



Appeal Decision

Site visit made on 3 October 2023

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 24 November 2023

Appeal Ref: APP/R2520/W/23/3318148

**Barn South of Littleworth Drove and North of A17, Heckington Fen+,
Sleaford, Lincolnshire NG34 9NA**

- 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 M Trim against the decision of North Kesteven District Council.
 - The application Ref 22/0324/FUL, dated 2 March 2022, was refused by notice dated 9 September 2022.
 - The development proposed is the conversion and extension of the existing barn, upgrade to the existing access and change of use of the land from agricultural to residential garden curtilage.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion and extension of the existing barn, upgrade to the existing access and change of use of the land from agricultural to residential garden curtilage at the Barn South of Littleworth Drove and North of A17, Heckington, Sleaford, Lincolnshire NG34 9NA in accordance with the terms of the application, Ref 22/0324/FUL, dated 2 March 2022, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The Central Lincolnshire Local Plan (April 2023) (CLLP) was adopted by the Central Lincolnshire Joint Strategic Planning Committee on 13 April 2023 and replaces the previous Central Lincolnshire Local Plan (April 2017). Both main parties have had the opportunity to comment on the implications of this for the appeal and I have taken the CLLP into account in coming to my decision.
3. An amended drawing has been submitted with this appeal which shows the proposed position of the 2m acoustic fence and hedges. The Council have been given the opportunity to comment on this plan. Consequently, I have considered drawing J1820A-PL-02 Rev P03 in the determination of this appeal.

Main Issues

4. The main issues are:
 - whether the appeal site would be a suitable location for the proposed development, having regard to local and national policy; and
 - the effect of the fence on the character and appearance of the site and wider area.

Reasons

Location

5. The appeal site is in an isolated location within the countryside. CLLP Policy S5 accords with the National Planning Policy Framework (the Framework) where it seeks to avoid the development of isolated homes in the countryside, subject to certain exceptions including the re-use of redundant or disused buildings that enhance their immediate setting. I have considered the proposals effect on its setting below, in character and appearance.
6. CLLP Policy S5 provides additional criteria which must be met to ensure only appropriate buildings are re-used. It is suggested that the building can no longer be used for the purpose for which it was built but is an attractive small building that is worthy of retention in its setting. I see no reason to disagree. The final criterion requires the building to be capable of conversion with minimal alteration, including no need for inappropriate new openings and additional features. A structural survey has been provided which indicates that the barn is in good condition and capable of conversion.
7. To facilitate the conversion and allow the retained brick barn to function as a dwelling, the large lean-to structure which is in a poor state of repair would be demolished and replaced with a small timber clad extension with a metal roof. Based on the evidence available, I am satisfied that it would not be practical or viable to repair, refurbish, re-use or re-purpose this structure. Although the proposed extension would equate to 74% of the retained brick barn's footprint, it would be significantly smaller than the demolished structure and would be submissive in scale compared to the retained barn. Consequently, despite the size of the extension relative to the building being converted, I consider that the barn is capable of conversion with minimal alteration.
8. Whilst new openings would be created, they would reflect the existing architectural character of the retained barn. The proposed extension would have a simple agricultural appearance, it would utilise materials already seen on site and would not introduce any inappropriate features.
9. Therefore, I conclude that the appeal site would be a suitable location for the proposed development. It would, subject to consideration of the effect on character and appearance of the area, accord with Policy S5 of the CLLP which seeks to control development in the countryside. The proposal would also accord with the Framework where it supports development that would re-use redundant buildings within isolated locations.

Character and appearance

10. The area is rural, characterised by large fields with boundary hedges broken up by isolated farms. The appeal site comprises several dilapidated outbuildings including a small brick barn within a large area of grassland. The A17 is located a short distance to the south of the appeal site, with cars audible. A combination of mature hedges and post and wire fences separate the site from the surrounding fields and largely obscure the brick barn and attached lean-to structure within long views from the surrounding streets.
11. In order to provide a satisfactory living environment with regard to noise for future occupiers, a 2m high acoustic fence would be required surrounding the garden. Whilst the proposed 2m high fences would be taller than the existing

fences on site, they would be comparable in height to the existing outbuildings. The 2m high fences would be positioned adjacent to the retained barn and extension, away from the site boundaries. They would enclose less space and would have less visual presence than the existing lean-to structure.

12. In addition, hedge planting at both the site boundary and adjacent to the 2m high fences would obscure the proposal in long views from surrounding streets and fields and embed them within the site. Therefore, the fences would have a neutral effect on the rural open character of the area when compared to the existing structures. Further, when considered as a whole the proposal would tidy up the site and improve its overall appearance, contributing positively to the rural agricultural character of the area.
13. Therefore, I conclude that the proposal would not harm the character and appearance of the site and the wider area. The proposal would accord with Policy S53 of the CLLP which amongst other things requires development to integrate into its surroundings and reflect and enhance existing character and distinctiveness. The proposal would also accord with the National Planning Policy Framework (the Framework) where it seeks to ensure development is sympathetic to local character and visually attractive as a result of appropriate and effective landscaping.

Other Matters

14. Although an energy statement has not been provided, the conversion of the retained barn would include the installation of an air source heat pump and insulation, increasing its energy efficiency.

Conditions

15. The Framework states that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects. I have considered the conditions put forward by the Council against the Framework and where necessary I have amended the wording in the interests of effectiveness and precision.
16. Aside from the statutory condition required to set the necessary time limit for development [1], a condition is required to indicate the approved plans to provide certainty [2]. Due to the agricultural use of the appeal site, a contamination risk assessment is to ensure satisfactory living conditions of future occupiers [3]. This assessment is required before the commencement of development so that any potential contamination hazards are identified and properly considered throughout the construction period.
17. To secure the appearance of the proposal, a condition requiring the submission of external facing material details prior to any works above ground level is necessary [4]. To ensure the development is adequately drained, a scheme detailing foul and surface water drainage is required [5]. To ensure that the site reflects the character and appearance of the area, a landscaping condition is necessary [6]. A further condition is necessary to ensure that existing and proposed planting is retained into the future [7]. To protect and enhance biodiversity, I am satisfied that a condition requiring the installation of bat and bird boxes is necessary [8].

18. A condition is also required to ensure compliance with the recommendations made within the sound measurements and recommendations report, so that an adequate living environment with regards to noise is provided [9]. CLLP Policy S53 and S13 require development to minimise the need for resources in the operation of buildings. Therefore, I am satisfied that conditions requiring the development to minimise water consumption and the installation of an air source heat pump are necessary and reasonable [10,11].
19. Planning Practice Guidance states that conditions restricting the future use of permitted development rights often do not pass the test of reasonableness or necessity. However, given the rural setting, in this instance, I am satisfied that it is necessary to restrict future enlargements, improvements or alterations and buildings etc incidental to the enjoyment of the dwellinghouse to safeguard the open, rural agricultural character of the area [12].

Conclusion

20. For the reasons given above, I conclude that the proposal would accord with the development plan as a whole and the Framework, and therefore the appeal is allowed.

K Allen

INSPECTOR

Schedule of 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:
 - J1820A-PL-01 P01 Site Location Plan & Existing Block Plan
 - J1820A-PL-02 P03 Proposed Site Plan
 - J1820A-PL-10 P01 Existing Plans
 - J1820A-PL-11 P01 Existing Elevations
 - J1820A-PL-20 P02 Proposed Plans
 - J1820A-PL-21 P02 Proposed Elevations
- 3) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the local planning authority. If any contamination is identified, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in

accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures. Before the development is first occupied a verification report for all the remediation works shall be submitted to and approved in writing by the local planning authority.

- 4) No development above ground, apart from approved demolition works and site preparation works, shall commence until details of all external facing materials to be used in the construction of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) No development above ground, apart from approved demolition works and site preparation works, shall commence until a scheme for the disposal of foul and surface water, has been submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented before the development is first occupied and thereafter retained.
- 6) No development above ground, apart from approved demolition works and site preparation works, shall commence until, a landscaping scheme has been submitted to and approved in writing by the local planning authority. The details shall include:
 - a. retained landscape features;
 - b. hard surfacing materials;
 - c. planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment);
 - d. schedules of plants, noting species, sizes and proposed numbers/densities where appropriate;
 - e. boundary treatments indicating the type, position, design, and materials;
 - f. management/maintenance plan; and
 - g. an implementation programme.

Development shall be carried out in accordance with the approved details, management/maintenance plan and the agreed implementation programme.

- 7) Any trees, hedges or plants (existing retained or proposed) that, within a period of seven years after planting (or replanting if previously failed), are removed, die or become, in the opinion of the local planning authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the local planning authority gives written consent to any variation.
- 8) No development above ground works, apart from approved demolition works and site preparation works, shall commence until, a scheme for the provision of a minimum of 1 integral bat roosting and 1 integral bird nesting feature has been submitted to and approved in writing by the local planning authority. The approved features shall be provided before the development is first occupied and thereafter retained as such for that specific use. Within 1 month of first

occupation of the development hereby permitted, appropriate evidence to confirm compliance shall be submitted to the local planning authority.

- 9) The development, hereby permitted, shall not be occupied until all identified noise mitigation measures have been completed in accordance with the Noise Impact Assessment, prepared by S&D Garritt Ltd. dated 19 August 2022. The completed measures shall thereafter be retained.
- 10) The development, hereby permitted, shall not be occupied until measures to ensure compliance with the Building Regulations optional water efficiency standard of 110 litres (or less) per person per day have been incorporated and are available for immediate use. The measures shall thereafter be retained.
- 11) The development, hereby permitted, shall not be occupied until the air source heat pump shown on drawing number J1820A-PL-02 P03 has been installed and made operational. The air source heat pump shall thereafter be retained and kept in good working order as specified by the manufacturer.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended), or any amending Order, the enlargement, improvement, or other alteration of the dwellinghouse or buildings etc incidental to the enjoyment of the dwellinghouse, as described in Schedule 2, Part 1, Classes A, AA, B, C, D and E of the Order shall not be undertaken without the prior written permission of the local planning authority.

***** End of Conditions *****