



Appeal Decision

Site visit made on 24 April 2023

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 May 2023

Appeal Ref: APP/N2535/W/22/3309560

3 Walmsgate, Barlings Lane, Langworth, Lincoln LN3 5DP

- 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 Steven Harper against the decision of West Lindsey District Council.
 - The application Ref 144197, dated 29 December 2021, was refused by notice dated 28 April 2022.
 - The development proposed is described as: 'change of use of existing field to domestic use to grow seasonal fruit and vegetables and siting of a hobby greenhouse used for propagation and growing soft fruit and a shed/workshop to be used for storing gardening tools and machinery to maintain the area and the paddock beyond its perimeter'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have amended the description of development in the interests of clarity and brevity.
3. Whilst the application refers to constructing three buildings on the site over time, the application is clear that this would be through permitted development gained from a change of use. The application thus seeks a change of use of agricultural land to domestic garden in association with an existing dwelling. I have assessed the appeal on this basis.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. Barlings Lane in the vicinity of the appeal site is a narrow residential street on the fringes of Langworth. Residential properties are positioned to both sides of the road here. Rear gardens are typically generous and consistent in their length, with their continuous rear boundary lines forming a clear definition between residential use and countryside. I saw on the site visit that the garden lengths of the dwellings at 1, 2 and 3 Walmsgate are broadly reflective of others along Barlings Lane and reinforced the clear definition between the countryside and residential development.

6. The appeal site is a parcel of land, described as a paddock, with an open, agricultural character. It is located beyond the rear garden boundary of 3 Walmsgate, a residential property, and extends to the rear of the adjacent cemetery. A similar paddock is located to the rear of 1 and 2 Walmsgate. The appeal site is bounded by a hedgerow to the south. The boundary between the two adjacent paddocks is formed by a tall wire mesh fence.
7. Together the two paddocks form part of an area of open green countryside extending to the north east that is interspersed by trees and hedgerows. This landscape contributes to the rural setting of the village, evident from Sparrow Lane and on the approach from the north along the A158. In views from the north of the appeal site, an industrial style building housing a timber merchant is seen alongside distant dwellings located along the A158, leading out of the village.
8. It is proposed to change the use of the appeal site to a garden serving No 3. This would result in the garden extending out for 70 metres beyond its existing point, a significant encroachment into the open countryside, at odds with the consistent pattern of rear boundaries and detrimental to the established character.
9. Whilst the appellant sets out their intention to use the land for growing fruit and vegetables, a change of use to domestic garden would likely lead to the introduction of domestic and urban characteristics into the landscape, to the detriment of its rural character. The appellant has stated their intention to construct buildings including a greenhouse and workshop on the site which could be carried out under permitted development. It is likely that further buildings could be sited without planning permission in the future.
10. Furthermore, the proposal could lead to hardsurfacing, refuse storage, outdoor seating, washing lines, children's play equipment, domestic planting, and other such domestic paraphernalia. Such development would appear incongruous and would urbanise this countryside setting. Many of these characteristics are unlikely to be capable of being controlled through planning conditions.
11. I accept that the appellant may not intend to carry out all of the works listed above straightaway, or at all, however it is important to consider the consequences of allowing the appeal and thus what works future occupiers would be able to carry out without planning permission.
12. Through the construction of buildings and other works on the site, the urbanisation of the countryside and conflict with the existing pattern of development outlined above, would likely be visible in fleeting views from Sparrow Lane, the adjacent cemetery and at points along the A158. It would also be visible from many of the residential properties along Barlings Lane. Visibility is likely to increase significantly at times when hedgerows and trees are not in leaf. I accept that the appellant states they would site any buildings sensitively, however ultimately there would be little control over where such structures could be constructed.
13. I accept that there is a caravan site further along Barlings Lane, of which some of the caravans are visible above the hedgeline, however the scheme before me is not for a caravan site. Moreover, evidence of existing harm to landscape character from a different use is not justification for further harm from an unconnected use. For the same reasons, the presence of the timber merchants

on the A158, remote from the appeal site, does not justify this proposal. Stables are located immediately adjacent to the appeal site beyond the existing boundary hedge. However, this is an expected use in the open countryside and does not result in its urbanisation or encroachment.

14. As such, for the above reasons the proposal would result in significant harm to the character and appearance of the area. The proposal would therefore conflict with the aims of Policy LP55 of the Central Lincolnshire Local Plan (2017) which seeks to protect the countryside.
15. There would also be conflict with paragraph 130 of the Framework which sets out that planning decisions should ensure new developments add to the overall quality of the area, are visually attractive, and sympathetic to local character. Conflict would also occur with Framework paragraph 174 which seeks to ensure planning decisions contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Other Matters

16. I have had regard to the local support for the scheme at the application stage, notably from the Parish Council. However, local support does not always equate to a lack of harm as I have found above.
17. The appellant has referred to the need for a building to store machinery to maintain the land. Whilst that may be the case, I do not have precise details of such a building, and that is not the scheme that is before me.
18. The appellant is intending to donate any surplus food grown to local food banks. Although I am provided with little information in this respect, such a commitment would certainly represent a benefit of the scheme. However, this is likely to be limited by the scale of the enterprise and given the lack of information, I can therefore only afford this limited weight.
19. I accept that the proposal would help to contribute to healthy lifestyles in accordance with paragraph 92 of the Framework, albeit that this would be primarily limited to the appellant's family. Nonetheless, I am not convinced that such a benefit is dependent upon the precise nature of the scheme that is before me. Furthermore, as set out at paragraph 3, the Framework should be read as a whole. In this regard, the public harm identified above and conflict with Framework paragraphs 130 and 174 would not be outweighed by the relatively small benefit arising, in this instance, from supporting healthy lifestyles.

Conclusion

20. For the reasons given above, having considered the development plan as a whole, the approach in the Framework and all other relevant material considerations, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR