
Appeal Decision

Site visit made on 25 April 2017

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 25th May 2017

Appeal Ref: APP/N2535/D/16/3164907
19 East Street, Nettleham, Lincoln LN2 2SL

- 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 Graham Johnson against the decision of West Lindsey District Council.
 - The application Ref 134839, dated 10 August 2016, was refused by notice dated 19 October 2016.
 - The development proposed is demolish existing outbuilding and erect new outbuilding comprising garage and external store.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the decision was issued and this appeal submitted, the Council has adopted the Central Lincolnshire Local Plan 2017 (CLLP). The Council has confirmed that this replaces the adopted West Lindsey Local Plan First Review 2006. The appellant takes the view that the CLLP has no material bearing on the appeal and it should be determined on the policies applicable at the time of the original application. However, the Courts have confirmed that the appeal must be determined on the basis of the development plan as it exists at the time of my decision. I have therefore considered the appeal against the relevant development policies contained within the CLLP.

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the Nettleham Conservation Area.

Reasons

4. The appeal site lies within the Nettleham Conservation Area (the CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. In this respect national policy on heritage assets, which includes conservation areas, is set out in the National Planning Policy Framework (*the Framework*).
 5. The CA is centred on the historic village green of Nettleham and the route of Church Street which leads from the village green to the Parish Church of All Saints which was originally built between the 13th and 15th centuries. The CA is
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characterised mostly by 16th to early 19th century stone buildings focussed around the village green and the streets leading from it.

6. The appeal site lies within a group of old stone cottages and houses which provide an attractive and archetypal introduction to the CA, the significance of which derives largely from the history associated with the village green and the distinctive, vernacular architecture.
7. The appeal relates to a single storey detached outbuilding to the rear of 17-19 East Street which are mid-late 18th century in date. The building is also mid-late 18th century in date and was likely in agricultural use originally in connection with No 17-19 which would have been farm cottages. Whilst there are later additions, the building is constructed from a similar local stone and lime mortar to surrounding buildings.
8. Paragraph 132 of *the Framework* emphasises that great weight should be given to the conservation of heritage assets, with the level of weight to be guided by the importance of the asset. The appellant states that the building itself is not a designated heritage asset and therefore paragraph 132 has no bearing on the appeal. However, the *Framework* is clear that Conservation Areas are designated heritage assets and the appeal site lies within the CA. As such, paragraph 132 is applicable in this instance.
9. It is proposed to demolish the existing building and construct a replacement garage and domestic store in a similar position. It would include re-use of all existing stone, roof tiles, doors, frames and timbers where possible. Rainwater goods would be in the same style and form as the existing.
10. The proposal would result in the total loss of the existing building. Despite the building's condition and need for restoration, it nevertheless appears as a good example of a vernacular pre-industrial agricultural structure and indicative of the settlements agrarian origins. Moreover, whilst visibility of the building is partially restricted by surrounding properties, it largely survives in its original form and as such, makes a positive contribution towards the significance of the CA.
11. I have had regard to the Structural Survey which concludes that the defects to the building are severe to very severe and that the building is beyond the point of economical repair. The survey states that the walls, roof and lintels are in such condition that they can no longer be relied upon to provide long term structural stability without extensive repair works. However, there is no suggestion that such extensive repair works would not be technically feasible.
12. Furthermore, whilst I have been provided with comparative costs for the repair of the building and for the rebuild which suggest that repair would be more expensive, there is no compelling evidence to demonstrate that such repair would be economically unviable.
13. It has not therefore been demonstrated that the barn would be incapable of practical repair. As a consequence, it has not been established that the demolition of the building is justified on the grounds that it is not capable of retention and I find the loss of the building would result in harm to the heritage asset. To that end, great weight is to be given to that harm in line with paragraph 132 of *the Framework*.

14. I conclude, therefore, that the proposal would not preserve or enhance the character or appearance of the Nettleham Conservation Area. As a consequence, it would conflict with Policies LP1, LP17, LP25 and LP26 of the CLLP which set out a presumption in favour of development, seek to protect and enhance the value of the townscape, seek to protect, conserve and seek opportunities to enhance the historic environment and state that all development should seek a high quality of design.
15. It would also conflict with Policy D-6 and Policy E-4 of the Nettleham Neighbourhood Plan 2015 which state that new development should recognise and reinforce the distinctive local character and that within the conservation area development proposals will be expected to preserve or enhance the character of the area
16. In finding harm in respect of the significance of heritage assets, paragraph 134 of *the Framework* sets out that where a view is taken that the harm to the designated heritage asset would be less than substantial, this harm should be weighed against the public benefits of the proposal. In this instance, that harm would be less than substantial and in accordance with paragraph 134 of *the Framework*, it should be weighed against any public benefits of the proposal. I have, however, no evidence to suggest that the proposal would result in any public benefit that would outweigh the harm identified.

Other Matters

17. I note that the application attracted no objections or comments from neighbours or the parish council. However, the lack of objection would not outweigh the great weight afforded to the harm to the heritage asset identified above.

The proposals would have similar proportions to the existing building and would be set in a similar proximity to the Grade II Listed Building of 25 East Street. It would not appear as a dominant or incongruous feature. The proposal would therefore preserve the setting of the listed building.

Conclusion

18. For the reasons given above, I conclude that the appeal should be dismissed.

Jason Whitfield

INSPECTOR