



Appeal Decision

Site visit made on 23 May 2023

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2023

Appeal Ref: APP/F2415/W/22/3311061

South Lodge, Walcote Road, Leicestershire, South Kilworth LE17 6EQ

- 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 R Heydon against the decision of Harborough District Council.
 - The application Ref 22/01299/FUL, dated 5 July 2022, was refused by notice dated 31 August 2022.
 - The development proposed is conversion of redundant agricultural building to a single dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of redundant agricultural building to a single dwelling at South Lodge, Walcote Road, Leicestershire, South Kilworth LE17 6EQ in accordance with the terms of the application, Ref 22/01299/FUL, dated 5 July 2022, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The Council's decision notice refers to Policy GD4. 10 of the Harborough Local Plan 2011 to 2031 Adopted 30 April 2019 (LP). However, Policy GD4 does not include a criterion 10. I have queried this with the Council who accept this was included as a typo.
3. The appellant has included two different drawings which are both named 'Location Plan Heydon2/P3' however it is clear from the content of these that one is the block plan for the proposal and the other is a location plan. I have queried this with the appellant, and they have confirmed it was an oversight and confirmed that in order to differentiate the two plans I can refer to them as Location Plan Heydon2/P3 and Block Plan Heydon2/P3.

Main Issues

4. The main issues are:
 - the effect of the proposed development upon the character and appearance of the area; and,
 - whether the site is an appropriate location for the development proposed.

Reasons

Character and appearance

5. South Lodge is a dwelling located off Walcote Road and is accessed by a long gravel track. South Lodge is located within a cluster of dwellings and the building subject to this appeal sits forward of South Lodge.
6. There are large, open fields as you approach the site via the track which are used for the appellants' dog exercising business. There is some paraphernalia associated with the dog exercising business such as outbuildings, benches and jumps however this is well spread and screened with hedgerows and extensive vegetation. As a result, the site has an open and verdant character and appearance.
7. The site is well screened from Walcote Road due to extensive hedgerows; however, views of the appeal building are possible from the site entrance and likely from Walcote Road in Autumn and Winter when the hedgerows are not in full leaf. The appeal building is steel clad, which combined with its overall large size results in a prominent feature where visible.
8. The proposal includes extensive full height glazing across most of the front elevation which would be most visible from viewpoints. As a result, significant openings would be required and whilst this would change the low-key agricultural appearance of the building, the glazing would likely reflect the open fields, sky and vegetation to the front of the site and soften the appearance of the building. In this regard the proposal would result in an enhancement to the open and verdant character and appearance of the area.
9. Due to the significant increase in glazed openings, the proposed development would be likely to cause a corresponding increase in light emittance in hours of darkness compared with the existing building. However, in the context of the other dwellings located nearby which would also be likely to emit noticeable amounts of light, as well as the significant setback distance from Walcote Road, the proposal would integrate well into the existing built form and not result in a feature that would stand out as inharmonious.
10. The garden for the proposal would be to the front and side of the building and as such views could be possible. However, the site is already well screened albeit less so in the winter/autumn months. Therefore, together with further landscape enhancements which could be controlled by condition to ensure its suitability, the garden and any paraphernalia associated with a residential dwelling could be adequately screened and therefore the open and verdant character and appearance of the area would be maintained.
11. The Council refer to the proposal not enhancing the immediate setting of agricultural barns; however, it was observed during my site visit that there are no agricultural barns within that setting. Instead, there is already established residential development which the proposal would integrate with.
12. I conclude on this issue that, for the above reasons, the proposed development would not harm the character and appearance of the area. I therefore find no conflict with policy GD8 of the LP which amongst other things, seeks to ensure development respects the context and characteristics of the individual site, street scene and wider local environment to ensure it is integrated as far as possible into the existing built form.

Whether the site is an appropriate location

13. The site is located within the open countryside at least 1km away from the nearest settlement with services and facilities. The site is accessed by an unlit, rural lane subject to the national speed limit with no footpaths. The site would therefore be isolated and there would be a likely reliance on the use of a private car to access services and facilities.
14. However, as the proposal relates to the conversion of a building it is supported by policies GD3 and GD4 of the LP, subject to a number of criteria. Policy GD4 allows new residential development where it is for the re-use of redundant or disused buildings that results in enhancement to their immediate setting. Policy GD3 allows the conversion or re-use of permanent and substantial buildings.
15. It was noted during my site visit that the building was empty and therefore not currently being used. There are a selection of other buildings within the site including large wooden outbuildings adjacent to the appeal building which do appear to be in use in connection with the land. No open storage was taking place during my site visit and as such it would appear that sufficient storage is available elsewhere on site for the other uses taking place.
16. The Council raise some concern over the building's current use, specifically whether it is agricultural. Policies GD3 and GD4 do not require the building to be in agricultural use only, only that it is redundant or disused. As such, whether the building is in agricultural use or not does not alter my findings.
17. The building is of substantial construction and taking into account the appellants' structural survey, it would appear capable of conversion. I have also found that there would be an enhancement to the character and appearance of the area. Taking the above into account the proposal would be in accordance with policies GD3 and GD4.
18. I conclude on this issue that, for the above reasons, the site would be an appropriate location for the development proposed. It would therefore be supported by policies GD3 and GD4 of the LP.

Other Matters

19. The Council's officer report refers to a Walton appeal however no information has been provided about the details of this particular appeal or how it relates to the proposal in front of me. In any case I have determined the appeal on its own merits.

Conditions

20. I have considered the Council's suggested conditions in the event I were to allow the appeal. Where necessary, and in the interests of clarity and precision, I have slightly altered them to more closely reflect the advice in the National Planning Policy Framework and the Planning Practice Guidance.
21. Condition 1 is the standard condition which relates to the commencement of development and condition 2 specifies the approved plans for the avoidance of doubt. Conditions 3 and 4 would be necessary to ensure the satisfactory appearance of the development and to maintain the character and appearance of the area.

22. The Council have suggested the removal of all permitted development rights of Part 1 of Schedule 2 of Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). There is insufficient evidence to justify the removal of all permitted development rights to maintain the character and appearance of the area. However, in the circumstances, I consider it would be exceptionally necessary to include condition 5 which removes certain permitted development rights for the enlargement of the dwelling and erection of outbuildings in order that the Council can exercise control over these aspects to ensure that the area's character and appearance is maintained.
23. Conditions 6 and 7 would be necessary to ensure that the development can be carried out safely without unacceptable risks to workers, other receptors and that risks to future users of the site are minimised.
24. The Council have suggested a condition restricting the curtilage of the dwelling; however, the approved plans are clear as to the limits of the proposed curtilage and as such I do not consider that it would be reasonable or necessary to impose it.
25. The Council have also suggested a condition relating to the provision of car parking spaces and turning space within the site. However, given the amount of driveway space shown on the plans I am satisfied that there is sufficient provision within the appeal site and as such this condition would not be reasonable or necessary.

Conclusion

26. For the reasons set out above and having regard to the development plan as a whole and all other material considerations, I conclude the appeal should be allowed.

D Wilson

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Proposed Haydon2/P2A
Location Plan Heydon2/P3
Block Plan Heydon2/P3

3. Prior to their installation, full details of the materials for the windows, doors, rooflights and roof to be installed shall be submitted to and approved in writing by the Local Planning Authority. The relevant works shall be carried out in accordance with the approved details.

4. Prior to the first occupation of the proposed dwelling a landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Scheme shall include full details of proposed hard and soft landscape works; boundary treatments; new planting/hedges/trees and a timetable of implementation. Thereafter, the landscape scheme shall be carried out in accordance with the approved details prior to the first occupation of the dwelling. Any trees, shrubs, hedges or plants which, within a period of five years from their date of planting, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no enlargement of the dwellinghouse or erection of buildings incidental to the enjoyment of the dwellinghouse, as permitted by Classes A and E of Part 1 of Schedule 2 of that order, shall take place.
6. No development (except any demolition permitted by this permission) shall commence on site until a Risk Based Land Contamination Assessment has been submitted to and approved in writing by the Local Planning Authority, in order to ensure that the land is fit for use as the development proposes. The Risk Based Land Contamination Assessment shall be carried out in accordance with:
 - BS10175:2011+A1:2017 Investigation Of Potentially Contaminated Sites Code of Practice;
 - BS8576:2013 Guidance on Investigations for Ground Gas – Permanent Gases and Volatile Organic Compounds (VOCs);
 - CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.
 - Or any documents which superseded these.

Should any unacceptable risks be identified in the Risk Based Land Contamination Assessment, a Remedial Scheme and a Verification Plan must be prepared and submitted to and agreed in writing by the Local Planning Authority. The Remedial Scheme shall be prepared in accordance with the requirements of:

- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004; and
- BS 8485:2015+ A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings.
- Or any documents which superseded these.

The Verification Plan shall be prepared in accordance with the requirements of:

- Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004; BS 8485:2015 +

- A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings; and
- CIRIA C735, "Good practice on the testing and verification of protection systems for buildings against hazardous ground gases" CIRIA, 2014.
- Or any documents which superseded these.

If, during the course of development, previously unidentified contamination is discovered, development must cease on that part of the site and it must be reported in writing to the Local Planning Authority within 10 working days. Prior to the recommencement of development on that part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity.

7. Prior to occupation of the completed development, or part thereof, either:
 - a) If no remediation was required by the above Risk Based Land Contamination Assessment Condition, a statement from the developer or an approved agent confirming that no previously identified contamination was discovered during the course of development, or part thereof, is received and approved in writing by the Planning Authority; or
 - b) A Verification Investigation shall be undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme and a report showing the findings of the Verification Investigation relevant to the whole development, or part thereof, shall be submitted to and approved in writing by the Local Planning Authority. The Verification Investigation Report shall:
 - Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
 - Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
 - Contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
 - Contain Test Certificates of imported material to show that it is suitable for its proposed use;
 - Demonstrate the effectiveness of the approved Remedial Scheme; and
 - Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.