



Appeal Decision

Hearing held on 13 June 2023

Site visit made on 13 June 2023

by C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 3 July 2023

Appeal Ref: APP/D2510/W/23/3317308

Rectory Farm, Mere Booth Road, Langrick, PE22 7AD

- 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 and Mrs Greenland against the decision of East Lindsey District Council.
- The application Ref S/096/00197/22, dated 4 February 2022, was refused by notice dated 5 September 2022.

The development proposed is the change of use of storage and distribution buildings (Use Class B8) with ancillary residential accommodation to a mixed use of a live/work unit to include a primary dwelling, associated annexe and commercial use for online sales including the storage and supply of stock.

Decision

1. The appeal is allowed and planning permission is granted for the change of use, extension and alterations to existing storage and distribution buildings with ancillary residential accommodation to form a mixed use of a live/work unit to include a dwelling, associated annexe and commercial building for the use of online sales and the erection of a domestic storage building at Rectory Farm, Mere Booth Road, Langrick, PE22 7AD in accordance with the terms of the application, Ref S/096/00197/22, dated 4 February 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1497-1_PL_SP01, 1497-1_PL_SP02, 1497-1_PL_LP01, 1497-1_PL_GA01, 1497-1_PL_PL01, 1497-1_PL_PL02 (A), 2006DG PD.01 (P1), 2006DG PD.02 (P1), 2006DG PD.03 (P1), 2006DG PD.04 (P1), 2006DG PD.05 (P1), 2006DG PD.06 (P1), 2006DG PD.07 (P1), 2006DG PD.08 (P1), 2006DG PD.09 (P1), 2006DG PD.10 (P1), 2006DG PD.11 (P1), 2006DG PD.12 (P1) and 2006DG PD.13 (P1).
 - 3) The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (prepared by RM Associates, dated February 2022 Version 1) and the following mitigation measures within it:
 - Finished floor levels to be set no lower than 2.8 metres above Ordnance Datum.
 - Flood resilience and resistance measures to be incorporated into the proposed development as stated.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

4) The development hereby permitted shall not be occupied until the Flood Warning and Evacuation Plan (prepared by RM Associates, dated April 2022 Version 1) has been implemented. The plan shall thereafter be retained in operation for so long as the use hereby permitted continues and the plan is applicable.

5) The occupation of the dwelling shall be limited to a person solely or mainly employed or last employed in the business occupying the plot edged red on plan number 1497-1_PL_LP01, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.

6) The single storey annexe hereby permitted shall be, and shall remain, ancillary to the use of the residential accommodation in the main building at Rectory Farm and shall not be occupied independently, sold or let separately, and shall be used only by members of the family of the occupier of the main building.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form it is stated that the description of development has changed, and descriptions within the Council's initial application letter and decision notice match that used in the appeal form. Thus, I have used the appeal form description in the permission above.

Main Issue

3. The main issue is whether the proposed development would provide a suitable site for housing, having regard to the proximity of services and facilities.

Reasons

4. The appeal site currently accommodates four businesses which are owned and operated by the appellants. The site lies halfway along Mere Booth Road, which connects the settlements of Langrick and Anton's Gowt. The road is subject to a national speed limit and is unlit, with narrow and uneven verges and no footways. It is consequently unappealing for pedestrian or cyclist use, and is not served by buses or another form of sustainable transport. As a result, journeys to and from the site are most likely to be made by private vehicle.
5. Policy SP1 of the East Lindsey Local Plan Core Strategy (2018) (the CS) sets out a settlement pattern which seeks to guide development in the district to sustainable locations. Langrick is defined in the policy as a Small Village, with a limited range of services or facilities according to the supporting text. Anton's Gowt is defined as a Medium Village, which consequently has some essential services.
6. Policy SP4 of the CS sets out two scenarios where housing in inland medium and small villages will be supported. The Council considers that, whilst the appeal site does not lie within the built-up area of such a village, it lies within its parish boundary. The policy states that housing in these types of villages

will be supported, in certain cases, where it would lie in an appropriate location within the developed footprint of the settlement. "Developed footprint" is defined as the continuous built form of the settlement and excludes individual buildings or groups of dispersed buildings which are detached from the continuous built-up area of the settlement.

7. Whilst there is a neighbouring property adjacent to the appeal site, no other built form lies in the vicinity and the site is separated from the built form of both villages by open countryside. It consequently does not lie within the developed footprint of either settlement, so that the proposal does not comply with this element of Policy SP4.
8. The other provision for housing in the medium and small villages within Policy SP4 sets out criteria for the conversion and redevelopment of brownfield sites and those holding disused agricultural buildings. The supporting text to the policy states that brownfield land in the context of the policy is that land as defined by the National Planning Policy Framework (2021) (the Framework).
9. The Framework defines brownfield, or "previously developed land" (PDL) as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure, subject to certain exclusions. There is no dispute that the appeal site is PDL.
10. Nevertheless, Policy SP4 requires three criteria to be demonstrated if the conversion and redevelopment of such sites is to be supported. The first of these is that the site must have been actively marketed for either a community, economic or leisure use at an appropriate price for a period of 12 months. No evidence of compliance with this criterion is provided with the appeal. Thus, the appeal scheme fails to comply with this element of Policy SP4, and it is not necessary to go on to consider whether it complies with the remaining criteria.
11. The Framework additionally states that planning decisions should avoid the development of isolated homes in the countryside unless certain exceptions apply. The appeal site is physically separate from either of the closest settlements by a considerable degree. The proposed dwelling and annexe would consequently form isolated homes in the countryside unless one of the exceptions is applicable.
12. One of these, at paragraph 80c), is where a development would re-use redundant or disused buildings and would enhance its immediate setting. Part of the main building is not in use, and the Council accepts that areas of the main building are under-used. The development would re-use these disused areas and consequently benefits from the exception at paragraph 80c). Thus, the scheme would not form isolated homes in the countryside.
13. I accept that occupiers of the development would rely on the use of a private vehicle to access day-to-day goods and services. Nevertheless, without permission for the appeal proposal, the existing development at the site would result in the use of at least one private vehicle for the trips of the appellants to work, because there is no permission currently in place for the permanent residential occupation of the site. There is no restriction on the location where the appellants could live, and hence no restriction on the distance of commuting journeys associated with the existing businesses at the site.

However, whilst private vehicular trips would be necessary to reach services and facilities in the town of Boston, these would be relatively short in duration due to the proximity of the site to the town.

14. Thus, whilst the proposed development would not provide a suitable site for housing, having regard to the proximity of services and facilities, the harm in this regard is limited. This is due to the ability of the proposal to reduce commuting journeys, to the small scale of the development proposed and to its relatively close proximity to services and facilities in the town of Boston. Nevertheless, as a result of this harm, the scheme conflicts with Policies SP1 and SP4 of the CS, the aims of which are set out above. Further conflict exists with Policy SP2 of the CS2, which sets out the presumption in favour of sustainable development.

Other Matters

15. Whilst Policy SP3 of the CS is relied on in the Council's reason for refusal of permission, the parties agreed at the hearing that it is not relevant to the appeal proposal. Thus, I have not considered the scheme against that policy.

Planning Balance

16. Policy SP10 of the CS provides support for well-designed sustainable development. I have not identified harm to result from the scheme's design. However, as I have found that the proposal would conflict with other policies within the CS which aim to provide for sustainable development, Policy SP10 does not provide support for the appeal proposal.
17. The supporting text to employment policies within the CS sets out that opportunities to create employment will be actively encouraged in the medium and small villages where they can provide local employment. Nevertheless, the appeal scheme would not entail any increase in the existing levels of local employment at the businesses. Furthermore, there is no suggestion before me that, for example, existing jobs at the businesses would be jeopardised in the absence of permission for the appeal scheme, or that the scheme would entail the creation of additional local employment opportunities. Thus, the supporting text referred to does not provide potential support for the scheme.
18. The supporting text further sets out that initiatives that re-use existing buildings in the villages for business uses will be particularly supported. This is subject to such proposals bringing about environmental improvements. Photovoltaic panels already serve the buildings at the appeal site, and it is submitted that these would contribute to the sustainability of the new households at the site.
19. Whilst I accept that that is likely to be the case, the proposal would provide only two dwellings. The environmental improvements in this regard would consequently be limited, so that the matter attracts limited weight as a benefit. Furthermore, any environmental benefits resulting from the proposed replacement of windows and doors at the site are unsubstantiated, so that the matter attracts only minimal weight.
20. As the site does not include a farm holding, support within the CS for additional uses at such locations does not weigh in favour of the appeal scheme.

21. I have found that the appeal scheme would not lie within the developed footprint of a settlement. The scheme consequently does not attract support from provisions within the supporting text to the CS which indicate support for remote and home working businesses in named settlements.
22. Any compliance with flood risk policies in the CS is a neutral matter which does not form a benefit of the proposal.
23. The Framework states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and that this should be taken into account in decision-making. Access to sustainable transport opportunities nearby, in Boston, would be available to the occupiers of the rural development, weighing moderately in favour of the scheme.
24. Paragraph 82d) of the Framework states that planning policies should be flexible enough to allow for new and flexible working practices such as live-work accommodation. Whilst Policy SP13 of the CS allows for home-based businesses to operate in all the named settlements, in this case the proposal would provide live-work accommodation at a site located relatively close to named settlements and to Boston, and hence the flexibility referred to in the Framework is applicable. Thus, paragraph 82d) of the Framework provides additional limited support for the proposal.
25. The benefits of the scheme consequently outweigh the limited harm arising from the conflict with the development plan identified above.

Conditions

26. I have imposed a plans condition because it creates certainty for all parties.
27. Conditions 3 and 4 are necessary to reduce flood risk at the site because it lies within Flood Zone 3 and consequently has a high probability of flooding.
28. Condition 5 is necessary in order to ensure that the benefits of the live-work arrangement at the appeal site are fully realised. I have amended the wording of the suggested condition for clarity, with the agreement of the parties at the hearing.
29. Condition 6 is necessary in order to secure the use of the annexe as ancillary, so as to safeguard living conditions at the two dwellings which are permitted.

Conclusion

30. Material considerations indicate that the application should be determined otherwise than in accordance with the development plan. Thus, for the reasons given above, I conclude that the appeal should be allowed.

C Beeby

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Robert Doughty	Agent
David Greenland	Appellant
Samantha Greenland	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Andy Booth	Lead Development Management Officer
Lindsey Stuart	Principal Planning Officer

DOCUMENTS:

- Letter from neighbouring occupier
- Appeal Decision APP/J1860/W/18/3201427
- Settlement Pattern table
- Map showing bus stops in the vicinity