



Appeal Decision

Site visit made on 24 March 2025

by **L Fern BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2nd May 2025

Appeal Ref: APP/E2530/W/24/3357390

Farm building adjacent to Morkery Lane, Castle Bytham NG33 4SW

- 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 Anthony Eudall against the decision of South Kesteven District Council.
 - The application Ref is S24/0905.
 - The development proposed is remove and replace a timber framed building for use as a dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above has been taken from South Kesteven District Council's (the Council) decision notice. It differs from that on the application form. However, it provides a more accurate description and matches that given by the appellant on their appeal form.

Main Issue

3. The main issues are:
 - whether the appeal site provides a suitable location for the proposed development having regard to local and national planning policies, and accessibility; and
 - if harm arises, whether this is outweighed by other material considerations.

Reasons

Location and Accessibility

4. Policy SP5 of the Council's Local Plan (2020) (the LP) limits development in the open countryside to that which has an essential need to be located outside of the existing built form of a settlement. The policy provides a list of the types of development that are supported in such instances.
5. Policy SD1 of the LP reinforces this by requiring development proposals to proactively minimise the need to travel, and wherever possible be located where services and facilities can be accessed easily through walking, cycling or by public transport.
6. These requirements broadly align with the approach taken in considering rural housing set out at paragraphs 82 to 84 of the National Planning Policy Framework (the Framework).

7. The appeal site comprises part of an agricultural field off Morkery Lane that sits within an open rural context. A small number of properties, including farms and residential dwellings are situated along Morkery Lane between the appeal site and Castle Bytham village. However, they are widely dispersed along the lane and are visually and physically separated from the village by the presence of numerous fields on both sides of Morkery Lane. The visual and physical separation of the appeal site from the village is further exaggerated by the rolling topography of the land.
8. Despite there being a lack of village settlement boundary within the LP, arrival into the village of Castle Bytham is clearly marked on the ground by the presence of a greater concentration of residential properties, signs indicating arrival into the village and the start of the 30-mph speed limit.
9. Morkery Lane is rural in character and is flanked by grass verges and lacks footways on either side for its entirety between the appeal site and Castle Bytham. There is a public footpath covering the substantial distance to the village that runs through fields beyond the appeal site and Angel Wells Farm. However, the footpath runs across fields with uneven ground under foot. It does not therefore provide an easy route to the village, particularly during inclement weather or with children for example.
10. Morkery Lane could be used by cyclists as a way of accessing Castle Bytham village. However, the lane is undulating and rural in nature, with vehicles travelling at speed. It is therefore likely to be unappealing to many on this basis.
11. Furthermore, Castle Bytham provides a limited number of services, shops and facilities and it is therefore likely that residents would need to utilise other modes of transport, such as the private car, to access essential services further afield.
12. The appellant has directed me to consider the “Call Connect” bus service, which would be available to residents of the appeal proposal. However, it is not a service that could be relied upon for facilitating the everyday needs of future residents on a regular basis given that it needs to be pre-booked in advance.
13. Having regard to the above considerations and the Braintree case¹, I find that the appeal site is situated in an isolated countryside location, a considerable distance outside of the village of Castle Bytham and has poor accessibility to shops, services, facilities and public transport links. Paragraph 84 of the Framework stipulates that planning decisions should avoid the development of isolated homes in the countryside subject to specified exceptions.
14. The evidence before me suggests that the living accommodation would support the operation of the adjacent dog exercising field and the appellant’s design consultancy. However, there is no evidence before me to suggest that these operations fall within the types of development set out in policy SP5 of the LP, which are supported in open countryside locations, nor is there evidence to demonstrate there is an essential need to live at the proposed location for these businesses. Neither is it demonstrated that the proposal would fall within any of the exceptions in paragraph 84 of the Framework. On that basis, it would conflict with local and national planning policies relating to rural housing.

¹ *Braintree District Council v SSCLG & Ors* [2017] EWHC 2743 (Admin).

15. The above findings are reinforced by similar conclusions of the Inspector in a previous appeal decision² (the 2021 decision) that considered the principle of a new dwelling to replace the existing barn on the current appeal site.
16. For the above reasons, I find that the appeal site would not provide a suitable location for the development having regard to local and national planning policies and accessibility. It would be contrary to policies SP5 and SD1 of the LP.

Material Considerations

17. The appellant has presented two fallback positions, which are considered in turn below:
 - the implementation of a change of use of the existing barn under Article 3(1) and Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO); and
 - the implementation of a planning permission³ to replace the existing barn, which benefits from permitted change of use to Class E of The Town and Country Planning (Use Classes) Order 1987 (as amended), under Schedule 2, Part 3, Class R of the GPDO.
18. Having regard to case law highlighted in relation to fallback positions and the recent appeal decision⁴, the first fallback has no realistic prospect. The dismissed appeal sought prior notification approval to change the use of the existing barn to a dwelling under Class Q of the GPDO. The Inspector concluded that the location of the appeal building makes it undesirable for residential use and that the appeal proposal would therefore not be permitted development. The appeal decision demonstrates that, under the current circumstances, there is no prospect of the implementation of a change of use of the barn to a dwelling under Class Q. Therefore, I attribute no weight to this fallback position.
19. It is not disputed that there is a real prospect that the planning permission relating to the second fallback could be implemented. However, there is little evidence to demonstrate why the appeal scheme would be preferable to it. The commercial use represents rural diversification which affords some support in planning policy, whereas the appeal scheme conflicts with locational strategy, as demonstrated above.
20. The appellant asserts that commercial development on the appeal site would be more harmful in terms of the number of vehicle movements than residential use. However, it is understood that the property would continue to be used for

² Appeal Ref APP/E2530/W/21/3269574, dismissed on 29 June 2021, for Permission in Principle (part 1) for the demolition of redundant, dilapidated barn (used for the storage of hay and horse paraphernalia) and replacement with self-build, modular dwelling.

³ The Council Ref S23/1442, granted on 15 January 2024, to remove existing timber framed building with an established principle of use and associated operation development (Class E) and replace with a more sustainable timber framed modular building and assign a Class E Change of Use.

⁴ Appeal Ref APP/E2530/W/24/3351456, dismissed on 12 March 2025, for development described as 'this prior notification relates solely to 'development consisting of a change of use' of an agricultural building (GIA 110m²) to a single dwellinghouse under the rules of Class Q(a) only as allowed by the GPDO, any matters not encompassed within the requirements of Class Q(a) shall therefore be subject to a subsequent application.

commercial purposes in addition to residential. It would therefore follow that the overall use of the site would be more intense should this appeal be allowed.

21. For the above reasons, the existence of this fallback does not weigh in favour of allowing this appeal.
22. In addition, the appellant indicates that the dwelling would be self-build. The evidence before me suggests that the Council has only granted a very limited number of permissions for such housing, which is required by legislation. This is a matter of serious concern, and the provision of such housing should be attributed substantial weight. Nevertheless, it is not shown that this factor has paramountcy over locational development plan policies.
23. In any event, there is no mechanism to secure the proposed self-build. It is noted that the appellant has submitted a draft planning obligation. However, the obligation has not been signed by either party and therefore remains incomplete. Furthermore, the appellant has not evidenced how a planning condition to secure the provision would pass the tests, specifically in relation to enforceability.
24. The 2021 decision reinforces these findings, and this benefit carries little favourable weight overall.
25. The parties agree that revisions to the Framework made in December 2024, will have implications for the Council's housing requirements, and that the requisite numbers will increase. However, the information before me indicates that the Council could demonstrate a 5-year supply of deliverable housing sites in 2023⁵ and there is no more up-to-date evidence to definitively show that it has fallen below 5 years since. Neither is it part of the appellant's case that paragraph 11 of the Framework is engaged. Nevertheless, an additional home would boost overall supply, and it is probable that the proposed dwelling could be built relatively quickly.
26. There would be some economic benefits resulting from employment associated with demolition and construction, and from the resultant activities of the residents in their local community. However, the extent of these cumulative benefits would be relatively minor given that only a single dwelling is proposed. As such, they attract limited weight overall.
27. Given the agricultural use of the appeal site, it is not established that it constitutes brownfield land, and so would not derive the support from the policies in the Framework in that respect.
28. For the above reasons, the material considerations advanced by the appellant do not outweigh the substantial harm identified in relation to the locational and accessibility aspects of the proposal identified in the first main issue.

⁵ The Council's Authority Monitoring Report 1 April 2022 – 31 March 2023 (December 2023).

Conclusion

29. The proposal conflicts with the development plan taken as a whole, and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons above, I conclude that the appeal should be dismissed.

L Fern

INSPECTOR