The Planning Inspectorate

Appeal Decision

Site visit made on 10 November 2020 by Andreea Spataru BA (Hons) MA

Decision by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 February 2021

Appeal Ref: APP/R2520/W/20/3255179
EDS B&B, 51 Southgate, Sleaford, Lincolnshire NG34 7SY

- 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 John Price against the decision of North Kesteven District Council.
- The application Ref 20/0209/FUL, dated 14 February 2020, was refused by notice dated 14 April 2020.
- The development proposed is described as "site a 12m shipping container behind the wall with astro turf in front, to be used as Air B&B Rooms (2off). The roof is to have a mixture of solar panel and wild flower garden, the north and east elevations are to have areas of pollution eating moss panels."

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary matters

3. The description of development, as outlined within the application form, indicates that pollution-eating moss panels would be installed on the north and east elevations. The submitted plans match this description. I note that the Council has referred to north and west elevations in their decision notice and so did the appellant on the appeal form. Nevertheless, I shall consider the development as shown on the proposed plans.

4. The appeal statement indicates that the development is not a permanent structure. However, permission for this scheme is not sought for a specific temporary period. Therefore, I shall consider the appeal scheme based on the information submitted to and assessed by the Council.

Main Issue

5. The main issue is whether the development would preserve or enhance the character or appearance of the Sleaford Conservation Area, and the effect of the development on the setting of No 51 Southgate, which is a grade II listed building.

Reasons for the Recommendation

6. No 51 is a grade II listed building, located on the eastern side of Southgate, in the Sleaford Conservation Area (SCA). The development would be located to the rear of No 51, and to the south of the former windmill, which is also a grade II listed building. There are several other grade II listed buildings that front Southgate.

7. The appellant sought permission for the siting of a storage container, which would be used as two Air B&B rooms. The development also includes the installation of solar panels and a garden area on the roof of the container, and the installation of pollution-eating moss panels on the north and east elevations. The appeal is partly retrospective as the storage container is already in place.

8. Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area and preserving the setting of listed buildings. In this respect national policy on heritage assets is set out in the National Planning Policy Framework (the Framework). At paragraph 192, it sets out matters which should be taken into account, including sustaining and enhancing the significance of the heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness.

9. The SCA along the Southgate contains a mix of uses including the southern part of the commercial core of Sleaford, the railway station, and housing. There is consistency in design and in materials, which include brick, stone, and render, throughout the area. Subtle variations in design and materials add variety to the streetscene, which is relatively uniform in terms of building height and position. Positive features of the area include high quality architecture and good survival rate of original features and materials. The Sleaford Conservation Area Appraisal (SCAA) identifies the small-scale incremental change such as loss of original features and use of inappropriate materials as negative features of the area. The significance of the SCA, in relation to this appeal, is largely derived from the number of high quality buildings, together with the use of traditional materials and the retention of original features and the siting of the buildings and their relationship to each other.

10. The listing states that No 51 dates from the 18th century, but its ground floor was probably rebuilt in late 19th century. The building is constructed in red brick with a pantile roof. The significance of the property is largely derived from its age, materials, original features and prominent position within the town centre.

11. As defined within the Framework, the setting of a heritage asset is the surroundings in which the heritage asset is experienced. In this case, No 51 can be most readily appreciated from the land immediately surrounding the building. The land to the rear extends in a long thin plot, possibly the remnants of a medieval burgage plot as referred to in the SCAA, part of which was, according to the appellant, previously used as a beer garden for the public house. It therefore allows an understanding of its previous use and an appreciation of its historical development. It therefore forms an intimate area providing an open setting for the building which, whilst not overly prominent

from public vantage points, contributes considerably to the significance of the building.

12. The modern industrial form, materials and overall appearance of the container is in stark contrast with the traditional form of neighbouring buildings. It is therefore out of keeping with the character and appearance of the area and the container itself appears as a discordant feature. Furthermore, its siting erodes the intimate contained area and open setting to the rear of the listed building which contributes to its historical understanding.

13. Whilst the appearance of the container would be softened to some degree by the installation of a roof garden and pollution-eating moss panels, these elements are not sufficient to fully mitigate the harmful impact of the development, as due to its fundamental design and dimensions it would still be read as a clad shipping container. Likewise, whilst the development would be mostly screened by the existing boundary treatment, such as the stone wall, vegetation and trees, it would still have some visibility from the rear car park and surrounding properties and therefore this would not justify the harm to the heritage assets, or make it acceptable within this historic setting. Accordingly, the development would appear as an incongruous addition which would be harmful to the significance of the heritage assets.

14. The appellant has drawn my attention to other shipping containers located within the area. However, these are limited in nature and not sufficient to detract from the overall character and appearance of the area, nor make it industrialised in nature. Furthermore, I do not have all the details of those developments, or the circumstances in which they were granted permission before me. In any event, given their appearance, they do not seem to be in the same use as that proposed as part of the appeal scheme. Nor do they have a similar relationship with the listed building, No 51, as the development before me now. Therefore, the development is not directly comparable to them. Accordingly, I have considered the development on the basis of the site-specific circumstances and details of this case.

15. In terms of the approach set out in the Framework, due to the scale of the proposal, the harm to the significance of the heritage assets would be less than substantial. In such cases, harm should be weighed against the public benefit of the proposal in accordance with paragraph 196 of the Framework.

16. I acknowledge that the proposal may mitigate the air pollution to some degree through the installation of pollution-eating moss panels. However, the evidence submitted does not show how and to what extent these panels work if attached to shipping containers of the size proposed. Nor is there any detail of how it would be maintained in the long term. Nonetheless, given the scale of the development, any public benefits would be limited. Likewise, due to the small scale of the development, in the absence of any substantive evidence to suggest otherwise, the economic benefits would also be limited. As such, public benefits are not sufficient to outweigh the harm that I have identified, harm which, in accordance with paragraph 193 of the Framework, carries great weight.

17. Accordingly, the proposal would fail to preserve the setting of No 51 Southgate and would neither preserve nor enhance the character or appearance of the SCA, and as such would not meet the statutory requirements of the Act. Furthermore, the development would be contrary to Policies LP7, LP25, LP26

and LP43 of the Central Lincolnshire Local Plan, which collectively require, amongst other things, that developments should be appropriate for the character of the local environment in scale and nature, and protect, conserve and, where appropriate, enhance the benefit of heritage assets.

18. It is unclear in its reasons for refusal as to whether the Council has concerns regarding the effect of the proposal on the setting of Moneys Mill a grade II listed building. However, insufficient information has been provided regarding the significance of this building and the relationship of the appeal site to that significance to determine the potential harm. Given my findings in relation to No 51 and the SCA I have not sought further information from either party.

Other matter

19. I acknowledge the appellant's concerns regarding the service provided by the Council regarding the appeal scheme and other developments. However, this is a matter between the appellant and the Council. I have limited my consideration to the planning matters before me.

Recommendation

20. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Zoe Raygen

INSPECTOR