



Appeal Decision

Site visit made on 16 October 2024

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 14 November 2024

Appeal Ref: APP/E2530/W/24/3340041

Arches, Church Lane, Londonthorpe, Lincolnshire, NG31 9RX

- 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 and Mrs Bush against the decision of South Kesteven District Council.
 - The application Ref is S23/1513.
 - The development proposed is construction of dwelling and conversion of existing outbuilding to garage and garden store. Removal of greenhouse.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although the effect on designated heritage assets does not form one of the Council's reasons for refusal, I have a statutory duty under sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The officer report also finds less than substantial harm to the significance of the conservation area and setting of listed buildings. Therefore, I have included this as a main issue.
3. On 30 July 2024, the Government published a consultation on 'Proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system'. A Written Ministerial Statement (WMS) entitled 'Building the homes we need' was also published at the same time. The main parties were given the opportunity to comment on these publications, and I have considered their comments raised in my decision.

Main Issues

4. The main issues are:
 - Whether the appeal site would be an acceptable location for the development having regard to the spatial strategy for the area and access to facilities and services, and
 - The effect of the proposal on heritage assets.

Reasons

Location

5. The appeal site is located centrally within the settlement of Londonthorpe and comprises the front garden to the host dwelling which faces High Road. It is proposed to erect a detached one and a half storey dwelling set back behind the existing boundary wall.
6. Policies SP1 and SP2 of the South Kesteven District Council Local Plan (2020) (SKLP) identify a settlement hierarchy to help deliver sustainable development in the district and deal with the distribution of growth. They seek to focus development on the main population centres and their associated services and facilities, meaning that larger numbers of people can access facilities and jobs locally. Londonthorpe is not identified in the settlement hierarchy in SKLP Policy SP2 and the appeal site is therefore located within the open countryside for planning policy purposes and therefore falls to be assessed under SKLP Policy SP5.
7. SKLP Policy SP5 restricts development in the open countryside to that which has an essential need to be located outside the existing built form of a settlement and lists those developments that are supported. The proposed development is of one open-market dwelling, and I have no evidence before me to suggest that it complies with any of the exceptions listed. I have considered whether Policy SP3 is applicable to this appeal which relates to infill development. However, the wording of this policy clearly states that it only applies to those settlements defined in SKLP Policy SP2 and therefore it does not apply. However, for the avoidance of doubt, even had I found this policy to be applicable, in my discussion below, I have found harm to heritage assets and therefore I would still have found conflict with this policy.
8. Although I recognise that the appeal site is enclosed by existing buildings within Londonthorpe, and it represents a gap in the High Road frontage, the settlement is not identified in policy terms as having sufficient capacity of services to support new development as set out in SKLP Policy SP2. Nor has it been shown to comply with the criteria in Policy SP5. As such, the appeal site is not supported by the spatial strategy for the area and would be unacceptable in principle.
9. Given the proximity of nearby dwellings, the site does not appear isolated in the context of paragraph 84 of the Framework. The settlement is also relatively close to Grantham, a sub-regional centre. However, there appear to be few services or facilities near to the appeal site and there is no footpath or streetlighting linking the site to the nearest meaningful services and facilities in Grantham. This would most likely necessitate regular, albeit short, vehicular journeys to access them. Consequently, although the appeal proposal sits within a village, there is little evidence to demonstrate that the proposal would promote sustainable development in rural areas by locating housing where it will support local services and enhance or maintain the vitality of rural communities.
10. I therefore conclude that the appeal proposal would not provide a suitable location for the development having regard to the spatial strategy for the area and access to facilities and services. It would conflict with SKLP Policies SP1, SP2 and SP5, and the Framework, as described above.

Heritage Assets

11. The appeal site lies within the Londonthorpe Conservation Area (the Conservation Area). From my observations and the details available to me, I consider that the significance of the Conservation Area is mainly drawn from the predominantly rural character and range of traditional buildings that it contains, together with its use of materials, pattern of development and the relationship of the buildings to the spaces around them. Of note are the historic stone estate cottages, dwellings and farmhouses of simple form and massing with typically narrow gables which directly address the road or are set back behind front gardens. The positioning of these dwellings, together with other historic buildings, which tend to be sited in relatively large plots, creates a generally loose, organic settlement form with many interconnected views.
12. There is a distinctive, cohesive character to the materials and vernacular detailing of the buildings. Materials include coursed stone and brick walling with roofing of red clay pantiles and plain tiles, and natural slate. Typical details include vertically proportioned sliding sash windows and side hung casements and a mixture of stone and brick detailing. Mature gardens, trees and boundary walls create a pleasant, rural character and appearance to the Conservation Area which is set within a predominantly agricultural landscape.
13. The appeal site is an attractive garden within this traditional streetscape. It is prominently viewed within the context of the surrounding historic buildings and helps reinforce the open and rural settlement form. When combined with the distinctive stone boundary wall and the mature trees to the site frontage, the site positively contributes to the character and appearance of the Conservation Area.
14. The Grange, Church Lane is a Grade II listed building (Ref.1253208). It lies to the west of the appeal site and the list description mentions that it is a 17th century farmhouse of coursed rubble stone with a Collyweston slate roof. It has an L-shaped plan, is of two storeys with attics and has a three-bay facade. Virginia House is a Grade II listed building (Ref.1261886) located to the east of the appeal site and is described in the list description as a 19th century house with a brick front and stone sides, pantile roof and brick stacks. It is of two storeys with a three bay façade directly fronting High Road. From the details available to me, including the list descriptions, and my own observations, I consider that the special interest and significance of the listed buildings, insofar as it relates to this appeal, is predominantly derived from their age, form, historic fabric, detailing, and function.
15. The Old School Building on the opposite side of High Road is identified by the Council as having heritage significance. It is a range of single and two storey buildings of coursed rubble stone with a red pantile roof. It has a mix of blank walls and elegant, symmetrically placed sash windows to the road frontage and makes a significant contribution to the street scene. Taking account of the guidance in the PPG 'Historic Environment', I see no reason why it should not be regarded as a non-designated heritage asset.
16. In relation to this appeal, the special interest and significance of the listed buildings and The Old School Building can be experienced from High Road, including interconnected views towards and across the appeal site. The appeal site therefore positively contributes to the way in which these heritage assets are seen and understood.

17. The proposed dwelling would be of one and a half storeys and is described by the appellant as a 'chalet style'. It would be well set back behind the existing stone wall and trees and would use the existing access. The elevation facing the road would be faced in limestone with brick quoins and plinth. The other elevations would be faced in brick and the roofing materials would be Redland Cambrian Slate.
18. I see no reason why a dwelling in this location would disrupt the pattern or grain of the settlement or views of nearby historic buildings due to its set back position and the retention of the boundary wall and trees. However, although the Council considers that the dwelling would be of traditional design, I find that the proposed chalet style with its irregular plan form, its complex roof design and the building detailing would not assimilate well with the surrounding built form. In particular, the numerous projections of various heights, the dominant and inconsistent roof form and the variety of gable details, eaves and verges would be markedly different.
19. In combination with the rather random arrangement and design of the fenestration and door details, I cannot be assured that the building would reflect or be in sympathy with the surrounding built vernacular that I have described. Furthermore, the selection of materials and the way they are intended to be used is not clearly referenced to nearby buildings. This includes the use of what appears to be a composite roofing slate which would not sit comfortably with the distinctive local roofing palette.
20. The set-back of the building and the retention of the trees to the site frontage would minimise longer-range views of the proposed dwelling in the streetscene. However, in closer views, particularly when the frontage trees are not in leaf, the new dwelling would be conspicuous in the Conservation Area and its relationship with the listed buildings and The Old School Building would be clearly read. Therefore, the proposal would read as a discordant and incongruous element within the Conservation Area, and it would be distracting within the environment in which the nearby listed buildings and The Old School Building are viewed.
21. Following some design changes, the Conservation Officer raised no objections to the proposal. However, the Council concluded that the siting and the design of the proposal would result in less than substantial harm to the significance of the heritage assets, although this was not clearly substantiated. However, I am aware of my statutory duty and the guidance in the Framework, including Paragraph 189 which advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Having studied this proposal and its context in detail, I consider that the design, form, and details of the proposal would not reflect the context of the surrounding historic environment. I therefore conclude that the proposal would have a harmful effect on designated heritage assets. It would not, therefore, meet the expectations of the Act.
22. Paragraph 205 of the Framework advises that when considering the impact of proposals on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through alteration or destruction of those assets or from development within its setting, and any such harm should have a clear and convincing justification. I find the harm in the context of the

significance of the heritage assets, in the language of the Framework, to be less than substantial in this instance. This commands considerable importance and weight and is not to be treated as a less than substantial objection to the proposal. Paragraph 207 of the Framework advises that this harm should be weighed against the public benefits of the proposal.

23. The development would provide a dwelling which would contribute towards housing land supply. A boost to housing supply is an important Framework consideration in favour of the development. The Framework also recognises the importance of small to medium sized sites which can often be built out quickly. It would also add to the variety of housing to meet needs of different groups in the community, including retirement homes. The site would be within an established residential area, which the appellant suggests is close to facilities and services in Grantham nearby. The development would also have some social and economic benefits during construction and occupation. The proposal would also have the potential to contribute to biodiversity via additional landscaping and could incorporate energy efficient measures, subject to suitable conditions. However, given the size of the development proposed, these public benefits would be modest in scale, and I attribute them limited weight.
24. I conclude that the overall limited weight that I attribute to the public benefits would be insufficient to outweigh the level of harm to designated heritage assets, which collectively I consider to be significant and to which I attach great weight. As such, the proposal would not comply with the Framework. In addition, there is no clear and convincing justification for the harm to the significance of the designated heritage assets. The proposal would also cause harm to The Old School Building, a non-designated heritage asset. Consequently, the proposal would not comply with SKDC Policy EN6 which seeks to protect and enhance heritage assets in keeping with the policies in the Framework.

Other Matters

25. I have few details relating to the planning permission for the dwelling granted on the appeal site in 1984¹. This permission significantly pre-dates the current adopted Local Plan. I also have few background details relating to the other dwellings which the appellant suggests have been built recently and it is not clear to me when they were built or the planning policy context at the time of their construction. Therefore, these matters do not provide adequate justification for why a permission should be made other than in accordance with current planning policy.
26. The appellants advise that the proposal would be a self-build home. In this regard, the Framework recognises the need to provide housing for different groups of people including those wishing to commission and build their own homes. This has the potential to make a limited but important contribution to housing mix. However, there is no legal agreement with the appeal documentation to ensure that the proposed dwelling would be a self-build home, which would be the most appropriate mechanism to ensure that the proposal meets the legal definition in the Self-build and Custom Housebuilding Act 2015 (as amended), and it would not accord with the PPG. This limits the weight I can give to this matter.

¹ Planning permission ref.SK.225.84/434

27. The appellants state that they intend to live in the proposed dwelling as a retirement home, allowing them to remain in their community. The appellants also suggest that their existing home would become available for family living. However, as a proposed open market dwelling there is little evidence to indicate the mechanism to control who would occupy it. Likewise for the host dwelling. Furthermore, I have not been provided with evidence that there are no other suitable properties in the area for rent or purchase or that the host dwelling is unsuitable for their needs. I therefore attach limited weight to this matter.
28. Even though in policy terms the appeal site is considered to be in the open countryside, this doesn't suggest to me that this area of garden should be regarded as previously developed land. Annex 2 of the Framework states that land excluded from the definition of previously developed land includes land in built-up areas such as residential gardens. Nor is there any adequate evidence that the land is under-used, especially when it does not appear as such.

Planning Balance and Conclusion

29. Whilst the evidence indicates that the Council can demonstrate a Framework compliant supply of housing provision, the appellant suggests that this supply is extremely marginal and neither the Framework nor the Local Plan impose a 'cap' on the number of homes. I recognise, therefore, that the proposal would make a small but important contribution to housing land supply.
30. In addition to the provision of one dwelling, I have also already noted that there would be modest benefits regarding supporting shops and services in nearby towns and villages and providing employment during construction. I have also noted the intention to provide a self-build, retirement home to allow the appellants to continue living in their local area and to free up their existing dwelling. I attribute all these benefits limited weight in support of the proposal. I have also taken account of the Government's Written Ministerial Statement and the consultation on the Framework seeking to deliver more homes, and the comments made in relation to them.
31. I have also noted the environmental benefits derived from new planting and that the building would be a high-quality design and would incorporate energy efficiency measures. These aspects of the proposal generally represent good planning expected in all cases, and therefore as positive features of the development I attribute them limited weight. I also recognise that no objections have been raised including in relation to impacts on adjoining neighbours, highways, flooding, drainage, environmental protection, or impact on trees.
32. However, for the reasons stated above, I conclude that the proposal would lie in the open countryside where planning policies require restraint to the spread of development in rural areas to help deliver sustainable development. Furthermore, I have found no demonstrable need for the dwelling to be in this location. It would also have a significantly harmful effect on designated heritage assets which should be attributed great weight. These are matters that weigh heavily against the scheme.
33. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Overall, the cumulative benefits of the proposed

development, which include the matters I have highlighted above, are clearly worthwhile but nevertheless carry limited weight in favour of the scheme. However, these benefits would not be of sufficient magnitude to outweigh the harm and related policy conflicts that I have identified. That harm would be very significant and permanent and such that the scheme would not be in accordance with the development plan when considered as a whole.

34. For the above reasons, and having taken all other matters raised into account, there are no material considerations that indicate the proposal should be determined otherwise than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

G Bayliss

INSPECTOR