
Appeal Decision

Site visit made on 12 August 2019

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2020

Appeal Ref: APP/D2510/W/19/3229599

Authorpe Methodist Church, Main Road, Authorpe, Louth LN11 8PG

- 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 Thomas Connolly Estate Agents against the decision of East Lindsey District Council.
 - The application Ref N/010/00182/19, dated 17 January 2019, was refused by notice dated 4 April 2019.
 - The development proposed is change of use and conversion of Authorpe Methodist Church to a one-bedroom dwelling-house.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Thomas Connolly Estate Agents against East Lindsey District Council. This application is the subject of a separate Decision.

Procedural Matter

3. As part of the appeal submissions, additional drainage details have been submitted by the appellant. These details include the provision of a package treatment plant and a storm water attenuation tank to the front of the site.
4. The 'Procedural Guide – Planning Appeals – England' advises that if an applicant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal they should normally make a fresh planning application (Annexe M.1.1). If an appeal is made, the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought (Annexe M.2.1).
5. Notwithstanding that, in deciding whether to accept these revised plans, I have given consideration to the 'Wheatcroft Principles' (Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]) and whether any prejudice would occur.
6. In this case I consider that given the nature of the additional details, and that consultation has taken place on the appeal itself, no prejudice would occur if I accepted these details at the appeal stage. I have therefore determined the appeal with these details in mind.

Main Issues

7. The main issues are:

- whether the proposal constitutes an isolated dwelling in the countryside;
- the effect of the proposal on the non-designated heritage asset;
- whether the proposal would provide suitable living conditions for the future occupiers of the development, and the effect of the proposal on the living conditions of the occupiers of Chapel Cottage with particular regard to noise and disturbance;
- whether suitable drainage can be provided.

Reasons

8. The site comprises a former Wesleyan Methodist Chapel, which has a small area of land at the front enclosed by walls and railings. The building is described as a non-designated asset on the Historic Environment Record. The site is located within the settlement hamlet of Authorpe, which is designated as being in the open countryside in the East Lindsey Local Plan Core Strategy (2018) (LPCS). On the south-east side of Main Road there are residential properties including Chapel Cottage, which was originally associated with the appeal property. The site itself abuts the highway at its frontage but is otherwise surrounded by the curtilage associated with Chapel Cottage.
9. The proposal consists of the conversion of the building to a 1-bedroom, 2-person dwelling with a rear outdoor amenity area, created by removing an existing rear extension. However, part of its walls would be retained at 2 metres in height as boundary treatment around the outdoor space. The existing uPVC window frames would also be replaced with timber frames.

Whether the proposal constitutes an isolated dwelling in the countryside

10. Within the introductory text to Policy SP1 of the LPCS the definition of open countryside includes hamlets. As Authorpe is a hamlet, in planning policy terms, it therefore lies within open countryside.
11. Paragraph 79 of the National Planning Policy Framework (the Framework) advises that planning policies and decisions should avoid the development of isolated homes in the countryside, unless one or more of a list of circumstances, outlined in the Framework, apply.
12. However, in *Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610*, the Court of Appeal concluded that the word “isolated”, in the phrase “isolated homes in the countryside”, simply connotes a dwelling that is physically separate or remote from a settlement. Consequently, whether a proposed new dwelling is, or is not, “isolated” in this sense is a matter of fact and planning judgment for the decision-maker in the circumstances of the case in hand.
13. Given that the appeal building is sited between existing dwellings, all within the built-up extents of the hamlet of Authorpe, I consider that the proposed dwelling would not be remote from a settlement. Consequently, it would not constitute an isolated home in the countryside, as referred to in Paragraph 79. Having reached this conclusion, it is not necessary for me to consider whether

the proposal accords with one or more of the circumstances listed in Paragraph 79, including optimal viable use of a heritage asset.

Non-designated heritage asset

14. Paragraph 197 of the Framework requires the effect of a proposal on the significance of a non-designated heritage asset to be considered when determining applications. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset.
15. From the evidence before me, I conclude that the building is of low significance and that the significance is derived from the building itself, and none of the internal elements are deemed to be significant.
16. That said, I consider that the removal of the unsympathetic rear extension, replacement of uPVC window frames with timber ones and the retention of all other external features of the building, would result in an enhancement to the appearance of the building. Therefore, I consider that the development would enhance the non-designated heritage asset. Whilst there is little evidence submitted in respect of alternative uses for the existing building, I consider that this is not a factor which would warrant the withholding of planning permission on this ground particularly given the obvious heritage benefits outlined above.
17. As such, the proposal would accord with Policy SP11 of the LPCS and the heritage aims of the Framework, which broadly seek to protect or enhance heritage assets and put them to viable uses consistent with their conservation.

Living conditions

18. Chapel Cottage is positioned approximately 5 metres from the rear of the Chapel at its nearest point. The car parking and turning area of the Cottage is in front of the property and to the side of the Chapel. There is a side garden to Chapel Cottage, which has a small lawned area and a paved area along the edge of the dwelling, which would be behind the proposed garden. This side garden is enclosed and fenced off from the primary outdoor amenity space associated with the Cottage, which is sited to the rear of the property.
19. The proposal would provide a 1-bedroom, 2-person residential unit with an outdoor amenity area to the rear. Given the size of the new dwelling, the extent of comings and goings to the property would be limited. In addition, day-to-day activities such as putting out refuse, using the outdoor amenity space and receiving visitors to the dwelling would also be limited in their extent and would not produce harmful noise levels. As such, I consider that the proposal would not be harmful to existing occupiers in respect of noise and disturbance.
20. As noted above, the new dwelling would clearly be in proximity to the existing driveway and parking area for Chapel Cottage. Whilst there would inevitably be some noise and disturbance resulting from comings and goings associated with Chapel Cottage, I am not convinced that this would be so adverse as to warrant the withholding of planning permission on this ground.
21. Turning to other matters which may affect residential amenity, the proposed dwelling does not include any windows on its side elevation that faces this car

- parking area. The windows on the rear elevation would serve a bathroom and an open plan kitchen/dining/lounge area, which would also face part of the front elevation of the cottage where there is another ground-floor habitable room window.
22. The Appellant has indicated that the rear facing kitchen window would be fixed and obscurely glazed, as it is reasonable to conclude that the same would apply for the bathroom window. Such measures would prevent any overlooking between the respective properties. I am also satisfied that this could be controlled by means of a suitably worded planning condition should I be minded to allow the appeal.
23. Finally, in respect of garden area, this would be surrounded by a 2 metre high wall which would be retained from the demolition of the existing extension. This height of wall would prevent any overlooking from this garden area and would also provide a suitable level of privacy for the future occupants of the dwelling.
24. For the above reasons the proposal would not adversely affect the living conditions of the occupiers of Chapel Cottage and would provide suitable living conditions for the future occupiers of the development. It would therefore accord with the residential amenity tenet of Policy SP10 of the LPCS and paragraph 127 of the Framework, which seeks to ensure developments provide a high standard of amenity for existing and future occupiers.

Drainage

25. As noted above, the appellant proposes to install a package treatment plant and a storm water attenuation tank, to deal with foul drainage and surface water run-off respectively. Both systems would be installed underground within the small area of land at the front of the building.
26. The appellant contends that the contents from the treatment plant could be removed from the roadside. However, the Council consider, and have emphasised, that the proposed locations for treatment plant and soakaway would not meet current building regulations owing to their proximity to the existing building. Furthermore, no details are provided, for example, as to where effluent from the treatment plant would drain to.
27. The appellant has suggested that a condition could be attached, should the appeal be allowed, requiring comprehensive drainage details to be submitted and approved prior to occupation.
28. Given the concerns raised by the Council regarding public health and building regulations, I consider that there is insufficient information submitted to enable me to confirm that a satisfactory drainage scheme could be provided which is clearly a material planning consideration. Furthermore, it is unclear whether there could be a proposal which would satisfy the regulatory requirements of environmental health and/or building regulations. I am also conscious that as none of the surrounding land is within the ownership of the appellant this severely hinders the ability to provide an acceptable drainage system without suitable agreements being reached with a third party. Taking all of this into account, I cannot be satisfied that this matter can be adequately dealt with by the imposition of a condition.

29. In respect of surface water drainage, it is clear that the existing arrangements do not provide a satisfactory arrangement. However, the development would involve the removal of the rear extension which would have the potential to result in an improvement to surface water drainage over the existing situation. With that in mind, I consider that this is not a determinative factor on its own. However, it does add weight to my concerns over the overall drainage to the site as a whole.
30. Consequently, in this regard, I am unable to conclude that the proposed drainage system would accord with Policy SP16 of the LPCS, which requires, among of things, all new development to show how it can provide suitable foul water treatment.

Other Matters

31. I have also taken into account the matters raised in the representations received including matters relating to parking and highway safety, disruption resulting from the conversion, and encroachment onto third party land. However, any disruption would be short term, and should there be any encroachment this would be a civil matter.
32. With respect to parking and highway safety matters, given the lawful use of the building and the fact that visitors to the Chapel would have been likely to have used private motor cars, I consider that the proposal would not result in any detrimental impact on the surrounding highway network. In addition, I do not consider that the lack of provision of on-site parking would present any severe highway safety issues.

Planning balance

33. I note within the Hamlet of Authorpe there are barely any services or facilities available to meet the day-to-day needs of future occupants of the proposed dwelling. A limited range of services and facilities do exist in surrounding hamlets. However, the nearest Towns providing access to a comprehensive range of services and facilities are Alford and Louth, approximately 4 and 6 miles away respectively.
34. I have no evidence before me that there are suitable public transport options available or accessible footpaths or cycle networks. The surrounding road network is characterised by country lanes with no footpaths and limited street-lighting. Although the topography in the area is relatively flat, given the distances from the site to a full range of key services and facilities, cycling is unlikely to be used by future occupants as an alternative mode of transport to meet such needs. Consequently, future occupiers of the proposed dwelling would be heavily reliant on the private motor car for such purposes, which is the least sustainable mode of transport.
35. Notwithstanding that, I am also conscious that the appeal development would result in the re-use of an existing building. It is also clear that alternative uses of this building would invariably result in levels of traffic generation which would also be likely to be by private motor vehicle. To my mind, this is a significant factor in this case. Taking this into account, despite the harm as a result of the acknowledged unsustainable location of the site, I consider that the location of the appeal site is not a factor which should prevent the reuse of this existing building for residential purposes.

36. In addition to the above, the appellant asserts that the Council are unable to demonstrate a five-year supply of housing in accordance with the methodology set out in paragraph 73 of the Framework, although this is disputed by the Council. However, neither party has provided detailed evidence regarding this matter.
37. In this case I have found that the proposal does not demonstrate that it would be possible to provide suitable drainage for the proposed dwelling and would be contrary to both the relevant Development Plan policies and the Framework. To my mind, this weighs very heavily against allowing the proposed development.
38. Notwithstanding that, the development would give rise to some minor social benefits in that it would provide much needed additional housing. The development would also bring some minor economic benefits through the conversion process and the potential to support local facilities. I also recognise the heritage benefits to the proposal. These matters are in favour of the proposed development.
39. However, the provision of an additional dwelling would be unlikely to have any significant effect in reducing the deficit to the housing land supply for the east Lindsay District should there be such a deficit. Against this background, the harm identified significantly and demonstrably outweighs the benefits when assessed against the policies in the Framework and Policy SP2 of the LPCS. The proposal cannot therefore be considered to be sustainable development.

Conclusion

40. Taking all matters into consideration, I conclude that the appeal should be dismissed.

J Williamson

INSPECTOR