



Appeal Decision

Site visit made on 20 November 2024

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 16 December 2024

Appeal Ref: APP/E2530/W/24/3339733

Caravan at 26 Chapel Street, Haconby, Lincolnshire PE10 0UL

- 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 J Goodman against the decision of South Kesteven District Council.
 - The application Ref is S23/0883.
 - The development proposed is Conversion of existing stock shed into self contained residential single storey dwelling with detached double garage to replace the existing mobile home on the site and change of use of land to residential garden.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have revised the description of the development proposed given in the planning application form to include reference to the change of use of the land to residential garden. This more clearly describes the proposal.
3. The Government published a revised version of the National Planning Policy Framework (the Framework) on 12 December 2024. I have considered its amendments against the December 2023 version and against the parties' appeal evidence. I have also updated Framework paragraph numbers where necessary. However, I have not gone back to the parties for comment, as I do not consider the Framework changes to be substantive or determinative to the outcome of this appeal.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the area; and
 - Whether the appeal site would be a suitable location for housing, having regard to the spatial strategy for the area.

Reasons

Character and appearance

5. The appeal site is part of a paddock which forms a limb of agricultural land extending towards the settlement and lying to the rear of residential dwellings. Typically, this residential development is linear in form with buildings

addressing the road frontage. The paddock has a relatively wide frontage with Chapel Street, which incorporates the appeal site access, and the paddock also connects to more open agricultural land to the south east. It contains several buildings and structures of a mainly agricultural function, with a perimeter boundary of hedgerows and fences.

6. The appeal site lies in the north western corner of the paddock to the rear of dwellings on Chapel Street and Church Street, with a footpath flanking the site's western edge. The structure on the site is a single storey, open fronted stock shed, with a steel portal frame, metal roof and wooden boarding to the sides.
7. Whilst the building is extant and I see little concern with the design of the conversion, the proposal would involve the domestication of a plot which forms an integral and undefined part of the surrounding paddock. Although the appeal site would represent only a relatively small corner of the paddock with residential dwellings nearby, the domestication of the building, construction of a garage and access road, and the formation of a garden with the associated paraphernalia of everyday living, would visually jar and look out of place with the surrounding agricultural use. A residential dwelling in this location would be clearly viewed from the adjoining footpath and would be seen as being visually detached from the surrounding pattern of linear residential development. This backland development would, therefore, relate poorly to the existing development pattern and would not assimilate with the character of the surrounding area.
8. Whilst it is suggested that any visual harm could be addressed by bunding or a blocking fence or hedge, I have insufficient evidence to indicate how this would appear. Potentially, this may add to the visual harm by drawing attention to it within a relatively flat landscape rather than mitigate the harmful effects.
9. The proposal would therefore have a harmful effect on the character and appearance of the area. It would conflict with Policies SP3, SP4 and DE1 of the South Kesteven Local Plan (2020) (SKLP) and the Framework which, amongst other things, seek to avoid adverse impacts on the settlement pattern and to be sympathetic to local character.

Location

10. The spatial strategy is set out in SKLP Policy SP1 and aims to deliver sustainable growth across the district. SKLP Policy SP2 sets out a settlement hierarchy to focus most development on larger population centres to support the local economy and local residents. Haconby comprises one of the Smaller Villages as defined by SKLP Policy SP2 where development will be supported in accordance with SKLP Policy SP3 and SP4, and where development will not compromise the village's nature and character.
11. SKLP Policy SP3 supports small, sensitive infill developments in Smaller Villages, provided that:
 - a) It is within a substantially built up frontage or re-development opportunity (previously developed land);
 - b) It is within the main built up part of the settlement;

- c) It does not cause harm or unacceptable impact on the occupier's amenity of adjacent properties;
 - d) It does not extend the pattern of development beyond the existing built form; and it is in keeping with the character of the area and is sensitive to the setting of adjacent properties.
- 12. As the appeal site is located to the rear of dwellings on Chapel Street and Church Street it stands on its own within the paddock with no road frontage. It is therefore visually and physically detached from the linear form of dwellings around it and does not form part of a substantially built up frontage. Nor can the site be regarded as previously developed land as Annex 2 of the Framework states that the definition excludes land that is or was last occupied by agricultural buildings. It therefore follows that because the appeal site forms part of a clearly legible area of agricultural land, it would not lie within the built up part of the settlement and the proposal would extend the pattern of development beyond the existing built form.
- 13. Furthermore, the edge of the appeal site would not extend up to a clearly defined physical feature and would simply represent a relatively random bite out of the paddock creating an arbitrary boundary. Although I have no adequate evidence that the proposal would cause harm or unacceptable impact to the amenity of nearby occupiers, I have also found harm to the character and appearance of the area. The proposal would therefore not represent sensitive infilling and would conflict with SKLP Policy SP3.
- 14. SKLP Policy SP4 relates to development on the edge of settlements and supports development which meet several essential criteria including:
 - a) Demonstrate clear evidence of substantial support from the local community through an appropriate, thorough and proportionate pre-application community consultation exercise. Where this cannot be determined, support (or otherwise) should be sought from the Town or Parish Council or Neighbourhood Plan Group or Forum, based upon material planning considerations;
 - b) be well designed and appropriate in size/scale, layout and character to the setting and area;
 - c) be adjacent to the existing pattern of development for the area, or adjacent to developed site allocations as identified in the development plan;
 - d) not extend obtrusively into the open countryside and be appropriate to the landscape, environmental and heritage characteristics of the area;
 - e) housing development, meets a proven local need and seeks to address a specific targeted need for local market housing.
- 15. Although I see little objection from nearby residents and several letters of support, mainly based on visual improvement and the removal of a potential nuisance, I do not see the level of substantial support from the local community as envisioned in criterion a) of SKLP Policy SP4. In addition, I see no clear supportive comments from the Parish Council. Therefore, because of not meeting SKLP Policy SP4 criterion a), the appeal does not meet this policy. However, for the sake of completeness when assessing the proposal against

some of the other criteria of the policy, whilst I recognise that the appeal site would be adjacent to the existing pattern of development, it would extend into the open countryside, and I have found harm to character and appearance. Also, there is little evidence to establish a proven local need. Therefore, the appeal proposal conflicts with Policy SP4.

16. The appellant suggests that the conversion could be achieved under Class Q Prior Approval under the Town and Country Planning General Permitted Development Order 2015 (as amended). However, I see no planning approval before me to establish this fallback position, and the Council has expressed doubt as to whether the building would be suitable for such an application. The Council has also referred to a previous planning application (Ref. S23/0940) involving this stock shed and additional building works which, although different to the appeal scheme, was refused. Whilst the Class Q fallback position could be further explored by the appellant, in the absence of an extant permission it carries little weight in favour of this appeal.
17. The appeal proposal is close to several nearby residential dwellings and some of these occupants have concerns regarding the nuisance that the stock shed can cause including smells, noise, flies and vermin. It is also suggested by the appellant that this situation has been ongoing for many years and Environmental Health Officers have visited the site following complaints, although few details have been provided. However, whilst I have no doubt that at times the use of the building may cause some nuisance to nearby occupiers, and I saw on site the proximity of the stock shed to these properties, I have little evidence to convince me that this situation is any worse than other edge of settlement locations near to farm buildings. Nor is there any explanation as to measures that have been undertaken to attempt to address these issues. This does not therefore suggest that the uses are incompatible.
18. Several nearby neighbours' comment that the site is unsightly and that the appeal proposal would improve the appearance of the area and raise property prices. Whilst the proposal would tidy up the site and building, similar agricultural buildings are not unexpected in this rural context and the appeal site assimilates with the wider agricultural land. This, therefore, does not convince me that this is a sufficiently compelling reason to disregard my findings in relation to the planning policies and the Framework.
19. The proposal would therefore not be a suitable location for housing, having regard to the spatial strategy for the area. It would conflict with SKLP Policies SP3 and SP4 as described above, and the Framework which seeks to promote sustainable development in rural areas.

Other Matters

20. The appellant has concerns with the Council's handling of the proposal and feels that insufficient regard was given to the material considerations of the case. These matters are for the Council and do not alter my findings on the main issues. The fact that no concerns were raised by other consultees is also not an adequate reason for disregarding my findings on those main issues.

Planning balance

21. The Council advises that it has more than 5 years of housing supply and that full weight can therefore be attributed to its Local Plan policies, facts not

undisputed by the appellant. The provision of one dwelling would be a public benefit and a boost to housing delivery is an important Framework consideration in favour of the development. The Framework also supports the development of windfall sites. However, planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Overall, whilst the provision of the additional housing would be clearly worthwhile it would not outweigh the harm identified and the policy conflict with the Local Plan. I also attribute little weight to the potential Class Q fallback position such that it would not outweigh the harm identified.

Conclusion

22. The proposal would not be in accordance with the development plan as a whole and material considerations do not lead me to decide otherwise. For these reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G Bayliss

INSPECTOR