The Planning Inspectorate

Appeal Decision

Site visit made on 11 June 2023

by L Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 August 2023

Appeal Ref: APP/A2525/W/22/3311331
Barn to the East of Fifth Drove, Gosberton Clough, Spalding PE11 4JY

- 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 Caroline Wheeler against the decision of South Holland District Council.
- The application Ref H08-0227-22, dated 1 March 2022, was refused by notice dated 15 June 2022.
- The development is described as: Proposed change of use from an agricultural brick barn and conversion including an extension to form a residential dwelling (including demolition of the existing modern farm buildings).

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for an award of costs was made by Caroline Wheeler against South Holland District Council. This is the subject of a separate Decision.

Preliminary Matters

3. The site address differs slightly between the application form, decision notice, and appeal form. To provide the most clarity I have used an amalgamation of these within the banner heading above.

Main Issues

4. The main issue is whether the proposed development is in a suitable location for housing, having regard to the local development strategy for the area, with particular regard to (i) whether the building is structurally sound and capable of conversion; and (ii) is of sufficient architectural or historic merit or makes a positive contribution to the character of the landscape, to justify conversion.

Reasons

5. The appeal site lies within open countryside accessed from Fifth Drove. It consists of agricultural barns of differing ages and materials, with all to be demolished as part of the proposal except for a small brick barn with wooden roof supports under a pantile roof. This would be converted to residential, and extended through a glass link to a larger single storey structure of similar materials to that of the barn.

6. The site is located outside of any settlement boundary, as defined by the South East Lincolnshire Local Plan (SELLP) 2011-2036 (2019). Consequently, Policy 1

of the SELLP designates the site as being within the countryside. In accordance with part D of that policy, development in the countryside will be permitted that is necessary in such a location, or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits. As a unit of market housing, the proposal would not comply with any SELLP defined exceptions for new dwellings being necessary in the countryside.

7. Due to its location away from a settlement and other dwellings, the proposed dwelling would also be 'isolated' in the context of national policy. Paragraph 80 of the National Planning Policy Framework ('the Framework') (2021) states that isolated dwellings should be avoided unless they meet one of several exceptions. The only relevant exception is whether the proposal would re-use a redundant or disused building and enhance its immediate setting. As a redundant traditional building which would be better seen due to the removal of the more modern barns around, I find that this would be achieved. It would therefore comply with paragraph 80 of the Framework.

8. However, due to the site's countryside location, the proposal is also required to comply with the SELLP Policy 23, all of which must be met. This sets several criteria for judging a conversion proposal. Criterion 1 requires that the building for conversion is structurally sound and capable of conversion without the need for significant extension, alteration or rebuilding. The Reasoned Justification for Policy 23 identifies that not all buildings in the countryside are suitable for conversion, including if they are of insubstantial construction. It states that proposals which would involve rebuilding, rather than conversion, will be regarded as new dwellings in the countryside and will not be permitted.

9. Whether a proposal meets criterion 1 of Policy 23 is inevitably a matter of planning judgement. My determination is therefore based on whether I consider the works to be so extensive, substantial, or structural that they would amount to a complete or substantial re-building of the pre-existing structure, rather than a conversion.

10. The Council's Building Control officer confirmed that it would be possible to retain the walls and carry out the conversion in the proposed manner, but this in itself does not indicate that the works would fall within the required policy remit for a conversion.

11. The roof tiles would be stripped, prior to the installation of a new crash deck, and I note that a number of tiles are missing. Notwithstanding that the building is suggested to have reached a condition of structural equilibrium, the wooden roof structure has numerous significant failures. The appellant's Structural Engineer anticipates that many of these roof timbers will require replacement or repair, with the degree of this only being determined when the roof structure is fully exposed and examined. While specialist timber preservation companies have methods to strengthen and solidify timbers that have suffered deterioration due to rot or infestation, I do not see how the majority of the structure could be retained in this manner without additional structural repair. Taken altogether, I find that significant works to the roof would be required, up to the extent of its full replacement.

12. Repairs would also be required to the brickwork walls, with a substantial gap where one has fallen in at one corner. The previous adjacent tree growth is identified as having caused disturbance to the brickwork and foundations. The

remaining stumps need to be removed to allow the subsoils to return to their natural moisture content, with it noted only as being unlikely that this will have a negative impact upon the existing foundations and walls. Potential for further settlement due to the effects of climate change was also identified. The necessity for the use of a piled raft for the structure's stabilisation to ensure that the external walls do not undergo further settlement, suggests a relatively significant level of structural work would be required.

13. The existing propping of the barn was undertaken to allow the safe removal of the adjacent tree, and its retention is suggested as necessary only to provide protection for future site workers. However, the Structural Engineer also identifies that the process of installing the piling would cause significant ground vibration, and that the works could lead to a condition of temporary instability. For such significant propping to be required in order to undertaken the works, this again casts doubt on whether such works would extend beyond that of a conversion.

14. Contrary to the reason for refusal, I find the level of testing of the building subsoils which has been undertaken to be reasonable and sufficiently evidenced. However, the appellant's suggestion that full structural details and calculations could instead be required through a pre-commencement condition, would not allow for the necessary level of assessment as to whether the principle of the development is acceptable.

15. In considering the above aspects in totality, based on the evidence before me and my own observations of the barn, I find that such an extensive amount of materials would require replacement, alongside significant structural works, and propping, such that the proposal would represent a re-build rather than a conversion. Therefore, I find that the proposed development would not comply with Policy 23 criterion 1 of the SELLP.

16. For completeness, I also consider the remaining criteria of the SELLP Policy 23. In order to meet criterion 2, the barn must be of architectural or historic merit or make a positive contribution to the character of the landscape. Given the reference to 'or', the policy only requires 1 of these 3 aspects to be met.

17. The Council's decision notice acknowledges that the building has a limited contribution to the character of the landscape. I find that although such barns may be relatively common, they are to a reasonable extent a feature of the local landscape, acting as visual interludes within the wide open expanses of fields. Indeed, I noted on my site visit a relatively visually similar building of slightly larger scale at the junction of Fifth Drove, plus other barns were visible across the fields from nearby roads. While at close range the ages and historic nature of these barns may be greatly different to that of the appeal property, this is not apparent at the scale within which they are usually seen. The appeal site barn also reflects the site's historic association with farming and is constructed of traditional materials. Overall therefore, the existing barn building does make a sufficiently positive contribution to the character of the landscape, to justify conversion to ensure retention. It therefore complies with criterion 2 of the SELLP Policy 23.

18. The parties dispute whether the proposal would meet the other aspects of criterion 2, but I do not need to address these in detail on the basis that the criterion has been met by virtue of its positive contribution to the character of the landscape.

19. The proposal would comply with criteria 3 and 4 of the SELLP Policy 23, being in keeping with its surroundings and being sympathetic to the character and appearance of the building in terms of architectural detailing and materials. While relatively substantial, the extension is of a suitably respectful scale, with appropriate materials used. The removal of the more modern farm buildings around the barn would also provide a moderate visual benefit to the site's setting, and thus would comply with criterion 5.

20. However overall, notwithstanding that the proposal would only conflict with 1 of the policy 23 criteria, all of its criteria must be met in order to comply with the development plan. Part compliance, and compliance with paragraph 80 of the Framework, does not outweigh this overall policy conflict.

21. In conclusion therefore, the proposed development would not be in a suitable location for housing, having regard to the local development strategy for the area. It would be contrary to Policies 1 and 23 of the SELLP, and undermine the spatial strategy by directing growth to the wrong place. I give this conflict significant weight.

Other Matters

22. The proposal would result in an additional dwelling as a contribution to the Council's overall housing requirement, and would provide associated social and economic benefits from construction and occupation. However, I have no evidence that there is a District-wide or local area housing undersupply, or that the type of dwelling would meet any specific local housing requirement. The benefits of one additional dwelling would in effect be limited, and so I give then only limited weight.

23. Although the removal of the surrounding farm buildings could be achieved without the appeal proposal coming forwards, the appellant advises that these buildings are still currently needed for agricultural purposes. I see no reason to take a different view, and therefore I give this landscape benefit moderate weight.

24. While the Structural Engineer's qualifications and experience are acknowledged, I also have confidence that the Council's building control and planning officers provide suitable professional advice and judgement. I do not find it necessary for the Council to need to provide its own structural evidence in order to assess the proposal.

Conclusion

25. Section 38(6) of the Planning and Compulsory Purchase Act (2004) is clear that the determination of the proposed development must be made in accordance with the development plan, unless material considerations indicate otherwise. The proposal conflicts with the development plan as a whole. With no other material considerations outweighing this conflict, for the reasons given above I conclude that the appeal is dismissed.

Lora Hughes

INSPECTOR