



Appeal Decision

Site visit made on 11 February 2021

by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 March 2021

Appeal Ref: APP/D2510/W/20/3246063

Manor Farm, Brinkhill Road, South Ormsby LN11 8QS

- 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 South Ormsby Community Interest Company Limited against the decision of East Lindsey District Council.
 - The application Ref N/160/00493/18, dated 15 March 2018, was refused by notice dated 5 August 2019.
 - The development proposed is change of use of land and agricultural buildings to use as a heritage centre comprising of a storage unit; business/estate office; conference/community room and toilets. Erection of a two storey building to use as a cafe with food preparation room; stores; toilets and seating area including outdoor terrace with loggia and exhibition and gallery area to the first floor. Extension to an existing single storey storage building to provide a storage unit and food/craft unit with kitchen and toilet. Some existing agricultural buildings on site to be demolished. Erection of a cattle shed building and a plant building. Provision of an outdoor seating/picnic area and a car park. Excavation of a pond. External alterations to an existing farmhouse which is a listed building. Alterations to existing vehicular access and access track
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by South Ormsby Community Interest Company Limited against East Lindsey District Council. This application is the subject of a separate Decision.

Procedural Matters

3. I have used the description of development contained on the Council's decision notice and the appellant's appeal form which more accurately describes the proposal following amendments made during the course of the consideration of the planning application by the Council. It is on this basis that the Council determined the planning application and I have done the same.
4. As part of the appeal submission, the appellant has included revised plans which include a number of amendments. These are described by the appellant as "Minor amendments to the northern range; amendments to and the extension of the proposed plant room; the provision of a timber enclosure for the proposed external plant machinery; the provision of an observation platform over the pond; and the provision of a fence to enclose the pond." In addition, a revised site location plan

has been submitted with an amended red line as well as the inclusion of amended technical reports to take account of the alterations.

5. While I note that the Council has no objections to me considering these plans as part of the appeal, there is nothing before me to suggest that interested parties, including statutory consultees, have been consulted on the proposed amendments. Given the extent of the alterations, and the provision of an amended site location plan, I cannot be sure that persons would not be prejudiced if I were to consider these amendments as part of this appeal. I have therefore considered the appeal only on the basis of the plans considered by the Council when it determined the planning application.

Main Issue

6. The main issue is the effect of the proposal on the living conditions of the occupiers of The Old Post Office with particular regard to noise and disturbance.

Reasons

7. The Old Post Office is a two storey house sited on the corner of Brinkhill Road and the access to Manor Farm which is located about 65m to the rear. It is set back from both roads and has a single storey rear extension which forms the main sitting room for the residents. This has a brick plinth with glazing to the eaves level. There are also clear glazed windows at ground and first floor in the side elevation facing the access lane. Although the garden is relatively large, to the immediate rear of the property is a paved seating area. The side boundary to the access lane is open in nature, formed by a low post and rail fence. At the time of my site visit I noted that the property is located within a particularly quiet, tranquil area which is to be expected in the open countryside within an Area of Outstanding Natural Beauty (AONB). There is nothing before me to suggest that the situation would be significantly different at other times.
8. Although the house is set back from the access lane, it is not by a significant distance, particularly given the open nature of the boundary. Therefore, traffic accessing the proposal would pass by very close to the side of the house, windows, garden and patio.
9. I have had regard to the Traffic Noise Technical Note June 2019 (TNTN) submitted by the appellant which predicts, given the nature of the traffic currently using the access, that the increase in the baseline daytime ambient sound level at The Old Post Office, as a result of the development proposed, would be 0.1 dB. The increase in sound level during the likely worst case 1 hour period (1300-1400) is predicted to be 0.5 dB.
10. The TNTN uses time averaging to inform the report and there is no dispute that this is recognised as an acceptable response. However, as the Council's Environmental Health Officer points out, that method does not inform the reader of the short term 'spikes' in sound levels as vehicles pass by. While therefore, the overall level of noise is one factor, in this instance associated with that is the frequency of the traffic passing by the residential property and any disturbance associated with that.
11. There is some discrepancy between the parties as to the estimated daily number of vehicle movements which would be generated by the proposal, with the appellant stating 127 and the Council 130. It is clear however, whichever figure used, that the increase compared with the estimated of current use of 30 vehicle movements per day would be significant. Based on the figures in the TNTN, for the peak hour,

traffic movements would increase from around 4 currently to 51. Whereas the overall noise levels associated with those two different levels of traffic generation may be similar, the latter would be experienced virtually continually over an hour at the peak period, whereas currently, vehicle movements average out at one every 15 minutes. There would be almost continual noise and disturbance in very close proximity not only to rooms within the residential property with windows onto the access, but also the patio and garden. While those figures relate to a peak hour calculation, given the estimated level of traffic overall, it is likely that there would be more regular noise throughout the day than the current situation.

12. The appellant acknowledges that the existing traffic movements are subject to seasonal variation. The occupiers of the Old Post Office suggest that there may be no movements on some days, 3 or 4 on others and on others up to 20. On some days therefore, when compared with the existing situation, the level of disturbance and frequency of vehicles would be particularly high. While any noise increase itself may be negligible due to the replacement of large farm vehicles with cars, the frequency of traffic accessing the appeal property and travelling in very close proximity to the Old Post Office would increase considerably, causing unacceptable noise and disturbance for occupiers.
13. Furthermore, I note that the figures for the proposed number of vehicle movements are only estimates, particularly in relation to the use of the café where there is very limited explanation for the level of assumed visitors in the appellant's statement on trip generation rates dated 20 February 2019. Were the use to be successful in attracting tourists, then the figure could be much higher, particularly at weekends, a time when the residents of The Old Post Office would be more likely to be at home enjoying their property and garden.
14. Moreover, the figures for the proposed traffic movements assume that the existing agricultural production on the site would cease, which is not the case. While I acknowledge that the proposed cattle shed is smaller than the existing provision on site, it would still generate some traffic, some of which could well be larger than a car, along the access, which needs to be considered together with the other movements. In addition, the traffic generation figures do not take into account the proposed subdivision of Manor Farm House to two dwellings, which the appellant advises would result in an additional five daily vehicular movements along the access track.
15. As well, given the proposed use, it seems to me that walkers and cyclists would be attracted to the appeal site also using the access road. Although the latter are not overly noisy, they have the potential to generate further elements of noise and disturbance close to the most private areas of The Old Post Office, exacerbating what I have already found would be unacceptable disturbance, harming the living conditions of the residents. Additionally, given the nature of the proposed use, encouraging tourism, the number of vehicles and visitors is likely to be higher in the summer than the winter months, when the occupiers might reasonably expect to enjoy some peace and quiet within their garden, given its location in the relatively tranquil countryside.
16. The Council's Environmental Health Officer is of the view that, on paper, the overall noise level when averaged over a time period would not significantly increase. However, it is also acknowledged that notwithstanding the acoustic report, given the location, it is reasonable to assume that the greater traffic numbers may lead to some impact, and a degree of disturbance, for the residential occupiers of The

Old Post Office. These comments reinforce my findings regarding the harm I have found.

17. I have had regard to the proposed improvement to the surface of the access road to smooth tarmac. However, this would not have an impact on the frequency of traffic movements. Furthermore, I note that the access would be widened in the vicinity of the Old Post Office as well as the provision of passing places nearer to Manor Farm. While this would facilitate two way traffic it would also potentially bring traffic even closer to the residential property.
18. A condition could be imposed to restrict hours of operation. Fundamentally however, it would not address the issues I have outlined which would occur throughout the day causing an unacceptable degree of disturbance to the residents.
19. The Secretary of State's Screening Direction dated 14 May 2018 stated that while it is likely there would be amenity aspects of noise and pollution on the closest residential property, they are not expected to be significant given the nature and scale of the proposal and could be managed through the planning process. I am mindful in this regard, as pointed out by the appellant, the scale of the proposal before me now is reduced from that considered at the time of the Screening Direction. However, a Screening Direction is undertaken to see if there would be any significant environmental impacts which would mean that an Environmental Statement is required, rather than assessing a proposal against national and local planning policy, which is what I have done here.
20. Therefore, while there may be a negligible change in the level of the noise itself, the large number of vehicles accessing the site would, in my view, result in significantly increased regular traffic movements, noise and activity close by the private living areas of The Old Post Office. This would lead to a significant level of unacceptable noise and disturbance to the living conditions of residents. While I understand that other options for an access have been considered by the appellant and ruled out, mainly due to heritage considerations, that does not outweigh the harm I have found.
21. Therefore, for the reasons above, I conclude that the proposal would be materially harmful to the living conditions of the occupiers of The Old Post Office with particular regard to noise and disturbance. It would therefore be contrary to Policy SP10 of the East Lindsey Local Plan (the Local Plan) and paragraph 127 of the National Planning Policy Framework (Framework). These require, amongst other things that development does not unacceptably harm nearby residential amenity and development avoids noise giving rise to significant adverse impacts on the quality of life.
22. The Council also refers to paragraph 180 of the Framework, specifically regarding noise. However, I have found that it is not particularly the overall level of noise which is at issue, but the duration, frequency and regularity of cars, walkers and cyclists in close proximity to The Old Post Office, all of which would unacceptably increase as a result of this proposal.

Other Matters

23. As the appeal site includes a listed building, and there are a number of listed buildings in the vicinity of the appeal site, I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

24. The Council is of the view that due to the distance, intervening landscaping, and change in land levels between the appeal site and the surrounding listed buildings, whilst the proposed development would be glimpsed from them it would not result in harm to the significance of these buildings. From the evidence before me and my observations on site I see no reason to disagree.
25. Manor Farmhouse is a Grade II listed building associated with the wider South Ormsby Estate, purchased by Drayner Massingberd in 1638 and enlarged by him during the 1640's and 1650's. Dating from the 1660s it is a good example of late seventeenth century domestic architecture and its size and form demonstrates the prosperity of the estate at that time. The OS map of 1888 shows an open three sided courtyard form of outbuildings within the farmyard, traditional in Lincolnshire, which have mostly been replaced by a group of large portal framed barns infilling the courtyard so that the original shape has been lost. The west range of stables was rebuilt in the 1970s facing to the west rather than inwards to the courtyard due to the infilling of the farmyard.
26. The heritage significance of the listed building, for the purposes of this appeal, is largely derived from its architecture and appearance as a farmhouse within a prosperous estate and the historical association with the South Ormsby Estate and the Massingberd Mundy family. The immediate farmyard setting has been altered, but nevertheless contributes to the significance through an understanding of the historical use of the listed building.
27. Among other things, the appeal scheme would improve the appearance of the listed building through the replacement of concrete tiles with pantiles, repairs to the chimney, replacement chimney pots, repointing with lime mortar and replacing modern windows with timber ones. I am mindful in this regard that Listed Building Consent has previously been approved for those works. In addition, a garden setting would be provided to the front of the farmhouse, and the new buildings forming the majority of the proposal would be laid out in the form of the traditional farmyard and would see the removal of the modern large portal buildings. The Council's Conservation Officer and Historic England have no objection to these proposals subject to the imposition of appropriate conditions. I am of the view that there would be no harm to the significance of Manor Farm and that there would be heritage benefits to the proposal, insofar as the physical works would conserve the listed building and enhance its setting. This is a matter that attracts moderate weight in the planning balance.
28. The appeal submission indicates that the South Ormsby Estate has been running down for the last few decades with insufficient economic activity to sustain and maintain the estate and its buildings and the appeal proposal is part of a wider masterplan to revitalise the rural economy. The appellant's Economic Impact Statement reports that the development would generate 20-person years of temporary construction employment which equates to generating the equivalent of two permanent construction jobs. The Statement estimates that this level of temporary construction will generate gross value added to the local economy of around £1.2 million. In addition, after leakage effects, displacement effects, indirect and induced multiplier effects, and the current on-site employment, the development will create nine net additional jobs. These would create a gross value added to the local economy of approximately £370,000 annually in perpetuity. There would also be economic benefits from visitors spend in the local economy and community benefits through the provision of community space and workshops. In addition, the provision of a heritage centre, café, toilets and increased access to

footpaths in the area would contribute to local tourism and health and wellbeing. These are matters to which I afford significant weight.

29. There would also be net biodiversity benefits through the installation of a bat loft and enhancements to landscaping around the site. I afford this modest weight in the planning balance.
30. In relation to the AONB the Council is of the view that the proposal would not be significantly harmful to its landscape and scenic beauty. In addition, although the appeal site is within the remains of the deserted medieval village of South Ormsby, (as evidenced in the mounds and landform which surround the site) there are no objections in this regard subject to conditions to ensure a suitable programme of archaeological works. Based on the evidence before me I see no reason to disagree, but since both matters relate to an absence of harm, they attract no positive weight in terms of the planning balance.
31. Policy SP1 of the Local Plan outlines a sustainable pattern of places which guides the distribution of future development. South Ormsby is not referenced as a settlement and therefore, for the purposes of the Local Plan, is considered, to be in the open countryside.
32. The appellant considers this to be an error and seeks to demonstrate by an audit of social infrastructure that, when assessed against the Council's settlement pattern criteria, South Ormsby is a Small Village. Whether that is the case or not, there is no dispute between the parties that this is an appropriate location for the development proposed with the exception of the effect on the living conditions of local residents.
33. There is a suggestion from the appellant that this alleged error makes Policy SP1 out of date. Even if that were the case, I am of the view that the basket of policies most important for the determining the application, including Policy SP10, is up to date and in accordance with the Framework. Therefore, the so called tilted balance in paragraph 11dii of the Framework is not engaged.

Planning Balance and Conclusion

34. There is no doubt that the social, economic and environmental benefits of this proposal are considerable and in that respect the proposal would broadly accord with many policies of the Local Plan and the Framework. However, the impact on the living conditions of residents of The Old Post Office bring it into fundamental conflict with Policy SP10 and therefore the development plan as a whole. In the overall planning balance, although considerable, the benefits of the proposal are not sufficient in this case to outweigh the harm I have identified and the conflict with the development plan.
35. Therefore, for the reasons set out above, and having had regard to all other matters raised, I conclude, on balance, that the appeal should be dismissed.

Zoe Raygen

INSPECTOR