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## Appeal Decision

Site visit made on 4 July 2017

**by R Norman BA (Hons) MA MRTPI**

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

**Decision date: 17 August 2017**

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**Appeal Ref: APP/E2530/W/17/3171872**

**Fulbeck Heights, Pottergate Road, Fulbeck NG32 3HW**

- 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 D Sayer, NIS Developments Ltd against the decision of South Kesteven District Council.
  - The application Ref S16/2825, dated 23 December 2016, was refused by notice dated 28 February 2017.
  - The development proposed is the extension to existing offices (including enlargement of site).
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### Decision

1. The appeal is allowed and planning permission is granted for the extension to existing offices (including enlargement of site) at Fulbeck Heights, Pottergate Road, Fulbeck NG32 3HW in accordance with the terms of the application, Ref S16/2825, dated 23 December 2016, 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 development hereby permitted shall be carried out in accordance with the following approved plans: Nos MSP.1398/001; MSP.1398/002; 15143 F007; 15143 F012; 15143 F013D; 15143 F015B; 15143 F008C; 15143 F010 B; 15143 F016.
  - 3) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping.
  - 4) Before any part of the development hereby permitted is occupied/brought into use, the works to provide the hard and soft landscape scheme shall have been completed in accordance with the approved details. Thereafter no additional hard surfacing works shall be undertaken on the site unless otherwise first agreed in writing by the Local Planning Authority.
  - 5) Prior to the first use of the extension hereby approved the parking shall have been carried out in accordance with the approved details and shall thereafter remain available for this purpose.

### Application for costs

2. An application for costs was made by NIS Development Ltd against South Kesteven District Council. This application is the subject of a separate Decision.

## **Main Issues**

3. The main issues are whether the proposed development would be acceptable having regard to Local Plan Policies which seek to limit development in the countryside and the impact on the character and appearance of the surrounding area.

## **Reasons**

### *Development in the Countryside*

4. The site is currently occupied by business premises which were given planning permission for B1a use in 2015. The business occupies a single storey, timber clad office building and the development would extend this to provide additional accommodation, as well as the change of use of an area of land to the site frontage to provide further parking.
5. Policies SP1 and E1 of the Local Development Framework for South Kesteven Core Strategy (Core Strategy) support development for rural diversification projects and allow for the conversion of buildings, and seek to support or regenerate a sustainable rural economy. I consider that the original permission has established that the use of this site for business premises is acceptable and appropriate to the rural location, which was deemed to comply with the development plan policies at the time.
6. Policy SAP4 of the South Kesteven Site Allocation and Policies Development Plan Document (SAPDPD) relates to business development in the countryside. It indicates that outside of the towns and Local Service Centres, proposals for small business schemes, including rural enterprise, will be supported where they will help to support or regenerate the rural economy and provide local employment opportunities. Furthermore, this policy states that extensions to existing buildings should be appropriate to its rural setting in terms of scale, design and construction and must be justified by the business proposal. Whilst the Council considers that there has been little justification for the expansion of the business in this location, I note that the original application for the business was deemed to comply with the development plan at the time. The fact that the business exists here already carries significant weight. Furthermore, the extension would allow for additional employment resulting in economic benefits to the area.
7. I consider that the scale of the extension would allow for the business to expand and the scale and design would be appropriate in relation to the size of the site and the existing building and the rural location. I also note the Appellant's fall-back position of the level of development that could be achieved under permitted development, which is similar in size to what is proposed but just in a different location. Given the similarities in size to what could be achieved under permitted development, I consider that this carries significant weight in this instance.
8. The change of use of the agricultural land and extension will not encroach into the open countryside to any harmful degree as the land in question is closely related to the existing site and is screened by an extensive area of hedging to the front boundary. Furthermore, the development would not be of a scale or nature that would result in any negative impacts on neighbouring uses, through noise, traffic, light or pollution. The land was not in use for agricultural

purposes at the time of my visit and the proposed change would not result in significant loss of agricultural land or any harm to the rural landscape and natural features.

9. Given the above considerations, the proposed development would be appropriate in this location and would not result in any harm to the rural surroundings, having regard to Local Plan Policies which seek to limit development in the countryside. The development would therefore comply with Policies E1 and SP1 of the Local Development Framework for South Kesteven Core Strategy insofar as these policies are relevant to the proposal given the principle of employment development in this location has already been accepted. These policies seek to ensure that new employment development in rural areas does not result in adverse impacts. The development would also comply with Policy SAP4 of the South Kesteven Site Allocation and Policies Development Document which requires small business schemes in the open countryside to be of a scale and use which is appropriate to the rural location and provide local employment opportunities and extensions to existing buildings to be appropriate to the rural setting.

#### *Character and Appearance*

10. The extension to the existing building would reflect the current design and materials present on site and would take the form of an adjoining office linked to the front of the existing building, resulting in an L shaped building.
11. The scale of the extension would be easily accommodated within the site and would not be excessive. The extension would be largely screened by the existing hedging to the site frontage with only a partial glimpse visible from the access. Similarly the area of land to be changed to additional parking is located behind the hedging.
12. There will be limited views of the development from outside of the site and as such there would not be an undue encroachment of the built form into the open countryside. Due to the design, materials, layout and screening the development would not result in any harm upon the character and appearance of the surrounding area. As such the proposal accords with Policy EN1 of the Local Development Framework for South Kesteven Core Strategy which seeks to ensure that development should protect and enhance the character of the district. It would also accord with Policy SAP4 of the South Kesteven Site Allocation and Policies Development Document which requires business development in the countryside to respect the character and appearance of the local landscape and extensions to be appropriate to the rural setting. The development would also comply with Section 11 of the National Planning Policy Framework which seeks to protect and enhance the natural environment, including valued landscapes, soils and biodiversity.

#### **Conclusion**

13. For the reasons given above I conclude that the appeal should be allowed.

#### **Conditions**

14. The Council has suggested a number of conditions which I have considered against the advice contained in the Planning Practice Guidance. As a result I have amended some of them for clarity.

15. In addition to the standard time limit condition, I have included a condition listing the approved plans in the interest of clarity. A condition controlling external materials is not necessary as these are detailed on the approved plans. Landscaping conditions are necessary in this instance to preserve the rural character of the site in visual terms however I have amended the wording for clarity. A condition in relation to the provision and retention of the parking areas is necessary in the interests of highway safety.

*R Norman*  
INSPECTOR