



Appeal Decision

Site visit made on 4 March 2025

by N Kempton BAHons PGDip MA IHBC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd April 2025

Appeal Ref: APP/Y2003/W/24/3354603

Rear of Manor Farm, High Street, Messingham, North Lincolnshire DN17 3NT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Philip Jackson on behalf of Jackson Philips Asset Solutions against the decision of North Lincolnshire Council.
 - The application Ref is PA/2024/250.
 - The development proposed is outline planning permission (all matters reserved) for up to 9 dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for outline planning permission (all matters reserved) for up to 9 dwellings at the rear of Manor Farm, High Street, Messingham, North Lincolnshire DN17 3NT in accordance with the terms of the application, Ref PA/2024/250, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mr Philip Jackson on behalf of Jackson Philips Asset Solutions against North Lincolnshire Council. This application is the subject of a separate decision.

Preliminary Matters

3. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) in December 2024. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by this.
4. The new North Lincolnshire Local Plan was submitted for public examination by the Planning Inspectorate in November 2022 but was subsequently withdrawn in September 2024. I therefore ascribe minimal weight to the draft local plan.
5. The Council's reasons for refusal refer to those policies in the adopted North Lincolnshire Local Plan (2003)(LP), which were saved by a direction of the Secretary of State in September 2007, and the North Lincolnshire Core Strategy DPD (2011)(CS).

6. The application was submitted in outline, with all matters reserved for subsequent consideration. I have treated the submitted information and plans, from which the site access may be inferred, as being for illustrative purposes only. I have had regard to these details only in so far as establishing whether the proposal would be acceptable in land-use principle terms and in terms of whether the site would likely be capable of accommodating the quantum of development proposed.

Main Issues

7. The main issues relevant to this appeal are:
- the effect of the proposed development on the significance of designated and non-designated heritage assets;
 - the effect of the proposed development on the living conditions of future occupiers of the proposed dwellings with particular regard to noise and odour;
 - whether the proposed development would make adequate provision for surface water drainage;
 - the effect of the proposed development on highway safety with particular regard to access and parking provision.

Reasons

Background

8. The appeal site is within the settlement boundary of Messingham, described as a 'larger rural settlement' in the North Lincolnshire settlement hierarchy as set out in the CS. The site is situated to the rear of Manor Farm, which is a non-designated heritage asset. The site includes 68 High Street, which is in use as a restaurant, abutting Scotter Road and the High Street. Immediately adjacent to the eastern site boundary is a second restaurant, The Stables, though it appeared to have ceased trading at the time of my site visit. Opposite the appeal site is 1 Brigg Road, which is a Grade II listed building and therefore, a designated heritage asset. Close to the appeal site is housing on the north, east, and south sides. Part of the appeal site is within an Area of Amenity Importance (Policy LC11 of the LP). A short distance to the north of the appeal site lies the village centre, which provides a broad range of shops, services and amenities.
9. Planning permission was granted in November 2018 (ref: PA/2018/978) for the conversion of barns to create three new properties and four new terraced properties with associated landscaping. The consent was not implemented and has now lapsed. This previous permission for 7 dwellings included much of the current appeal site, excepting the inclusion of 68 High Street and associated car park and use of the existing access off Scotter Road, to the south of current appeal site access. This is a relevant material consideration to which I attach significant weight.
10. Outline planning permission was granted on appeal in November 2024 (ref: APP/Y2003/W/24/3336598), for residential development (up to 20 dwellings) with all matters reserved on the adjacent site to the south and west of the current appeal site.

Heritage assets

11. The principle concern of the Council is the lack of a heritage statement. They do not explicitly identify specific harm to any heritage assets arising from the proposal. In procedural terms, they nevertheless validated and proceeded to determine the planning application.
12. Paragraph 207 of the Framework states applicants should describe the significance of any heritage assets affected, including any contribution made by their setting. It states that the level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. In considering what is proportionate, it is relevant that the application is made in outline with all matters reserved.
13. The appeal site includes Manor Farm comprising a group of traditional barns, which are an important rural feature and have been identified as non-designated heritage assets. Situated on the opposite side of the road to the appeal site is a designated heritage asset, 1 Brigg Road, which is a former farmhouse. These heritage assets contribute to the architectural heritage and rural character of the settlement. Furthermore, the appeal site has potential for below-ground archaeology.
14. The significance of these heritage assets has been identified and the retention and conversion of the barns was previously approved (ref: PA/2018/978). This previous permission for conversion to residential dwellings was subject to a condition requiring the barns to be fully recorded prior to conversion and alteration. There is nothing before me to suggest this has changed in the intervening period.
15. In relation to 1 Brigg Road, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special regard to be paid to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. The Framework describes heritage assets as an irreplaceable resource, that should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. It advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
16. The setting of 1 Brigg Road already includes a notable amount of residential development, and it reads as a historic remnant within an evolving settlement which had agricultural origins. On the basis of the evidence before me, given the separation distance and subject to suitable details relating to scale and appearance being agreed, I am satisfied that this setting would be unlikely to change in any meaningful way. Hence, harm to the significance of 1 Brigg Road would be avoidable. On that basis, the proposal would meet with the expectations of the Act and Framework.
17. The principle of residential use on the appeal site has previously been found to be acceptable. The historic, evidential interest and significance of the heritage assets has been broadly identified. However, a more detailed heritage impact statement and defined approach to the historic barns would helpfully inform a reserved matters application. Given the relevant planning history, I am reasonably assured that a proposal sympathetic to the non-designated heritage assets on the site could be designed and more appropriately considered at the reserved matters

stage. Moreover, archaeological investigation is a matter which could be addressed by way of a planning condition.

18. For these reasons, I conclude that, subject to conditions, the proposed development would have due regard to the significance of designated and non-designated heritage assets and the potential for below-ground archaeology and could avoid harm. As such the proposed development would be in accordance with Policy HE9 of the LP, which requires assessment of the nature, extent and significance of the remains present and the degree to which the proposed development is likely to affect them. It would also accord with Policy HE5 of the LP, which relates to development affecting listed buildings and seeks to secure the preservation, restoration and continued use of buildings of special architectural or historic interest. Neither do I find conflict with Policy CS6 of the CS which seeks effective management of historic assets.

Living conditions of future occupiers

19. The Council are concerned that there is potential for noise and odour for future residents of the development arising from restaurant use nearby. The appellant has confirmed that the existing restaurant use of 68 High Street would cease and would be returned to residential use as part of the proposal. Hence, the concern must primarily relate to The Stables restaurant unit to the south.
20. My observations were that this was a relatively modestly sized unit, with a flue on the southern gable some distance from the appeal site boundary. The information before me does not indicate the use of this unit has been problematic to existing nearby residents. Taking account of the size of the appeal site and consistent with the relevant planning history, I am persuaded that it would be possible to design up to 9 dwellings with a layout that would maintain a suitable relationship with, and distance from, the restaurant unit so as to avoid unacceptable noise and odour disturbance. Again, this is a matter which would need to be considered further as part of any reserved matters.
21. As such, I am satisfied that the proposal would also accord with paragraph 200 of the Framework, which states that planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities.
22. For these reasons, I conclude that, subject to conditions, the proposed development would not have a detrimental impact upon the living conditions of future occupiers by reason of noise and odour arising from the adjacent restaurant use. Therefore, the proposal would be in accordance with the amenity, noise and site context aims of Policies DS1 and DS11 of the NLP.

Drainage

23. The appeal site is located within Flood Zone 1, meaning that it has a low risk of flooding from rivers and the sea. The Council generally refer to issues with surface water drainage in Messingham but do not explain further, nor substantiate concerns with technical evidence with reference to the appeal site. Therefore, the provisions of the development plan and the Framework relating to development in flood plains or other high flood risk areas are not shown to be applicable, although other requirements such as incorporating sustainable drainage systems (SUDs) where practicable remain relevant.

24. I observed that the appeal site is located within an established and predominantly residential area. Based on the evidence before me and in view of the characteristics of the site, I am satisfied that the design of the surface water drainage scheme is a matter which could be addressed by conditions requiring the submission of further information. There is no objective evidence to suggest that acceptable drainage solutions could not be incorporated as part of a detailed reserved matters application.
25. Subject to such conditions, the proposed development would make adequate provision for surface water drainage. It would therefore comply with Policies CS18 and CS19 of the CS, which address drainage and flooding and set out a range of requirements relating to the sustainable use of resources, including the use of SUDs where practicable, and supports the improvement of surface water infrastructure to address the impact of climate change, and seeks to prevent development in high flood risk areas wherever practicable and possible. The proposed development would also comply with Policies DS14 and DS16 of the LP, which seek to limit development within floodplains.

Highway safety

26. Access and layout are reserved matters. As such, matters of access and parking can only be considered in broad terms at this stage.
27. The appeal site benefits from an existing access via 68 High Street. This is a shared access serving the existing restaurant and carpark. The appellant has confirmed that the existing restaurant use of 68 High Street would cease and would be returned to residential use. The site would, therefore, be fully residential, thereby addressing any conflict with the access crossing the restaurant car park and obviating the need for provision of a customer car park.
28. The appeal site is located within a settlement. In the immediate vicinity of the access and egress on to High Street is a bus stop and a junction with the B1400. These features and the fact that the site is situated within a residential area with the road being flanked by pedestrian footways and streetlights as it passes through the settlement, serves to alert drivers of the potential presence of other highway users. Furthermore, I observed that Scotter Road leading into High Street is relatively straight at this point, affording good visibility, unimpeded by bends or gradients.
29. Based on the evidence before me, and my own site observations, it is reasonable to conclude that any risk to highway safety would not be exacerbated given the cessation of the restaurant use and the modest number of dwellings on the site, probably utilising an existing access, which formerly served a restaurant car park.
30. My findings are reinforced by the previous planning permission (ref: PA/2018/978) for 7 dwellings albeit the approved access was slightly further south.
31. The Highways team did not previously object to the access serving 7 dwellings exiting on to Scotter Road leading into High Street. There is no detailed evidence to demonstrate that the proposal, either on its own or when considered cumulatively with other developments in the area, would have an unacceptable impact on highway safety.

32. Paragraph 116 of the Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
33. The Council refer to the procedural requirements of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended) for outline applications. Nevertheless, they proceeded to determine the application based on the information submitted and did not require further information under Article 5(2).
34. Taking these factors together, I am satisfied that access and parking would be broadly acceptable, and could be addressed in detail at reserved matters stage.
35. For these reasons, subject to such conditions, I have found that the proposed development would be in accordance with the highway safety and car parking aims of Policies T2 and T19 of the LP.

Other Matters

36. The appeal site is partially within an area of open land identified as being an area of amenity importance by Policy LC11 of the LP. However, it is not accessible to the public and is largely screened from public views by residential and commercial buildings. The Council considered that the proposed development would not conflict with Policy LC11. None of the evidence before me leads me to disagree with that assessment. Similarly, I am satisfied that the proposed development would not lead to any unacceptable loss of amenity for neighbouring residents.
37. It was put to me that the Council cannot currently demonstrate a 5-year housing land supply. Whilst this matter was not addressed in the Council's statement, the Planning Officer's report refutes this. However, as I have not found that the proposal conflicts with the development plan, it is not necessary for me to consider paragraph 11 of the Framework as it would not be determinative.
38. Interested parties have raised several matters relating to the proposal, though many of the points made have been addressed in my consideration of the main issues above. The likely impact of the proposal on the electricity infrastructure and supply in the area is a matter which a developer would necessarily need to resolve with the electricity provider. I have not sought further information on such matters as they are not relevant to the main planning issues in this appeal. None of the other matters raised leads me to a different overall conclusion.

Conditions

39. In the interests of necessity, precision, clarity and proportionality, I have edited or omitted some of the Council's suggested conditions. Condition (1) which relates to all reserved matters, is necessary to ensure compliance with Section 92 of the Town and Country Planning Act 1990. Condition (2&3) are the statutory time conditions in the interests of timeliness. Condition (4) is necessary for the avoidance of doubt and in the interests of proper planning. Condition (5) is necessary to secure effective drainage and its maintenance, to prevent undue risk to the local environment and in the interests of maintaining public health and flood prevention. Conditions (6&7) require the implementation of an archaeological

mitigation strategy to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding. Condition (8) is required to ensure the site is safe for future users and construction workers. Condition (9) is required to protect residential amenity.

40. Conditions have been requested relating to access and parking. The planning application was for outline planning permission with all matters reserved, including access. As such submitted information was indicative only. These matters will be assessed in detail at the reserved matters stage and it is unnecessary to impose further conditions at this stage.

Conclusion

41. Whilst all matters are reserved, there is nothing to suggest that the proposed development could not assimilate well with the settlement, rather the previous permission demonstrates that development of the site, as proposed, is feasible. The necessary information could be secured at reserved matters stage.
42. I have found that the proposed development would comply with the policies of the development plan, and there are no material considerations that indicate the application should be determined other than in accordance with it.
43. For the reasons given above the appeal should be allowed and outline planning permission granted, subject to the conditions in the attached schedule.

N Kempton

INSPECTOR

Schedule of Conditions

- 1) Details of the siting, design, external appearance of the buildings, landscaping, layout, and means of access (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan.
- 5) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority.

The submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii) include a timetable for its implementation; and,
- iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.

- 6) No development (including demolition) shall take place until: (i) An archaeological Written Scheme of Investigation (WSI) been submitted to and approved in writing by the local planning authority; and (ii) Any necessary safeguarding measures to ensure the preservation in situ of important archaeological remains and/or further archaeological investigation and recording identified in the WSI have been undertaken in accordance with a specification and timetable that shall first have been submitted to and approved in writing by the local planning authority. The development should be carried out in full accordance with the approved details within the WSI.
- 7) Any historic or archaeological features not previously identified which are revealed when carrying out the development hereby permitted shall be retained in-situ and reported to the local planning authority in writing within 5 working days of their being revealed. Works shall be immediately halted in the area/part of the building affected until provision has been made for the retention and/or recording in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Work shall continue in accordance with the approved details of retention and/or recording.
- 8) No development shall take place until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the local planning authority. If any contamination is found, no development shall take place until: i. a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority; ii. the site has been remediated in accordance with the approved measures and timescale; and iii. a verification report has been submitted to and approved in writing by the local planning authority.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until: i. additional measures for the remediation of the site have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority; and ii. a verification report for all the remediation

works has been submitted to and approved in writing by the local planning authority.

- 9) No development shall take place until a Noise Impact Assessment and an Odour assessment have been submitted to and approved in writing by the local planning authority. The Noise Impact Assessment shall provide details of existing background noise levels, likely noise sources which will impact upon the proposed development mitigation methods to be employed and the resulting predicted level of noise at sensitive locations. Any approved mitigation measures in either assessment shall be carried out in their entirety before the use of the site commences and shall be retained thereafter.

END OF SCHEDULE OF CONDITIONS Appeal Ref: APP/Y2003/W/24/3354603