



Appeal Decision

Site visit made on 30 May 2025

by **S Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS**

an Inspector appointed by the Secretary of State

Decision date: 05 June 2025

Appeal Ref: APP/D2510/W/25/3362844

North End Farm, North End, Mablethorpe, LN12 1QF

- 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 Shaun Doherty against the decision of East Lindsey District Council.
 - The application reference is N/180/01161/24.
 - The development proposed is conversion, extensions and alterations of a barn to a dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for the conversion, extensions and alterations of a barn to a dwelling at North End Farm, North End, Mablethorpe, LN12 1QF, in accordance with the terms of the application reference N/180/01161/24, subject to the conditions set out in the attached schedule.

Procedural Matters

2. In the banner heading above, I have taken the site address from the local planning authority's (LPA) refusal notice and appellant's appeal form rather than from the planning application form. It more precisely relates to the appeal site.
3. There is a planning permission in place¹, i.e. prior approval given under Class Q of Schedule 2 of Part 2 the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), for the conversion of the existing barn to a dwellinghouse. The existence of this planning permission is a material planning consideration of considerable weight from a decision-making point of view. It expires in May 2027. As per the description of development above, this proposal also includes the conversion of the same barn. However, it also includes some new windows/different openings to its elevations and a two-storey extension to the side to replace an existing structure which did not form part of the Class Q prior approval application.

Main Issue

4. The main issue is whether the proposed dwellinghouse (i) is in accordance with the Council's housing strategy for the area as outlined in policies SP1-SP3 and SP18 of the adopted 2018 East Lindsey Local Plan, (ii) whether occupants would be at risk from coastal flooding events, and (iii) whether the proposal would deliver a sustainable form of development.

¹ Prior approval reference number N/180/00479/24

Reasons

Council's housing strategy for the area

5. The appeal site falls within the countryside (also a defined 'coastal zone') and is outside of a town or a village. The proposal does not accord with the locational housing strategy for the area in respect of policies SP1, SP3 and SP18 of the adopted East Lindsey Local Plan Core Strategy 2018 (LP). This weighs against allowing the proposed development.
6. Notwithstanding the above, I give weight to the fact that a planning permission is already in place to provide a dwellinghouse on the land. I do not doubt that if this appeal were dismissed, the appellant would seek to implement the existing planning permission. In this regard, I find that this proposal should essentially be assessed upon the basis that there would be no net increase in the number of dwellings on the site or in the area.
7. The existing planning permission relates to the same barn, albeit that this proposal includes some additional alterations, a two-storey side extension and a larger residential curtilage. Moreover, the LPA does not dispute, given the mandatory standard method for calculating housing need, that there is now a requirement to provide 1,009 dwellings per annum instead of 558 dwellings per annum.
8. In the context of the above, and the housing land supply position confirmed by the LPA in February 2024 (i.e. 5.6 years supply), the LPA does not dispute the appellant's claim that it cannot now demonstrate a five-year supply of deliverable housing sites when considered against its updated housing requirement. While the LPA does not provide an updated deliverable housing land supply figure, I consider that on the evidence before me that there is a shortfall in housing sites in the area.
9. Given the above, I find that the LPA has not provided sufficient evidence to demonstrate a deliverable five-year supply of housing sites, and, in this regard, paragraph 11(d) of the National Planning Policy Framework 2025 (the Framework) is therefore engaged. Consequently, the LPA's housing strategy policies mentioned above are out of date. I deal with paragraph 11(d) of the Framework again later in this decision and, in particular, how the proposal performs against policies in the Framework as well as policy SP2 of the LP.
10. I conclude that, while the proposal would conflict with the housing strategy and locational requirements for development in policies SP1, SP3 and SP18 of the LP, I afford such conflict only moderate weight in the planning balance. In this case, such conflict is outweighed by the fact that planning permission is already in place for a dwelling on the site and because this proposal includes the conversion of the same barn, alongside a proposed two storey extension.

Flood risk

11. The appeal site lies in flood zone 3 and within the Environment Agency's Hazard Mapping zone of 'danger for some'. It is within the coastal zone. As the application is for conversion, extensions and alterations of the existing barn, the LPA states that a sequential test is not required in this case. The agent has submitted a site-specific flood risk assessment, and the plans show flood resilient construction methods incorporated. Subject to a condition ensuring that mitigation measures are carried out, the Environment Agency (EA) raises no objection to the proposal. I

have no reason to disagree with the conclusion reached by the EA. I find that the occupiers of the site would occupy development which would be safe for its lifetime and without any evidence that it would increase flood risk elsewhere.

12. It is a moot point in terms of whether the proposal constitutes minor development/a change of use and hence whether it is necessary for this proposal to pass the sequential and exception tests. One may consider that the proposal is, as a matter of fact and degree, essentially for the erection of a new dwelling, given the scale of the two storey extension, or one could take the view that the proposal is for a change of use (i.e., the barn conversion element of the proposal as per the submission) with a two storey side (i.e. minor) extension sitting alongside it. I favour the latter position.
13. Even if one were to take the view that this proposal was technically for the erection of a new dwellinghouse, as distinct from a change of use or conversion proposal, I find that the sequential test is passed. This is in the context that there is already a planning permission in place for a dwellinghouse on the land, which is very likely to be implemented if this appeal is dismissed. Moreover, the proposal includes the conversion/change of use of an existing building. The appellant's case is that he is simply applying for an extension to the Class Q approved dwelling now, rather than waiting to do this once the Class Q dwelling has been first provided and used on the land.
14. In the above context, I do not find that there are any sites in locations which are at less risk of flooding, and which can reasonably be considered to be suitable or available for the type of development proposed (i.e. a proposal which includes primarily a change of use proposal). Moreover, I find that, in the context of the LPA not being able to demonstrate a five-year supply of deliverable housing sites, the provision of a dwelling on the land would deliver wider social and economic sustainability benefits to the community that outweigh the flood risk. Therefore, the exception test is passed. In addition, I have already concluded that the development would be made safe for its lifetime considering the vulnerability of its users.
15. For the above reasons, I therefore conclude that the proposal would not conflict with the flood risk requirements of chapter 14 of the Framework, or policy SP16 of the LP.

Other Considerations

Housing land supply and paragraph 11(d) of the 2025 Framework

16. As detailed above, the LPA has not demonstrated a deliverable five-year supply of housing sites in the area against its housing requirement which now relates to the standard method set out in the national planning practice guidance. While the proposal would deliver only one dwelling, it would nonetheless make a positive contribution to the housing undersupply position. This is a social benefit which weighs in favour of allowing the appeal. As paragraph 11(d) of the Framework is engaged, it is necessary that I assess the proposal against the policies in the Framework as a whole. I address such matters as follows.

Whether an isolated location

17. While the appeal site is in the countryside, it is nonetheless within walking distance of a settlement where there are some facilities and services. It is located amongst a complex of farm buildings. I do not find that the site is isolated, and, in any event, there is a planning permission in place for a dwelling on the land. Even if one were to find that the site is isolated, I afford significant and overriding weight to the fact that there is already a planning permission in place.

Economic benefits

18. The proposal would provide some economic benefits at the construction stage albeit that such benefits would be short lived. I afford some positive weight to the fact that the occupiers of the dwellinghouse would support existing facilities and services from an economic point of view.

Energy efficiency benefits

19. The proposed dwelling would be built to high energy efficiency standards. I do not know if the prior approval dwelling would have been converted to the same energy efficiency standards, but this is a matter that would be strictly controlled, in any event, as part of the submission of a required Building Regulations consent application. Therefore, I do not afford this matter any significant positive weight in relative terms.

Design

20. While the proposal includes a two-storey side extension in conjunction with the conversion of the barn and hence would amount to a larger dwelling in relative terms in this countryside location, I am nonetheless satisfied that the development as a whole would suitably reflect the character and appearance of the original building/structures on the site. The LPA does not raise a substantive objection to the proposal in design terms: it does not form the basis of the LPA's refusal of planning permission.
21. The appellant's case is that it is more efficient to undertake an extension to the dwelling now rather than to do it later and after the conversion of the prior approval dwelling. There is no fallback permitted development rights position in place in respect of the planning permission that is already in place. Permitted development rights are expressly removed from class Q dwellinghouses.
22. Notwithstanding the above, there is nothing to suggest that the LPA has any justified concerns about the proposal from a design point of view. I accept that the appeal proposal would result in a larger dwelling on the site when compared to the Class Q prior approval development, but the two-storey side extension would be set down from the roof of the substantive barn conversion component and hence would appear subservient and sympathetic in scale.
23. In my judgement, the proposal would assimilate appropriately into the surrounding environment and with the existing barn building. Subject to the removal of permitted development rights relating to future extensions (including development within the curtilage of the dwelling), I find that the proposal would constitute good design and would not cause harm to the intrinsic character and beauty of the countryside. Therefore, the proposal would accord with the design, character and appearance requirements of paragraphs 131, 135 and 187(b) of the Framework.

Locational accessibility

24. While the appeal site is in the countryside, it is within convenient walking distance of a bus stop (i.e. 500 metres to the east of North End car park) and there is a footpath from Kent Avenue/Meers Bank up to Golf Road which leads to an industrial estate, Tesco and other facilities. Therefore, the appeal site has reasonable accessibility in the context of its rural location, and, in any event, such an assessment must reasonably consider that there is an existing planning permission in place for a dwelling on the land which, in all likelihood, would be implemented if this appeal were to be dismissed. In this regard, accessibility matters are not a determinative matter in this case.

Conditions

25. The main parties have been offered the opportunity to comment upon the following conditions and which they have agreed to their inclusion.
26. It is necessary to impose the standard three-year commencement of development condition. For the avoidance of doubt, and in the interest of certainty, it is necessary to attach a drawings condition.
27. In the interest of the character and appearance of the area and good design, it is necessary to impose landscaping and materials conditions.
28. In the interests of environmental sustainability, it is necessary to impose a water consumption condition. To protect the health of occupiers of the land, a contaminated land condition is necessary.
29. In order to ensure that the occupiers of the dwelling are safe for the lifetime of the development, it is necessary to attach a flood risk condition which stipulates that the ground floor of the dwelling is used for specified purposes and not as habitable accommodation. For flood risk safety reasons, as well as to safeguard the character and appearance of this rural location, coupled with maintaining good design, there is clear justification for the removal of permitted development rights in respect of further extensions and outbuildings on the land.
30. In order that the development accords with paragraph 187(d) of the Framework, it is necessary to include a condition which includes a scheme of biodiversity enhancement. Such a scheme should incorporate features which support priority or threatened species such as swifts, bats and hedgehogs as referenced in paragraph 187(d) of the Framework. This would address the representation made by a third party.

Planning Balance and Conclusion

31. Subject to the imposition of conditions, the proposal would not put the occupiers of the dwelling at risk of flooding. This is the conclusion also reached by the EA. While the proposal would conflict with the housing strategy policies in the LP, these policies are out-of-date, given that the LPA has not demonstrated a deliverable five-year supply of housing sites based upon its up-to-date housing requirement. I therefore afford the conflict with the LP housing strategy policies only moderate adverse weight in the overall planning balance.
32. Given the housing land supply position, paragraph 11(d) of the Framework is engaged. I conclude that the identified conflict with the LP is significantly and

demonstrably outweighed by the above identified benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, and securing well-designed places. In this case, I also afford the existing planning permission for a dwelling on the land very significant weight as a fallback position in decision making terms.

33. Overall, I conclude that the proposal would deliver a sustainable form of development and, in this regard, it would accord with policy SP2 of the LP. Consequently, the appeal should be allowed.

S. Hartley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved drawings: Drawing No. 67424-03 received by the LPA on 1 August 2024, Drawing No. 67424-01 received by the LPA on 1 August 2024, and Drawing No. 67424-04 received by the local planning authority (LPA) on 1 August 2024.
- 3) No development shall take place until a schedule/samples of the materials to be used in the construction of the external surfaces of the development (including window frames and doors) hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and the approved materials thereafter retained.
- 4) The development hereby permitted shall be constructed to Building Regulation Part G(2)(b) standards limiting water consumption to 110 litres per person per day.
- 5) If during redevelopment, contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the LPA. On completion of the development the LPA shall be notified in writing if no additional contamination was identified during the course of the development and the dwellings hereby permitted shall not be occupied until the LPA has acknowledged receipt of the same.
- 6) The ground floor of the property hereby approved shall be used as a garage, entrance hall, utility, wc, gym/games room only as annotated on approved Drawing No. 67424-03 and for no other habitable accommodation.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting that Order with or without modification, no extensions or outbuildings shall be erected without express planning permission first being obtained from the Local Planning Authority.
- 8) The dwelling hereby approved shall not be occupied until there has been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping. The development shall thereafter accord with approved details. All planting, seeding and turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

9) No development shall commence until a scheme of biodiversity enhancement has been submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented and thereafter retained.