
Appeal Decision

Site visit made on 25 January 2021

by Mr A Thickett BA(Hons) BTP Dip RSA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 March 2021

Main Street, Norton Disney, Lincolnshire, LN6 9JU

Appeal A: APP/R2520/W/20/3250599

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Cole & Cole Properties Ltd against the decision of North Kesteven District Council.
- The application Ref 19/1101/OUT, dated 31 July 2019, was refused by notice dated 9 October 2019.
- The development proposed is up to two detached dwellings including garages via an existing private driveway. The appeal application is in outline with all matters bar means of access reserved for subsequent approval.

Appeal B: APP/R2520/W/20/3248608

- 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 Cole & Cole Properties Ltd against the decision of North Kesteven District Council.
- The application Ref 19/1364/FUL, dated 27 September 2019, was refused by notice dated 13 December 2019.
- The development proposed is the conversion of the existing stable block to form a single residential unit (3 bedroom).

This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 4th March 2021.

Decision

1. Appeal A is dismissed.
2. Appeal B is allowed and planning permission granted subject to the conditions set out in the schedule at the end of this decision.

Procedural Matter

3. An application for costs was made Cole & Cole Properties Ltd against North Kesteven District Council in relation to Appeal B. That application is the subject of a separate decision.

Main Issues

Appeals A & B

- The impact of the proposed developments on the character and appearance of the area.

Appeal B

- The effect of the proposal on highway safety.

Reasons

Character and appearance

4. The appeal site comprises a paddock to the rear of Main Street, accessed by a drive which runs between Vine Tree House and The Chestnuts. Planning permission has been granted for two dwellings, on either side of the access, one behind Vine Tree House and the other behind The Chestnuts. These appeals relate to around half of the remainder of the paddock. A block of timber stables at the end of the track would be relocated under Appeal A and converted under Appeal B.
5. Main Road runs roughly east – west. Butts Lane joins Main Street at the western end of the village and runs northwards. The western boundary of the appeal site is shared with the back gardens of bungalows on the eastern side of Butts Lane.
6. Development is largely linear along Main Street but there is development in depth notably on the southern side with the farm buildings opposite the junction with Butts Lane, The Green Man and the collection of buildings at Manor House Farm. On the northern side, buildings front the road and although they generally sit well back there is no backland development. That will change with the construction of the dwellings referred to above¹ but that would be the exception, not the rule and the prevailing pattern of development on the northern side of Main Street is linear. The land immediately adjoining the houses on northern side of Main Street comprises a series of paddocks. I agree with my colleague² that the paddocks, including the appeal site, have more in common with the surrounding countryside and are an important contributor to the rural setting of the village.

Appeal A

7. I acknowledge that the principle of tandem development to the rear of Vine Tree House and The Chestnuts has been accepted. Nevertheless, the northern boundary of these developments roughly coincides with the boundaries of back gardens along Main Street. Extending new built form beyond this line and into the paddock would constitute a significant visual intrusion into the countryside and have an adverse impact on the rural setting of the village.
8. I do not consider that the harm I identify would be satisfactorily mitigated by the planting of native hedgerows and semi mature trees along the boundaries. I conclude, therefore, that the development proposed under Appeal A would have a detrimental impact on the character and appearance of the area and that it would conflict with Policies LP1, LP2, LP4, LP17 and LP26 of the Central Lincolnshire Local Plan (Adopted 2017).

Appeal B

¹ I have read nothing to suggest that they will not be built.

² APP/R2520/W/18/3219280

9. The stables are a substantial timber structure which sit at the end of and provide a visual stop to the access road. The site boundary has been amended such that the land immediately to the north of the building would remain as a paddock. The Council accepts that the site comprises previously developed land. However, it considers that the site is not an appropriate location for development on the grounds that the stables and the paddock relate more to the surrounding countryside than the built up area of Norton Disney and that the proposal comprises a backland form of development at odds with the linear pattern of development in the village.
10. As stated above, I agree that the paddock is more akin to the surrounding countryside than the housing in the village but the stables are already there and the scheme proposes little in the way of external alterations. The shape and size of the building would not change and the proposed changes to openings are largely cosmetic.
11. The Council complains that the building would be visible from Main Street but just because something can be seen doesn't make it harmful. The existing building is visible from the street. The minimal alterations would mean that its origins as a stable would remain evident and it would be read alongside the existing and permitted developments which would flank the access. The existing use requires parking, probably more than the proposed dwelling and would generate activity as owners tend and exercise their horses.
12. The character of the proposed use would be different but would only marginally encroach in to the space beyond the existing rear fence lines along Main Street. And again, would be read in context with the permitted development. Views of any domestic paraphernalia in the side gardens would be screened from views from the street by the permitted dwellings. For these reasons, I do not consider that the minimal encroachment into the paddock and minor enlargement of the built form of the village would have a material impact on the core shape and form of the village, its setting or have a detrimental impact on the character and appearance of the area. I conclude that the proposal complies with Policies LP1, LP2, LP4, LP17 and LP26 of the Local Plan.

Highway Safety

13. Appendix J of the Lincolnshire Development Roads and Sustainable Drainage Design Approach recommends the provision of 2 spaces to serve dwellings with up to 3 bedrooms. In response to concerns raised by the Council with regard to the visual impact of the proposed development, the scheme was amended to reduce the number of bedrooms to 2 and the provision of 1 parking space.
14. The proposed site plan shows only one parking space but there would be a large turning area to the front of the converted barn with sufficient space for two vehicles to be parked on the appeal site. The private access would serve 3 properties and I see no reason why, if it were necessary, manoeuvring vehicles on an off the forecourt to the converted barn would be hazardous or inconvenient to the occupiers of the adjoining dwellings.
15. Nor, have I read or seen anything to indicate that there is insufficient capacity on Main Street or that cars could not be parked on street safely. I conclude that the proposed development would not have a detrimental impact on highway safety and complies with Policy LP13 of the Local Plan.

Other matters

16. The conversion of an existing building is significantly different to the construction of two new dwellings. The proposal under Appeal A would also result in the loss of a greater area of and a deeper incursion into the paddock. I do not consider, therefore, that allowing Appeal B provides a meaningful fallback position and undermines the case against the development proposed under Appeal A.

Conditions – Appeal B

17. I have considered the Council's suggested conditions in light of the Framework and Planning Practice Guidance (PPG). In order to safeguard the character and appearance of the area and highway safety, I impose conditions relating to materials, landscaping, boundary treatment and access. In the absence of any tree or hedges of note within the site or on the boundaries, I see no need to impose conditions protecting them. The PPG advises that the blanket removal of permitted development rights is unlikely to meet the tests of reasonableness and necessity. I have neither seen nor read anything to justify a blanket removal of permitted development in this case.

Conclusions

18. For the reasons given above and having regard to all matters raised, I conclude that Appeal A should be dismissed and Appeal B should be allowed.

Anthony Thickett

Inspector

Schedule

APP/R2520/W/20/3248608

The appeal is allowed and planning permission is granted for the conversion of the existing stable block to form a single residential unit (3 bedroom) at Main Street, Norton Disney, Lincolnshire, LN6 9JU in accordance with the terms of the application, Ref 19/1364/FUL, dated 27 September 2019, subject to the following conditions:

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: J1601c-PL-01 Location Plan, J1601c-PL-03 P03 Proposed access and visibility splays, J1601c-PL-04 P03 Proposed site plan, J1601c- PL12- P03 and roof; Proposed floor plans, J1601c-PL13-P03 Proposed elevations.
 - 3) No development shall commence until samples of external materials have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 4) No development shall commence until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
 - 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
 - 6) No development shall commence until details of boundary treatments have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 7) The development hereby permitted shall not be occupied until the access shown on drawing No: J1601c-PL-04/P03 has been constructed.
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