safeguard the quality of life of residents and protect living conditions of residents.

### **Conclusion**

22. The proposal would make a small contribution to local housing supply as windfall development and I have also found that there would be no harm to living conditions of future occupants of the site. I also agree with the Council's assessment that the development would not have any adverse impact upon the natural beauty of the Lincolnshire Wolds Area of Outstanding Natural Beauty or the area of landscape vale as it is well screened by established trees and hedgerows and due to its location on the footprint of an existing structure.
23. However, the site is in the open countryside with very limited access to services and facilities which would be highly likely to necessitate the use of private car.
24. The Framework, at paragraph 8, seeks to ensure that development is sustainable and that all three dimensions of sustainable development (environmental, economic and social) are achieved jointly and simultaneously through the planning system. The appeal proposal would not secure that balance and I conclude that the environmental and social harm arising from the location of development away from services and facilities significantly and demonstrably outweigh the benefits of the scheme.
25. For the reasons above, and taking into account all other matters raised, I dismiss the appeal.

*C Searson*  
INSPECTOR