The Planning Inspectorate

Appeal Decision

Site visit made on 20 December 2024

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2025

Appeal Ref: APP/A2525/D/24/3347567
Waites Farm Barns, Seas End Road, Moulton Seas End, Spalding, Lincolnshire PE12 6LD

- 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 K Alsop against the decision of South Holland District Council.
- The application Ref. is H-13-0170-24.
- The development proposed is a summer house (retrospective).

Decision

1. The appeal is allowed and planning permission is granted for a summer house at Waites Farm Barns, Seas End Road, Moulton Seas End, Spalding PE12 6LD in accordance with the terms of the application, Ref. H-13-0170-24, and the plans submitted with it, subject to the following conditions:

    1) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. B/3804-1001; B/3804-1002; B/3804-5001 Rev A; B/3804-5002 Rev A; B/3804-5003 Rev A; B/3804-5004;

    2) The building hereby permitted shall not be occupied at any time other than for purposes incidental to the residential use of the dwelling known as Waites Farm Barns, Seas End Road, Moulton Seas End, Spalding, Lincolnshire PE12 6LD.

Main Issues

2. The main issues are (i) the effect on the character and appearance of the area, and (ii) the existing and future use of the building.

Reasons

3. The appeal building is positioned adjacent to the rear boundary within a large rectangular site that includes converted barn residential accommodation, garages and a large gravel car park. On the first issue, the Council argues that the summerhouse is not subservient to the dwelling and is harmfully incongruous as regards floor area, height and design.

4. However, the grounds of appeal state that with the living space of the barn conversion ('the house') at 686sqm and the summer house at 107sqm, the latter is 15.6% of the house and thereby subservient to it. I have no reason to dispute the accuracy of these figures. As regards height, the Council says that

although the maximum height of the house at 7.8m is higher than the 7m of the summer house, most of the dwelling is only at 5.1m.

5. These comparisons in part favour the Council's case for a lack of subservience, but from my visit to the site I formed the view that with the house having a footprint over 80% greater than the summerhouse, it is the dwelling that is perceived as having the predominant built form and this is clearly evident from the site plan, Drawing No. B/3804-5004. Furthermore, in views from within most parts of the site the summerhouse is seen flanked by the large industrial buildings on the adjoining site to the south west.

6. The Council considers that the summerhouse would have a harmful impact in views from the road. However, at my visit I could only see glimpses of the top of the building from outside the site and the Grounds of Appeal amply demonstrate that the building cannot be seen from almost all the vantage points both in the near vicinity and from greater distances. In my view it is very unlikely that to the limited extent that the summer house can be seen from the public realm it would firstly draw the eye of the viewer and secondly be perceived negatively.

7. Within the site itself, the Council has made detailed criticisms of the building's design including roof shape, the size of windows and external materials. However, the building is in my view of a pleasingly bespoke design and although there is a variety of architectural styles within the site I did not perceive that the appearance of the buildings clashed. I acknowledge that good design is not solely the prerogative of the public realm but even if the Council's assessment merits greater weight than mine, this is not a situation where the building in its position to the rear of a large and mainly visually enclosed site will cause harm to the landscape of its rural surroundings. I have also had regard to the many other examples of development in the locality referred to in the appeal statement to establish more of a context for the appeal scheme.

8. Returning to the main issues, I do not therefore find that the summer house would have a harmful effect on the character and appearance of the area. Accordingly there would be no harmful conflict with Policies 2, 3 & 30 of the South East Lincolnshire Local Plan 2019 or with Government policy in Section 12: 'Achieving Well-Designed Places' of the National Planning Policy Framework (revised December 2024).

9. As regards the second main issue, the future use of the summer house, the Council's concern is that the summer house is tantamount to a new dwelling within the open countryside. For the appellant the appeal statement criticises the use of the term 'tantamount' as inappropriate and not found within planning policy.

10. However, the summer house is an unusually large building for use as a garden room, albeit in this case I have found it to be proportionate to the host dwelling. The building is also constructed of permanent materials and with some minor adaptation for sleeping, the facilities and quality of the interior are wholly consistent with a permanent residence. Moreover, the use of the word 'tantamount' is a common occurrence in planning 'practice' rather than 'policy' and features in a great many Notices of Refusal issued by Local Planning Authorities.

11. With that said, both the position of the summer house relative to the converted barn and the overall layout within the site are not such as to facilitate future severance of use and occupation. I also consider that such an event can be effectively precluded and enforced by the imposition of a planning condition.

Conclusion

12. For the reasons explained above, the appeal is allowed. In addition to the aforementioned condition to restrict the use of the building, a condition to link the as-built building to the approved plans is needed for the avoidance of doubt and is in the interests of proper planning. The use of the words 'shall be carried out' is ostensibly at odds with the retrospective nature of the application but is nonetheless the standard phrase used in these circumstances.

Martin Andrews

INSPECTOR