



Appeal Decision

Site visit made on 4 November 2025

by C Skelly BA (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th November 2025

Appeal Ref: APP/E2530/W/25/3373456

Land south of Gardener's Cottage, High Street, Fulbeck, Grantham NG32 3JT

- 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 Mrs J Fane against the decision of South Kesteven District Council.
 - The application Ref is S25/0640.
 - The development proposed is a new single storey dwelling (bungalow) detached garage and associated driveway and gardens.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form refers to 'Land South of Garden Cottage'; however, it has been referred to as 'Land South of Gardener's Cottage' on the appeal form and in the submitted evidence by the main parties. I have therefore used this reference as the address in the banner heading above and this Decision Letter.
3. Because the appeal site lies in the Fulbeck Conservation Area (CA) and adjoins a listed building, I have had special regard to Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCAA).

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the CA within which the site lies including the setting of nearby listed buildings;
 - the amenity of neighbouring residents, with particular regards to outlook, privacy and daylight; and
 - whether the proposed development makes adequate provision for foul water disposal.

Reasons

Conservation Area

5. The appeal site is located to the south of the dwelling known as Gardener's Cottage and comprises a former allotment garden with defined beds and small fruit

trees. To the northeast and east, the site adjoins the grounds of Fulbeck Manor¹, a Grade II* listed building, a 17th Century Country House constructed of coursed limestone rubble with ashlar quoins. Access to the appeal site is via a single track which runs along the southern boundary of Fulbeck Manor and the curtilage listed Manor Cottages. The track runs along the top of a small green which rises upwards from High Street and includes the village pump and a number of mature trees which have high amenity value. To the south fronting onto the green is a short row of terraced properties which include the Grade II listed buildings of Toad Hall² a 17th Century dwelling and North View³, an 18th Century dwelling which have historical significance in their group value. There are further Grade II listed buildings located on the opposite side of High Street (Apple Cross House⁴, Old Reading Room⁵, The Reading Room⁶ and Holly Cottage⁷). The green and trees enhance the setting of these listed buildings.

6. The significance of the listed buildings is largely derived from their historical and architectural interest including the largely retained historical building materials, detailing and methods of construction. The green, which contains the access track, together with the trees form an important verdant open space surrounded by the historic core of the village which has been little altered. This allows an appreciation of the listed buildings mostly in their original context contributing to their significance.
7. The site is within the CA which covers the centre of the village and extends outwards incorporating the historic parkland of Fulbeck Hall. The significance of the CA is both historical and archaeological derived from its four listed country houses within close proximity of each other and its greens, which includes that which adjoins the access track to the appeal site. The Conservation Area Appraisal and Management Plan (2014) (CAAMP) considers that this green is significant being both accessible and obvious due to the topography and the contraction of High Street as the road narrows to the south of the open space. I saw this to be the case at my site visit. The visual continuity created by boundary walls delineating boundaries and linking buildings is also an important part of the character of the CA as identified in the CAAMP.
8. The proposed access to the new dwelling would utilise the existing track which runs through the green alongside Manor Cottages and the boundary wall of Fulbeck Manor. The track provides vehicle and pedestrian access to both Gardener's Cottage and the garage of 2 Manor Cottages. The access track is in separate ownership to the appeal site, albeit the appellant has an established right of access. The access has been used for this purpose for a considerable period of time, including when it was used as an allotment garden. The track is in proximity to mature trees within the green which contribute positively to the character and appearance of the CA and enhance the setting of the nearby listed buildings.
9. I observed that the access is an informal, unmade track which rises upwards from the junction with High Street, up to Manor Cottages, before dropping downwards towards the appeal site. The track is narrow and does not provide sufficient width

¹ List Entry 1166259

² List Entry 1360295

³ List Entry 1166245

⁴ List Entry 1062409

⁵ List Entry 1360294

⁶ List Entry 1309011

⁷ List Entry 1309010

for two domestic vehicles to pass one another. Access to the site by larger vehicles appears to be feasible and the submitted evidence confirms that the track has previously been used for this purpose. However, due to the restricted width of the track, larger vehicles would pass very close to the curtilage wall of Fulbeck Manor, Glenholme and the utility poles, which would risk damage to these structures. Given the construction of the track and its gradient, frequent use by larger, heavy vehicles is likely to churn up the track and compact its surface leading to its degradation. This in my view makes it unsuitable for regular use by larger, heavier vehicles which would be required during the construction period.

10. Although a Tree Survey⁸ was submitted as part of the planning application, this did not extend to the trees outside of the appeal site in proximity to the access track. The appellant contends that the arboriculturist raised no concerns about the condition of these trees and the impact of the proposal. Nevertheless, I have no evidence before me regarding the condition of these trees and the potential implications resulting from the increased use of the track by vehicles and whether there would be any appropriate mitigation measures. The proposed dwelling would result in additional vehicle movements from future residents, visitors and deliveries. In the absence of evidence to the contrary I cannot be satisfied that the intensified use of the track both during construction and when the dwelling is occupied would not cause unacceptable harm to the trees and consequently the character and appearance of the green. Hence, the proposed development would harm the character and appearance of the CA and would harmfully diminish the setting of nearby listed buildings.
11. The appellant has suggested that the use of construction vehicles could be restricted through condition. However, I do not have any details before me indicating how this could be controlled and whether these measures would ensure the safe operation of the public highway for all users. In any event it is likely that any measures would still involve some form of vehicle utilising the access track.
12. Due to the topography of the village the appeal site is set at a lower ground level to Fulbeck Manor. The boundary wall of Glenholme runs along the west of the site and is constructed of brick at a height of approximately 2.4m, which screens views to the listed buildings of North View, Toad Hall and those located along High Street. As the proposal is for a bungalow only the roof would be visible above the boundary wall with Fulbeck Manor and there would be limited intervisibility between the other nearby listed buildings. The Council considers that the proposed dwelling itself would preserve the setting of Fulbeck Manor and nearby listed buildings as well as the character and appearance of the CA and based on my observations I concur.

Heritage Balance

13. The proposed development would harm the character and appearance of the CA and the setting of nearby listed buildings. I find the harm to be less than substantial in this instance, and at the lower end of the spectrum, but nevertheless of considerable importance and weight. Paragraph 215 of the National Planning Policy Framework (the Framework) states that where harm is identified to the significance of designated heritage assets and their setting, it should be weighed against the public benefits of the proposal.

⁸ Prepared by C.B.E Consulting dated April 2025

14. It is common ground between the main parties that the Council is unable to demonstrate a five-year supply of housing land. The proposal would provide an additional bungalow which has been identified as required in the recent Housing Needs Survey for the village of Fulbeck and would provide a minor but nonetheless useful contribution to the Council's under supply of housing. I attribute modest weight to this benefit. There would also be some economic benefits during the construction phase and the associated increase in activity in the supply chain. Given the scale of the works the public benefit accruing from this would be limited.
15. Taken overall, I attribute modest weight to the public benefits of the proposal, which is insufficient to outweigh the less than substantial harm to the CA and listed buildings. Given this and the above, I conclude that, on balance, the proposal would fail to preserve the setting of the listed buildings and the character and appearance of the CA. The proposal would fail to satisfy the requirements of the LBCAA, and paragraph 212 of the Framework and conflicts with Policies DE1, EN2, EN3 and EN6 of the South Kesteven District Council Local Plan 2011-2036 (2020) (LP), which amongst other things seek to ensure high quality design and protects and enhances heritage assets.

Residential amenity

16. The appeal site slopes downwards to the south and the proposed dwelling would be sited centrally within the site with private amenity space to the east and south, with garage and driveway to the west located on the lowest ground level of the site. To the southwest corner of the site is a bungalow called Jenkinsons Yard which is located less than 1m from the boundary of the appeal site at a lower ground level, with its eaves height rising just over that of the boundary wall of the appeal site. This dwelling has small windows on the rear elevation facing onto the boundary of Glenholme which serve habitable rooms.
17. The proposed garage would be sited less than 1m from the boundary with Jenkinsons Yard but would sit on much higher ground. It would have an eaves height of approximately 2.3m and ridge height of 4.7m, however this height in relation to Jenkinsons Yard would be much greater due to the substantial change in land levels. The submitted plans also show that a new tree would be planted to the rear of the proposed garage in proximity to the boundary of Jenkinsons Yard. Despite the pitched roof design, due to its orientation, proximity, topography and height, the proposed garage in relation to Jenkinsons Yard would have an overbearing impact which would dominate the outlook from this dwelling and level of daylight to its habitable rooms. This would be accentuated by the close proximity of the proposed new tree. Therefore, the proposed development would lead to unacceptable harm to the living conditions of the residents of Jenkinsons Yard with regards to outlook and daylight.
18. The proposed access would pass along the side of Glenholme and in front of Manor Cottages with no intervening boundary treatment. Glenholme has dormer windows and a ground floor window which face towards the amenity area of Gardener's Cottage, with one dormer facing onto the appeal site. The outlook of this property would not be significantly different to that which already exists. There is limited defensible space between the side elevation of Glenholme and the proposed access, which would mean vehicles and pedestrians would pass directly in front of the ground floor window. Similarly, vehicles would pass directly in front of the windows and door of Manor Cottages. However, the track is already an

established vehicle access which is also used by pedestrians. Therefore, the increased use of the track generated by one additional dwelling would not lead to a loss of privacy for neighbouring residents to such an extent that would justify withholding permission.

19. In conclusion, the proposed development would cause unacceptable harm to neighbouring residents with regards to outlook and daylight. It thereby conflicts with Policy DE1 of the LP which seeks amongst other things to ensure that development proposals have no adverse impact on the amenity of neighbouring users in terms of the loss of daylight.

Waste water capacity

20. Anglian Water have raised concerns that the existing Fulbeck Recycling Centre is at capacity and therefore the appellant has proposed an alternative on-site treatment solution. I note that Anglian Water have not confirmed whether this would be a suitable solution, nevertheless I consider that this could be dealt with via an appropriately worded pre-commencement condition.
21. Therefore, the proposal would make adequate provision for foul water disposal and thereby complies with Policy ID1 of the LP, which seeks amongst other things to ensure that there will be sufficient infrastructure capacity to meet requirements arising from the proposed development.

Other Matters

22. The appellant has raised concerns regarding the lack of engagement by Council Officers on the planning application, however this is not a matter for me in the determination of the appeal.

Planning Balance and Conclusion

23. The proposed development would cause less than substantial harm to the character and appearance of the CA, would fail to preserve or enhance the setting of the listed buildings and would create unacceptable living conditions for neighbouring residents with regards to outlook and daylight. These harms bring the scheme into conflict with the development plan as a whole.
24. The Framework is an important material consideration. The Council cannot demonstrate a five-year supply of deliverable housing land and where this is the case, the Framework advises planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the proposal. This includes Designated Heritage Assets, and in this respect, I have found the Framework provides a strong reason for refusing the proposal. Therefore, the presumption in favour of sustainable development does not apply in this case.
25. The proposal conflicts with the development plan as a whole and the material considerations I outline above, including the Framework do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given, the appeal is dismissed.

C Skelly

INSPECTOR