
Appeal Decision

Site visit made on 1 October 2019

by R Norman BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2019

Appeal Ref: APP/D2510/W/19/3232935

2 Farm Cottage, Church Lane, Bag Enderby PE23 4NP

- 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 Miss D Jenner against the decision of East Lindsey District Council.
 - The application Ref S/066/00578/19, dated 28 March 2019, was refused by notice dated 28 May 2019.
 - The development proposed is the change of use of land for the siting of a shepherd's hut to provide holiday accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of land for the siting of a shepherd's hut to provide holiday accommodation at 2 Farm Cottage, Church Lane, Bag Enderby PE23 4NP in accordance with the terms of the application, Ref S/066/00578/19, dated 28 March 2019, subject to the conditions in the attached schedule.

Procedural Matter

2. In the interests of brevity, I have taken the description of development from the Appeal Form, however I have had regard to the Appellant's longer description in my considerations of the proposed development.

Main Issue

3. The main issue is whether the development would be in an appropriate location for new holiday accommodation, having regard to access to services and facilities.

Reasons

4. The appeal site comprises part of a residential garden associated with No 2 Farm Cottages. The site is currently laid to grass and bounded by trees and hedging. The surrounding area consists of a small number of buildings including dwellings, agricultural buildings and a Church, and is very rural in character. The wider area is characterised predominantly by open countryside. The proposed development would introduce a reasonably modest shepherd's hut style of building into the appeal site to be used as holiday accommodation.
5. Policy SP1 of the East Lindsey Local Plan Core Strategy (2018) (Core Strategy) identifies the settlement hierarchy from towns to small villages. Bag Enderby is

not listed within any of these defined settlements and as such comprises an area within open countryside for the purposes of Policy SP1. Policy SP15 details the criteria for new tourist accommodation which will be supported where it will extend and diversify the tourism and leisure economy, provide additional employment opportunities and provide opportunities for the enjoyment of the District's wider countryside, amongst other things. Part 3 of Policy SP15 relates to the provision of new caravans and log cabins and requires them to be in proximity to a town, large or medium village as well as meeting other landscaping, heritage, access and habitat considerations.

6. Whilst not referred to in the reason for refusal, the Council have also noted that Policy SP22 is relevant to the proposed development. This policy requires development to be accessible, close to key facilities and reduce isolation.
7. The appeal site is detached from the defined settlements and Bag Enderby provides little in the way of services and facilities. This would mean that occupiers of the holiday accommodation would be likely to use a car to access local services and facilities. However, I have had regard to the level of vehicular movements that would be generated by this scale of development. It is likely that a limited number of cars would be at the property at any one time and the size of the proposed hut would be reasonably likely to preclude large groups of people staying.
8. The area surrounding the appeal site has little in the way of pedestrian facilities with few footpaths and a lack of street lighting. However, the surrounding roads are rural in nature and, whilst not geared towards encouraging pedestrians, the surrounding area may provide opportunities for walks around the countryside. Whilst there is the potential for conflict between vehicles and pedestrians, vehicle levels appeared to be low. Accordingly, I do not consider that this would significantly discourage pedestrians who may choose a holiday let of this type for the rural routes and isolation.
9. I consider that the levels of vehicular activity associated with the proposed development would not be likely to be excessive and although not adjacent to or reasonably close to nearby settlements, I do not find this to be harmful to a level that would render the proposed development unacceptable. Whilst I note the Council's concerns over a cumulative impact of several small-scale developments, each subsequent case would need to be determined on its own merits and would not necessarily raise the same considerations as the scheme before me.
10. I have considered the appeal decision referred to by the Council however this appears to be for a different type of development, relating to the expansion of an existing site. Furthermore, I have limited details of the context of this example and cannot therefore conclude that it is sufficiently comparable to the scheme before me. I have therefore considered the appeal proposal on its individual merits.
11. Consequently, whilst the proposed development would not comply wholly with the requirements of Policies SP1, SP15 and SP22, given its separation from the nearby main settlements, I find that the above considerations are sufficient to outweigh the policy conflict in this instance and accordingly the proposed development would be acceptable.

Other Matters

12. The appeal site is located within the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB). The proposed hut would be of a modest scale. Its location to the rear corner of the site, combined with the existing trees and hedging would ensure that the development would be able to be successfully assimilated into the rural landscape without undue harm arising to the character of the AONB.
13. The appeal site is in proximity to a Grade II Listed cottage and the Grade II* Church. In addition, there is an ancient monument present within the Church Yard. Although in proximity to these, the siting, scale and intervening landscape and buildings would ensure that the proposed development would not have an impact on the setting of these buildings and monument.

Conditions

14. In addition to the standard time limit condition I have imposed a condition listing the approved plans as this provides certainty. The Council have requested a number of conditions which I have considered against the advice in the Planning Practice Guidance and amended where necessary.
15. A condition for the specific details of the external appearance of the proposed development is necessary in the interests of the visual character of the area. A condition restricting the use of the development is necessary to ensure that it is not used for permanent accommodation given its rural location. I have imposed a condition for the provision of access and parking in the interests of highway safety.

Conclusion

16. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be allowed.

R Norman

INSPECTOR

Schedule of 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 plan: Drawing Number 18/1456 001.
- 3) Prior to the holiday shepherd's hut being installed on site details of the external appearance and materials, including the final colour, which shall follow that shown in the photograph labelled 'Similar Hut' received on 29 March 2019, shall be submitted to and approved in writing by the local planning authority. Only the shepherd's hut as agreed shall be sited on the land.
- 4) The holiday accommodation hereby permitted shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The owners/operators of the site shall maintain an up-to-date register of the names of all occupiers of the accommodation on site, and of their main home addresses, and shall make this information available to the local planning authority on request.
- 5) Prior to the first occupation of the development hereby permitted, the access and parking area shall be improved in accordance with the Highway Authority's specification that is current at the time of construction and thereafter so maintained.