



Appeal Decision

Site visit made on 9 September 2022

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20/10/2022

Appeal Ref: APP/D2510/W/22/3295138

Digs (Plant), Birketts Lane, Covenham St Bartholomew, Lincs LN11 0FF

- 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 William Belton against the decision of East Lindsey District Council.
 - The application Ref N/037/01908/21, dated 31 August 2021, was refused by notice dated 5 November 2021.
 - The development proposed is the erection of a two storey dwelling in connection with the existing commercial use (Diggs Plant) at Birketts Lane, Covenham St Bartholomew, Lincolnshire LN11 0FF.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - i) whether there is an essential need for a dwelling in the countryside to accommodate a rural worker, and;
 - ii) the effect of the proposal on the character and appearance of the area.

Reasons

Location for Housing

3. Policy SP1 of the East Lindsey Local Plan Core Strategy (July 2018) (the LPCS) sets out a hierarchy of settlements to which new development will be directed. The appeal site does not lie within any of the named settlements, but is located in the open countryside for planning purposes.
4. The proposal seeks to erect a dwelling on the site, from which the appellant operates a business growing, harvesting and maintaining turf. The appellant has advanced that a dwelling is necessary to decrease travel time and costs in visiting the site and to provide security for expensive tools and machinery. It is added that the dwelling would house three generations of the appellant's family, would enable the business to expand and would help reduce the business's carbon footprint.
5. Policy SP8 sets out that applications for new houses associated with rural workers proposed in isolated locations will need to show that there is an established existing full time functional need for the worker that requires a permanent presence on site; the activity should have been established for a minimum period of three years, be profitable for at least one of those years

and be currently financially sound; and the housing need cannot be fulfilled by an existing unit on the site or in the surrounding area.

6. The Council also refers to Paragraph 80 of the National Planning Policy Framework (the Framework) which states that planning policies and decisions should avoid the development of isolated homes in the countryside unless, among other criteria, there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.
7. The courts have established that 'isolated' in the context of Paragraph 80 refers to physical proximity to other dwellings and settlements. I saw that the site is a short distance to the east of dwellings within the village of Covenham St Bartholomew. Given this, I do not regard the site as being isolated in terms of the Framework and so the specific exceptions of Paragraph 80 do not need to be met in this case.
8. However, the Framework nevertheless states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. This translates to the settlement strategy of the LPCS, which seeks to direct development to higher order settlements in the first instance, followed by smaller towns and villages which have progressively fewer facilities and cannot accommodate as much development. The open countryside represents the lowest tier of the hierarchy where dwellings would be distant from most services and facilities and where Policy SP8 seeks to avoid inappropriate development in the open countryside unless justified by a demonstrable need. In this respect, I consider that Policy SP8 is still relevant to the proposal despite the appeal site not being 'isolated' in terms of the Framework.
9. The appellant's evidence of need in this case is limited. No information has been provided to demonstrate that the business is profitable and on a sound financial footing, such that it could fund the construction of the dwelling, for example. Nor is there any information as to whether other dwellings in the area could enable the appellant to locate closer to the site than at present.
10. A need to be on site at all times indicates that there may be times when emergencies occur requiring an immediate response, such as in livestock farming, where the health of animals may be at risk. A turf growing business does not indicate any obvious potential emergency situations which would give rise to a need to be on site at all times, and none have been advanced by the appellant. Instead, I note the business has operated since 1978, seemingly without needing a dwelling on site to this point. Moreover, appellant indicates that they reside in Marshchapel, which is around 4.5 miles away. As such, it is possible for the appellant to reach the site within around 10 minutes, which on the limited evidence I have appears to be sufficient to address any issues arising on the site.
11. In other respects, there is little substantive evidence of a security problem at the site. No details of any incidents have been provided. It is therefore unclear as to the scale of the security risk which may exist. I also saw security cameras in place on the storage building, but there is a lack of detail from the appellant as to the extent to which cameras and other security measures have been employed, or specific reasons why they would not be effective in maintaining site security.

12. In terms of the expansion of the business, the appellant refers to an increase in production from 15% to at least 75%, but no context is given for these figures. There is no clarity, therefore, as to what they represent. Nor is it explained why it is a dwelling, rather than investment in land or machinery, that would enable the substantial expansion of a business indicated to have already operated for some 44 years. In the absence of any clarity in this respect, I afford very limited weight to these considerations.
13. Finally, whilst I can understand the appellant's desire to accommodate his extended family, there is no evidence before me to demonstrate that this is necessary for the purposes of running the business, and consequently that a dwelling of the size proposed with four bedrooms is required. Rather, it is suggested that an external staff member may be hired should the business expand, who presumably would not reside on site.
14. For these reasons, I conclude that the proposal does not demonstrate a functional need for a dwelling on the site, and so does not meet the requirements of Policy SP8. Though not cited in the Council's reason for refusal, the location of the dwelling in the open countryside, detached from the nearest settlement would further conflict with the overall strategy for development set out under Policy SP1, and the similar aims of the Framework to locate housing where it will enhance or maintain the vitality of rural communities. Consequently, the proposal would represent an unsuitable location for housing.

Character and Appearance

15. The dwelling would be orientated with the front elevation facing into the site and the rear elevation addressing the lane. It would have a central section two storeys in height with single storey elements to either side. A chimney breast would run the full height of the front gable. It is indicated that the dwelling would be constructed in facing bricks with concrete roof tiles.
16. There is variety to the design of dwellings in the surrounding area, but the orientation of the dwelling into the site would be uncharacteristic. At my site visit, I saw there to be substantial screening provided by trees and hedgerows along the boundary of the lane, with the existing large storage shed barely visible. However, I am mindful that visibility into the site may increase in winter as leaves are shed, or if the hedgerows were to be cut back. There would also be some more distant views from dwellings to the west of the site.
17. The proposed dwelling is plain in design, with few features of note apart from the central chimney breast which would form a somewhat crude element, albeit one which would not be visually prominent given it would face into the site rather than towards the lane. Elsewhere, there would be awkwardly positioned fenestration to the side elevation which would undermine the overall quality of the dwelling, though again this would be subject to limited public view.
18. However, the presentation of the rear elevation to the lane would be uncharacteristic of dwellings within the surrounding area. The incongruity of this approach would be exacerbated by the underwhelming design of the rear elevation with a basic window pattern and no entrance door. The result would be a dwelling that would exhibit a rather dead elevation towards the public realm that would fail to accord with the aims of the Framework to secure high quality development that is visually attractive as a result of good architecture, and sympathetic to local character.

19. For these reasons, I conclude that the proposal would significantly harm the character and appearance of the area, in conflict with Policy SP10 of the LPCS, wherein the Council will support well-designed sustainable development which maintains and enhances the character of the District's towns, villages and countryside.

Other Matters

20. The Council did not adjudge that harm would be caused in respect of neighbours' living conditions or highway safety. I note a number of comments from interested parties in respect of the latter, particularly in relation to the condition of Birketts Lane and its propensity to flood. However, I am also mindful that the local highway authority did not raise objection, and that the site is already accessible to vehicular traffic. Were the appellant to reside on site, it is reasonable to consider that additional domestic journeys by car would be offset to some degree by a reduction in commuting to the site as currently takes place. All in all, the volume of traffic generated by the proposal would be low, and I am satisfied that no material harm would occur in this respect. However, the absence of harm in these respects means they are neutral considerations in the overall planning balance.
21. I recognise that, notwithstanding its location, the proposal would add a dwelling to the housing stock. However, it would be necessary to limit the occupancy of the dwelling to a rural worker by condition were the appeal to succeed, which limits the weight of this benefit. There would also be some economic benefit through construction of the dwelling and subsequent patronage of local services by future occupants, though given the scale of the proposal, these would also be limited.

Conclusion

22. For the reasons set out, I conclude that the appellant has failed to demonstrate a functional need for a dwelling in the open countryside, and so the proposal would represent an inappropriate location for housing. There would also be harm to the character and appearance of the area. This results in conflict with the development plan, taken as a whole, to which I afford significant weight. Material considerations set out in support of the proposal would not be sufficient to outweigh the development plan conflict so as to justify a grant of planning permission.
23. Therefore, the appeal should be dismissed.

K Savage

INSPECTOR