



Appeal Decision

Site visit made on 6 February 2024

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 March 2024

Appeal Ref: APP/E2530/W/23/3324934

47 Main Road, Uffington, Lincolnshire PE9 4SN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr B Treanor against the decision of South Kesteven District Council.
 - The application Ref is S23/0096.
 - The development proposed is described as new 1.5 storey 4-bedroom family dwelling and conversion of existing outbuilding.
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Decision

1. The appeal is allowed and planning permission is granted for new 1.5 storey 4-bedroom family dwelling and conversion of existing outbuilding at 47 Main Road, Uffington, Lincolnshire PE9 4SN in accordance with the terms of the application, Ref S23/0096, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. Since the Council's decision on the application, a revised National Planning Policy Framework (the Framework) was published in December 2023. Both parties have been given opportunity to comment on the revised Framework and I have had regard to the comments received and the revised Framework in my decision. Where I have referred to specific paragraphs of the Framework, the numbering used is that of the revised version.

Background and Main Issues

The main issues are:

- i) whether an appropriate location for development having regard to the development plan policies; and
- ii) the effect of the proposed development on the character and appearance of the area, with particular regard to the Uffington Conservation Area (CA) and its effect on the significance of Nos. 47-51 Main Road, as non-designated heritage assets (NDHA).

Reasons

Location

3. Policy SP1 of the South Kesteven District Council Local Plan 2011-2036 (Local Plan) sets out the spatial strategy for the district. Larger villages as identified in

SP2 act as a supporting role for new development providing the new development promotes the role and function of the Larger Villages and will not compromise the settlement's nature and character.

4. Uffington is identified in Local Plan Policy SP2 as a 'smaller village'. Within these villages development will be supported in accordance with Policy SP3, SP4 and all other relevant policies, where development will not compromise the village's nature and character. Policy SP3 allows for small scale infill development, which is in accordance with all other relevant Local Plan policies, subject to a number of exceptions.
5. The appeal site would be located to the rear of existing properties that front Main Road and is surrounded by built development on three of its boundaries. Accordingly, whilst the appeal site would not be located within a gap in the built-up frontage the appeal site is within the main built-up part of the settlement and does not extend the pattern of development beyond the existing built form. Furthermore, from the evidence before me the appeal site has a historical use as a car park associated with a day nursery and restaurant and would therefore constitute previously developed land in accordance with the Framework's glossary definition.
6. My attention has been drawn to a revised application submitted to and approved by the Council for a similar form of development¹ where the principle of development has been accepted by the Council.
7. For the reasons set out above, the proposal would be an appropriate location for development having regard to the development plan policies. Accordingly, I find no conflict with Policy SP3 of the Local Plan in this regard.

Character and appearance

8. The appeal site comprises an irregular shaped parcel of land which lies to the north side of Main Road. It is accessed via a relatively long and narrow driveway and is surrounded by substantial walling to its north, east and western boundaries.
9. The village falls within the designated CA wherein I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
10. The CA derives its significance from its historical agricultural association and a rich collection of historic buildings. The historic core of the village is characterised by its distinctive architectural style and cohesive palette of materials. To the north side of Main Road, detached houses, farmsteads and terraced cottages directly address the highway with views directly onto Uffington Park and large narrow plots to the rear which are important elements of historic plan form of the village. The appeal site is located to the rear of road frontage buildings and is screened largely from public view. The appeal site preserves the character and appearance of the CA. The appeal site is located to the rear of a terrace of properties (Nos 47-51) that are in both commercial and residential use. These buildings are identified within the Conservation Area Appraisal and Management Plan (2015 Review) (CAAMP) as NDHA with their

¹ S23/1187 - Erection of 1no.dwelling and conversion of existing outbuilding (re-submission of application S23/0096) - approved 15 December 2023.

significance derived from their prior association as estate buildings. These properties make a positive contribution to the character and appearance of the CA.

11. The appeal site is set back from the highway in a similar manner to the neighbouring properties to the west of the site and would not be uncharacteristic with the pattern of development in the immediate vicinity of the site.
12. The proposed dwelling would be part two-storey and part single-storey. Owing to the mixed character of dwellings in the locality the proposed dwelling, including its siting and design, would not be at odds with existing built development. Furthermore, given the proposal would be set back from the highway, largely located to the eastern side of the plot and partly obscured by existing built development, the dwelling would not be highly prominent within the streetscene. Whilst the single storey projection would likely to be visible from the highway, given its limited height, scale and its position significantly set back from the public highway it would be neither prominent nor incongruous.
13. The setting of the NDHA's has changed over time. No 47 is dominated by the existing boundary fencing to the cottages to the west and by extensive car parking immediately adjacent to the property. The proposed dwelling would be positioned beyond the existing detached outbuilding and would not be readily apparent within its setting. Owing to the position of the proposed dwelling to the rear of the NDHA's the proposal would have a small negative impact on setting, however, I consider this would be limited in terms of how these buildings would be viewed and appreciated due to the dense form for development surrounding them. Similarly, in terms of the wider CA, owing to the limited way that the proposed building would be viewed, due to its position set back from the highway and the presence of existing built form, the view of the proposed dwelling would be restricted.
14. I note that the appeal site benefits from planning permission for a dwelling. I have been provided with a copy of the approved plans. The proposed development includes elements additional to the previous scheme. However, I note that the approved scheme is in a similar position and of a design and external finish to the appeal before me. Consequently, I do not consider the appeal scheme to be materially harmful when compared to the extant scheme. At my site visit I observed development to have commenced and it seems probable that the scheme would be implemented in the event of this appeal failing.
15. Given the limited scale of the impact of the proposals, clearly the degree of harm to the significance of designated heritage assets would be less than substantial. Nevertheless, in such circumstances the Framework indicates that this harm should be weighed against any wider public benefits.
16. The scheme would provide for a dwelling that would contribute to the choice of homes in the District, and provide social and economic benefits, both during construction and after occupation. Although the scheme's public benefits would be modest, they outweigh the less than substantial harm identified.
17. For the reasons stated above, I therefore find that the proposal would accord with Policies DE1 and SP3 of the Local Plan which collectively requires new

development to make a positive contribution to the local distinctiveness, vernacular and character of the area, reinforcing local identity and to not have an adverse impact on the streetscene. Furthermore, it would accord with the Framework which seeks to secure high-quality design which takes account of the local character and reflect the local surroundings while not preventing or discouraging innovation or change and safeguarding heritage assets.

Other Matters

18. A number of Grade II listed buildings are nearby, including West Hall Farmhouse, Barn at West Hall Farm, Ayton House and Home Farmhouse. All of these listed buildings are positioned a significant distance away from the appeal site, with intervening buildings and vegetation. Accordingly, I am satisfied that the appeal site does not lie within the setting of these listed buildings. I note this is a view shared by the Council.
19. I note that an appropriate access and level parking would be provided to serve the future occupiers of the development. Given the separation distances between the appeal site and neighbouring properties I am satisfied that the proposed dwelling would cause no harm in respect of the living conditions of existing occupiers. I note these are the views shared by the Council.
20. Interested parties have raised concerns with regards to the presence of Great Crested Newts in the locality. The Council is satisfied with the Preliminary Ecological Assessment submitted and, on this basis, raises no objection. I have no reason to disagree with their findings.

Conditions

21. 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, enforceable, precise, and reasonable in all other respects.
22. I have considered the conditions put forward by the Council against the Framework and Planning Practice Guide (PPG). I have included those which meet the six tests set out in the Framework and reworded, where necessary, for clarity.
23. In addition to the statutory commencement condition, a condition is necessary to ensure that the development complies with the submitted plans in the interests of clarity. I will impose a condition relating to materials are necessary in the interests of preserving the character and appearance of the area and CA.
24. A condition for compliance with the submitted arboricultural assessment and tree protection measures is necessary to ensure existing landscape features are retained. Conditions relating to hard and soft landscape works are necessary to ensure that the development is adequately landscaped so as to integrate with its surroundings.
25. The Council has suggested a condition for sustainable building measures. However, there is no clear evidence before me that these are required under local planning policy that provides clear justification for the condition and would therefore fail to meet the tests of reasonableness and necessary. I am satisfied that sustainable building measures would be secured through Building Regulations.

26. The Council has suggested a condition for the removal of permitted development rights relating to Class A, B, C and E of the Part 1, Schedule 2 of the Town & Country Planning (General Permitted Development) (England) (Order) 2015. The Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. In this circumstance I do not consider conditions further limiting these rights to be necessary to the development permitted.

Planning Balance and Conclusion

27. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that a determination is made in accordance with the development plan unless material considerations indicate otherwise. I have concluded that the proposal would be an appropriate location for development, however, I have found that the proposed development would result in less than substantial harm to the significance of the Uffington CA and NDHA's. I have given considerable importance and weight to the desirability to preserve the heritage asset and its setting and weighed the less than substantial harm against the public benefits of the proposal. In this regard I have found that the less than substantial harm would be outweighed by the cumulative public benefits arising from the proposed development. The proposed development would therefore accord with the development plan when read as a whole, and the Framework.
28. For the reasons given above, and having regard to all other matters, I conclude that the appeal should be allowed.

R Gee

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
Existing and Proposed 889-005 Rev E
Proposed Site Plan 889 004 Rev B
Site section 889-012
Site section 1
Site section 2
Existing Site Plan 889-003
Existing Block Plan 889-002
Proposed Ground Floor Plan 889-005 Rev E
Proposed First Floor Plan 889-006 Rev E
Proposed Roof Plan 889-007 Rev E
Proposed Elevations sheet 1 889-008 Rev E
Proposed Elevations sheet 2 889-009 Rev E
Site Location Plan 889-001
3. Prior to any works on the external elevations/roof of the buildings are commenced, details and samples of the materials and finishes to be used in the construction of the external surfaces shall be submitted to and approved

in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.

4. All works, including the erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars (Trees in relation to design, demolition and construction report - Arboricultural matters prepared by East Midlands Tree Surveys Ltd, dated 28 February 2023) before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.
5. Before the development hereby permitted is commenced, details of hard landscaping works shall have been submitted to and approved in writing by the Local Planning Authority. Details shall include:
 - i. proposed finished levels and contours;
 - ii. means of enclosure;
 - iii. car parking layouts;
 - iv. other vehicle and pedestrian access and circulation areas;
 - v. hard surfacing materials;
 - vi. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.);
 - vii. proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); and
 - viii. retained historic landscape features and proposals for restoration, where relevant.
6. Before any construction work above ground is commenced, details of any soft landscaping works shall have been submitted to and approved in writing by the Local Planning Authority. Details shall include:
 - i. planting plans;
 - ii. written specifications (including cultivation and other operations associated with plant and grass establishment); and
 - iii. schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
7. Before any part of the development hereby permitted is first occupied all hard and soft landscaping works shall have been carried out in accordance with the approved details.

*****End of Schedule*****