



Appeal Decision

Site visit made on 27 July 2020

by Beverley Wilders BA (Hons) PgDurp MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th August 2020

Appeal Ref: APP/E2530/W/19/3242861

Priory Farm Yard, Station Road, Castle Bytham, Grantham, Lincs NG33 4RZ

- 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 Nicholas Perry against the decision of South Kesteven District Council.
 - The application Ref S17/1315, dated 28 June 2017, was refused by notice dated 12 September 2019.
 - The development proposed is one house and one cottage; change of use from farmyard. Demolition of existing farm buildings.
-

Decision

1. The appeal is allowed and planning permission is granted for one house and one cottage; change of use from farmyard. Demolition of existing farm buildings at Priory Farm Yard, Station Road, Castle Bytham, Grantham, Lincs NG33 4RZ in accordance with the terms of the application, Ref S17/1315, dated 28 June 2017, subject to the conditions set out in the attached schedule.

Procedural Matter

2. The Council's reason for refusal refers to Policy EN1 of the South Kesteven Core Strategy and Policy EN6 of the emerging South Kesteven Local Plan. However, subsequent to the Council making its decision, the South Kesteven District Local Plan 2011-2036 (LP) was adopted in January 2020 and replaced the Core Strategy and the emerging plan. The Council has referred to the relevant LP policies in its Statement of Case which the appellant has had the opportunity to comment on. In determining the appeal, I have had regard to relevant policies contained in the LP rather than those referred to in the Council's decision notice.

Main Issue

3. The main issue is the effect of the proposal on the setting of the Grade I Listed Church of St James, Grade II* Listed The Priory and on the character or appearance of Castle Bytham Conservation Area (CA).

Reasons

4. The appeal site comprises a piece of land set back from and accessed via Station Road. Land levels rise up along the northern access from Station Road meaning that the site is elevated relative to the road and to surrounding buildings including The Priory. The site contains a number of modern farm

buildings sited on the elevated part of the land close to the rear of the Church and Priory, two of which are visible from Station Road and viewed alongside parts of the listed buildings. The majority of the site is within the CA.

5. The close relationship and relative land levels between the northern part of the appeal site and the listed buildings means that development on this part of the site has the potential to impact on the setting of the listed buildings which in turn contributes to their significance. Though the northern part of the site contains existing development which is close to the listed buildings, it nevertheless comprises part of the setting of the buildings and contributes to the semi-rural and verdant character of this particular part of the CA which in turn contributes to the significance of the wider CA.
6. The proposal includes the demolition of the modern farm buildings on the northern part of the site and the erection of a part two-storey, part one storey dwelling with a U shaped footprint. The proposed dwelling is traditional in design and appearance, would be constructed from traditional natural materials and would be positioned further away from the listed buildings than existing development on site, with the two storey element being positioned centrally within the courtyard. Submitted sections show that the ridge height of the two-storey part of the dwelling would be of a similar height to the tallest existing farm building and only slightly higher than the ridge height of the church. An open lawn area is shown to the south of the access drive meaning that a large area of undeveloped land is to be retained to the front of the site, near to Station Road, with existing landscaping. I note that the no objections were raised to the proposal by the Council's Conservation advisor and that the Council raised no objections in respect of the bungalow proposed to the south eastern part of the site.
7. In reaching my decision, I note that some concerns have been raised as to the authenticity of the creation of a pseudo farmstead in this location near to The Priory which also has barns and to the historically incorrect position relative to the ecclesiastical buildings. However, I am satisfied that the relative position of the proposed dwelling to the listed buildings and its position within the CA is such that the proposed design, form and massing of the dwelling would not be inappropriate to its setting or harmful to the CA. I have also had regard to the findings of a previous Inspector who dismissed an appeal for an agricultural dwelling on the site in 1991 (Ref T/APP/E2530/A/91/183804/P7). However, given the amount of time that has lapsed since that decision was made and that I have no details of what was being proposed, I attach very little weight to it. In any event, I must determine the proposal before me on its own merits.
8. Taking the above matters into consideration and mindful of the duties imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990, I conclude that the significance and special interest of the listed building and the character and appearance of the CA would be preserved and arguably enhanced by the proposal. I do not consider that the proposal would have an overbearing effect on the listed buildings or a harmful effect on the CA. It therefore accords with policies SP3, DE1, EN1 and EN6 of the LP and to relevant policies contained within chapters 12 and 16 of the National Planning Policy Framework (the Framework). These policies seek, amongst other things, to protect and enhance heritage assets and their settings and to

ensure that development is well designed and appropriate to the landscape within which it is situated.

Other Matters

9. In reaching my decision I note that various other matters were raised in relation to the proposal.
10. With regard to living conditions, the scale, position and elevation of the proposed dwellings together with the position of existing and proposed windows and garden areas means that I am satisfied that, notwithstanding any difference in levels between dwellings, the proposal would not be materially harmful to the living conditions of the occupiers of nearby residential properties having particular regard to privacy and outlook.
11. Both dwellings would utilise existing vehicular accesses and though I note that some concerns have been raised regarding the adequacy of these accesses and existing pressure on the road network, I am satisfied that the proposed arrangements are acceptable and would not give rise to highway safety issues. This is having regard to the existing use and nature of the accesses and the relatively low level of vehicle movements likely to be generated by the proposal. No objections were raised to the proposal by the Highway Authority.
12. An Extended Phase 1 Habitat Survey was submitted with the application and was assessed by Lincolnshire Wildlife Trust who concurred with its findings that the proposal would not have an adverse impact on biodiversity or protected species. Although I note that some concerns have been raised by interested parties regarding this matter, I have seen no substantive evidence to contradict the findings and conclusions of the submitted report and am therefore satisfied that the proposal would not result in harm to protected species and/or biodiversity.
13. Any potential need to divert an existing water main that runs across the site to facilitate the proposal is a matter for the developers and is not a matter to be considered by me in determining the appeal. There is no evidence to indicate that the proposal would increase crime levels in the area.
14. Finally, some concerns have been raised with regard to the status of the village in terms of whether it is a local service centre as stated within the Council's committee report. I note that the Council refer to the village as a smaller village in its Statement of Case but continue to raise no objection to the principle of the development subject to compliance with relevant policies.

Conditions

15. I have had regard to the conditions suggested by the Council. I have imposed a condition specifying the approved plans as this provides certainty. I have also imposed conditions requiring additional details regarding materials, window/door design and landscaping. This is having regard to the location of the appeal site close to listed buildings and within a conservation area and in order to protect the visual amenity of the area.

16. In addition, I have imposed a condition requiring the submission of an arboricultural method statement prior to the commencement of any works on site in order to ensure suitable protection of trees and landscaping to be retained. The nature of the requirements of this condition and other conditions requiring the submission of details regarding biodiversity mitigation, energy consumption, water resources, low-carbon travel and archaeological investigation are such that development cannot proceed until the required details have been submitted and agreed. The appellant has been consulted regarding the imposition of these conditions and raises no objection to them. These conditions are necessary to ensure suitable landscaping, tree protection, sustainable building, archaeological and biodiversity protection and the protection of protected species.
17. I have also imposed a condition regarding contamination having regard to the previous and future use of the site and to ensure that contamination is properly dealt with.
18. Where necessary and in the interests of clarity and precision, the wording of the suggested conditions has been altered slightly.
19. The Council has suggested a number of conditions relating to the removal of permitted development rights. Paragraph 53 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is a clear justification to do so. No such justification has been provided by the Council and I note that the proposed dwelling's position within the conservation area already places further restrictions on the exercise of some permitted development rights and that the rights are also subject to other conditions some of which may apply in this case. Therefore, as I am not satisfied that these conditions meet the test of necessity, I have not imposed them.

Conclusion

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

Beverley Wilders

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development shall be begun 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:

Location Plan

Block Plan - 1710.A2.H

Bungalow plans (grouped) - A1-28-10-2018

House Elevations - 1710.A3.A

House Plans & Elevations - 1710.A4.A

- 3) No development shall take place until a scheme for biodiversity mitigation and enhancement has been submitted to and agreed in writing by the local planning authority. The scheme shall be based upon the recommendations of the Extended Phase 1 Habitat Survey submitted with the application and shall include but not be limited to measures for creation of new habitat for owls, bats and birds. The scheme shall include a plan identifying the location of any mitigation and enhancement measures, along with a detailed schedule (and technical details as relevant) for each of the measures proposed. The required biodiversity mitigation and enhancement measures shall be completed in full, in accordance with the agreed scheme, prior to the first occupation of the dwellings hereby permitted.
- 4) Prior to any clearance works on the site or the commencement of development whichever is the earlier, a detailed Arboricultural Method Statement (AMS) shall have been submitted to and agreed in writing by the local planning authority.

The AMS should be produced to the minimum standards described in the BS5837 (2012) Trees in Relation to Design, Demolition and Construction, taking into consideration the General Recommendations as set out in the Tree Survey submitted with the application. The AMS should also include full details of a tree protection scheme (accompanied by a tree protection and constraints plan) which should show the position of the new structures and protection barriers in respect of the retained trees, hedgerows and shrubs and their Root Protection Areas (RPA). Construction details in the form of a mitigating method and impact statements should also be provided where there is potential influence from construction work, foundations, hard surfaces, drainage systems, and utilities on the retained trees, shrubs and hedgerows.

All works or development at the site shall only proceed in accordance with the agreed details.

- 5) Before the development hereby permitted is commenced, a written scheme of archaeological investigation shall have been submitted to and approved in writing by the local planning authority. The archaeological investigations shall also have been completed in accordance with the approved details before development commences.

- 6) No development shall take place until details demonstrating how the proposed dwellings would comply with the requirements of Local Plan Policy SB1 have been submitted to and approved in writing by the local planning authority. The scheme shall include details of how carbon dioxide emissions would be minimised through the design and construction of the buildings; details of water efficiency and the provision of electric car charging points. The approved sustainable building measures shall be completed in full, in accordance with the agreed scheme, prior to the first occupation of the dwellings hereby permitted.
- 7) Before any construction work above ground is commenced, details of hard and soft landscaping works shall have been submitted to and approved in writing by the local planning authority. Details shall include:
 - i. planting plans;
 - ii. written specifications (including cultivation and other operations associated with plant and grass establishment);
 - iii. schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
 - iv. details of all hard-surfaced areas including material.
- 8) If during development, contamination is encountered, works at the site should cease until a strategy to deal with the identified contamination has been submitted to and approved in writing by the local planning authority. The strategy shall include details of investigation, risk assessment, remediation measures and verification steps which shall be prepared in accordance with best practice. Works shall then only continue in accordance with the requirements of the agreed strategy.
- 9) Before any of the works on the external elevations for the buildings hereby permitted are begun, samples and details of the materials (including mortar mixes) to be used in the construction of the external surfaces shall have been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.
- 10) Before the installation of any of the new external windows and/or doors on the house hereby consented, full details of all proposed joinery works for those windows/doors, including 1:20 sample elevations and 1:1/1:5 joinery profiles, shall have been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.
- 11) Before the end of the first planting/seeding season following the occupation/first use of any part of the development hereby permitted, all hard and soft landscape works shall have been carried out in accordance with the approved landscaping details.