



Appeal Decision

Site visit made on 1 February 2021

by Alison Partington BA(Hons) MAMRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd February 2021

Appeal Ref: APP/E2530/W/20/3261906

5 Manor Farm Mews, High Street, Colsterworth, Grantham, NG33 5JA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr & Mrs M Jackson against South Kesteven District Council.
 - The application Ref S20/0094, is dated 20 January 2020.
 - The development proposed is the conversion of an existing barn to a dwelling.
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Decision

1. The appeal is dismissed and planning permission for the conversion of an existing barn to a dwelling at 5 Manor Farm Mews, High Street, Colsterworth, Grantham, NG33 5JA is refused.

Application for costs

2. An application for costs was made by Mr & Mrs M Jackson against South Kesteven District Council. This application is the subject of a separate Decision.

Background and Main Issues

3. Following the submission of the appeal against non-determination the Council has not clarified the position it would have taken on the application if it had had the opportunity to make a decision. On the analysis of the evidence before me and from what I saw at my site visit I consider that the main issues in the appeal are:
 - Whether the proposal represents a suitable form of development in this location including having regard to the effect of the proposal on the character and appearance of the host building and the surrounding area; and
 - The effect of the proposal on protected species.

Reasons

Whether a suitable form of development and character and appearance

4. The appeal site lies to the rear of houses that front High Street, one of the main roads through Colsterworth. Policy SP1 of the *South Kesteven Local Plan 2011 – 2036 (adopted January 2020)* (LP) seeks to direct the majority of development to the four market towns in the area. However, “Larger Villages” are expected to provide a supporting role in meeting development needs. Colsterworth is identified as a “Larger Village” in LP Policy SP2. This policy states that in “Larger Villages” proposals should promote the role and function of the village and should not compromise the settlement’s nature and character.

5. Policy 1 of the *Colsterworth and District Neighbourhood Plan 2016 – 2026* (made September 2017) (NP) indicates that new residential development in Colsterworth will be supported if it meets a number of criteria including that: it is infill development of up to 10 dwellings within the existing confines of the built up area; it is appropriate to its surroundings; and it is in keeping with the Review of the Built Environment of Colsterworth and Woolsthorpe. Neither this policy nor LP Policy SP2 give any specific guidance regarding the conversion of buildings for residential uses. However, the creation of one, two-bedroomed bungalow would be in line with the housing need identified in the NP and would be a suitably small scale development.
6. I am not aware that either the LP or the NP define the boundary of the village. However, the supporting text to Policy 1 of the NP indicates that buildings and curtilages that are contained and visually separate from the open countryside, and that are clearly part of a network of buildings that form the settlement will be classified as inside the existing confines of the built up area.
7. Although the barn is set at a lower level than the adjacent houses on High Street, it is still seen in the context of them and of the houses and the church located on the rising land to the rear of it. In reusing an existing building, the proposal would not extend the existing pattern of development. In addition, the site is within walking distance of the main services and facilities in the village.
8. However, even if it is considered that the site lies outside the confines of the village, both Policy SP5 of the LP and Policy 4 of the NP indicate that the conversion and re-use of existing buildings is one of the forms of development that are acceptable in the countryside. Policy SP5 indicates that this is subject to the building: contributing to the character and appearance of the local area by virtue of their historic, traditional or vernacular form; being in a sound structural condition; and being suitable for conversion without substantial alteration, extension or rebuilding and that the works to be undertaken do not detract from the character of the building or its setting.
9. Like many traditional buildings in the village the modestly sized barn is constructed from limestone. It has a simple rectangular form with a full height barn door opening and one small opening on the front elevation, although there is evidence of a small number of other openings that have been blocked up on the front and rear elevation. In being a traditional farm building that appears to have been little altered since it was built, it provides a visual link to the agricultural origins of the village. As a result, its traditional form and use contribute to the character and appearance of the area.
10. A structural survey was submitted with the proposal. This indicates that the building is structurally sound and suitable for conversion. From my own observations, I see no reason to conclude any differently. Whilst the structural report recommends some works these are not substantial. The proposal would not involve any extension to the current building and would only utilise the existing and former openings in the building. The existing metal roofing is to be replaced with clay pantiles which would improve the character and appearance of both the building and the area.
11. Consequently, even if the site is considered to be in the open countryside, rather than within the village, the proposal would be a suitable form of development in this location having regard to the effect of the proposal on the character and appearance of the host building and the surrounding area. Thus,

it would not conflict with Policies SP1, SP2 or SP5 of the LP or Policy 1 of the NP outlined above. Nor would it be contrary to Policy DE1 of the LP which requires a high quality of design that reinforces local distinctiveness.

Protected Species

12. The application was accompanied by a Protected Species Report. This recommended that further nocturnal bat surveys should take place to establish if bats are roosting in the building and if they are, to determine the species of bat and type of roost, any potential further survey work needed, and the mitigation and compensation measures necessary.
13. Circular 06/05¹ advises in paragraph 99 that it "is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision". It also advises that surveys should only be conditioned in exceptional circumstances.
14. The evidence from the ecological survey indicates that there is a reasonable likelihood that protected species may be using the barn and so may be affected by the proposal. Based on the evidence before me I am not aware of any circumstances which negate the need to address this issue before permission is granted or that represent the exceptional circumstances needed to justify leaving this to be dealt with by condition. The failure to address this at this stage runs contrary to national guidance in relation to protected species. The appellant has highlighted that Natural England have not objected to the proposal. However, their response clearly indicates that whilst they do not have any comments on the scheme, they have not assessed the application for impacts on protected species.
15. In the absence of sufficient information, I consider the proposal would have an adverse impact on protected species. Therefore, it would be contrary to the *National Planning Policy Framework* (paragraph 170) which seeks to protect and enhance biodiversity and to Circular 06/05. I give significant weight to this matter.

Other Matters

16. There are a number of Listed Buildings along High Street, but there is no direct intervisibility between them and the barn which is at a lower level. Moreover, I am not aware that any of these have any connection with the barn or the former farm with which it was associated. As such, I am satisfied that the proposal would not harm the setting of any of the Listed Buildings.
17. The barn can be seen in a number of views identified in the NP as key views into and out of the village. The proposed development would not alter the scale and mass of the barn and the limited external alterations to the building would enhance its appearance. As such, the proposal would not be detrimental to these views.

¹ Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System.

Conclusion

18. Whilst I consider the proposal would be a suitable form of development in this location and would not harm the character and appearance of the area, it would have an adverse impact on protected species. The harm to protected species far outweighs the lack of harm caused in relation to the other matters. For this reason, I conclude that the appeal should be dismissed.

Alison Partington

INSPECTOR