



Appeal Decision

Site visit made on 7 July 2025

by **Les Greenwood MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 July 2025

Appeal Ref: APP/R2520/W/25/3363003

Ex LNAACT House, Bentley Drive, Bracebridge Heath, Lincoln LN4 2QW

- 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 Mohammed against the decision of North Kesteven District Council.
 - The application Ref is 24/1396/FUL.
 - The development proposed is the change of use from office (Class E) to 8 self-contained flats (Class C3) along with minor external alterations and extensions to facilitate the new use.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The appellant advises that 2 separate refusal notices were issued for this application. As I understand it, only the first decision notice would have legal effect. It appears that this does not make a material difference to this case because both notices evidently contain the same reason for refusal, with the only difference being an informative note.
3. The appellant has not made a formal claim for costs as part of the appeal process. Instead, he asks me to direct the Council to refund some business rates and grant an exemption from Community Infrastructure Levy due to delays and the withholding of planning permission. I have no authority to make such a direction.

Main Issues

4. The main issues are the effects of the proposal on:
 - i) The character and appearance of the local area; and
 - ii) The safety and living conditions of future occupiers of the flats.

Reasons

Character and appearance

5. Ex LNAACT House is a 2 storey detached, domestic style, modern building sitting within a residential area of mainly bungalows and some houses. To the rear is a large single storey flat roofed extension. There is a narrow access drive to one side, leading to an extensive tarmacked parking area. To the other side is a second access, leading to a small paved courtyard, plus a public footpath running the length of that side boundary.

6. The proposal is to convert the building to 8 small 1 and 2 bedroom flats, with a minor single storey extension and changes to some windows and doors. 14 car parking spaces, a cycle store, bin stores, fencing and some small amenity areas would also be provided. The Council's concern here is that this would be overdevelopment of the site, out of character with the lower density of development prevalent on this side of Grantham Road.
7. On the positive side, the proposal would bring this vacant site back into use, to the benefit of local character. The building and parking area exist already and no significant additions are proposed to the building. Although most of the other properties on this side of Grantham Road are detached bungalows, there is a notable exception to this in the form of a tightly set out row of new houses at Wolsey Court, next to the appeal site. The proposal would not be dissimilar to that development in terms of the density of the main physical structures.
8. There are, however, aspects of this proposal for 8 units which would notably intensify use of the site. In order to provide sufficient storage space for refuse and recycling, bin stores would be located at the front and side of the site, near to the street and footpath. The plans show the bins sitting behind a low 1 metre fence where they would be prominent, unattractive features. If they were instead to be hidden behind higher fencing this would create a blank, defensive appearance that would contrast with the much more open frontages of the other properties nearby. Furthermore, the proposal includes only very small, hard surfaced amenity areas, with limited or no opportunities for greenery. These areas would likely be heavily used, including for drying clothes, so would contribute to the impression of a cluttered, intensively developed site.
9. These negative impacts on local character and appearance would in part be caused by the sub-division of the building into a large number of units. It might be possible to redesign the scheme to avoid some of these impacts, but I have no such details in front of me.
10. For these reasons, and taking into account the positive benefit of bringing the site back into use, I conclude that the proposal would unacceptably harm the character and appearance of the local area. It therefore conflicts with policy S53 of the Central Lincolnshire Local Plan (CLLP), policy 2 of the Bracebridge Heath Neighbourhood Development Plan 2020-2040 (NDP) and the National Planning Policy Framework (the Framework), which aim to ensure that developments achieve high quality, sustainable design that contributes positively to local character.

Safety and living conditions of future users

11. The proposal would use the existing main access drive that leads to the parking area at the back. This access is just wide enough for most vehicles to pass, with care, between the side wall of the building and a high boundary fence. There is an existing door leading onto this narrow access. Stepping out of this door would put a person straight into the line of traffic, with no room for evasive manoeuvres, so could be dangerous. At present the door only serves a wc, so would likely be lightly used. In the proposal that door would be the only entrance to one of the first floor flats, likely increasing its use and the consequent danger.

12. The proposal also includes the addition of a side window, facing directly onto the access drive, to serve a bedroom on the ground floor. That window could perhaps be designed to open inwards, to avoid conflict with traffic, but that small bedroom would nevertheless be subject to unacceptable levels of noise and fumes from vehicles passing within a very short distance of the window.
13. The appellant has suggested mitigation measures including possible revisions to the plans plus the use of secondary glazing and an acoustic vent. Revised plans would require significant amendments to the internal layout and potentially the external design, which might have other consequences requiring further local consultation. Also, in the absence of any detailed assessment, I am not satisfied that the use of a specially designed vent would adequately address the situation. It would therefore not be appropriate to deal with these issues by planning conditions.
14. Although the proposed amenity areas would be limited in size and useability, the Council has no standard for outdoor amenity spaces and there is a large area of public green space just the other side of Bentley Drive. I therefore do not consider this to be a significant problem in relation to this second main issue.
15. I find that the proposal would not provide adequate safety or living conditions for occupiers of 2 of the flats. It therefore conflicts with CLLP policy S53, NDP policy 2 and Framework paragraph 115, which aim to ensure safe access and to provide an environment that contributes to the health and well-being of the residents.

Other matters

16. The proposal would make good use of an existing empty building, making a significant contribution to the supply of smaller homes. This is in line with the Framework's objectives of making good use of previously developed land and boosting the supply of homes (paragraphs 61 and 124). This weighs in its favour.
17. I note that there is an extant permission for 2 dwellings here. Alternatively, the building could potentially be used for offices or, presumably, for other uses within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended). These possibilities form fall-back positions that could be carried out notwithstanding the result of this appeal. They would not necessarily suffer from the concerns identified above, however. Although I take them into account, they do not significantly affect my overall assessment.
18. I have considered the various other points raised by the Parish Council and local objectors and find nothing that would add significantly to the concerns set out above. In particular, I find that sufficient parking space would be provided and that living conditions at neighbouring properties would be reasonably respected.

Conclusion

19. I place significant weight on the re-use of previously developed land and the contribution that the proposal would make towards the supply of housing. I nevertheless find that the detail of the proposal conflicts with the development plan, taken as a whole. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR