



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/23/3329420

22 East End, Langtoft PE6 9LP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs Pauline Lighton against South Kesteven District Council.
 - The application Ref is S23/0482, is dated 10 March 2023.
 - The development proposed is described as erection of replacement dwelling with garage following the demolition of the existing building.
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Decision

1. The appeal is allowed and planning permission is granted for erection of replacement dwelling with garage following the demolition of the existing building at 22 East End, Langtoft PE6 9LP in accordance with the terms of the application, Ref S23/0482, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. This appeal was made on the basis of the Council's failure to determine the planning application within the statutory timescale. The Council in its Statement have expressed a view that the proposal is acceptable in policy terms, and that planning permission should be granted subject to conditions.
3. Since the start of this appeal, the Government published a revised National Planning Policy Framework (the Framework) in December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Background and Main Issues

4. The appeal site lies within the Langtoft Conservation Area (CA) and there are listed buildings nearby. I therefore have a statutory duty as set out in Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) in reaching my decision.
5. Having regard to the representations of the parties, I consider that the main issues in this case are:
 - i) whether the proposed development would preserve or enhance the character or appearance of the Langtoft CA; and

- ii) whether the proposed development would preserve the setting of the nearby listed buildings.

Reasons

Conservation Area

6. The appeal site comprises a two-storey detached dwelling set back from the highway behind a deep grass verge and a landscaped frontage. The appeal site sits within the Langtoft CA which is a relatively small CA which encompasses the historic linear plan form of the village. East End is a wide residential road comprising predominantly detached and semi-detached properties generally set within elongated plots. There is variety in the scale, form and architectural detailing of properties, although the majority of these front the highway. The character of the CA is derived from the group value of 18th century rubble houses, some of which have 19th century brick facades, rather than individual buildings of merit.
7. No. 22 is constructed in buff brick under a tiled hipped roof. It is circa 1940's and is in a poor state of repair. The existing dwelling has a neutral impact on the character of the CA. The Council confirms that there are no objections to the demolition of the existing dwelling as it does not contribute to the significance of the CA. I see no reason to reach a different conclusion.
8. The scale of the proposed dwelling would be reflective of the existing property and would be set back from the highway, in a similar position to the dwelling that would be demolished. Furthermore, the design and external materials are traditional in appearance, and would be similar in character to the existing property. Accordingly, the proposed dwelling would sit comfortably within the streetscene.
9. The proposed garage would be subordinate to the proposed dwelling and its roof design and external finish would be complimentary to the proposed dwelling, in keeping with the character and appearance of the locality. The proposed garage would be sited towards the rear of the site and would not be prominent within the streetscene or CA.
10. Walls contribute positively to the character and appearance of the CA. The Council's Conservation Officer has raised no objection to the relocation of a small section of the north-east wall as it is in a poor state of repair. Given its limited height, set back from the highway, this small section of wall is not highly prominent, and its re-alignment would not detract from the character and appearance of the streetscene. The extent of removal of the frontage wall to facilitate the new access would be modest in the context of the overall length of wall. Furthermore, the majority of this wall would be retained, thus maintaining the enclosure of the private front garden space. In response to third party concerns the appellant has confirmed that the proposal does not include the widening of the existing gated access to the adjacent farm and the existing north-west boundary wall is to remain as currently *in situ*. Overall, the limited changes to the walls would preserve the character and appearance of the CA.
11. For the reasons set out above, I conclude that the proposal would preserve the character and appearance of the Langtoft CA. Accordingly, I find no conflict with Policy DE1 of the South Kesteven Local Plan 2011-2036 (Local Plan) which

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. Nor do I find conflict with Policy EN6 of the Local Plan which seeks to protect and enhance heritage assets. The proposal would also accord with the Framework which seeks to secure high-quality design which takes account of the local character and reflect the local surroundings.

Listed Buildings

12. The property is located adjacent to the Grade II listed Gee's Farmhouse and two stable blocks (both of which are Grade II listed). Gee's Farmhouse is a mid-18th century farmhouse, now a house with 19th and 20th century alterations. The listed buildings derive their significance from their group value of architectural merit and historical association with agriculture. A wall runs to the north-east boundary of the appeal site, which allows the adjacent listed building to be retained in an area of enclosed space, which contributes to its setting. On the opposite side of the road is Willoughby House, an 18th century Grade II listed house. This property derives its significance from its historic and architectural merit as an example of an early 18th century house of coursed limestone.
14. I have a statutory duty under Section 66(1) of the Act to have special regard to the desirability of preserving the listed buildings or their setting or any features of special architectural or historic interest which the listed buildings possess.
15. The setting of the identified listed buildings has diminished due to the presence of modern built development in the locality. The existing dwelling, No. 22, contributes little to their significance.
16. The existing dwelling sits in a similar position to the proposed development and is of a form, scale and design largely reflective of the existing building that it would replace. The proposed garage would be positioned to the rear of the site, set away from the listed farmhouse, stables and Willoughby House. The re-alignment of the boundary wall would be located further away from the adjacent listed buildings and would maintain the scale and sense of enclosure without harming the setting of the listed building. Furthermore, the visual appearance of the wall would be similar to the existing wall in terms of design, scale and materials. Given the relationship of the appeal site in respect of the adjacent listed buildings, I am satisfied that the proposal would not harm the setting or any special features of special architectural or historic interests which the listed buildings possess. This is a view shared by the Council.
17. For the reasons stated above, I find that the proposed dwelling would preserve the setting, and thereby the significance, of the nearby listed buildings in accordance with Section 66(1) of the Act. The proposed development would therefore accord with Policy EN6 of the Local Plan which seeks to protect and enhance heritage assets and their settings in keeping with the policies in the Framework. It would also accord with the Framework which seeks to conserve and enhance the historic environment.

Other Matters

18. As a replacement dwelling within a defined larger village the principle of development is not contested. Having regard to the scale, design and position

of the proposed dwelling, and its relationship to neighbouring properties, I am satisfied that there would be no harm to the living conditions of the occupiers of the neighbouring properties. I am also satisfied that the future occupiers of the dwelling would be provided with satisfactory private amenity space. As a replacement dwelling vehicular movements at the site would be unlikely to materially change and satisfactory access, parking and turning to serve the future occupiers of the development would be provided. Given the proposal is for a replacement dwelling, the development would not significantly increase the risk of flooding within the area and is considered acceptable in this regard. I note these are the views shared by the Council.

19. I note concerns regarding the possibility of the development of the farmland behind the appeal site, with my attention drawn to Appeal Decision¹. From the limited evidence before me this proposal was for the demolition of the existing dwelling and the erection of 37 dwellings. Accordingly, I am satisfied that the proposal before me is materially different to the dismissed appeal. My decision has been made based on the evidence before me and the individual merits of the case, set out in the reasoning above, and does not have any bearing on future applications that may be heard by the Council.

Conditions

20. The Council has suggested a number of conditions which I have considered against advice in the Framework and Planning Practice Guidance. As a result, I have amended some of them for consistency and clarity.
21. 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. Whilst any disturbance during demolition and construction would be for a temporary period only, given the proximity of existing properties to the appeal site, it would be reasonable and necessary to manage the impacts of development upon the living conditions of existing residents by restricting the hours of construction works. I have imposed a condition specifying the external materials as this is necessary to safeguard the character and appearance of the area. Local Plan Policy SB1, requires developments to minimise carbon emissions and support low carbon travel. As such, a condition requiring the submission of further details of sustainable building measures is reasonable and necessary. A condition for hard and soft landscaping is required to assimilate the development into its surroundings.

Conclusion

22. For the reasons given above, and having regard to all other matters, I conclude that the development would comply with the development plan as a whole. The appeal is therefore allowed, and planning permission is granted.

R. Gee

INSPECTOR

¹ APP/E2530/W/20/3251992 dismissed 27 November 2020

Schedule of conditions

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance the planning application form, and with the following list of approved plans/documents:
 - i. Site location plan RD-01
 - ii. Proposed floor plan RD-04
 - iii. Proposed elevation plan RD-05
 - iv. Proposed garage floor & elevation plan RD-06
 - v. Site levels plan RD-07
 - vi. Proposed joinery details sheet 1 RD-08
 - vii. Proposed joinery details sheet 2 RD-09

Unless otherwise required by another condition of this permission.

3. No work associated with the construction of the development hereby approved shall be carried out before 07.30 hours on weekdays and Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any times on Sundays or statutory holidays).
4. Prior to any to 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.
5. Prior to any development above ground level, a statement detailing how the proposed dwelling complies with Policy SB1 of the South Kesteven Local Plan in relation to minimising carbon dioxide emissions, water efficiency, and the provision of an electric vehicle charging point shall have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to first occupation of the dwelling.
6. Before any construction work above ground is commenced, details of any soft and hard 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, maintenance and other operations associated with plant and grass establishment);
 - iii. schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
 - iv. Details of boundary treatments
 - v. Details of hard surfaced areas
7. Before any part of the development hereby permitted is first occupied/brought into use, all hard and soft landscape works shall have been carried out in accordance with the approved hard landscaping details.

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