



Appeal Decision

Site visit made on 23 January 2024

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 February 2024

Appeal Ref: APP/N2535/W/23/3319144

Rose Pavilion, 5 Masovian Lane, New Toft, Market Rasen LN8 3PY

- 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 Stephen Deacon against the decision of West Lindsey District Council.
 - The application Ref 146173, dated 20 January 2023, was refused by notice dated 9 March 2023.
 - The development proposed is change of use from workshop to dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council's decision was issued, the Central Lincolnshire Local Plan 2023 (LP) has been adopted, replacing the Central Lincolnshire Local Plan 2012-2036 (former LP). This was made clear by the Council in its statement and the appellant had the opportunity to respond through the final comments stage.
3. On 19 December 2023, a revised National Planning Policy Framework (the Framework) was published. Those parts of the Framework most relevant to this appeal have not been materially amended. As a result, I consider that there is no requirement for me to seek further submissions and I am satisfied that no party's interests have been prejudiced by my taking this approach. I will refer to the updated paragraph numbers in this decision.
4. I have amended the description of development to remove extraneous wording. The Council's evidence refers to unlawful alterations to the structure. The proposed plans before me show further alterations to the appearance of the building. I have dealt with the appeal on the basis of the works proposed on the submitted plans.

Main Issues

5. The main issues are:
 - whether the site would be a suitable location for the proposed development with regard to the spatial strategy for development in the countryside; and
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Suitable Location

6. LP Policy S5 Part A addresses the reuse and conversion of non-residential buildings for residential use in the countryside. Its wording is identical to that of former LP Policy LP55. There is no substantive evidence before me to justify why the building can no longer be used for its previous purposes or of a marketing exercise showing there is no demand for business use.
7. There is an inherent historic interest in the building and its wider surrounds as a former RAF base. However, this is not uncommon in Lincolnshire and there is no substantive evidence before me of any notable historic merit to the building, although I acknowledge its personal significance to the appellant. It is not readily apparent that the building previously functioned as a sports pavilion, given the lack of sporting facilities or pitches around it. As such, the building is not intrinsically worthy of retention in its setting.
8. The LP has recently been found sound. It is not within the remit of this appeal to reconsider those matters that were addressed during the examination of the LP, including its consistency with the Framework. While there have been subsequent revisions to the Framework, these have not materially amended it as it relates to this appeal.
9. Furthermore, much of the appellant's case in this respect is based on the conformity of LP Policy SP5 with paragraph 84 of the Framework. From my observations at my site visit, the site is not isolated for the purposes of paragraph 84, and the Council has not sought to argue that it is. The appellant notes at several points that the appeal site is not isolated. The proposal therefore would not benefit from any support from the application of this paragraph.
10. The appellant has directed me to another appeal¹. I do not have full details of that appeal or policies against which that proposal was assessed as it was not within this authority area. It was not in dispute that the dwelling in that appeal was not isolated. However, it is clear that a significant consideration was the need for a dwelling to support a rural enterprise, which distinguishes it from the appeal before me.
11. While paragraph 124c of the Framework refers to giving substantial weight to the value of suitable brownfield land, this is within settlements. While I have not been provided with a copy of any policies map that may accompany the LP, it has not been disputed that the site lies in the countryside.
12. The proposed development would not be in a suitable location with regard to the spatial strategy for development in the countryside. It would therefore be contrary to LP Policy S5 which requires the reuse and conversion of buildings to residential use in the countryside to demonstrate that the building cannot be used for other uses.

Character and Appearance

13. The building, although set in a spacious plot, is a modest structure. At my site visit, the plot was maintained, and clearly contrasted with the surrounding

¹ APP/Z1510/W/20/3255127 allowed 3 December 2020

agricultural land. Any views of the site which exist across the agricultural land would show it in the context of the adjacent built development. This includes substantial employment buildings and dwellings, and the associated use of the gardens and surrounding land. The proposed works to the dwelling would not be readily discernible beyond the local area. There would likely be the typical domestic paraphernalia that would be expected were the appeal to be allowed. Given the size of the plot this could be notable. However, given the backdrop of the existing built form and the limited views that would be available of the site, the effect would be localised and not materially harmful to the character of the countryside.

14. The proposed alterations to the building would be appropriate to its existing scale. There is no predominant design character to the surrounding area which would be affected by the proposed alterations.
15. The proposed development would therefore have an acceptable effect on the character and appearance of the surrounding area. It would reflect the existing character and context of the area in accordance with LP Policy S53.

Other Matters

16. The site does lie in proximity to employment opportunities and it is not disputed that there is a village hall at New Toft. I do not have substantive evidence as to frequency and destination of bus services that serve the area, but there is a service. The proposed development could therefore support the vitality of a rural community. I attach limited weight to this benefit.
17. I recognise, and have had regard to, the appellant's personal circumstances and connection to the site. I am mindful of the advice contained in the Planning Practice Guidance (PPG) that in general planning is concerned with land use in the public interest². It is probable that the appeal proposal would remain long after the appellants' personal circumstances cease to be material. I therefore attach limited weight to the personal circumstances of the appellant in the context of this appeal.

Conclusion

18. While I have not found harm with respect to the effect of the character and appearance of the area, the proposal does conflict with the spatial strategy for development in the countryside and I attach significant weight to this. The proposed development would therefore conflict with the development plan when read as a whole. There are no material considerations of sufficient weight to indicate the decision should be taken otherwise. The appeal should therefore be dismissed.

J Downs

INSPECTOR

² Determining a planning application Paragraph: 008 Reference ID: 21b-008-20140306 Revision date: 06 03 2014