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# Appeal Decision

Site visit made on 1 July 2020

**by John Morrison BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13 July 2020**

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**Appeal Ref: APP/A2525/W/20/3244705**

**Land adjacent to Woolie Farm, Langary Gate Road, Gedney Hill PE12 0RU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Peter Mills against the decision of South Holland District Council.
  - The application Ref H05-0855-19, dated 28 August 2019, was refused by notice dated 7 November 2019.
  - The development proposed is described as the conversion and extension of the existing building to residential dwelling and the change of use from B8 storage and distribution to C3 residential use.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is whether the appeal building would be suitable for re use as a dwelling having regard to the development plan and the Framework.

## Reasons

3. Policy 23 of the SELLP<sup>1</sup> sets out the criteria by which buildings in the countryside will be considered acceptable for re use as residential. Amongst other things, it explains that the building should be of architectural or historic merit or make a positive contribution to the character of the landscape, to justify conversion to ensure retention. As part of its justification for Policy 23, the SELLP states that rural buildings, such as brick built barns, can make a significant contribution to the character of an area and so there is a concern that they should not remain vacant, under used or become derelict, detracting from the visual character and quality of the designated countryside. The matter of such buildings as a finite resource is recognised and they are seen as an opportunity to retain and enhance the architectural quality and character of a building and its setting.
4. The wording of the policy makes it clear that not all buildings would be suitable for residential re use. Which would ensure that dwellings arising out of building conversions could not quite literally be anywhere or anything. Thus, keeping

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<sup>1</sup> South East Lincolnshire Local Plan 2019

such an approach in line with both the development plan and the Framework's<sup>2</sup> commitment to encouraging sustainable patterns of new development.

5. It seems sufficiently clear that it is not just brick built barns that would be acceptable for residential use under Policy 23. They are addressed as an example but there is sufficient room in the wording to my mind for each proposal for a residential re use to be considered on its own merits.
6. That being said, and temporarily putting aside the current semi dilapidated state of the building as I viewed it on my site visit, the walls form gables at each end and are built of single skin concrete blocks. There is currently a metal framework forming a pitched roof shape but there is no covering. It is built on a concrete floor slab. There is a set of double timber doors to the front elevation as it faces Langary Gate Road. The site on which it sits is a small, flat and rectangular land parcel currently overgrown with remnants of cut trees laid about. There is some hard standing, what remains of a hedge and fence to the roadside and a post and rail timber fence to the rear where land has been separated into paddocks. The evidence suggests that the building and the site was formerly used for storage of some sort. There is a shipping container to the rear corner.
7. Aesthetically speaking, the building is of very poor quality. It's low standard of design and use of materials do not make it particularly noteworthy in architectural terms. It seems clear to me it was designed to fulfil a purpose and erected so. Being on its own, it does not function as part of an historic rural land use, collection of other buildings or traditional farmstead. It does not seem to have any features of particular importance or relationship to the wider rural archaeology of Lincolnshire. In this respect it does not strike me as a building particularly distinguishable from a standard shed. Of which there would be a large number of various sizes dotted about the countryside. The building does not, nor is there compelling evidence to suggest it did, have a clear or particularly character defining role in the rural landscape such that it makes or had made a positive contribution to its character.
8. Making an assessment of the building on its own merits therefore, I would say that it would not be suitable for re use under the criteria of Policy 23 in that it is not of any architectural or historic merit nor does it make a positive contribution to the character of the landscape, to justify conversion to ensure retention. It would therefore conflict with the development plan.
9. Paragraph 79 of the Framework suggests, amongst other things, that development that would re use redundant or disused buildings and enhance its immediate setting might be acceptable with specific regard to the provision of rural housing. I agree that the appeal scheme would represent the re use of a redundant or disused building. I would equally agree that the re use of the building has the potential to enhance its immediate setting. Whilst a predominantly rural area with which a domestic use would arguably jar, the historic and seemingly agreed extant use of the appeal site and its associated paraphernalia would be discontinued and replaced by a designed and far tidier building and land use, reflective of some of the other rural housing plots along Langary Gate Lane.

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<sup>2</sup> The National Planning Policy Framework 2019

10. Be this as it may, compliance with this part of the Framework does not tell the whole story. Moreover, compliance with this part of the Framework alone does not automatically make a proposal for the re use of a building acceptable. What this part of the Framework sets out, for me, is that in regard to rural housing the principle of the re use of buildings will be acceptable but sustainable development in rural areas remains the overriding principle as per paragraph 78. Compliance with any part of paragraph 79 would not mean I ignore the provisions of the development plan which contain a set of more detailed criteria for their consideration, in reflection of and justified by the need to promote sustainable patterns of development.
11. Ultimately, the development plan has primacy over the Framework for decision making purposes. The criteria of Policy 23 are, as I have said, more detailed than that set out by the Framework, but this would not render it out of date due to a lack of compliance. Indeed, it is not uncommon for development plan policies to include more detail than the principles set out by the Framework which by their nature are more broad. Both approaches consider the re use of buildings acceptable but to rely on the enhancement of setting alone and disregard other controlling provisions (such as in this case those set out by Policy 23) would open the door to far more than that which would be envisaged by the Framework and unlikely comply with the need to promote sustainable development in rural areas in the cumulative sense. To fulfil this aim, the development plans explain under what circumstances the re use of buildings will be allowed. Particularly in those locations where the principle of new housing would not normally be acceptable. Such as the countryside in this particular case. Whilst a weighty one, the Framework remains a material consideration and does not override the development plan in the majority of cases. With the above in mind, this does not strike me as a situation where this would be so.

### **Other Matters**

12. I disagree with the appellant's assertion that the criteria of Policy 23 would virtually eliminate the majority of schemes for which paragraph 79 lends support. The criteria are reasoned and justified. Designed to achieve a specific purpose of providing housing in rural areas whilst retaining buildings of historic or architectural merit. The approach of Policy 23 is in this regard in accordance with the principles of ensuring limited development in rural areas such that it is sustainable.
13. The appellant sets out that, bar the proposed extensions and alterations to the building, it would be acceptable as a change of use to a dwelling under permitted development. Specifically, Schedule 2, Part 3, Class P of the GPDO<sup>3</sup>. There is no corroboration of this in the Council's evidence. With this and the fact that I have not seen the required detail of a submission made under Class P in mind I cannot be sufficiently certain of this to the extent that I could attach more than only moderate weight to it as a perceived fallback position. In any event, I do not have an appeal in respect of a prior approval notification before me but one for express planning permission which I have considered accordingly.

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<sup>3</sup> Town and Country Planning (General Permitted Development) (England) Order 2015

## **Conclusion**

14. For the reasons I have given, the appeal building would not be suitable for re use as a dwelling. Doing so would cause conflict with the development plan. There are no material considerations of sufficient substance to make a decision other than in accordance with it. The appeal is therefore dismissed.

*John Morrison*

INSPECTOR