



Appeal Decision

Site visit made on 9 April 2025

by Jennifer Wallace BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd April 2025

Appeal Ref: APP/N2535/W/24/3356860

54 Wragby Rd East, North Greetwell, Lincoln LN2 4QY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr B Lane against the decision of West Lindsey District Council.
 - The application Ref is WL/2024/00789.
 - The application sought planning permission for planning application to erect single storey detached annex without complying with conditions attached to planning permission Ref 134423, dated 29 July 2016.
 - The conditions in dispute are Nos 2, 3 and 4 which state that:
 2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: 02 received on 27/05/2016, 03 received 22/07/2016 and the proposed elevations on drawing no. 04 received on 27/05/2016. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.
 3. Before the annex is/are occupied, the access and turning space shall be completed in accordance with the approved plan drawing number 03 dated and retained for that use thereafter.
 4. The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling now known as 54 Wragby Road.
 - The reasons given for the conditions are:
 2. To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First Review 2006.
 3. To ensure safe access to the site and each/building in the interests of residential amenity, convenience and safety and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.
 4. To ensure that the development is not used unlawfully as a separate unit of accommodation on a site where dwellings would not normally be permitted in accordance with policy RES 13 of the West Lindsey Local Plan First Review 2006.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The proposal seeks to remove condition 4 to allow occupation of the annex as a separate unit of residential accommodation with one bedroom. The amendments to conditions 2 and 3 would be to reflect the associated alterations to the approved plans.
3. The main issue is therefore whether condition 4 is reasonable and necessary in the interests of the living conditions of occupiers of the host dwelling and proposed dwelling.

Reasons

4. The proposal would see the creation of two independent dwellings. The existing private amenity space would be divided to serve each property. Only a small, narrow area of private amenity space would be retained for the host property. At my site visit, much of this space was taken up with a typical domestic shed. The very small area that remained for external use was adversely enclosed by this shed and the existing property. The proposal would result in there being insufficient space for occupiers of the host property to meet the typical needs of occupiers, such as unencumbered sitting out space and domestic storage.
5. A sufficient quantity of external private amenity space would be provided for future occupiers of the proposed annex, given the size of the space and its position to the side of the property.
6. Central Lincolnshire Local Plan (April 2023) (LP) Policy S53 requires homes to provide good quality internal environments but does not require compliance with the Nationally Described Space Standard (NDSS). The proposed dwelling would comply with the requirements of the NDSS for a one bedroom, two occupier property. Although the proposed dwelling would have a living room notably smaller than the combined bedroom/ dressing room, there would be sufficient space in the living room to accommodate two occupiers carrying out day to day activities. The internal accommodation of the existing dwelling would not be affected by the proposal.
7. I have been referred to a previous appeal decision¹ on the site and provided with a copy of that decision. As that proposal was for a two bedroom dwelling, it was materially different to the proposal before me with respect to the proposed internal accommodation. It is not clear from that decision what arrangement of the private amenity space was proposed or what was observed at that site visit. However, I have made my decision based on my observations at my site visit and the planning merits of the proposal before me.
8. I therefore conclude that condition 4 is reasonable and necessary in the interests of the living conditions of the occupiers of the host dwelling with respect to private amenity space. The proposal would therefore be contrary to LP Policy S53 which requires development to provide good access to private spaces. It is also consistent with the requirement in paragraph 135 of the National Planning Policy Framework which requires a high standard of amenity for existing and future users.
9. The Council's reason for refusal refers to LP Policy NS27 which sets out how proposals for residential annexes will be assessed. However, there is nothing in the wording of that policy which requires it to be applied to a proposal to remove a condition restricting use to an annex.

Other Matters

10. The appellant has referred me to LP Policy S4 which sets criteria for the development of housing in or adjacent to villages. However, the Council has not raised any concerns with the principle of a dwelling within North Greetwell. From my observations at my site visit, I would have no reason to disagree. However, this

¹ APP/N2535/W/23/3330582 dismissed 23 July 2024

would not overcome the unacceptable living conditions that would arise as a result of the proposal. Sufficient parking to accommodate both properties could be provided on site. However, this would amount to a lack of harm and would be neutral in my assessment.

Conclusion

11. The appeal proposal would conflict with the development plan when read as a whole. There are no material considerations of sufficient weight to indicate the decision should be taken otherwise. For the reasons given, I conclude that the appeal should be dismissed.

Jennifer Wallace

INSPECTOR