
Appeal Decision

Site visit made on 28 August 2019

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th October 2019

Appeal Ref: APP/E2530/W/19/3230491

3 Obthorpe Lane, Thurlby, Lincolnshire PE10 0ES.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mr Darren Martin against the decision of South Kesteven District Council.
 - The application Ref S18/1966, dated 6 November 2018, was refused by notice dated 19 February 2019.
 - The development proposed is the change of use from paddock to residential garden.
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Decision

1. I allow this appeal, and grant planning permission for the change of use from a paddock to a residential garden at the rear of 3 Obthorpe Lane, Thurlby, Lincolnshire PE10 0ES subject to the conditions in the attached Schedule.

Preliminary Matter

2. From my inspection of the letters of objection I am aware that there are some residents who contend that the appellant wishes to use the recently constructed stable block at some future point as a dwelling. To the best of my understanding there is no planning permission for such a use and were the appellant intending to do this he would require the appropriate authorisation.

Main Issues

3. The main issue in the determination of this appeal is whether the proposed development will harm the character and appearance of the area.

Reasons

4. The appeal site is a horse paddock measuring about 0.25 hectares to the rear of and accessed from 3 Obthorpe Lane's back garden. The residential property is a detached dwelling with a rear garden standing in a plot measuring around 0.18 hectares. The paddock is one of a number located to the rear of residential properties within the village.
5. At the eastern end of the paddock is a stable block constructed from what appear to be original bricks and red clay tiles. This stable block was built subsequent to an earlier planning permission (S16/2466) allowing the demolition of an original block and reconstruction. The block measures approximately 11 metres in width, 5 metres in depth and 5 metres in height. To the east of the appeal site sitting within an area of generally unkempt land

- are some redundant structures which I assume were previously glass houses used in connection with local agriculture.
6. To the north of the paddock on the High Street is a large building, which I understand is a youth hostel, standing in extensive grounds together with an adjacent bungalow on a smaller, separate plot. The view of the youth hostel from the paddock was effectively screened by a number of large, mature trees along the boundary. There is inter-visibility between the appeal site and the bungalow. Finally, there were a number of properties along Obthorpe Lane which might have some view of the paddock when the trees are not in leaf.
 7. The paddock appeared to have been closely mown recently. Whilst it is no longer used for keeping horses the paddock contributes to the character and appearance of the area by virtue of its former function.
 8. Policies SP1 and ENV1 of the South Kesteven Local Development Framework Core Strategy 2010 (CS) seek to prohibit development in villages where this will harm the character and appearance of the area. Development is required to respect the historic character, patterns and attributes of the landscape.
 9. With the grant of planning permission for change of use to residential garden use the occupant would benefit from the associated permitted development rights which include, for example, the right to construct a swimming pool. This would harm the character and appearance of the area. However, the appellant has stated that he would agree to a condition withdrawing permitted development rights under Class E of Part 1 of the relevant Order.
 10. Consequently, I find that the appeal proposal would not harm the character and appearance of the area. The appeal proposal would therefore be compliant with CS SP1 and CS ENV1 and would be consistent with sections 12 and 15 of the Framework.
 11. I note that some objectors have referred to the possibility of noise and light pollution. I recognise that a garden is likely to be a place of play for young children, but I do not accept that, given its location, there will be any material impact upon the living conditions of neighbours.

Conclusions and Conditions

12. For the reasons set out above and having had regard to the documents submitted to me, I allow this appeal. In addition to the standard 3-year condition I have included in the interests of certainty a condition requiring the appellant to submit to, and have approved by, the Council a plan showing the details of any boundary treatment. Finally, I have included two conditions withdrawing specified permitted development rights (Schedule 2, Part 2, Class A and Schedule 2, Part 1, Class E) to ensure that the character and appearance of the area is not harmed.

William Walton

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following list of approved plans: Drawing No. 243PL03-1A unless otherwise required by another condition of this permission.
- 3) Before development commences, a plan indicating the heights, positions, design, materials and type of boundary treatment to be erected on site shall have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be implemented and retained in accordance with the approved details.
- 4) Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) 2015 (or any order revoking or re-enacting that Order with or without modification), no gate, fence, wall or other means of enclosure shall be constructed within or on the boundary of the curtilage of the site without Planning Permission first having been granted by the Local Planning Authority.
- 5) Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no building, enclosure, swimming or other pool or container used for domestic heating purposes shall be constructed within the curtilage of the dwelling house without Planning Permission first having been granted by the Local Planning Authority.