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## Appeal Decision

Site visit made on 10 August 2017

**by D Guiver LLB(Hons) Solicitor**

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

**Decision date: 22 August 2017**

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**Appeal Ref: APP/E2530/W/17/3172922**

**Edelweiss, Main Street, Woolsthorpe by Belvoir NG32 1LX**

- 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 and Mrs Lomatschinsky against the decision of South Kesteven District Council.
  - The application Ref S16/2349, dated 15 October 2016, was refused by notice dated 13 December 2016.
  - The development proposed is the change of use of The Cottage to a separate dwelling unit.
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### Decision

1. The appeal is allowed and planning permission is granted for the change of use of The Cottage to a separate dwelling unit at Edelweiss, Main Street, Woolsthorpe by Belvoir NG32 1LX in accordance with the terms of the application, Ref S16/2349, dated 15 October 2016, subject to attached Schedule of Conditions.

### Preliminary Matter

2. I have adopted the description of the proposal from the Council's decision notice as this is more concise.

### Main Issues

3. The main issues are whether the proposal represents a sustainable form of development and whether the proposal preserves or enhances the character or appearance of the Woolsthorpe by Belvoir Conservation Area.

### Reasons

4. The appeal property comprises an existing building within the curtilage of Edelweiss and is currently an ancillary dwelling for the main house. The proposed development is for a change of use from ancillary use to a separate dwelling. The existing building is a two-storey cottage, with first-floor accommodation in the roof space.
5. The host building sits in a large plot and has the benefit of drive with two access points that serves both the host building and the appeal property. The size and nature of the plot and the existing driveway are such that they could easily be divided between two properties and leave both with a generous plot and vehicular access to the street. The division of the current drive proposed

would provide ample space for vehicles to turn and therefore enter and leave the site in forward gear.

### *Sustainable Development*

6. Policy SP1 of the Local Development Framework for South Kesteven Core Strategy 2010 (the Local Plan) provides a spatial strategy that seeks to ensure housing growth is concentrated in the larger settlements of Grantham, Stamford, Bourne and The Deepings. Additional development should also be permitted in settlements identified as local services centres that provide for a range of services and facilities where the development would assist in maintaining the viability of those centres.
7. Policy SP2 of the Local Plan identifies those settlements considered to be local services centres. Woolsthorpe by Belvoir is a small, rural village and is not a local services centre for the purposes of Policy SP1 of the Local Plan. Policy SP1 seeks to ensure that development in villages, not being local services centres, and the countryside is restricted and should only be considered for limited reasons that would not apply to the appeal property. Therefore, the proposed development would not be in accordance with Policies SP1 and SP2 of the Local Plan.
8. The statutory position is that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 55 of the National Planning Policy Framework (the Framework) provides support for sustainable development in rural areas where it will enhance or maintain the vitality of rural communities. The Framework is a material consideration to which I attach significant weight.
9. The Council states that the appeal property was not constructed as an annexe but was converted from a garage following permission granted in 2005. However, whatever the history of the building it is now clearly an established dwelling, albeit ancillary to the main house.
10. The change of use proposed would not require alterations to the fabric or appearance of the appeal property and only minor works for the division of the plot. I consider that the fact that the building is already extant to be a material consideration to which I attach significant weight.
11. The exceptions in Policy SP1 for development in villages include proposals for: affordable housing; agricultural development; diversification projects; the provision of local services; and, the replacement of buildings on a like for like basis. Conversion of buildings is also an exception provided that the existing structure contributes to the character and appearance of the area by virtue of its historic, traditional or vernacular form, is in a sound condition and is suitable for conversion without substantial alteration.
12. The Council states that the appeal property fails to meet these tests. The proposal is for a change of use and there is no evidence before me to suggest that the building is not in a sound condition and suitable for conversion without substantial alteration. However, the Council states that the building does not have historic, traditional or vernacular form components to justify an exception under Policy SP1.
13. The appellants state that the building is no longer required as an ancillary building to their home and it stands empty. The strict application of Policy SP1

of the Local Plan would prevent the conversion of the appeal property into a separate dwelling, but it would potentially result in a serviceable dwelling being left empty. I consider the current and likely future status of the building as an empty property to be a material consideration to which I also attach significant weight.

14. The village has poor access to public transport and therefore any future occupiers are more likely to rely on car journeys to access services and facilities. Paragraph 7 of the Framework states that there are three interdependent dimensions to sustainable development, namely economic, social and environmental roles. An increased reliance on car journeys is a significant environmental factor for the purposes of paragraph 55 of the Framework.
15. However, I consider that the impact of car journeys should be balanced against the environmental impact of an empty property that needs to be maintained and therefore results in the consumption of energy, without the benefit of providing any housing. I consider that the balance falls firmly in favour of allowing the building to be used as a dwelling because the impact of additional car journeys is likely to be minimal when compared to the impact of energy use to maintain an empty property.
16. The purpose of Policy SP1 of the Local Plan is to ensure that development in rural areas is sustainable. I consider that to achieve the purpose of the Policy, the use of the building as a dwelling outweighs the strict application of the criteria in Policies SP1 and SP2.

#### *Conservation Area*

17. The appeal site sits within the Woolsthorpe by Belvoir Conservation Area (the Conservation Area). As such I am mindful of my statutory duty, arising under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
18. The Conservation Area is largely residential in character and was designated in 1997 to cover the older part of the developed footprint of the village, which comprises a ribbon development sitting between the River Devon and Holywell Woods. Buildings are a mixture of old and new and are built predominantly of ironstone or red brick. Some post-war development sits uncomfortably in the street scene but later buildings have more closely reflected the scale and detailing of the Conservation Area.
19. The boundary of the appeal site and the street is delineated by a retaining wall and a hedge, which it is proposed should be retained. The substantial plot that comprises the appeal site is largely screened behind this wall and hedge and is not clearly visible from the street. Therefore the works necessary to divide the existing driveway and install fencing would not have a visual impact on the appearance of the Conservation Area. No other building works are proposed and therefore I conclude that the development would preserve the character and appearance of the Conservation Area.

#### **Conditions**

20. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary I have amended the wording of

these in the interests of precision and clarity in order to comply with the advice in the Planning Practice Guidance.

21. In the interests of proper planning I have imposed the standard condition in respect of time limits. For certainty I have imposed a condition requiring compliance with the plans relating to site layout. It is not necessary to impose a condition in relation to other plans as no structural or building works are planned.
22. The Council has suggested a condition restricting the exercise of rights under Classes A and E Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015. The Council believes that such restrictions are necessary to preserve the character and appearance of the area and to protect the living conditions of the occupiers of neighbouring dwellings as a result of future development.
23. While I consider these are not issues with the development as proposed, future alterations could adversely impact on the character and appearance of the area or the living conditions of the occupiers of neighbouring properties, given the relationship of the plot with its neighbours. For these reasons I have attached a condition restricting the exercise of rights under Classes A and E.

### **Conclusion**

24. For the reasons given above, and taking into account all other matters, I therefore conclude that the appeal should succeed.

*D Guiver*

INSPECTOR

## **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: RL 1(a) and RL 2.
- 3) The dwelling identified in the approved plans as The Cottage shall not be occupied until space has been laid out within the site in accordance with drawing no. RL 2 for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration other than those shown on the approved plans shall be made to the dwelling hereby permitted.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no garages or other outbuildings shall be erected other than those expressly authorised by this permission.