
Appeal Decision

Site visit made on 2 July 2024

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 July 2024

Appeal Ref: APP/N2535/W/23/3331343

Holme Farm, Laughton Road, Blyton Carr, Gainsborough, Lincolnshire DN21 3EL

- 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 W & H Jackson Ltd against the decision of West Lindsey District Council.
 - The application reference is 146838.
 - The development proposed is dwelling (rebuilding of dwelling approved under previous application ref 143968).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was amended in December 2023. I am satisfied that the amendments made have not had a material bearing on how the appeal proposal is considered. References in the decision are to the December 2023 Framework.

Main Issues

3. The main issues are whether the proposal would be in a suitable location for housing having regard to the development strategy for the area, and whether it would comply with the requirements of the development plan in respect of energy consumption.

Reasons

Development Strategy

4. Policy S1 of the 2023 adopted Central Lincolnshire Local Plan (the LP) sets out the development strategy for the area, based on a settlement hierarchy. The aim is to make the most of existing services and facilities; deliver growth to where it is most needed; and provide associated opportunities to regenerate urban areas, provide new jobs and new homes in accessible locations, and focus infrastructure improvements where they will have the greatest effect.
5. The appeal site is not within a named town or village in Policy S1, nor is it immediately adjacent to the development footprint of one. My attention has not been drawn to any development plan policy that would specifically allow the development. For development plan purposes, the site is in the countryside. Part D of LP Policy S5 only allows for new dwellings in the countryside where they are essential to the effective operation of existing rural operations listed in

- tier 8 of Policy S1. There is no evidence to suggest that the proposed dwelling would be essential to the effective operation of any of the specified operations.
6. Paragraph 84 of the Framework seeks to avoid the development of isolated homes in the countryside unless one of the five listed circumstances apply. While the area in the vicinity is not free from development, the nearby properties do not form part of a recognised settlement and are surrounded by open countryside. There is no evidence before me to suggest that the proposal would meet any of the circumstances listed in paragraph 84 of the Framework.
 7. The site is some distance from any town or village. These would have to be accessed along predominantly unlit roads with no pavements which would be disincentives to travelling on foot or by bicycle, especially during darker winter months or in inclement weather. There is no evidence to suggest that the site would be accessible by public transport, nor did I observe any nearby bus stops during my site visit. While recognising that opportunities for sustainable transport solutions varies between rural and urban areas, the proposal would not support the locational aims of the LP or the Framework to avoid unsustainable patterns of development.
 8. I therefore conclude that the proposal, through its location in the countryside, would not be in a suitable location as it would undermine the Council's development strategy. Consequently, it would conflict with Policies S1 and S5 of the LP and the Framework as summarised above.

Energy Consumption

9. Policy S7 of the LP requires all new residential development proposals to include an Energy Statement to confirm that the specified standards of performance for energy use and supply and the design principles for energy efficient buildings outlined in LP Policy S6 would be met.
10. No Energy Statement was submitted with the planning application or appeal. The appellants' view is that these measures could be secured by planning condition. However, Policies S6 and S7 require that compliance is demonstrated prior to a decision.
11. In the absence of an Energy Statement, or any other evidence, it is not clear whether the standards specified in Policy S7 would be met or whether the principles specified in Policy S6 have been fully considered in the design and layout of the proposal. Given this uncertainty, it would not be appropriate to defer consideration of this matter to a planning condition.
12. For these reasons, I conclude that the proposal would not comply with the requirements of the development plan in respect of energy consumption, contrary to Policies S6 and S7 of the LP, as summarised above.
13. Policy NS18 of the LP sets out criteria to ensure that electric vehicle charging points are well situated so that they will be readily accessible to future users. I am satisfied that details of the charging point(s) could be secured through a planning condition. Consequently, subject to such a condition, there would be no conflict with the requirements of Policy NS18 of the LP

Other Considerations

14. The proposed dwelling would be on the site of where an agricultural building stood. In January 2022 prior approval¹ was granted for the change of use of this agricultural building to a dwellinghouse under the provisions of Schedule 2, Part 3, Class Q of the GPDO². The appellants argue that this prior approval represents a fallback position.
15. Work started on the conversion, but following the removal of the roof the building became unsafe. It was then determined that, due to the condition of the building fabric, the dwelling should be built as a new construction. The Council contends that the removal of the roof structure and its replacement did not form part of the building operations identified in the prior approval application. The Council's position is that the removal of the roof structure and two walls, which were also recommended in the structural survey commissioned after the prior approval was granted, collectively would have gone beyond what is reasonably necessary for the conversion of the agricultural building to residential use.
16. From what I observed during my site visit the agricultural building has been removed down to slab level. Consequently, based on the submitted evidence and what I observed, taken as a whole, the operations needed to provide a building suitable for residential use would be extensive and would not amount to a conversion. I therefore give limited weight to the prior approval as a fallback position.
17. The appellants have highlighted a number of appeal decisions³ which it is contended gives weight to their arguments. In these cases, while weight was given to the attempts to implement the Class Q prior approval and the existence of the resulting dwelling, other considerations also weighed in the planning balance. In my view, these schemes are not therefore directly analogous to the appeal proposal which I have in any event considered on its own planning merits based on the evidence before me.

Planning Balance and Conclusion

18. The proposal would not be in a suitable location for housing as it would undermine the planned approach to the distribution of development. The Framework states that the planning system should be genuinely plan-led. The conflict with the Council's development strategy is therefore a matter which I afford significant weight to. In addition, I cannot conclude that adequate consideration has been given to energy consumption in the design of the development.
19. The other considerations in this case are not sufficient to outweigh the conflict with the development plan taken as a whole. I therefore conclude that the appeal should be dismissed.

F Wilkinson

INSPECTOR

¹ Application reference 143968

² Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

³ Appeal references APP/R0335/C/20/3245838 and APP/R0335/C/20/3245839; APP/N1025/C/19/3238932 and APP/N1025/C/19/3238933; APP/A3010/C/17/3177396, APP/A3010/C/17/3177397 and APP/A3010/W/17/3177393