



Appeal Decision

Site visit made on 30 November 2022

by David English BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 January 2023

Appeal Ref: APP/E2530/W/22/3302300

Castle Farm, Glen Road, Castle Bytham, Lincolnshire NG33 4RJ

- 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 Roythornes Trustees Limited against South Kesteven District Council.
 - The application Ref S22/0338 is dated 10 February 2022.
 - The development proposed is the demolition of existing agricultural buildings and erection of three detached dwellings and associated garaging.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would be consistent with the Council's development strategy concerning the location of new residential development.

Reasons

3. Castle Bytham is a small but spread-out village which has a pleasant and attractive rural character. It is predominately residential with a variety of building designs. Housing has developed outwards from the historic core which is centred on the remaining earthworks of a Norman motte and bailey castle, a scheduled monument adjacent to the appeal site. This linear growth outwards comprises mainly housing development with discernible road frontages.
4. Policy SP2 of the South Kesteven District Council Local Plan 2011-2036 (January 2020) ('the Local Plan') defines Castle Bytham as a Smaller Village. In such settlements development that would not compromise the nature and character of the village is supported subject to compliance with other policies in the Local Plan, in particular Policy SP3 which concerns infill development, and Policy SP4 which concerns development on the edge of settlements.
5. The appeal site comprises a small group of farm buildings and associated land which the appellant indicates are no longer in use for agricultural purposes. The buildings are accessed via a long private drive which also serves adjacent housing created through the conversion of older buildings that formed part of Castle Farm. The appeal buildings sit behind those converted barns but are readily visible and seen in clear association with those adjacent dwellings from various points along Glen Road as it winds around the edge of the motte and bailey castle. As a result of this arrangement the appeal site appears as part of the built form of the village in views from beyond the site boundaries.

6. Policy SP4 supports development on the edge of Smaller Villages. In reading this alongside Policy SP3 there is a degree of tension between the two policies in that Policy SP4 does not make clear where the edge of any relevant settlement may be. This is relevant to the appeal before me when interpreting paragraph d. of Policy SP3 which seeks to prevent proposals that extend the pattern of development in Small Villages beyond their existing built form. I am conscious that these policies have been a matter of correspondence between the main parties, and there is disagreement about which policy is relevant in the determination of this development proposal.
7. It is common for farms and associated buildings to be located within villages in rural areas. From what I saw during my site visit I am satisfied that the appeal site is part of the built form of the village due to its immediate proximity to, and shared access with, the adjacent dwellings which formed part of the original Castle Farm. The outer boundaries of the appeal site are marked by a watercourse on two sides and a post and wire fence alongside a rough track immediately to the north. These features define the edge of the settlement in this location. The appeal site therefore lies inside the edge of the settlement. Given the wording and the general intent expressed in Policy SP4, that policy is directed at development proposals that lie on the edge of, but outside the built form of settlements. Accordingly, I find that Policy SP3 is the most relevant policy in the determination of this appeal, and Policy SP4 is not a relevant policy in this case.
8. Policy SP3 requires, amongst other things, that proposed development is located within a substantially built-up frontage or is a re-development opportunity, which the policy describes as 'previously development land'. Having regard to the Council's statement of case, I have taken that to mean previously developed land, a definition for which is provided in the National Planning Policy Framework ('the Framework').
9. The appeal site is not previously developed land in the context of the definitions provided in the Framework because it is occupied by agricultural buildings. Notwithstanding the information provided by the appellant, I have nothing before me that demonstrates commencement of an alternative authorised use of those buildings. The proposal is therefore not supported by the caveat regarding previously developed land set out in Policy SP3.
10. Whether the proposal would comprise infill development is a matter of judgement. I have been provided with no relevant definitions by the Council, no definition is given for infill development in Policy SP3, nor is there one in the Framework. However, Policy SP3 is clear that development is supported only where it is located within a substantially built-up frontage.
11. The appeal site is set some way back from Glen Road down a long private drive and directly behind other housing. In this respect the proposal would constitute a form of backland development which has no frontage. Glen Road predominantly comprises dwellings that front onto it, and it is substantially built-up along its length northwards beyond the appeal site entrance. Some dwellings are set back at depth from the highway, but most create an evident frontage to Glen Road. While the proposed development would be readily visible from beyond the site it would not be located within that substantially built-up frontage of Glen Road.

12. Accordingly, the appeal proposal would not be consistent with the Council's development strategy concerning the location of new residential development because it conflicts with Policy SP3 of the Local Plan which requires development in Smaller Villages to be located within a substantially built-up frontage.

Other Matters

13. The proposal would contribute to the supply of housing locally and this would be a benefit. However, the Council confirm that they can demonstrate at least a five-year supply of housing land and I give this benefit limited weight.
14. Several designated heritage assets are very close to the appeal site, and the site is within the Castle Bytham Conservation Area. The Council advertised the planning application accordingly. Castle Bytham Parish Council refer to the site being next to a scheduled monument, and representations are made by a resident about the effect the proposed development may have on designated heritage assets. However, the Council's heritage advisors express support for the proposal noting improvement that would arise to the setting of nearby heritage assets. This improvement would be a benefit. I recognise that the proposal would result in the replacement of large agricultural buildings with generally smaller dwellings. However, the existing agricultural buildings do not look out of place in this rural village setting. I therefore attach only limited weight to this benefit.
15. The Council accepts the advice given to them in respect of heritage assets. I am conscious of the statutory obligations placed on decision makers in respect of their consideration of the effect development may have on designated heritage assets. However, in this case, the effects have been assessed by the Council as not being harmful. I am satisfied that the effects on designated heritage assets and their settings are not matters in dispute and, although I recognise the benefits that would arise, I need not consider these matters further.
16. The Council and others comment on the design of the proposed dwellings, with suggestions for alterations provided in representations. I have found conflict with the development plan in respect of the appropriateness of the site to accommodate residential development. I therefore do not need to consider or conclude on the detailed design or layout of the proposal because I have found it harmful for another reason.
17. Overall, the benefits associated with the proposal would not outweigh the harm that would arise in respect of conflict with the specific locational expectations intended to guide new residential development in the Smaller Villages in South Kesteven District.

Conclusion

18. For the reasons given above, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

David English

INSPECTOR