



Appeal Decision

Site visit made on 2 August 2024

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29TH August 2024

Appeal Ref: APP/E2530/W/24/3341802

Bramblewood Barn Green Lane, Dry Doddington, Lincolnshire NG23 5HY

- 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 & Mrs A Heritage against the decision of South Kesteven District Council.
 - The application Ref is S23/1718.
 - The development proposed is change of use of ancillary annexe (Bramblewood Barn) to form a separate independent dwelling from Bramblewood House.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of ancillary annexe (Bramblewood Barn) to form a separate independent dwelling from Bramblewood House at Bramblewood Barn Green Lane, Dry Doddington, Newark NG23 5HY in accordance with the terms of the application, Ref S23/1718 and the plans submitted with it.

Procedural Matter

2. The application form made clear that use of the appeal site as an independent dwelling has commenced. The application had been submitted retrospectively and I have dealt with the appeal on that basis.
3. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (2023) (the Framework). The consultation and draft Framework do not constitute Government policy or guidance. However, they are capable of being material considerations in appeals. Notwithstanding this, in relation to this appeal the aims of both sets of policies are similar. No party would be prejudiced or caused any injustice by me proceeding with the appeal in light of the consultation.

Main Issue

4. The main issue in this case is the effect of proposed development on the living conditions of future occupiers of the appeal site.

Reasons

5. The appeal site is a long linear building which has planning permission to be used as a residential annexe. The Council confirm that the difference between the approved development and the proposal before me comprises the removal of an approved connecting link to Bramblewood House and the construction of

boundary treatments to define the garden/amenity space to facilitate the use of the building as an independent dwelling. These works have been undertaken.

6. The appeal property is closely related physically to Bramblewood House with a wraparound front projection. The appeal property has bedroom windows (some secondary) facing towards the parking area of the host property, this arrangement already exists.
7. The appeal property is approved to be used as an annexe ancillary to the host property notwithstanding this the property is a 3 bedroom annexe with all the facilities to serve the day to day needs of occupiers. I have not been provided with substantive evidence to demonstrate that the noise and disturbance associated with the comings and goings of the occupiers and visitors of the host property would be any different if the appeal site is lawfully used independently, given the existing built form and layout.
8. Whilst overlooking does occur from Bramblewood House towards the rear private amenity space of the appeal site, this is not dissimilar to overlooking between other properties and adjacent rear gardens in the area.
9. The rear private amenity space between the host and appeal sites is separated by boundary treatments which preserves privacy.
10. I conclude that the proposed development would not harm the living conditions of future occupiers of the appeal site. There is no conflict with Policies SP3 and DE1 of the South Kesteven District Council Local Plan 2011-2036 (2020) which seeks amongst other things seeks to protect the amenity of occupiers.
11. There is no conflict with the Framework which seeks amongst other things to ensure developments have high standards of amenity for existing and future users.

Conclusion

12. For the reasons given above I conclude that the appeal should be allowed.
13. Conditions relating to standard time limit for commencement of development and plans to be adhered to are not relevant or necessary as the development is complete.

C Pipe

INSPECTOR