Planning Inspectorate

Appeal Decision

Site visit made on 5 March 2025

by L Gardner MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 March 2025

Appeal Ref: APP/A2525/W/24/3355691
37 Northorpe Road, Donington, Spalding, Lincolnshire PE11 4XU

- 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 Angela Keen against the decision of South Holland District Council.
- The application Ref is H04-0284-24.
- The development proposed is change of use of agricultural land to domestic garden and conversion of agricultural barn, including extension into 2 bed dwelling.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. It was observed during my site visit that the land to the rear of 37 Northorpe Road is already in use as a domestic garden, to the extent shown on the submitted drawing. The appellant has suggested that due to the passage of time, the lawful use of the land is already residential curtilage. However, this is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act (the Act) 1990. It is open to the appellant to apply to have the matter determined under sections 191 or 192 of the Act. Any such application would be unaffected by my determination of this appeal. I have therefore proceeded to deal with the case before me on its planning merits.

Main Issues

3. The main issues are:

   - the effect of the proposal as it relates to the new dwelling on the significance of the agricultural barn, a non-designated heritage asset (NDHA), and

   - the effect of the proposal as it relates to the domestic garden extension on the character and appearance of the area.

Reasons

Significance of the barn

4. The appeal site is comprised of two distinct elements, an area of former agricultural land to the rear of 37 Northorpe Road, and an existing agricultural barn which fronts Northorpe Road sitting between existing residential curtilages. Northorpe Road has a semi-rural character with residential properties interspersed with agricultural buildings and areas of open space.

5. The existing agricultural building holds local significance as a historic Lincolnshire barn being present on historic maps dating from 1800's. The main element of the barn has traditional proportions and materials. There is a modern timber element to the rear, but this has a reduced prominence being of a lower height and partially screened by the main brick element of the barn.

6. Part of the proposal relates to the conversion and extension of the barn to create a separate residential dwelling. The development would replace the existing timber element of the barn, creating both pitched and flat roof additions. Policy 23 of the South East Lincolnshire Local Plan (SELLP) (2019) relates to the reuse of buildings in the countryside, requiring compliance with five separate criteria. These include that the building should be structurally sound and capable of conversion without significant extension or alteration, and that the design is sympathetic to the character and appearance of the building in terms of architectural detailing.

7. The alterations and extensions proposed to the barn would be significant, as demonstrated by the extent of new walls and other alterations shown on the proposed plan. Whilst some of these new walls would be created following demolition, the resultant footprint of the proposal would still sprawl notably beyond the existing building. The proposed flat roof would not be sympathetic to the traditional proportions of the existing barn. It would sit awkwardly above the eaves of the building (higher than the existing timber element) which would increase its prominence in the street scene despite its set back from the front elevation.

8. The appellant has provided examples of other barn conversions within the District which have been approved. However, the wider context and details of these applications have not been provided, so I am unable to conclude if they are directly comparable to the appeal proposal before me. They therefore hold little weight in my decision.

9. The proposal would undermine the historical merit of the NDHA causing a moderate level of harm which would fail to satisfy the criteria of Policy 23 of the SELLP, and Policy 29 which seeks for development proposals to conserve and enhance the character and appearance of NDHAs.

Character and appearance

10. The development also includes the change of use of the land to the rear of 37 Northorpe Road to form domestic garden. It is acknowledged between the parties that this change occurred some time ago and the appearance of the land as observed during my site visit was domestic in nature with no notable agricultural characteristics.

11. Nevertheless, the loss of this area of agricultural land is not significant given its size and positioning in relation to neighbouring residential gardens. The site is almost entirely land locked by residential gardens which reduces its function as an agricultural parcel of land. Policies 2 and 3 of the SELLP require development proposals, amongst other matters, to consider the relationship to existing development and land uses as well as the landscape character of the location. I do not consider that the change of use to domestic garden has caused material harm to the character and appearance of the area. The boundary of the site aligns neatly with the residential boundaries to the north of Holyrood Close, creating a defining line with the neighbouring agricultural land. It therefore forms a logical limit to the domestic garden.

12. In this matter, I find no direct conflict with Policies 2 or 3 of the SELLP through this part of the proposal. However, this does not outweigh the overall harmful effect the proposal would have on the significance of the agricultural barn, which is an NDHA.

Other Matters

13. The proposal would create an additional dwelling which represents a benefit that has received local support. However, one dwelling would not make a significant contribution to the 5 year housing land supply and as such, limited weight can be attached to this benefit.

14. The appellant suggests that the development would prevent the building falling into a state of disrepair. It has not been demonstrated that this could not be achieved by other less harmful means and therefore I have attached little weight to this point.

15. The parties have referenced the use of nationally described space standards. These are not specifically discussed in Policy 23 of the SELLP, and the figures referred to by the appellant relate to a one-bedroom dwelling. I therefore do not find the application of these standards to be directly relevant to the appeal proposal, which relates to a proposed two bed dwelling.

16. The lack of formal comments from the Conservation Officer of the Council does not undermine the Council's decision as suggested by the appellant. The views of the Conservation Officer were explicitly discussed in the Officer report and were clearly taken into account by the Council in reaching their decision.

Planning Balance and Conclusion

17. Paragraph 216 of the National Planning Policy Framework requires a balanced judgement in weighing applications that directly or indirectly affect NDHAs. In this case, the proposal would have a direct moderately harmful impact on the existing agricultural barn due to the significant alterations and extensions proposed, and an unsympathetic design approach.

18. The benefits of the proposal, including a modest housing delivery are not sufficient to outweigh the harm identified.

19. Whilst I have found no conflict in relation to the change of use of land to form domestic garden, this does not outweigh the overall harm arising from the proposal in relation to the conversion, extension and alteration of the existing barn. This brings the scheme into conflict with the development plan and material considerations do not indicate a decision otherwise than in accordance with it. I therefore conclude that the appeal should be dismissed.

L Gardner

INSPECTOR