



Appeal Decision

Site visit made on 2 December 2025

by **C Skelly BA (Hons) MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22nd December 2025

Appeal Ref: APP/Y2003/W/25/3373837

128 High Street, Broughton DN20 0JR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Stewart Hadley-Clarke against the decision of North Lincolnshire Council.
- The application Ref PA/2025/349, dated 14 April 2025, was refused by notice dated 23 May 2025.
- The application sought planning permission for change of use from Public House to dwelling, including demolition of existing outbuilding at the Dog & Rat without complying with conditions attached to planning permission Ref PA/2021/1338, dated 30/11/2021
- The conditions in dispute are Nos 2 and 4 which state that:
 - 2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan - PA/2021/1338/02, Block/Site Plan -PA/2021/1338/01, Proposed Site Plan - Dwg No K , Proposed Ground Floor - Dwg No I A, Proposed First-Floor Plan - Dwg No J, Proposed Side Elevations - Dwg No G A, Proposed Front & Rear Elevations - Dwg No F A, Proposed Cellar Plan - Dwg No H A, Proposed Double Garage Plans & Elevations - Dwg No L , Existing Front & Rear Elevations - Dwg No A, Existing Side Elevations - Dwg No B A, Existing First-Floor Plan - Dwg No E, Existing Ground Floor Plan - Dwg No D and Existing Cellar Plan-Dwg No C.
 - 4. Prior to occupation, acoustic trickle vents to achieve 2 – 4 air changes per hour will be installed in all windows. Both the windows and trickle vents should achieve a minimum of 34dB Rw + Ctr rating and should easily be achievable using standing double-glazed units.
- The reasons given for the condition are:
 - 2. For the avoidance of doubt and in the interests of proper planning.
 - 4. To minimise the impact of noise from surrounding development in accordance with policy DS1 of the North Lincolnshire Local Plan.

Decision

1. The appeal is allowed and planning permission is granted for change of use from Public House to dwelling, including demolitions of existing outbuilding at The Dog & Rat, 128 High Street, Broughton, DN20 0JR in accordance with the application Ref PA/2021/1338 without compliance with condition numbers 2 and 4 previously imposed on planning permission Ref PA/2021/1338 dated 30/11/2021 and subject to the conditions set out in the attached schedule.

Preliminary Matters

2. I observed during my site visit that works have commenced and a 2m high timber fence has been erected along the boundary of the site. The development appears to be in accordance with what is shown on the submitted plans, although in any event I have dealt with the appeal on the basis of the submitted plans.
3. Three additional plans have been prepared and submitted by the appellant at appeal stage in the interests of addressing the reasons for refusal. I have

considered the submitted plans with regard to the judgement of *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823 (Admin). A revised layout of the basement has been submitted which re-locates the bedroom space. As this additional plan does not materially evolve the scheme, I am content to accept its submission for information purposes and am satisfied that no party with a potential interest in the outcome of this appeal is prejudiced by my doing so. Plans have also been submitted which show amendments to the location of the vehicle entrance gates and landscaping. Together, I consider that these plans are a substantial change to the scheme, and third parties and consultees would not be aware of the amended scheme. Consequently, I have not accepted this additional evidence as part of the appeal.

Background and Main Issues

4. The original planning permission was granted subject to a number of conditions and condition 2 lists the plans to be complied with. The appellant has sought to amend condition 2 to substitute new plans that would include the provision of a 2m high timber fence along the front of the property, amendments to floor layouts, the re-positioning of the garage and alterations to window and door details.
5. As articulated in its first reason for refusal, the Council objected to the amendments to the boundary treatments and the erection of a 2m timber fence in relation to the effect on the character and appearance of the area and highway safety. The Council also objected to amendments for the re-configuration of the internal layout of the basement level to include a further bedroom and the installation of the 2m high timber fence on account of harm to the residential amenity of future occupiers with particular reference to daylight, sunlight and outlook.
6. The Council did not object to the re-positioning of the garage, to changes to the window and door openings on the side frontage and rear elevations or to the other proposed changes to the internal layout of the dwelling, which included changes to the ground floor and first floor. Based on the evidence and my observations I have no reason to disagree with these conclusions.
7. As part of the application the appellant sought the removal of condition 4 so that windows could be installed in stages for each floor. The Council had no objection to this change, subject to an amended condition which required the installation of the trickle vents in stages. This matter has not been contested by the appellant. I concur that the amended condition is both necessary and reasonable in the interests of protecting the residential amenity of future occupants with regards to noise and disturbance.
8. Therefore, the main issues are the effect of the amendments on:
 - the character and appearance of the site and surrounding area;
 - the safety of vehicular and pedestrian traffic; and
 - the residential amenity of future occupants with regards to daylight, sunlight and outlook.

Reasons

Character and appearance

9. The appeal site is a former public house which was granted planning permission for change of use to a dwelling under LPA Ref. PA/2021/1338. I note that the property was derelict for some time and was subject to incidents of vandalism. The property is set back from the main road and is located in a verdant residential area comprising a mix of architectural styles. Although there is a range of design and materials, front boundary treatments are generally low level, which gives the street scene an open character.
10. The approved plans showed that the existing low-level wall along the frontage of the site was to be retained. This wall has been replaced with a 2m high timber fence, which runs along the front of the site. The height of the fence in proximity with the pavement and absence of landscaping is a jarring feature which is not in keeping with the existing local character of open, low-level boundary treatments. Its dominance within the street scene is accentuated by its prominent location next to the roundabout as you enter the village. The solidity of the proposed fencing creates an enclosed appearance around the property, interrupting the open aspect of the street scene and harms the character and appearance of the site and surrounding area.
11. The appellant has provided examples of other high fences within the village, however I do not have the full details of these cases and whether they benefit from planning permission. This includes the example at Ermine Street, where a high hedge has been grown above a low-level brick wall, although I observed that this has a much softer appearance than the timber fence and therefore not directly comparable to the appeal case. The other examples appear to be located away from the high street where the prevalent character is less open and are located to the rear and sides of dwellings. These examples are therefore not directly comparable to the open character of the appeal site. In any event I have considered the appeal on the basis of the evidence before me.
12. I therefore conclude that the amendment for the provision of a 2m high fence harms the character and appearance of the site and surrounding area. Hence it would be contrary to Policy DS1 of the North Lincolnshire Local Plan (2003) (LP) and Policy CS5 of the North Lincolnshire Core Strategy (2011) (CS). These policies amongst other things seek to ensure that a high standard of design is delivered on all developments which respect the character, appearance and setting of the immediate area.

Highway Safety

13. The amendments seek to re-position the proposed garage along the north eastern boundary of the site and erect double gates at a height of 2m along the northern boundary and to the front of the site. Whilst the re-location of the garage would not cause significant harm, the gates on the frontage would be located in proximity to the roundabout and at a point where the fence aligns with the pavement edge. The height and solidity of the gates and fence would restrict the inter-visibility between vehicles entering and exiting the site and other road users and pedestrians, to the detriment of the safety of all concerned. The depth of the footway is also insufficient for vehicles to wait clear of the road for pedestrians to pass. Therefore, whilst the gates are opened for vehicles to enter the site, vehicles may need to

wait stationary on the footway overhanging the carriageway close to the roundabout. This would be an inconvenience and safety risk to users of the footway who would be likely to need to enter the road to navigate around vehicles parked on the footway.

14. Therefore, the proposed amendments do not make suitable provision for safe vehicular and pedestrian traffic and thereby conflicts with Policies T2 and DS1 of the LP, which amongst other things seek to ensure that all development is provided with a satisfactory access.

Residential amenity

15. The proposed amendments to the layout includes the creation of a fifth bedroom within the basement. The plans submitted with the planning application showed that this would not have any windows and would therefore not provide adequate living conditions for future occupants with regards to daylight and outlook. However, as part of the appeal revised plans have been submitted which show that this space has been reconfigured so that the bedroom space now has a window. The revised layout therefore provides acceptable living conditions for future occupants with regards to daylight and outlook.
16. Whilst the height of the fence encloses the appeal site, due to the changing land levels and position of the windows there are some views above the fence line from the ground floor windows and the fence is of sufficient distance from the dwelling to provide adequate outlook. Given the location of windows at the basement level and the orientation of the building, in my view, the fence along the front boundary would have limited additional impact on daylight and sunlight afforded to these habitable rooms. Although there would also be some loss of sunlight to the front garden areas, this would impact a very small part of the garden. Therefore, I do not consider that the amendments would result in unacceptable living conditions to such a level that would warrant withholding permission.
17. I therefore conclude that the amendments would not cause unacceptable harm to the residential amenity of future occupants with regards to daylight, sunlight and outlook and thereby accords with Policies DS1 of the LP and CS5 of the CS which seek amongst other things to ensure that new development causes no unacceptable loss of amenity including overshadowing.

Other Matters

18. I note that the appellants reasons for the erection of the fencing are in relation to security and incidents of antisocial behaviour, to allow children to play safely in the garden and for privacy. However, there is no substantive evidence before me to suggest that other security deterrents or privacy solutions have been explored or would not be equally effective.
19. Whilst there have been no objections to the scheme, the absence of objection does not in itself render it acceptable.
20. The appellant has raised concerns with regards to the handling of the planning application and lack of engagement by Officers. Further concerns have also been raised in relation to the validation of a subsequent planning application LPA Ref. PA/2025/1138, however these are not matters for me in the determination of this appeal.

Conditions

21. By allowing the appeal a new planning permission is granted. The National Planning Practice Guidance advises that, for clarity, decision notices for the grant of planning permission under section 73 should restate the conditions imposed on earlier permissions that continue to have effect unless they have already been discharged. The Council has provided a list of proposed conditions and reasons given, which reflect subsequent discharges of conditions.
22. As the development has commenced it would not be necessary to impose a commencement of development condition. I have imposed a condition relating to approved plans for the avoidance of doubt (1). This list includes the original approved 'proposed site plan DWG No J' which retained the existing front boundary wall, as I have concluded that the revised amended plans are not deemed acceptable.
23. In order to protect the character and appearance of the area a condition is necessary in relation to external materials in the interest of visual amenity of the area (2). A condition is necessary in relation to acoustic trickle vents in order to minimise the impact of noise from surrounding development (3). Conditions are required in relation to contaminated materials (4 and 5) in order to ensure that development does not harm workers, nearby residents and future users of the land. In order to ensure the development is appropriately landscaped in the interests of visual amenity, landscaping conditions are required (6 and 7).

Conclusions

24. I conclude that the proposed amendments to the approved plans in relation to re-positioning of the garage, changes to the window and door openings on the side frontage and rear elevations and to the internal layout of the dwelling are acceptable. However, the installation of the 2m high timber fence and absence of landscaping harms the character and appearance of the area. For the reasons given above, the appeal should be allowed, subject to the conditions set out below, which retain the original requirements pertaining to boundary treatments.

C Skelly

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan PA/2021/1338/02; Block Site Plan PA/2025/349_002; Proposed Site Plan -Dwg No K; Basement Variation Floor Plan (submitted as part of appeal); Ground Floor Variation PA/2025/349_004; First Floor Variation PA/2025/349_005; (North and South) Side Elevation Plan Variation PA/2025/349_003; (East and West side) Front and Rear Variation PA/2025/349_006; Proposed Double Garage Plans and Elevations Dwg No L;

Existing Front and Rear Elevations Dwg No A; Existing Side Elevations Dwg No B A; Existing First Floor Plan Dwg No E; Existing Ground Floor Plan Dwg No D; Existing Cellar Plan Dwg No C.

- 2) The external materials to be used in the construction of the development hereby approved shall be as provided in section 7 of the application form.
- 3) Prior to occupation of each storey (the basement, the ground floor and the first floor), acoustic trickle vents to achieve 2 – 4 air changes per hour will be installed in all windows. Both the windows and trickle vents should achieve a minimum of 34dB Rw + Ctr rating and should easily be achievable using standing double-glazed units. Evidence of the works being installed and completed at each stage shall be submitted to in writing and approved by the Local Planning Authority. The windows shall be retained as such for the lifetime of the development.
- 4) The hereby approved development shall be carried out in accordance with the following report which was discharged under PA/2024/220 on 23 July 2024: Allium Environmental Ltd:- Refurbishment Survey for 128 High Street Broughton, Brigg.
- 5) If during development any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement, detailing how this contamination shall be dealt with, has been submitted to and approved by the local planning authority. The approved method statement shall be implemented in full prior to development commencing on the site.
- 6) Prior to occupation, the details of a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The proposals shall include indications of all existing trees and hedgerows on the site (including spread and species), and details of any to be retained, together with measures for their protection during the course of development.
- 7) All planting, seeding, and/or turfing in the details of the landscaping (pursuant to condition 6 above) shall be carried out in the first planting and seeding season following the development first having been brought into use. Any trees or plants which within a period of five years from the development being brought into use which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

END OF SCHEDULE