



Appeal Decision

Site visit made on 26 April 2023

by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 May 2023

Appeal Ref: APP/D2510/W/22/3298253

Lakeside Fisheries, Baumber Road, HORNCastle LN9 5NW

- 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 Karl Teatum against the decision of East Lindsey District Council.
 - The application Ref S/011/01670/21, dated 29 July 2021, was refused by notice dated 25 November 2021.
 - The development proposed is conversion of existing building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted a revised plan as part of his appeal which shows the residential boundary, a garden and parking area for the proposed house. The Council confirms that subject to appropriate conditions this would adequately address its reason for refusal regarding living conditions for the occupiers of the proposed house and those of neighbouring properties. I see no reason to disagree.
3. These are minor changes to the appeal proposal, and I am satisfied no one would be prejudiced if I take the revised plan into account. I have therefore proceeded on that basis and consider that the proposal would provide appropriate living conditions for future residents and would not harm the conditions of existing residents subject to a condition regarding boundary treatment to protect privacy. There would therefore be no conflict with Policy SP10 of the East Lindsey Local Plan Core Strategy 2018 (the Local Plan) which requires that residential amenity is not unacceptably harmed.

Main Issues

4. The main issues are
 - Whether the proposed house would be in a suitable location having regard to local and national policy; and
 - The effect of the proposal on the existing building and the setting of the Brick Kiln a grade II listed building.

Reasons

Location

5. Policy SP1 of the Local Plan outlines the settlement pattern which guides the distribution, scale and nature of future development. The appeal site is not within the continuous built form of any of the listed settlements and therefore is treated as being in the open countryside.
6. Policies SP1, SP3 and SP4 of the Local Plan, together direct development to the appropriate locations within or adjacent to the developed footprint of settlements and therefore the proposal would be contrary to those policies.
7. Paragraph 80 of the National Planning Policy Framework (the Framework) supports isolated homes in the countryside where they meet one of a number of circumstances.
8. The development is described as the conversion of the existing building. However, I saw at my site visit that the existing structure is merely formed from low level brick walls with no roof. It is not clear, and there is nothing substantive in the evidence before me, to confirm whether the existing walls would be capable of taking the load required for the new structure, or whether they would need to be rebuilt. In any case the extent of works involved, would in my view, go beyond what would reasonably be described as conversion. The proposal would not therefore meet the requirements of paragraph 80c of the Framework.
9. In his appeal submission the appellant has stated that the proposed house would be used to live in and run the business from, allowing their parents to retire in the existing house on site which is classed as a temporary dwelling and therefore unfit to run the business from. The location of the house would also aid with security for the business and neighbouring residents.
10. Paragraph 80a of the Framework allows for a dwelling if there is an essential need for a rural worker to live permanently at or near their place of work. Even if I were to take account of the appellant's comments at this stage, there is nothing substantive before me to suggest why a worker would be required on site to meet an essential need throughout the day and night. Although there may be a benefit of security, I saw that there are CCTV cameras on the site, and this would not in itself be sufficient justification for a house in this location.
11. Therefore, even if I were to consider this as an isolated dwelling in the countryside for the purposes of Paragraph 80 of the Framework, based on the evidence before me it would not meet any of the circumstances referred to.
12. For the reasons above, I conclude that the proposed house would not be in a suitable location having regard to local and national policy. It would therefore be contrary to Policies SP1, SP3 and SP4 of the Local Plan and the Framework.

Heritage asset

Significance

13. The Brick Kiln is a Grade II listed building constructed around 1800 with minor twentieth century alterations. Constructed of red brick it is single storey with battered side walls and buttresses. The list description notes that the structure is in good order and represents an unusually complete survival of a once common building type. I saw that to be the case at my site visit. Its significance for the purposes of this appeal is largely derived from its

architectural and historic interest as an intact surviving element of a local industrial building relating to the brickwork industry.

14. It is evident from the maps and the artist's impression provided by the appellant that the area around the brick works, which the Brick Kiln would have formed part of, would have been open countryside, with an open aspect to the front. This is little altered since that time other than the addition of modern farming buildings to the west and the erection of a smaller farm building to the south. Consequently, the Brick Kiln can be fully appreciated from most directions.
15. There is no substantive evidence before me to suggest that the smaller farm building, the subject of this appeal, is curtilage listed, particularly with regard to the relevant date. The appellant states that it was constructed sometime in the 1900's to house two tractors and other farm storage equipment using bricks dated about 1920's. The building is evident on the 1950 OS map but not on the 1886 one, suggesting its construction sometime between those dates after the 1890's when the last bricks were produced, and the site was run solely as a farm until the mid to late 1900s. The larger structure enclosing it, is according to the appellant a much later addition and this has not been disputed by the Council.
16. The Council point out that the building has, in previous planning applications been considered as a curtilage listed building. However, I am not aware of the information that was available at that time.
17. Even if I were to consider it as a curtilage listed building, its current poor state means that it has very little legibility as a former farm building. It only has one rear elevation that remains wholly intact and no roof. It has no known functional relationship with the Brick Kiln having been constructed sometime later. Its significance, in its own right, and as part of the setting of the Brick Kiln is therefore very limited and would not be harmed by its loss as part of this proposal.

Impact on significance

18. The proposed house would be of simple design being single storey with a pitched roof using materials to match the existing. It would be sited close to the Brick Kiln and have a large footprint. As a result, it would enclose and erode its open setting competing with the Brick Kiln in views from the south harming its significance. Furthermore, the provision of parking and the domestic paraphernalia associated with a dwelling and a formalised garden would further domesticate the immediate setting of the Brick Kiln. Given that the setting is just one part of the significance and that there has been a building on the appeal site for some time, albeit much smaller than that proposed, the harm caused would be less than substantial but still of considerable importance and weight.
19. The provision of one house would contribute to housing land supply in the district along with the economic benefits associated with construction. The proposed occupiers are already living on the site and therefore there would be no immediate increased spending in the local area from future occupiers. These public benefits would be limited given they would relate to just one house, and not sufficient to outweigh the harm to the designated heritage asset given the great weight given to the asset's conservation contained in the Framework.

20. For the reasons above I conclude that the proposal would be harmful to the setting of the Brick Kiln a Grade II listed building. Consequently, there would be conflict with Policy SP11 of the Local Plan and paragraphs 130 and 194 of the Framework which require that developments are sympathetic to local character and history and preserve or enhance heritage assets and their setting.

Conclusion

21. The proposal would conflict with the spatial strategy of the development plan as well as policy relating to heritage assets and therefore the development plan as a whole. The material considerations I outline above, including the Framework, are not sufficient to outweigh that conflict. The appeal should therefore be dismissed.

Zoe Raygen

INSPECTOR