



Appeal Decision

Site visit made on 21 December 2022

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 January 2023

Appeal Ref: APP/B2002/W/22/3297800

East Ravendale Farm, East Ravendale, Grimsby, DN37 0RX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr George Peter Strawson of Peter Strawson Limited against the decision of North East Lincolnshire Council.
 - The application Ref DM/0154/22/FUL, dated 22 February 2022, was refused by notice dated 12 April 2022.
 - The application sought planning permission for portacabin without complying with a condition attached to planning permission Ref DM/0078/17/FUL, dated 21 March 2017.
 - The condition in dispute is No 1 which states that: The portable building hereby approved shall be permanently removed from the site on or before the 22nd March 2022.
 - The reason given for the condition is: Permission is granted for a further temporary period because it is considered that the building is not suitable for a permanent permission given its nature and the building's location in accordance with saved policies GEN2 and NH8 of the North East Lincolnshire Local Plan 2003.
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Decision

1. The appeal is dismissed.

Background and Preliminary Matters

2. The erection of 3 temporary school buildings on this site was allowed in 2006 and subsequently renewed¹ in 2007 while works were being carried out at the village primary school.
3. The building the subject of this appeal was granted planning permission on 2 June 2010². I have amended the description of development from that permission in the banner heading above to remove a reference to retention as this is not an act of development and a reference to a temporary period of two years as this has been overtaken by later decisions. The permission was granted subject to conditions, one of which required the building to be removed by 2 June 2012.
4. An application³ was made to remove that condition which, although allowed, required the removal of the building by 11 September 2013. That condition was the subject of an appeal⁴ which was dismissed. The Council's officer report sets

¹ DC/817/06/WOL and DC/1194/07/WOL

² DC/972/09/WOL

³ DC/424/12/WOL

⁴ APP/B2002/A/12/2187045 dismissed 3 September 2013.

out that further applications were allowed to continue this siting for a further 3 years⁵, and again for a further five years⁶. This was secured by a condition which required the removal of the building before 22 March 2022. The appellant applied to vary this condition, which was refused by the Council and it is that decision which is the subject of this appeal.

Main Issue

5. The main issue is whether the condition is necessary and reasonable, having regard to the effect on the character and appearance of the surrounding area, with particular regard to the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB).

Reasons

6. The appeal site lies beyond any settlement boundary. North East Lincolnshire Local Plan 2018 (NELLP) Policy 5 regards such land as being within the open countryside, where (for the purposes of this appeal) development which promotes the retention and development of local services and community facilities will be supported. This is subject to the development recognising the distinctive open character and landscape quality of the area. This is strengthened by NELLP Policy 42 which requires landscape character to be given due consideration, with priority to be given to the protection and enhancement of the landscape character and natural beauty of the AONB. NELLP Policy 22 requires a high standard of sustainable design, which includes the protection and enhancement of natural assets.
7. The AONB is designated for the purposes of conserving and enhancing natural beauty and section 85(1) of the Countryside and Rights of Way Act 2000 (CROW) places a duty on me to have regard to these purposes in this decision. Paragraph 176 of the National Planning Policy Framework (the Framework) confirms that great weight should be given to conserving and enhancing landscape and scenic beauty in the AONB and that the scale and extent of development within the AONB should be limited. Paragraph 130 highlights the importance of good design.
8. The appeal relates to a pre-fabricated building, coloured green, with panel walls and a flat roof. It is a basic structure which is not of a high standard of design and has a negative effect on the character and appearance of the area. It is not typical or characteristic of rural farm buildings, including those adjacent to the site. As such, the building is an incongruous feature in the open countryside and does not conserve or enhance the landscape and scenic beauty of the AONB.
9. There is landscaping around the site which restricts views of the building from further afield. Use of the bridleway may be limited. However, these factors would not justify the continued siting of the building given the harms I have identified.
10. I am also mindful of the advice in the Planning Practice Guidance (PPG) regarding temporary permissions⁷ which sets out that it will rarely be justifiable to grant a second temporary permission except in cases where changing

⁵ DC/748/13/WOL

⁶ DM/0078/17/FUL

⁷ Use of planning conditions Paragraph: 014 Reference ID: 21a-014-20140306 Revision date: 06 03 2014

circumstances provide a clear rationale. The PPG also advises that a further, permanent permission can be granted or refused if there is a clear justification for doing so. While I acknowledge that the temporary permission has been extended several times in the past, I nonetheless consider this advice remains pertinent.

11. It is not clear from the evidence before me if the building is in use or that the continued siting of the building would be promoting the retention and development of any local services or community facilities. Furthermore, the use of the building is restricted to educational purposes only and the potential other uses suggested by the appellant would require a further planning permission. There are no changed circumstances which would justify a further temporary permission or a clear justification for the permanent retention of the building.
12. I note there are no objections from interested parties to the appeal, including from surrounding residents, one of whom has indicated that they consider a further temporary permission would be appropriate. However this would not outweigh the harm I have identified above.
13. The appellant has submitted information setting out that the retention of buildings can reduce the carbon levels of a project. However this is referring to the benefits of renovating an existing building rather than constructing a new one. That is not the case before me, which is for the continued siting of a building which was intended to be temporary.
14. While the original application was by the education authority, it is clear that this was intended as a short term measure while works were carried out to the village school. There is no evidence before me that the education authority has any continued involvement with the use of the building that would justify its continued siting.

Conclusion

15. Having regard to all matters raised, I consider that the condition is necessary and reasonable in the interests of the character and appearance of the surrounding area. The appeal proposal is not of a high standard of design and does not conserve or enhance the scenic beauty of the AONB contrary to NEELP Policies 5, 22 and 42 and paragraphs 130 and 176 of the Framework. The appeal should therefore be dismissed.

J Downs

INSPECTOR