



Appeal Decision

Site visit made on 2 February 2022

by Elaine Worthington BA (Hons) MTP MUED MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th February 2022

Appeal Ref: APP/Y2003/W/21/3283267

The Paddocks, Bird Lane, Westgate, Belton, DN9 1QG

- 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 C King against the decision of North Lincolnshire Council.
 - The application Ref PA/2020/1910, dated 27 November 2020, was refused by notice dated 31 March 2021.
 - The development proposed is described as 'works of alteration to existing workshop and garage to provide living accommodation for a dependent relative'.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs has been made by Mr C King against North Lincolnshire Council. The application is the subject of a separate decision.

Procedural Matter

3. During its determination of the planning application the Council altered the description of the proposed development without the appellant's consent. In the interests of clarity, I confirm that I have considered the appeal on the basis of the description of development on the planning application form and as included in the heading above.

Main Issues

4. The main issues are the effect of the proposal on the character and appearance of the surrounding area; and its effect on the significance of the Isle of Axholme Area of Special Historic Landscape Interest as a non-designated heritage asset.

Reasons

5. The appeal site is accessed via Bird Lane and includes the main dwelling house at The Paddocks along with a detached timber workshop/garage. The proposal seeks the use of this building for residential purposes to accommodate a relative. The submitted Design and Access Statement (DAS) confirms that it would be occupied by an elderly family member who spends a few months of the year travelling but on returning to this country currently resides with the appellant at The Paddocks. The appellant's statement confirms that the proposal is sought for the appellant's mother, although the costs application refers to the appellant's mother in law. In any event, I understand that the
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- building is intended to provide an annexe to The Paddocks that would provide independent living accommodation for an elderly relative that would remain an ancillary and incidental use associated with The Paddocks.
6. The appeal building is modest in size and located relatively close to The Paddocks. The occupant of the proposed accommodation would share facilities including access, amenity space and services/facilities with the main house and would effectively live as part of the same household. I have seen nothing to suggest that the building would be used as a separate dwelling independent of The Paddocks, or that it would become a separate planning unit distinct from the main dwelling. I am also content that the use of the building as an annexe could be controlled via the imposition of planning conditions.
 7. The appeal site is a long thin plot that is outside the settlement boundary and within the open countryside. It has some planning history and has been gradually developed over a number of years. The main dwelling house at The Paddocks is a converted garage previously permitted for use as an annex associated with No 146 which fronts Westgate Road. This was subsequently granted permission for use as a separate dwelling. The appeal building was permitted in 2019 as a garage/workshop to serve The Paddocks and sits to the north of the dwelling on the site's eastern boundary. The wider site also includes a large timber shed/barn building and menage area along its western boundary. There are open fields to the north and for the most part residential properties to the south, east and west.
 8. No 146 faces Westgate Road and is part of the strong pattern of established ribbon development there. The Paddocks sits behind this and has extended residential accommodation northwards into the long site away from the road. As backland development, it is at odds with the established pattern of development in this part of Belton. In converting the appeal building, the proposal would see the expansion of residential accommodation even further into the site and away from Westgate Road. Albeit occupied in association with The Paddocks, it would create a string of residential accommodation leading back from the road and add to the creep of this northwards. In doing so the proposal would see the residential occupation of the site at depth, well beyond No 146 and The Paddocks. It would also bring such accommodation closer to the open countryside to the north.
 9. The existing timber workshop/garage building is functional in design and appears as an outbuilding that is sympathetic to the countryside to the north and sits comfortably alongside the generally rural character of the barn and menage on the appeal site. I accept that the proposed works would be relatively modest and the alterations largely internal, and that the resultant building would not appear dissimilar to the existing dwelling or its neighbours. Nevertheless, the proposal includes the insertion of additional fenestration. Notably, the currently blank north facing gable end of the building would see the addition of two large floor to ceiling windows at ground floor level and a window at first floor level. In contrast to the building as existing, these would result in a much more domestic appearance.
 10. In terms of its visibility, the appeal site is separated from the open landscape to the north by Bird Lane, and the appeal building is within the residential curtilage of The Paddocks. It is set centrally within the wider site and relates closely to the other existing development there. The shed and menage on the

site's western boundary along with a significant boundary hedge screen the building in views from the west. There is also existing vegetation to the east of the building. As such, long range views of the building are not possible and it is not prominent in public views. However, the building is readily visible down the access drive from Bird Lane where its north facing gable is seen. Its residential occupation as proposed would be appreciated from there as an unwelcome intrusion at odds with its countryside location.

11. Taking these factors in to account, notwithstanding its proposed use as an annexe rather than a stand-alone dwelling, I consider that the proposal would be at odds with the surrounding pattern of development in this part of Belton and would undermine the rural character of its countryside location. It would thus be harmful to the character and appearance of the area.
12. The appeal site is within the Isle of Axholme Area of Special Historic Landscape Interest (ASHLI). This covers much of the surrounding area and takes in the properties along Westgate Road and the surrounding countryside. The Council regards this area to be of national importance and significance and a non-designated heritage asset.
13. There is no statutory listing process for non-designated heritage assets nor any formal definition of them in the National Planning Policy Framework (the Framework). The National Planning Practice Guidance¹ (the Guidance) indicates that non-designated heritage assets are buildings, monuments, sites, places or areas identified by plan making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets.
14. The Framework is clear at paragraph 202 that the effect of an application on a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
15. The supporting text to Policy LC14 of the North Lincolnshire Local Plan (Local Plan) indicates that the area is designated for its unique historic landscape with significant areas of medieval open strip fields and turbaries² both of which are of considerable national importance. These attributes together with enclosed land and the overall settlement pattern of the area make it unique in the country. It recognised that development should not adversely affect this valuable historic resource. This is particularly so in relation to the character of the settlements and to individual buildings or overall groups of buildings in the open countryside.
16. In terms of its significance, the importance of the ASHLI is derived from its medieval landscape features, but also from the surrounding enclosed land and the overall settlement pattern in the area. As such the significance of this heritage asset derives much from its historic settlements and the way they have been developed and laid out in relation to the associated rural countryside. These are integral to the distinctive character and importance of the landscape. As part of an area of early enclosed land (created by the piecemeal enclosure of blocks of former strips of land into small irregular fields)

¹ Paragraph: 039 Reference ID: 18a-039-20190723

² Areas of historic peat cutting

the appeal site contributes to the historic character and settlement pattern in this part of Belton and the Isle of Axholme and its significance as a heritage asset in relation to this appeal.

17. Turning to the impact of the proposal, Local Plan Policy LC14 states that within this area development will not be permitted which would destroy, damage or adversely affect the character, appearance or setting of the historic landscape or any of its features. As set out above, I have found that the proposal would be harmful to the character and appearance of the surrounding area.
18. In introducing unsympathetic development to the countryside which is characterised by the early enclosed land, and undermining the particular ribbon form of development in this part of Belton, the proposal would fail to respect the historic layout of development in the ASHLI. Since it would adversely affect the overall historic settlement pattern which is recognised as a distinctive feature of the area, it would erode the significance of this heritage asset and thereby impair its legibility and ability to be appreciated.
19. I therefore conclude on the main issues that the proposal would be harmful to the character and appearance of the area and the significance of the Isle of Axholme as a non-designated heritage asset. That previous planning applications on the site were approved despite the objections of the Archaeology/Conservation Officer does not alter my view.
20. The proposal would be at odds with Local Plan Policy LC14. It would also be contrary to Local Plan Policy DS1 which states that the design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area, and to Local Plan Policy RD2 which concerns development in the open countryside and requires that such development is strictly controlled. Additionally it would conflict with Local Plan Policy LC7 which states that development which does not protect the character of the local landscape will not be permitted.
21. Furthermore the proposal would fail to support Policy CS5 of the North Lincolnshire Core Strategy (Core Strategy) which requires new development to be well designed and appropriate for their context and to contribute to creating a sense of place, or Core Strategy Policy CS6 which seeks to protect, conserve and enhance the historic environment and to safeguard the nationally significant medieval landscapes of the Isle of Axholme.
22. Whilst I note the appellant's view that these policies should not be applied to the appeal proposal which is regarded to be a householder scheme, I have seen nothing to demonstrate that the aims of these policies do not relate to the development proposed in this case.
23. Finally the proposal would fail to support paragraph 130 of the Framework, criterion (c) of which seeks to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. It would also be contrary to paragraph 203 of the Framework in relation to non-designated heritage assets.

Other Matters and Planning Balance

24. The appellant indicates that The Paddocks is at maximum capacity and the situation is becoming more difficult as it is home to a growing family. He

- advises that the proposal is needed for additional living accommodation and seeks the minimum level of accommodation required. I accept that benefits would arise from the proposal to the appellant which count in favour of it.
25. That said, I have seen no information regarding the size and suitability of the accommodation at The Paddocks itself, or as to what bearing the extension which is currently being built would have on this. I am aware that the appellant regards the future occupier of the accommodation to be a dependent relative who requires accommodation with her family when not travelling. However, I have seen no further evidence to demonstrate her particular needs in this regard or to explain why intermittent accommodation at the appeal site in particular is necessary. Whilst the appellant advises that there are no other affordable dwellings in Belton and considers that the only feasible solution is the appeal proposal, no evidence has been submitted to demonstrate that this is the case. Having regard to these matters, I mindful that other alternative and less harmful accommodation options for the intended occupier cannot be ruled out. This tempers the weight I afford to the benefits set out above.
26. I have also had regard to the appellant's argument that the proposal would be preferable to the alternative of a caravan style unit on the site. No further details as to this claimed fallback position have been provided. It has not been put to me that any such development would be permitted development and I cannot be assured that there is a real prospect of it being implemented. Besides, I have seen no information regarding the nature of any such caravan (such as its size, appearance or siting) that would allow a meaningful comparison with the appeal scheme. As such, I cannot determine whether it would have similar or worse effects than it. In this context, I afford this fallback position only minimal weight in favour of the proposal.
27. Thus, even taken together the benefits of the proposal are insufficient to outweigh the harm that would arise in relation to the main issues in this case, and the resultant conflict with the development in these regards.
28. It has not been put to me that the proposal would cause harm to the living conditions of adjacent occupiers and I am aware that the Council raises no objections on this point. The absence of harm in this regard counts neither for, nor against the proposal.
29. The relative for whom the accommodation is intended is described as elderly. I have seen no further detail or explanation of this matter. Nevertheless, I have had regard to the Equality Act 2010 and the Public Sector Equality Duty (PSED) to which I am subject. Section 149 (7) of the Act sets out the relevant protected characteristics which include age. Since there is the potential for my decision to affect a person(s) with a protected characteristic(s) I have had due regard to the three equality principles set out in Section 149 (1) of the above Act.
30. The negative impacts of dismissing the appeal arise since the building would not be converted to provide residential accommodation for the family member as sought. However, these impacts are mitigated by the possibility of an alternative scheme to meet the stated needs of the appellant's relative when she is not travelling. As such, in my view the adverse impacts of dismissing the scheme on those with protected characteristics would be proportional having regard to the legitimate and well-established planning policy aims to protect character and appearance and heritage assets. Even when taken

alongside the other considerations forwarded by the appellant, the PSED considerations would not outweigh the harm I have identified in this case.

31. As set out above, the Council changed the description of development given on the planning application form without the appellant's consent. The appellant thinks that this has led the Council to determine the proposal as a stand-alone dwelling rather than an ancillary unit for a family member. This is a matter considered in the appellant's costs application and my Costs Decision. I also note his reference to a comparable application on another site that was submitted with similar details but handled differently by the Council. However, I confirm that these matters have no bearing on my decision. As indicated above, I have considered the proposal based on the description of the development given on the application form and assessed the proposal on its own planning merits.
32. The planning permission for the appeal building includes a condition that the workshop/garage is used for domestic use only. The appellant argues that since the appeal proposal is for ancillary domestic use it would comply with that condition. Whilst I have not been provided with a copy of that decision or condition, I am mindful that the appeal scheme seeks the use of the building as living accommodation for a dependent relative. It seems to me that this goes beyond ancillary domestic use and introduces a residential use, albeit one that would be ancillary to the main dwelling house. In any event, the question of whether or not permission is required for this part of the proposal does not affect the validity of the appeal which stands to be decided on its merits. As such, this matter has no bearing on my findings.

Conclusion

33. For the reasons set out above, and having regard to all the other matters raised, I conclude that the appeal should be dismissed.

E Worthington

INSPECTOR