
Appeal Decision

Site visit made on 7 July 2020

by Peter Mark Sturgess BSc (Hons), MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: Friday, 21 August 2020

Appeal Ref: APP/A2525/W/20/3253833

Lazy Acre, Little Dog Drove, Holbeach St. Johns, Spalding, PE12 8RR

- 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 E. McGowan against the decision of South Holland District Council.
 - The application Ref H09-1078-19, dated 3 November 2019, was refused by notice dated 22 January 2020.
 - The development proposed is change of use of amenity building to a dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether a change of use to a dwelling is appropriate in respect of the building's location in the countryside and access to day to day services.

Reasons

3. The appeal building lies alongside a narrow single-track road, in the open countryside away from other buildings and settlements. Constructed, with planning permission as an amenity building for a caravan site, it has never been fully completed as the use of the site for caravans has ceased. It has been redundant for some time.
4. The development plan for the area is made up of the South East Lincolnshire Local Plan (SELLP) adopted in March 2019. It contains policies, Policy 1 and Policy 23, that are relevant to this appeal. They concern the distribution of new housing development in the area and the reuse of buildings in the countryside for residential use, respectively.
5. The site is in an isolated location and would encourage additional trips by private cars. Paragraph 79 of the National Planning Policy Framework (the Framework) seeks to avoid isolated homes in the countryside unless certain criteria apply. Relevant to this decision is the criteria which would allow the re-use of redundant or disused buildings in the countryside and enhance its immediate setting.
6. Policy 1 of the SELLP directs new development to the service centres of the District in order to support the services they provide and to ensure that the

countryside is protected from harmful development. Policy 23 of the SELLP allows for the conversion of existing rural buildings, located outside defined settlement boundaries, to dwellings, provided certain criteria are met, including that the building is of architectural or historic merit or makes a positive contribution to the character of the landscape to justify conversion to ensure its retention. Criterion 5 of this Policy 23 requires the development to lead to an enhancement of the immediate setting of the building. The objective of Policy 23 is to retain buildings that make a significant contribution to the character of the area and to prevent them becoming derelict and detracting from the visual character and quality of the countryside. This objective is reflected in criteria 2, 3 and 5 of the Policy.

7. The appeal building is constructed of materials of some quality (brick and slate) and has been constructed to a high standard. However, it is low and utilitarian in form, as befits a building constructed as an amenity building for a caravan site. It is of little architectural or historic merit as required by the Policy. Furthermore, it is set down within its site and located behind mature vegetation and therefore has very little impact on the landscape.
8. Policy 23, whilst it allows for the reuse of existing buildings in the countryside for residential use, is in conflict with paragraph 79 of the Framework where it requires buildings that are proposed for conversion to be of architectural or historic merit. Paragraph 79 of the Framework does not include this requirement. Where paragraph 79 and Policy 23 do concur is that conversions should enhance the immediate setting of the building.
9. The immediate setting of the appeal building is comprised of the overgrown remains of the former caravan site, including dilapidated timber buildings, and surrounding farmland. The site and the buildings it contains are not readily visible in the landscape. Therefore, whilst the site presents an unkempt appearance, the current condition of the site does not detract from its rural setting, as it is heavily vegetated with trees and hedgerows. It is also in an isolated location in the countryside and is not readily visible in the wider landscape. The proposal to convert the building to a dwelling could introduce domestic features such as external lighting, parked cars, washing lines and play equipment which would not enhance the immediate countryside setting of the building and could detract from its rural character.
10. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan, in this case the SELLP, unless material considerations indicate otherwise. The Framework is a material consideration. The SELLP at Policy 23 is not fully in accord with the Framework as it requires proposals for the conversion of existing rural buildings to dwellings to be of architectural or historic merit or make a positive contribution to the character of the landscape to justify conversion. This is not part of the criteria set out at paragraph 79 of the Framework. The Framework only requires the building to be redundant or disused and enhance its immediate setting. Therefore, I give this aspect of Policy 23 limited weight in this appeal.
11. However, both the SELLP at Policy 23 and the Framework require proposals to re-use a redundant rural building for residential use in the countryside to enhance its immediate setting. I have found at paragraph 9 that the current use and condition of the building has little impact on its immediate setting

given the vegetation around the building, its position within the site, its isolated location and its visibility in the wider landscape. Its conversion to residential use would increase the prominence of its immediate setting in the open countryside by introducing domestic features that would be incongruous in an isolated rural location. These features would not enhance the immediate setting of the building as required by paragraph 79 of the Framework and Policy 23 of the SELLP. I therefore consider that, on balance, the appeal proposal is in conflict with both paragraph 79 of the Framework and the part of Policy 23 that relates to proposals for conversion of buildings in the countryside to residential use needing to lead to an enhancement of the immediate setting of the building.

Conclusion

12. I find that having regard to all matters before me, including the policies of the development plan, when taken as a whole, the appeal should be dismissed.

Peter Mark Sturgess

INSPECTOR