Studio 11 ARCHITECTURE

Demolition of existing agricultural barn and erection of dwelling at Broadgate, Weston Hills

Planning Appeal Statement

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Key Information

Local Planning Authority:	South Holland District Council
Local Planning Authority Reference:	H22-0218-26
Date of Application:	5th March 2026
Date of Decision:	30th April 2026
Applicant:	Mr H, W, M & B Halgarth
Description:	Demolition of existing agricultural barn and erection of residential dwelling
Site Address:	Agricultural barn off Broadgate, Weston Hills

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The AI was used to assist with the following aspects of this Appeal Statement: research into relevant planning policy and appeal decisions; structuring and drafting narrative sections across all main issues; drafting of the fallback position assessment, costs application; and quality assurance review of content for consistency with planning policy and professional standards.

The information on which the AI based its content comprised: the Officer's Report and Decision Notice for application H22-0218-26; the South East Lincolnshire Local Plan 2011 – 2036 the National Planning Policy Framework (August 2026); the appeal decisions cited in this Statement; and the instructions, professional analysis and judgement provided by Studio 11 Architecture throughout the drafting process.

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1 Introduction and Background

Overview of Appeal

1.1 This Appeal Statement has been prepared by Studio 11 Architecture on behalf of the Appellants, Mr H, W, M & B Halgarth, in support of an appeal submitted under Section 78 of the Town and Country Planning Act 1990 (as amended) against the refusal of application H22-0218-26 by South Holland District Council. The appeal is pursued by way of written representations.

1.2 The application sought permission for the demolition of an existing agricultural barn and the erection of a residential dwelling on land at Agricultural Barn, Broadgate, Weston Hills, Spalding. The application was refused under delegated authority on 30th April 2026 for four reasons, relating to the principle of development in the Countryside under Policy 1 of the South East Lincolnshire Local Plan 2019, including the Council's rejection of a Class Q permitted development fallback; design and character; residential amenity arising from overlooking of the neighbouring property at 409 Broadgate; and flood risk, specifically the Sequential Test under Policy 4 of the SELLP and Section 18 of the NPPF.

1.3 The Appellants' case is that each of these reasons is unsound on its own terms. The Council's rejection of the Class Q fallback misapplies the legal test established in Mansell v Tonbridge and Malling Borough Council (2017) and rests on a structural viability objection and a national space standard comparison that do not withstand scrutiny. The overlooking objection was, on the Council's own case officer's correspondence, capable of resolution by condition, an opportunity the Council declined to pursue before refusing the application. The flood risk objection does not, in any event, undermine the fallback position, which is exempt from the Sequential Test as a matter of national policy, and its outcome is not, in any event, an automatic bar to the grant of permission. Each of these points is developed in full in the chapters that follow.

1.4 The purpose of this statement is to demonstrate why the reasons for refusal do not justify dismissal of the appeal, and why the planning balance, properly conducted, supports the grant of planning permission.

1.5 The reasons for refusal reflect a mix of planning judgement, policy interpretation and evidential issues which are addressed in detail throughout this appeal.

2 Site Context and Planning History

Site Location and Context

2.1 The appeal site comprises a modest brick barn with a profiled cladding roof, standing within an agricultural field to the east of Broadgate, Weston Hills. The site adjoins existing residential development to the north (409 Broadgate) and south (403 and 411 Broadgate), with open agricultural land to the east. The barn is not listed, and its exact date of construction is unknown. It is currently used for the ad-hoc storage of machinery.

2.2 The site lies outside, but immediately adjacent to, the defined settlement boundary of Weston Hills as shown on the Inset Maps to the South East Lincolnshire Local Plan 2019, and is accordingly treated as Countryside for the purposes of Policy 1. Weston Hills itself retains a primary school, Weston Hills C of E Primary School, and lies approximately two miles from Spalding, the principal town in the district and the highest tier of the settlement hierarchy under Policy 1. The relevance of this context to the planning balance is addressed in Chapter 13.

2.3 The site lies within Flood Zone 3 of the Environment Agency's Flood Map for Planning. The submitted Flood Risk Assessment and the Council's approach to the Sequential Test are addressed in Chapter 11.

2.4 Lincolnshire County Council's Historic Environment Team identified the possibility that the barn may retain historic fabric and could constitute a non-designated heritage asset, and recommended a pre-demolition recording condition. The Conservation Officer separately raised no objection on built heritage grounds, noting the barn's distance from the Grade II listed Halgarth Farm. Neither matter formed part of the reasons for refusal, and both are capable of being addressed by planning condition in the event the appeal succeeds.

2.5 There is no relevant planning history on the appeal site. No previous applications have been submitted or determined in respect of the barn or the wider site.

3 The Appeal Proposal

3.1 The appeal proposal seeks the demolition of the existing agricultural barn and the erection of a residential dwelling, together with a detached garage, on the appeal site. The dwelling would be constructed in red multi brickwork with corrugated sheet cladding and corrugated sheet roofing, with the garage in matching cladding.

3.2 The submitted structural condition survey, carried out by Kristopher Baxter MCIAT, C.Build E FCABE, records the barn as being in generally good condition, with only a localised and remediable defect at the north-east corner attributable to invasive ivy and minor accidental damage. The survey concludes that the building is suitable for conversion, and its findings underpin the Appellants' case that a Class Q permitted development conversion represents a realistic fallback to the appeal proposal, addressed in full in Chapter 7.

3.3 Access, parking and drainage details were submitted with the application and were not the subject of objection from the Highway Authority or the South Holland Internal Drainage Board, subject to matters capable of being secured by condition.

3.4 During the course of the application, the Appellants proposed amendments to the scheme directed at the concerns subsequently relied upon in the reasons for refusal, including repositioning of a window on the northern elevation, a reduction in the height of the main dwelling roof, and a change to the garage roof from a hipped pitched form to a flat green roof, supported by a visualisation prepared to provide further visual clarification of these amendments. The Council declined to accept or consider these amendments prior to determining the application. The circumstances in which that occurred, and their relevance to this appeal, are addressed in Chapter 6

4 Reasons for Refusal Reframed as Planning Questions

4.1 The application was refused for four reasons, addressed in this statement as four main issues. In line with established appeal practice, each reason is reframed below as a planning question, providing the structure followed by the remainder of this statement.

Main Issue 1: Class Q Fallback Position and Principle of Development

4.2 Whether there is a realistic prospect of the barn being converted to residential use under Class Q permitted development rights such that a lawful fallback exists, and if so, whether the appeal proposal represents an acceptable alternative to that fallback having regard to Policy 1 of the SELLP and the test in Mansell v Tonbridge and Malling Borough Council (2017).

4.3 The Council's position is that no realistic fallback exists, on the basis that the barn is not structurally capable of conversion without works exceeding those permitted under Class Q, and that the illustrative floorspace does not accord with the National Described Space Standard. Both grounds are addressed in Chapter 7.

4.4 In the alternative, whether the appeal site's location represents a sustainable location for housing having regard to Policy 1 of the SELLP, independently of the fallback position addressed above. This question is addressed in Chapter 8.

Main Issue 2: Design, Character and Appearance

4.5 Whether the scale, massing and appearance of the proposed dwelling and garage would cause material harm to the character and appearance of the area, assessed against the correct baseline.

4.6 The Council's objection is founded principally on a comparison between the proposed dwelling and the existing barn in its current form. Chapter 9 addresses why that baseline is incorrect where a lawful fallback exists, and assesses the design merits of the proposal on its own terms.

Main Issue 3: Residential Amenity

4.7 Whether the proposed dwelling would result in an unacceptable degree of overlooking to 409 Broadgate, and whether that harm is capable of resolution.

4.8 Chapter 10 addresses the evidence relied upon by the Council, the mitigation identified by the case officer during the application, and the circumstances in which the Council declined to accept amendments directed at resolving this concern.

Main Issue 4: Flood Risk and the Sequential Test

4.9 Whether the proposal has been correctly assessed against the Sequential Test in Section 18 of the NPPF and Policy 4 of the SELLP, and whether that test applies with the same force to the appeal proposal as it would to the fallback.

4.10 Chapter 11 addresses the relevance of the Class Q fallback to the flood risk position, including its exemption from the Sequential Test as a matter of national policy, and the weight properly attributable to the Sequential Test's outcome in the planning balance.

4.11 The sections that follow address each of these main issues in turn, before setting out the overall planning balance in Chapter 13.

5 Planning Policy Context

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for South Holland comprises the South East Lincolnshire Local Plan 2011- 2036, adopted March 2019 (SELLP). The National Planning Policy Framework, December 2024, was in force at the time of the Council's decision and was the framework applied by the case officer. This appeal falls to be determined against the National Planning Policy Framework as republished in August 2026 (NPPF), which is a material consideration of significant weight.

5.2 Policy 1 of the SELLP sets out the settlement hierarchy and designates land outside defined settlement boundaries as Countryside. Within the Countryside, development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits. The appeal site is Countryside for the purposes of this policy, a matter not in dispute.

5.3 Policies 2 and 3 of the SELLP require development to be of good design, appropriate to the character and quality of the area, and to demonstrate an appropriate relationship to existing development and land uses. Policy 4 requires proposals in Flood Zones 2 and 3 to be supported by sufficient information relating to flood risk. Policies 10 and 11 relate to housing requirements and distribution and are engaged only as a consequence of the Policy 1 assessment.

5.4 Policy S3 of the NPPF confirms the presumption in favour of sustainable development, applying Policy S4 to development within settlements and Policy S5 to development outside settlements. As the appeal site lies outside the settlement boundary of Weston Hills, Policy S5 applies. Policy S5 provides that only certain categories of development should be approved outside settlements, subject to a test that the benefits should not be substantially outweighed by adverse effects; the relevance of these categories, including limited infilling within groups of houses (Policy S5(e)) and the reuse of an existing building (Policy S5(c)), is addressed in Chapters 7 and 8. The Council's most recent published five year housing land supply assessment, dated 31st March 2025 and updated June 2025, claims a supply of 5.5 years. This is not put forward in this appeal as a comprehensive challenge to that figure, but the Inspector is invited to treat it with real caution. The claimed margin is modest, the assessment is over a year out of date without the annual review required by the Framework. These matters are addressed in full in Chapter 13. Policy DP3 requires development to respond to its context so as to integrate with and enhance its surroundings, and confirms that substantial weight should be given to compliance with relevant development plan policies when assessing design quality; the application of this framework to the appeal proposal is addressed in Chapter 9. Section 18 of the NPPF and the associated National Planning Practice Guidance address flood risk and the application of the Sequential Test, addressed in full in Chapter 11.

5.5 Annex A of the NPPF confirms that development plan policies materially inconsistent with the national decision-making policies in this Framework should be given very limited weight, save where they have been examined and adopted against it; SELLP was not. Policy 1 provides no equivalent recognition of the categories of development Policy S5 identifies as favoured outside settlements, including limited infilling within groups of houses. To the extent Policy 1 is materially inconsistent with Policy S5 in this respect, the weight it should carry in this appeal is reduced accordingly.

5.6 The legal framework governing the Class Q fallback is set out in R v Secretary of State for the Environment and Havering BC (1998) and Mansell v Tonbridge and Malling Borough Council (2017) EWCA Civ 1314, both correctly identified by the case officer in the officer's report. The Havering test requires, first, that a lawful fallback use exists; second, that there is a real prospect of it occurring; and third, a comparison between the proposed development and the fallback. Mansell confirms that where a realistic prospect of a permitted development fallback exists, the potential for that fallback to outweigh conflict with the development plan must be considered, and that this exercise is not conditional upon the proposed scheme first being shown to represent a betterment. The application of this framework to the facts of this appeal, reinforced by Policy S5(c) of the current NPPF, is addressed in Chapter 7.

6 Procedural History:Engagement with the Council Prior to Decision

6.1 The circumstances in which this application was determined are directly relevant to the appeal and are addressed in this chapter before the substantive grounds are considered in Chapters 7 to 11. The Appellants engaged proactively with the case officer throughout the determination of the application, raising specific questions in response to concerns identified by the Council and offering, where those concerns were considered capable of resolution, to submit further information addressing them. This included an offer to provide further clarifying information in respect of the Class Q fallback position, and further design information responding directly to the concerns raised regarding character, appearance and residential amenity. The full correspondence between the Appellants' agent and the case officer is appended to this statement at Appendix A. The correspondence demonstrates that the concerns ultimately relied upon in the refusal were raised with, and responded to by, the Appellants' agent during the course of the application; that the case officer herself identified a means of resolving the residential amenity objection; and that the Council declined to accept or even review amended information addressing the identified concerns after its manager had already agreed the recommendation for refusal.

6.2 The Appellants' agent engaged proactively with the case officer from an early stage in the determination of the application. On 7th April 2026, the Appellants' agent wrote to the case officer of her own initiative, submitting a revised Site Layout addressing comments previously raised by the Highway Authority regarding the specification of the proposed driveway, in advance of any request from the Council to do so. Although the officer declined to formally add this revised plan to the application at that stage, on the basis that the statutory consultation period had not yet closed, the Appellants' agent followed up again on 14th April 2026 to ask whether the officer had been able to review the application and to invite the officer to raise any outstanding concerns so that they could be addressed.

6.3 The officer responded later that day, 14th April 2026, setting out her initial concerns regarding the Class Q fallback position, citing the NDSS floorspace comparison and the adequacy of the submitted structural survey, and separately raising concerns regarding the scale of the proposed dwelling relative to the existing barn and the degree of overlooking to 409 Broadgate.

6.4 On 15th April 2026, the Appellants' agent responded to the officer's concerns, thanking her for engaging ahead of a formal decision and requesting further particulars of each point raised, on the basis that without such detail it was difficult to respond meaningfully or to consider what amendments might be appropriate. In respect of the structural survey, the agent noted that a survey had been submitted specifically to address the question of the barn's capability for conversion, and asked the officer to identify which aspects of that survey were considered inadequate and what further information would be required. In respect of the National Described Space Standard, the agent asked the officer to confirm which elements of the proposal were considered non-compliant. In respect of betterment, the agent submitted that the correct comparator was what a Class Q conversion would actually deliver, rather than the existing barn in its agricultural form, and noted that a Class Q

conversion would typically be constrained by the existing structure with limited scope to address design quality, sustainability or environmental enhancement, in contrast to the purposefully designed proposal, which included Biodiversity Net Gain enhancements that would not be achievable through a permitted development conversion. In respect of overlooking, the agent asked the officer to clarify specifically how the alleged harm arose, noting that the proposed dwelling has no first floor windows on the northern elevation and asking the officer to identify the specific windows or openings said to give rise to the concern.

6.5 The officer responded the same day, 15th April 2026. In respect of the structural survey, the officer stated that she was unsure whether it had been undertaken by a structural engineer or surveyor and that it was evident there was major cracking on one side of the building and other signs of damage, without identifying any further specific deficiency in the survey's methodology or findings, and without disputing the qualifications of the surveyor once those qualifications were subsequently confirmed. In respect of the National Described Space Standard, the officer repeated the comparison between the proposed 42sqm floorspace and a stated 58sqm minimum for a one-bedroom, two-storey dwelling, without addressing the agent's request to confirm the occupancy basis on which that figure had been applied. In respect of overlooking, the officer identified the relevant concern as relating to habitable rooms facing 409 Broadgate's garden, referenced the low boundary treatment at that boundary, stated that a taller boundary treatment or some planting could assist with the degree of overlooking, noted that the site plan did not appear to show an extension at 409 Broadgate that would reduce the true separation distance, and referenced a stated general expectation of separation of around 21m between habitable rooms, which she noted would not be achieved in this instance, whilst acknowledging that no such distance is set out in the Local Plan itself.

6.6 The Appellants' agent responded the same day, 15th April 2026, following a site visit undertaken to refresh the team's understanding of the boundary position. The agent noted the officer's comments regarding boundary treatments, confirmed that the Appellants would look to address these, and requested the officer's agreement to proceed on that basis so that the necessary information could be prepared.

6.7 On 28th April 2026, the officer advised the Appellants' agent that the application had been reviewed by her manager, who agreed with the recommendation for refusal, and separately confirmed that the Council's position was not to seek or accept amendments save in exceptional circumstances, and that in her view amendments would not overcome the Council's fundamental concerns with the proposal in any event.

6.8 On 29th April 2026, notwithstanding this, the Appellants' agent formally requested the opportunity to submit revised drawings, referring to the duty on local planning authorities under the NPPF to work proactively with applicants to resolve issues during the determination of applications, submitting that the proposed amendments would directly address the Council's fundamental concerns, and offering to submit the amendments that same day. The officer

responded the same day declining this request, citing the National Planning Practice Guidance to the effect that it is at the discretion of the local planning authority "whether to accept such changes, to determine if the changes need to be reconsulted upon, or if the proposed changes are so significant as to materially alter the proposal such that a new application should be submitted." The discretion described is expressly a discretion over "such changes", that is, the specific amendments proposed in a given case, and not a general discretion to decline to consider amendments as a category without having seen them. The Council was not in a position to exercise that discretion in respect of the amendments offered on 29th April 2026, because the request to submit them was declined outright and the amendments themselves were never provided or reviewed. The decision notice was issued the following day, 30th April 2026.

This principle is now reflected in Policy DM3(1)(a) of the current NPPF, which requires local planning authorities to 'work with the applicant in a positive and proactive manner, where necessary seeking solutions to problems arising from initial proposals, to enable a timely decision.'

6.9 Table 1 below sets out each concern raised by the case officer during the determination of the application, the clarifying document or information the Appellants intended to provide in response, and whether the matter was, in any event, capable of resolution by planning condition.

Table 1 : Officers Concerns and Clarifying Information Offered

Officers Concern	Clarifying Information Offered	Date Offered	Accepted for review by Council?	Capable of Conditioning?
Structural survey adequacy for Class Q conversion	Appendix E1 – Supplementary structural report	29th April 2026	No	N/A
NDSS floorspace compliance	Appendix E2 – Revised Illustrative Class Q Design	29th April 2026	No	N/A
Betterment/ Enhancement	Clarification of the correct comparator (conversion to barn as existing	15th April 2026	Not engaged with substantively	N/A
Overlooking of 409 Broadgate	Appendix E3 – Repositioned window to ground floor and introduction of new boundary treatment.	29th April 2026	No	Yes

Scale of proposed dwelling	Appendix E3 & E5 - Reduced house roof height, Garage roof changed to 'Green Roof'	29th April 2026	No	Yes
Character/ appearance	Appendix E6, E7 & E8 – Architectural visualisations demonstrating context	29th April 2026	No	N/A

6.10 The chronology set out above establishes two matters of direct relevance to this appeal. First, the residential amenity concern relied upon in Reason 3 for refusal was one which the case officer's own correspondence identified as capable of resolution, whether by boundary treatment, planting, or amendment, and which the Appellants confirmed they would address; no explanation has been given as to why that route was not pursued to conclusion prior to determination. Second, the Council's refusal to accept the amendments requested on 29th April 2026 was made without the amendments having been seen or reviewed, the day after its manager had already agreed the recommendation for refusal. The Appellants' engagement throughout the application was proactive and specific, extending beyond the amendments themselves to a request for particulars on the Class Q fallback and structural viability objections, addressed in Chapter 7, and on the National Described Space Standard point addressed in the same chapter. The relevance of this history to the individual grounds of appeal is addressed further in Chapters 7 and 10.

7 Main Issue 1 – The Class Q Fallback Position

7.1 Reason 1 for refusal rests on the Council's conclusion that no realistic prospect exists of the barn being converted to residential use under Class Q permitted development rights, and that, in consequence, there is no lawful fallback to be weighed against the appeal proposal. This chapter addresses why that conclusion is incorrect, both in its application of the relevant legal test and in its underlying factual basis, and sets out why, properly assessed, the appeal proposal represents a betterment when compared against the fallback that does in fact exist.

Legal and Policy Framework

7.2 The legal framework governing a permitted development fallback operates in two distinct tiers, addressing different questions. The first tier concerns the existence of the fallback as a material consideration. R v Secretary of State for the Environment and Havering BC (1998) Env LR 189 establishes that this requires, first, that a lawful fallback use exists, and second, that there is a real, as opposed to merely theoretical, prospect of that use occurring. Mansell v Tonbridge and Malling Borough Council (2017) EWCA Civ 1314 confirms that neither element depends upon a formulated proposal or firm evidence of intent to implement it; the Court of Appeal held expressly that "it was not a precondition to the council's consideration of the fallback option that the interested party had made an application indicating an intention to take advantage of Class Q. There was no requirement that there be a formulated proposal to that effect." Where both elements of this first tier are satisfied, the fallback is a material consideration which a decision-maker who fails to take it into account errs in law.

7.3 The second tier concerns the weight to be attributed to the fallback once its existence is established, and is addressed through the comparison required by the third limb of Havering, between the proposed development and the fallback use. It is this comparison, not the first tier, that is informed by whether the proposed development represents an enhancement or a reduction in density when set against the fallback. Where such enhancement is demonstrated, it strengthens the weight the fallback carries in favour of the proposal; where it is not, the fallback nonetheless remains a material consideration, and the absence of enhancement affects only the degree of weight it is given, not whether it must be considered at all. The two tiers are, in this way, analytically distinct, the outcome of the second cannot retrospectively unmake the first.

7.4 The officer's report and the underlying correspondence show that this two-tier structure was not correctly applied. Having formed the view that no realistic prospect of conversion existed, the officer's report states that "it is only necessary to assess the proposals in relation to Policy 1 of the Local Plan, rather than whether the proposals represent an enhancement over a Class Q conversion as such a conversion is considered to be infeasible." That conclusion is addressed on its merits in the sections that follow. More fundamentally, the Planning Balance section of the same report goes on to state that "even if there was considered to be a fallback position through a Class Q conversion, it is not considered that the proposal represents a betterment as the proposal would not enhance the setting of the site," and

treats this conclusion as disposing of the fallback's relevance to the decision. This conflates the two tiers described above, the absence of demonstrated enhancement is, at most, a second-tier weight consideration, and the officer's report supplies no reasoning as to why it should instead be treated as negating the first-tier question of existence, which Havering and Mansell hold to be analytically separate.

7.5 The realistic prospect of a lawful fallback conversion is reinforced by Policy 23 of the SELLP, which independently supports the residential conversion of buildings outside settlement boundaries where, amongst other criteria, the building is structurally sound and capable of conversion without significant extension, alteration or rebuilding. This is corroborated at national level by Policy S5(c) of the NPPF, which identifies the reuse of an existing building, of permanent and substantial construction, as a category of development outside settlements that should be approved unless the benefits are substantially outweighed by adverse effects - a test distinct from, and not subject to, the same-use restriction that Policy S5(c) applies only to proposals for a replacement building. Neither Policy 23 nor Policy S5(c) is relied upon as authorising the appeal proposal itself, which is a demolition and new build scheme rather than a conversion or reuse. Their relevance is that both the Council's own adopted Local Plan and current national policy expressly contemplate and support residential conversion of a building such as the barn on the same structural basis addressed in this chapter, independently corroborating the first limb of the Havering test.

Structural Viability

7.6 The officer's report states that "a structural survey of the building has not been undertaken by a qualified professional" and, in the Planning Balance section, that the submitted survey is insufficient "having not been undertaken by a qualified structural engineer." No such requirement is found in South Holland District Council's own adopted Local List (2019), which requires only that a structural survey "should be compiled by a suitably qualified surveyor" (Appendix F). The survey submitted with the application was prepared by Kristopher Baxter, MCIAT, C.Build E FCABE, a Chartered Architectural Technologist and Chartered Building Engineer, meeting the Council's own stated requirement. The application was validated and proceeded to determination on this basis; the Council's validation process, applying its own Local List, did not identify any deficiency in the surveyor's qualifications at that stage. The objection raised in the officer's report to the surveyor's qualifications is accordingly inconsistent with the Council's own acceptance of the same document against the same adopted requirement at validation.

Chartered Building Engineer (C.Build E) is a regulated professional title awarded under the Royal Charter of the Chartered Association of Building Engineers (CABE), granted in 2014. CABE is a full member of the Construction Industry Council and describes its objects, under its Royal Charter, as providing "continuing professional education for, and objective standards for, and an independent assessment of, the professional competence and experience of those practising the art and science of building engineering." Fellowship of CABE (FCABE) is the highest level of membership, reflecting extensive professional knowledge, expertise and experience. The author of

the structural survey, Kristopher Baxter, holds Fellowship of CABE and Chartered Membership of the Chartered Institute of Architectural Technologists (MCIAT). These are regulated, chartered professional qualifications specifically concerned with the design, construction, evaluation and maintenance of buildings, directly relevant to the assessment the officer's report contends was required.

7.7 The survey itself does not support the characterisation of "significant damage" relied upon in the officer's report. The survey's conclusion states that "the barn is in a good condition with only minor defects found that are common in similar age structures of this usage," and that the surveyor "believes that the structure is suitable for conversion into a dwelling." The only defect of substance identified is a crack to the north-east corner of the building, attributed to invasive ivy having worked into the mortar joints over time, together with minor localised damage around door openings considered to be accidental physical damage, likely caused by machinery. The recommendations arising from the survey, replacement of the damaged wallplate and repair of rafter feet, provision of new rainwater goods, removal of external render and re-pointing or overcladding, and mechanical tying of the cracked corner with the opening bricked up appropriately, are modest and proportionate remedial works, consistent with the tolerance for works permitted under Class Q, rather than the reconstruction the officer's report suggests would be required.

7.8 In response to the officer's concerns, the Appellants obtained a supplementary structural assessment, prepared by Kristopher Baxter and reviewed by Zeeshan Qureshi, BEng, MSc, CEng, MIStructE, a Chartered Structural Engineer, who also reviewed the February 2026 Structural Condition Survey. The assessment endorses the findings and methodology of that survey, and addresses foundation adequacy, ground bearing capacity, and the load-bearing capacity required to support the proposed first floor works, matters not addressed in the Council's generic objection. No additional loading is introduced to the existing foundations by the proposed works; if anything, the replacement of the original roof covering with lighter corrugated sheeting has reduced the loading the structure carries. The underlying geology and local borehole data indicate ground conditions capable of supporting the barn's existing shallow foundations. The existing solid brick walls, having previously carried comparable loading from the barn's original hayloft arrangement, are considered to have ample capacity to support the proposed new first floor structure formed using timber joists bolted to the existing walls. This assessment formed part of the clarifying information the Appellants sought the opportunity to submit to the Council on 29th April 2026, as set out in Chapter 6, and is appended to this statement at Appendix E1.

7.9 Taken together, the Council's own validation requirements, the survey's actual findings, and the supplementary structural evidence obtained in response to the officer's objection, demonstrate that the barn is structurally capable of conversion without works exceeding those permitted under Class Q. The first limb of the Havering test, that a lawful fallback use exists, is accordingly established on this ground, and is further corroborated, for the reasons set out

at paragraph 7.5 above, by Policy 23 of the SELLP and Policy S5(c) of the NPPF.

National Described Space Standards

7.10 The officer's report states that "the proposed internal floorspace of the barn conversion would be approximately 42sqm. The nationally described space standard sets out that the minimum internal floorspace for a 1-bedroom 2-storey dwelling is 58sqm," and concludes on this basis that the illustrative Class Q conversion would not comply with the NDSS. This comparison misapplies Table 1 of the NDSS (Technical housing standards – nationally described space standard, DCLG, March 2015, Appendix D). 58sqm is not the minimum for a one-bedroom, one-person (1b1p) dwelling; it is the minimum for a one-bedroom, **two-person** (1b2p) dwelling at two storeys. The correct minimum for a 1b1p dwelling is 39sqm at one storey, reducible to 37sqm where a shower room is provided in place of a bathroom. The officer's report does not identify the occupancy basis on which 58sqm was applied, notwithstanding the Appellants' agent having specifically requested clarification of this point on 15th April 2026, as set out in Chapter 6.

7.11 Table 1 of the NDSS contains no published minimum for a 1b1p dwelling at two storeys; the relevant cell is blank. This is not a prohibition on such a configuration. Paragraph 2 of the NDSS confirms that its requirements "are relevant only in determining compliance with this standard in new dwellings and have no other statutory meaning or use," and paragraph 3 explains that the standard's storey-height columns exist "to take account of the extra circulation space needed for stairs to upper floors," addressing "one storey dwellings (typically flats) and two and three storey dwellings (typically houses)" as a general description of common dwelling types, not as an exhaustive or prohibitive statement of what may be built. No provision of the NDSS states that a 1b1p dwelling arranged over two storeys is non-compliant or impermissible; the absence of a published figure reflects an atypical combination not tabulated by the standard, not a bar to its use.

Table 2: NDSS Compliance Assessment – Revised Illustrative Class Q Design

NDSS Requirement	Minimum Required	As Provided	Compliant?
Total GIA (designed)	37m2 (shower room), 39m2 (bathroom)	42.0m2 (Council provided area)	**Y**
Total GIA excluding stair footprint and void above stairs	37m2 (shower room), 39m2 (bathroom)	37.7m2	**Y**
Bedroom floor area	7.5m2	7.9m2	**Y**
Bedroom width	2.15m	2.68m	**Y**
Built in storage	1.0m2	1.1m2	**Y**
Floor to Ceiling Height	75% of GIA	75.2%	**Y**

7.12 Table 2 demonstrates that the illustrative Class Q layout complies with the National Described Space Standard. The design achieves a total floor area of 37.7m², which exceeds the 37m² minimum for a one-bedroom, single-person dwelling with a shower room. Each of the standard's other technical requirements, bedroom floor area, bedroom width, built-in storage, and floor-to-ceiling height, is also satisfied. The officer's objection, founded on a misapplied 58sqm figure and an unexplained assumption that a two-storey, one-bedroom, one-person dwelling is impermissible, is not supported by the evidence. The barn is accordingly capable of NDSS-compliant conversion under Class Q, further establishing the first limb of the Havering test.

Betterment and Enhancement

7.13 Although the absence of demonstrated enhancement cannot, as set out above, negate the existence of the fallback, the appeal proposal does in fact represent a clear enhancement when properly compared against it, and this is relevant to the weight the fallback should carry within the second tier of the Havering test. The officer's report addresses this comparison in a single sentence, concluding without further reasoning that "it is not considered that the proposal represents a betterment as the proposal would not enhance the setting of the site." Properly assessed, the appeal proposal represents a betterment against the fallback across several distinct measures, set out below.

7.14 The most significant of these concerns Biodiversity Net Gain. Mandatory Biodiversity Net Gain under Schedule 7A of the Town and Country Planning Act 1990 does not apply to development carried out under permitted development rights, including Class Q. A Class Q conversion of the barn would accordingly deliver no biodiversity net gain whatsoever. By contrast, the appeal proposal is a full planning application submitted after the commencement of the mandatory BNG regime, and is required to, and does, deliver a 10% biodiversity net gain, as confirmed in the officer's report. This is not a marginal or contestable point of comparison. It is a structural feature of the difference between the two consent routes, and it represents an unambiguous, quantifiable environmental betterment that the fallback could never achieve, materially increasing the weight the fallback should be given in favour of the proposal.

7.15 The proposal also derives support from Policies L2 and L3 of the NPPF. Policy L2(b) confirms that substantial weight should be given to development which makes better use of vacant and underutilised land and buildings; Policy L3 directs regard to the identified need for different types of housing and the availability of land suitable for accommodating it. The barn's current use, for the ad-hoc storage of machinery within a partly derelict structure, is exactly the kind of vacant and underutilised building this policy targets, and attracts substantial weight as a benefit on that basis. The fallback would, at most, deliver a single-bedroom, single-person unit; the appeal proposal responds to a different and unmet element of local housing need identified by the family housing mix envisaged by Policy 17 of the SELLP. The desirability of maintaining the area's prevailing character and setting, addressed under Policy DP3 of the NPPF, is considered in Chapter 9; the Appellants' position is

that the appeal proposal achieves this when properly assessed against the correct baseline.

7.16 The appeal proposal further offers sustainability benefits that the fallback, constrained by the existing structure of the barn, could not achieve to the same degree. The proposal is designed to a 110 litre per person per day water efficiency standard, in accordance with the optional requirement of Building Regulations Approved Document G, against the national default standard of 125 litres per person per day. The updated design proposal for the garage roof is designed as a green roof, assisting surface water attenuation and providing an additional biodiversity benefit beyond the mandatory 10% net gain addressed above.

7.17 Taken together, the Biodiversity Net Gain the appeal proposal delivers as a mandatory feature of full planning permission, the improved suitability of a family dwelling to the site's semi-rural context, and the support the proposal derives from Policies L2 and L3 of the NPPF, demonstrate that the appeal proposal represents a clear betterment against the fallback. This significantly increases the weight the fallback should carry in favour of the proposal within the second tier of the Havering test, notwithstanding the officer's unreasoned conclusion to the contrary.

7.18 For the reasons set out in this chapter, Reason 1 for refusal does not withstand scrutiny. The officer's report misapplies the two-tier structure established by Havering and Mansell, treating the absence of demonstrated enhancement as negating the existence of the fallback, when the two are analytically distinct. Properly applied, the first tier is established, the barn is structurally capable of conversion without works exceeding those permitted under Class Q, a conclusion supported by the survey's actual findings, the supplementary structural evidence, and corroborated by both Policy 23 of the SELLP and Policy S5(c) of the NPPF. The NDSS objection relied upon in the officer's report is founded on a misapplied occupancy figure, and the revised illustrative layout demonstrates compliance with the standard's requirements in any event. As to the second tier, the appeal proposal represents a clear betterment against the fallback, delivering a mandatory 10% Biodiversity Net Gain the fallback could never achieve, responding to an unmet element of local housing need, and offering sustainability benefits beyond what the fallback's constrained form could provide. A lawful fallback exists, and the appeal proposal represents a betterment against it. Reason 1, insofar as it rests on the Council's rejection of the Class Q fallback position, is accordingly unsound.

8 Main Issue 1 – Sustainability of the Appeal Site

8.1 Reason 1 for refusal rests not only on the Council's rejection of the Class Q fallback, addressed in Chapter 7, but on a freestanding conclusion that the appeal site is an unsustainable location for housing under Policy 1 of the SELLP. This chapter addresses that conclusion directly, independently of whether the Inspector accepts the case set out in Chapter 7. Even accepting, for the purposes of this chapter only, that the site is Countryside for the purposes of Policy 1, the degree of harm attributed to that conflict by the officer's report is overstated, and the benefit of the housing contribution the appeal proposal would make has been given no weight at all.

8.2 The officer's report treats the housing contribution of a single dwelling as carrying minimal weight, describing it as "a minor contribution to the district's housing supply, albeit in the least sustainable location for development." This significantly understates the correct legal position. The housing requirement identified in Policy 10 of the SELLP, and the Standard Method figure of 542 dwellings per annum applied in the Council's 5YHLS Assessment, is a minimum, not a maximum or a ceiling. Policy S5(j) of the NPPF confirms that an inability to demonstrate a five year supply is relevant to whether development outside settlements addressing an unmet need should be approved; it does not reduce the weight to be given to individual housing contributions to zero or near-zero in the ordinary planning balance. The Council's own claimed supply position, addressed in Chapter 5, provides only a modest surplus of 278 dwellings, or 109% of requirement, over a period during which the Council has itself acknowledged an historic undersupply of 176 dwellings against requirement since 2011. In this context, the contribution of a further dwelling is a benefit properly carrying more than the negligible weight the officer's report affords it.

8.3 The weight to be given to this benefit is reinforced by the currency of the Council's supply position, addressed in Chapter 5. No updated five-year housing land supply assessment has been published since June 2025, notwithstanding the annual review requirement in Annex D, paragraph 8 of the NPPF, and the Inspector's approach in APP/A3010/W/25/3371669 (Misterton), appended to this statement at Appendix B, illustrates the fragility that an unrefreshed position statement of this vintage can carry. Whilst the Appellants do not contend in this appeal that the Council's claimed supply position has collapsed, the combination of a thin surplus and a stale evidence base means that a benefit which might otherwise be treated as marginal should instead be given genuine weight in the planning balance addressed in Chapter 13.

8.4 The Appellants have prepared a Services and Accessibility Report addressing the officer's concern that future occupants would be "reliant on the use of a private vehicles to access keys services and facilities." Weston Hills is identified in the SELLP as an 'Other Service Centre and Settlement', and retains a village hall (which also hosts a part-time post office), a primary school, and a church, all within 800m of the site. Spalding, the district's principal town, lies approximately 4km to the west, providing supermarkets, secondary education, leisure and healthcare facilities. The nearest bus stop lies 0.45km south of the site along Broadgate, served by a dedicated footpath for the

majority of the route, and cycling extends the practical catchment of active travel to Spalding itself within approximately 20 minutes. The site is served by the Spalding CallConnect service, operating six days a week and explicitly including Weston Hills within its published coverage, with two vehicles allocated to the area reflecting an established, well-used service rather than marginal provision. Spalding railway station, reached by CallConnect, provides direct connections to Peterborough, from which onward LNER, CrossCountry and Greater Anglia services provide realistic same-day journeys to London, Edinburgh, Lincoln and beyond.

8.5 This evidence is corroborated by the Department for Transport's Connectivity Tool, referenced in Policy TR3 of the NPPF. The site records a national connectivity score of 22. The Department's own guidance confirms that a score should not be read in isolation against the national distribution, but against the Connectivity Matrix's comparison for the relevant settlement type; benchmarked against "rural hamlets and isolated dwellings," a score of 22 places the site at the 50th percentile, the median for its settlement type. Within South Holland itself, the site falls within Local Authority Band C overall, and Band B when filtered to walking, cycling and driving, placing it among the better connected locations in a predominantly rural district. The Tool's own guidance notes it does not capture the accessible, well-used and demand-responsive CallConnect service addressed above, such that the raw score understates rather than overstates the site's true accessibility. This approach is consistent with Policy TR1 of the NPPF, which confirms that sustainable transport should be considered through a vision-led approach rather than a uniform standard applied irrespective of context, and Policy TR3(1)(e), which confirms that opportunities to improve rural connectivity should be taken where they exist and can be supported by the development proposed. The full Services and Accessibility Report is appended to this statement at Appendix G.

8.6 The accessibility case made above is directly supported by the Inspector's findings in APP/A2525/W/18/3204758 (land fronting Fairfields, west of 409 Broadgate, decided 4th March 2019, Appendix C), concerning a site within the same village and in materially the same locational circumstances as the appeal site. The Inspector found that, notwithstanding that Weston Hills "does not possess the full range of services and facilities offered by settlements set higher within the hierarchy," the site would nevertheless be "within reasonable walking and cycling distance" of those facilities that are present, with employment opportunities within the vicinity and the benefit of "an alternative travel option to further afield." This finding was made following consideration of a 2km employment buffer analysis drawn from the evidence base for the emerging SELLP, and stands as a direct, evidenced assessment of this village's accessibility by an Inspector, rather than a generalised assertion.

8.7 Drawing together the matters addressed in this chapter, the Appellants' position is as follows. The housing contribution of the appeal proposal has been given no meaningful weight by the officer's report, notwithstanding that the housing requirement against which the Council's supply is tested is a minimum and not a ceiling, and notwithstanding that the Council's own claimed supply position is both a modest surplus and, as at the date of this

statement, over a year out of date without the annual refresh required by Annex D, paragraph 8 of the NPPF. The site benefits from walkable local services, a genuinely accessible and well-used bus service, strong rail connectivity via Spalding, and a government-produced connectivity assessment confirming typical-to-favourable accessibility for its settlement type, corroborated by the Inspector's findings in APP/A2525/W/18/3204758, concerning a site in the same village and in materially the same locational circumstances, which found reasonable walking and cycling accessibility to village facilities and to Spalding. Taken together, even accepting for the purposes of this chapter that the appeal site is Countryside for the purposes of Policy 1, the degree of harm properly attributable to that conflict is more limited than the officer's report suggests, and the housing benefit the appeal proposal delivers should be given genuine, rather than negligible, weight in the planning balance addressed in Chapter 13.

9 Main Issue 2 – Design, Character and Appearance

9.1 Reason 2 for refusal concerns the scale, massing and appearance of the proposed dwelling and detached garage, which the officer's report characterises as resulting in significant harm to the rural character and appearance of the site and surrounding area through "urbanisation." This chapter addresses why that conclusion rests on an incorrect baseline, is not grounded in any adopted design metric, and is capable, in any event, of resolution by condition.

9.2 The officer's report bases its assessment of harm on a direct volumetric comparison between the proposed dwelling and garage and the existing barn in its current agricultural form: "the existing building comprises approximately 139 cubic metres, whereas the proposed garage alone would comprise 250 cubic metres, nearly doubling the built volume on its own. The proposed dwelling would comprise approximately 909 cubic metres." As addressed in Chapter 7, this is not the correct baseline. Where, as here, a realistic prospect of Class Q conversion exists as a matter of law, the comparison the officer was required to undertake was between the appeal proposal and the fallback conversion, not between the appeal proposal and the barn's existing, unconverted form. The officer's report expressly declines to undertake that comparison, treating the perceived absence of a fallback as removing the need to do so. Once the fallback is properly taken into account, as Chapter 7 demonstrates it must be, the baseline against which "harm" is measured is a lawful residential use already capable of being implemented on this site, not the site's current agricultural condition.

9.3 The officer's report separately observes that the appeal proposal's curtilage would be larger than that of a Class Q conversion, stating that "the residential curtilage of converted barns is only as large as the building footprint itself." This overstates the practical distinction between the two. Whilst the formal application boundary for a Class Q prior approval may be limited to the building's footprint, a dwelling created by conversion still requires functional garden and amenity space to operate as a home, irrespective of the extent of the application area itself. The suggestion that the fallback would leave the site free of any domestic curtilage, garden use, or associated residential paraphernalia is not a realistic characterisation of how a converted dwelling would actually be occupied and used. The comparison of formal application boundaries, without regard to the practical reality of residential occupation under either scenario, does not by itself establish the significant harm the officer's report asserts.

9.4 Beyond the baseline error addressed above, the officer's harm assessment is not grounded in any adopted design code, Supplementary Planning Document, or codified metric. It rests instead on the officer's own planning judgement that the development would "harmfully jar with the rural character of the site and its immediate environment." Policies 2 and 3 of the SELLP require good design, not the preservation of the site's existing form, and Policy 3 expressly requires development to "create distinctive places through the use of high quality and inclusive design." This is consistent with Policy DP3(1) of the NPPF, which requires development to respond to its context so as to integrate with and enhance its surroundings, expressly stating that this "should not

preclude innovation or change where appropriate." The officer's own report acknowledges that "there are some taller dwellings further from the site," undermining the suggestion that the appeal proposal would introduce a form of development wholly unprecedented in the wider context of the area, notwithstanding the single-storey character of the three immediately adjacent properties. The materials proposed for the dwelling, red multi brickwork with corrugated sheet cladding and roofing, reflect a traditional palette common to the area's agricultural buildings, of which the appeal site's own barn is an example, consistent with the emphasis in Policy DP3(2)(g) of the NPPF on a coherent palette of materials as a feature of well-designed places. Tables 3 & 4 below sets out how the appeal proposal complies with Policies 2 and 3 of the SELLP and the relevant principles of Policy DP3.

Table 3: Compliance with SELLP Policy 2

Requirement	Evidence in this Appeal	Conclusion
2.1 - size, scale, layout, density, impact on amenity/character/appearance, relationship to existing development	Single dwelling on a large site set between existing bungalows and house.	Complies
2.2 - quality of design and orientation	Design responds to site context; in relation to the existing site and the District as a whole.	Complies
2.3 - maximising use of sustainable materials and resources	Traditional materials palette (red multi brickwork, corrugated sheet cladding and roofing) reflecting the area's agricultural vernacular. Modern construction making the proposal more operationally energy efficient than the conversion.	Complies
2.4 - access and vehicle generation levels	Existing access retained and reused. No agricultural vehicles would now enter the site and traffic would become domestic in accordance with surrounding uses.	Complies
2.5 - capacity of existing community services and infrastructure	Not raised as a concern by the Council; Weston Hills C of E Primary School retains capacity (Chapter 8)	No conflict identified therefore complies
2.6 - impact on neighbouring land uses (noise, odour, disturbance, visual intrusion)	Overlooking addressed in Chapter 10; no other amenity objection raised by the officer	Addressed in Chapter 10, complies
2.7 - sustainable drainage and flood risk	Incorporation of SuDS scheme through the use of soakaways, proposal can be made safe for its lifetime	Complies
2.8 - impact on/enhancement of natural habitats and historic buildings/heritage assets	Mandatory 10% Biodiversity Net Gain (Chapter 7); non-designated heritage asset recording condition	Complies

Requirement	Evidence in this Appeal	Conclusion
	agreed with LCC Historic Environment Team (Chapter 2)	
2.9 - impact on potential loss of sand and gravel mineral resources	No mineral safeguarding designation applies to the site; not engaged by this proposal	Not engaged

Table 3a: Compliance with SELLP Policy 3

Requirement	Evidence in this Appeal	Conclusion
Introductory wording - distinctive places, high quality/inclusive design, innovative use of local traditional styles/materials	Chalet bungalow form and traditional materials palette respond to and reinterpret the local agricultural vernacular	Complies
3.1 - sense of place, respecting density/scale/massing of neighbouring buildings	Single-storey immediate context acknowledged alongside "some taller dwellings further from the site" per the officer's own report; design responds accordingly	Complies
3.2 - distinguishing private and public space	Domestic curtilage required for functional garden use regardless of application boundary; dwelling set back from Broadgate road frontage	Complies
3.3 - landscape character of the location	Addressed throughout Chapter 9's rebuttal of the officer's character assessment	Complies
3.4 - accessibility by choice of travel modes	Walking, cycling and public transport methods available	Complies
3.5 - refuse/recycling and bicycle storage, car parking layout	Private garden space for refuse/ recycling. Garage provides bike and car storage and ample drive for parking and turning.	Complies
3.6 - lighting of public places	Not directly applicable but private lighting to drive and dwelling provided.	Complies
3.7 - public spaces accessible to all	Not applicable — single private dwelling does not generate a public space	Not engaged
3.8 - crime prevention and community safety	SBD principles included within design	Complies
3.9 - orientation of buildings for renewable/low-carbon energy technologies	Building and garden orientation acceptable for inclusion of renewable technologies. Heat pump design to be incorporated.	Complies
3.10 - facade treatment to avoid visual intrusion (shopfronts, signage)	Not applicable — residential, not commercial, development	Not engaged
3.11 - residential amenity	Overlooking addressed in Chapter 10, including mitigation by window relocation	Complies

Requirement	Evidence in this Appeal	Conclusion
	and boundary treatment. Private garden of sufficient size to provide amenity.	
3.12 - flood risk mitigation through flood-resilient design and SuDS	Dwelling incorporates SuDS features and can be made safe for its lifetime.	Complies
3.13 - locally sourced materials, minimising water use, minimising land take	Proposal makes good use of land and incorporates measures to minimise water use.	Complies
3.14 - incorporation of existing hedgerows/trees, new landscaping for biodiversity/flood risk/urban cooling	Existing landscape features within the site maintained.	Complies
3.15 - appropriate use or reuse of historic buildings	Existing building is of minimal interest.	Complies

Table 4: Compliance with Policy DP3 (2) of the NPPF

Requirement	Evidence in this Appeal	Conclusion
DP3(1) - Context	Chalet bungalow form specifically designed to respond to site context, set back from Broadgate, seen across open fields against the backdrop of existing built form	Met
DP3(2)(a) - Liveability	Robust, durable family dwelling designed to function well over its lifetime, contributing to the family housing mix identified as an unmet local need under Policy 17 of the SELLP; materials selected for durability in an exposed semi-rural setting	Met, proportionate to a single dwelling
DP3(2)(b) - Climate	Dwelling designed to modern Building Regulations and incorporates the potential for inclusion of renewable technologies and the minimising of water use.	Met
DP3(2)(c) - Nature	Biodiversity benefit the 10% net gain	Met
DP3(2)(d) - Movement	Walking, cycling and public transport are all available to	Met

Requirement	Evidence in this Appeal	Conclusion
	the application site. Services available in Weston Hills.	
DP3(2)(e) - Built Form	Dwelling's siting, set back from Broadgate and positioned to continue the existing linear pattern of development along the road frontage, distinguishes public road frontage from private domestic space to the rear, consistent with the pattern established by neighbouring properties	Met
DP3(2)(f) - Public Space	The proposal is a single private dwelling and does not itself generate a public space requirement; a proportionate outcome given the small scale and residential character of the site, consistent with the policy's direction that its principles apply "as appropriate to the nature of the development and its location"	Proportionate — no public space element arises
DP3(2)(g) - Identity	Red multi brickwork with corrugated sheet cladding and roofing, a coherent palette reflecting the area's agricultural vernacular	Met

9.5 The concerns raised in Reason 2 are, in any event, capable of resolution by condition. During the course of the application, the Appellants identified specific design responses directly addressing the officer's stated concerns, including a reduction in the height of the main dwelling roof and a change to the garage roof from a hipped pitched form to a flat green roof, the latter of which would also assist surface water attenuation and provide a further biodiversity benefit, consistent with Policy DP3(2)(c) of the NPPF, which identifies the incorporation of sustainable drainage systems as a feature of well-designed places. As set out in Chapter 6, the Appellants sought the opportunity to submit this information to the Council for its consideration and clarification, and the Council declined to review it prior to determining the application.

9.6 These matters are addressed in this statement not as a request that the Inspector determine the appeal by reference to amended plans, but as evidence that the harm identified in Reason 2, to the extent it exists, is not so fundamental or intractable as to require dismissal of the appeal outright. Where an Inspector is otherwise minded to allow an appeal, a reduction in

ridge height and a change to the garage roof of this nature are the kind of modest, targeted adjustments capable of being secured by planning condition, consistent with the general principle that permission should not be withheld where identified concerns are capable of being addressed through the imposition of reasonable conditions rather than refusal.

9.7 For the reasons set out in this chapter, the Appellants' position is that the harm identified in Reason 2 is significantly overstated. It is assessed against an incorrect baseline, which fails to reflect the lawful fallback established in Chapter 7; it rests on an observation regarding curtilage size that does not withstand scrutiny against the practical reality of residential occupation under either scenario; and it is not grounded in any adopted design metric capable of demonstrating the "harmful jarring" the officer's report asserts. In any event, the specific concerns raised are capable of resolution by condition, a route the Council declined the opportunity to explore before determining the application. To the extent the appeal proposal is found to comply with Policies 2 and 3 of the SELLP for the reasons set out above, Policy DP3(3) of the NPPF confirms that substantial weight should be given to that compliance in assessing design quality. Reason 2 does not, on this basis, provide sound grounds for dismissing the appeal.

10 Main Issue 3 - Overlooking

Introduction

10.1 Reason 3 for refusal concerns the effect of the appeal proposal on the residential amenity of 409 Broadgate, arising from an alleged unacceptable degree of overlooking. This chapter addresses the evidence relied upon by the officer, the corrected separation distance once the extension at 409 Broadgate is properly accounted for, and the mitigation available, whether by amendment or by condition, to resolve any residual concern.

10.2 The officer's report records a separation distance of approximately 15m between the northern elevation of the proposed dwelling and the nearest elevation of 409 Broadgate, based on the submitted site plan, but notes that this "does not take into account an extension that has been built at 409 Broadgate," such that "the separation distance is likely to be smaller than shown." The officer's report does not quantify the corrected distance, notwithstanding that this was a straightforward matter capable of being measured and confirmed before the application was determined. The Appellants have since prepared a revised site layout plan, accurately showing the extension at 409 Broadgate, which confirms a total separation distance of 12.5m between the extension and the northern elevation of the proposed dwelling.

10.3 The only window on the northern elevation of the proposed dwelling is a single ground floor bedroom window. As set out in Chapter 6, this was raised directly with the officer on 15th April 2026, when the Appellants' agent confirmed that the proposed dwelling has no first floor windows on the northern elevation.

10.4 The concern identified in Reason 3 is, in any event, capable of resolution. As set out in Chapter 6, the Appellants offered to relocate the affected window from the northern elevation to the western elevation of the dwelling, directly removing the source of the alleged overlooking, as part of the clarifying information the Council declined to review prior to determining the application. In addition, the Appellants propose to extend the existing hedge along the boundary with 409 Broadgate, providing effective screening between the properties; in the alternative, a 1.8m close-boarded fence along the same boundary would achieve a comparable degree of screening. Either measure is readily capable of being secured by planning condition.

10.5 The case officer's own correspondence identified boundary treatment as a means of addressing the residential amenity concern, stating that "a taller boundary treatment or some planting could assist with the degree of overlooking." The Appellants confirmed, in response, that they would address this point, as set out in Chapter 6. The measures proposed above are a direct response to that suggestion, made by the officer during the course of the application, and their availability is a further reason why Reason 3 does not, on its own, justify dismissal of the appeal.

10.6 For the reasons set out in this chapter, the harm identified in Reason 3 does not justify dismissal of the appeal. The officer's report left the corrected separation distance unquantified notwithstanding that this was readily

ascertainable; the Appellants have since confirmed that distance to be 12.5m. The only affected window is capable of relocation to the western elevation, and effective boundary screening, whether by hedge or by a 1.8m fence, is available and readily secured by condition. These measures directly answer the concern the case officer identified as capable of resolution during the course of the application, a route the Council declined to pursue before refusing the scheme.

11 Main Issue 4 – Flood Risk and the Sequential Test

11.1 Reason 4 for refusal concerns the application of the Sequential Test under Policy 4 of the SELLP and Section 18 of the NPPF. The officer's report concludes that insufficient information has been provided to demonstrate the Sequential Test has been passed, on the basis that the search area should have extended to Weston Hills and its surroundings. This chapter addresses why the existence of the Class Q fallback addressed in Chapter 7 is directly relevant to the flood risk position, and why, in any event, the outcome of the Sequential Test does not operate as an automatic bar to the grant of permission.

11.2 The officer's report is correct that, given the appeal site's location immediately adjacent to the settlement boundary of Weston Hills, a search area encompassing the village is consistent with the principle in Policy F5(1) of the NPPF, that the area to which the Sequential Test is applied "should not be greater than the anticipated catchment of the development in terms of its likely occupiers or users," and with the associated National Planning Practice Guidance, which provides that the area of search for a non-major housing development would not usually extend beyond an individual village and its immediate neighbouring settlements. The Appellants do not contest the search area adopted by the officer.

11.3 The Appellants do not seek in this appeal to demonstrate that no reasonably available site at a lower risk of flooding exists within the search area. The relevance of the Sequential Test to the appeal proposal is addressed instead on the two bases set out below. First, that the lawful fallback is exempt from the Sequential Test in any event, such that the appeal proposal introduces no flood risk exposure beyond what already exists on this site as a matter of lawful entitlement; and second, that the outcome of the Sequential Test does not operate as an automatic bar to the grant of permission, and falls to be weighed in the planning balance alongside the other matters addressed in this statement.

11.4 Two further points arise regardless of whether the Sequential Test would, on a full assessment, ultimately be passed or failed. First, the officer's report reaches its conclusion without identifying any specific alternative site by name or location, and without any hazard, depth or comparative risk evidence for such a site; the conclusion that land "could be" sequentially preferable is asserted, not demonstrated. Second, and more fundamentally, the officer's report does not engage at any point with the principle that the outcome of the Sequential Test is not an automatic bar to the grant of permission, but a matter to be weighed in the planning balance alongside other considerations, addressed further at paragraph 11.6 below. Reason 4 was reached, and continues to be relied upon in this appeal, without the officer having either carried out the evidential exercise the Sequential Test requires or considered the weight properly attributable to its outcome. That two independent deficiencies of this kind underpin a standalone reason for refusal is a matter the Inspector is invited to take into account when assessing the soundness of Reason 4 as a whole.

11.5 The most significant matter in this respect is the relevance of the fallback position addressed in Chapter 7. Policy F5(2)(c)(iii) of the NPPF confirms, as

national policy, that the Sequential Test does not apply to "changes of use," other than to a caravan, camping, chalet, mobile home or park home site. A Class Q conversion of the barn is a change of use. This national policy position is corroborated at local level by paragraph 8.3.4 of the SFRA, which confirms that "the conversion of a barn into a dwelling... does not require a Sequential Test as long as it does not involve significant external alterations/extensions." The structural works identified as necessary to the barn in Chapter 7 do not amount to significant external alterations or extensions of this kind. The lawful fallback would accordingly proceed without requiring a Sequential Test at all, and, by virtue of Policy F6(2)(a) of the NPPF, without requiring an Exception Test either. Even if the appeal proposal itself were found not to pass the Sequential Test, the fallback demonstrates that comparable flood risk exposure already exists on this site as a matter of lawful entitlement, such that the marginal harm attributable to the appeal proposal on this point is limited.

11.6 Given the position set out at paragraph 11.3 above, the Appellants do not contend that the appeal proposal itself satisfies the Exception Test under Policy F6, which applies in addition to, rather than as an alternative to, the Sequential Test. The relevant point is instead that addressed at paragraph 11.5, the lawful fallback is exempt from both tests, such that a comparable form of development on this site would proceed without either test applying at all.

Weight in the Planning Balance

11.7 The outcome of the Sequential Test does not, in any event, operate as an automatic bar to the grant of permission. The associated National Planning Practice Guidance confirms that housing considerations, including housing land supply, may be relevant in the planning balance alongside the outcome of the Sequential Test. The weight properly attributable to the Sequential Test conclusion should be informed by the actual level of risk to the appeal site. The appeal site is identified within a "Danger for Some," rather than "Danger for Most," hazard area, and the submitted Flood Risk Assessment proposes finished floor levels raised 0.6m above existing ground level as mitigation, a measure directly comparable to the 800mm above Ordnance Datum condition accepted by the Inspector in APP/A2525/W/18/3204758 (Appendix C) in respect of a site directly adjacent to the appeal site. These matters are addressed further in the planning balance in Chapter 13.

12 Relevant Appeal Decisions

12.1 Two appeal decisions are relied upon in this statement in support of the Appellants' case, and are addressed together in this chapter for ease of reference. Both are appended in full, and their relevance to the specific issues they support has been addressed in the chapters indicated below.

12.2 APP/A3010/W/25/3371669, Land west of Grovewood Road, Misterton (decided 28th January 2026, Appendix B), is relied upon in support of the Appellants' position on the currency of the Council's five year housing land supply position, addressed in Chapters 5 and 8. The Inspector held that a local planning authority's failure to conduct the annual review of its housing land supply position materially undermines the reliance that can properly be placed on an out-of-date assessment, a conclusion of direct relevance given the Council's own supply position in this case has not been updated since June 2025.

12.3 APP/A2525/W/18/3204758, Land fronting Fairfields, 409 Broadgate, Weston Hills (decided 4th March 2019, Appendix C), is relied upon in support of the Appellants' position on the accessibility of Weston Hills and the character and appearance of the wider area, addressed in Chapter 8, and on the acceptability of raised finished floor levels as flood risk mitigation within Flood Zone 3, addressed in Chapter 11. The Inspector found the appeal site in that case, within the same village, to be within reasonable walking and cycling distance of village facilities and Spalding, and found that development in that location would have a comparatively limited impact on the character and appearance of the area given the position of existing surrounding dwellings.

13 Planning Balance and Conclusion

13.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that this appeal be determined in accordance with the development plan unless material considerations indicate otherwise. The Council's position is that the appeal proposal does not benefit from the presumption in Policy S5(j) of the NPPF, on the basis of a claimed 5.5 year housing land supply. The Appellants do not advance a comprehensive site-by-site challenge to that figure, but the Inspector is invited to treat it with real caution. The claimed supply exceeds the statutory minimum by a modest margin, the assessment is over a year out of date without the annual review required by the NPPF, and publicly available evidence on at least one substantial site within the claimed supply indicates its contribution is materially overstated. These matters are material to the weight properly attributable to Policy 1 conflict throughout the balance that follows.

13.2 The weight to be given to Policy 1 itself is also reduced for the reasons set out in Chapter 5. The SELLP was not examined against the current NPPF, and Policy 1 does not recognise the categories of development Policy S5 identifies as favoured outside settlements. This is a further, independent reason to reduce the weight properly attributable to Policy 1 conflict, addressed alongside the fallback and sustainability arguments at paragraphs 13.3 and 13.4 below.

13.3 As set out in Chapter 7, a lawful fallback exists, corroborated by Policy 23 of the SELLP and Policy S5(c) of the NPPF. The officer's structural viability and NDSS objections do not withstand scrutiny. The appeal proposal also represents a clear betterment against the fallback, delivering a mandatory 10% Biodiversity Net Gain and responding to an unmet element of local housing need. The fallback carries substantial weight in favour of the appeal proposal.

13.4 As set out in Chapter 8, even were the fallback argument not accepted, the degree of harm attributed to the countryside location is overstated. The housing requirement is a minimum, not a ceiling, and the Council's supply position is thin and stale. Weston Hills retains its own primary school and lies within a short distance of Spalding, corroborated by the Inspector's findings in the Fairfields decision. The housing benefit should be given genuine, rather than negligible, weight.

13.5 As set out in Chapter 9, the officer's design and character objection is assessed against an incorrect baseline, comparing the appeal proposal to the existing barn rather than to the lawful fallback established in Chapter 7. The objection is not grounded in any adopted design code or codified metric, and the observation regarding curtilage size does not withstand scrutiny against the practical reality that a converted dwelling requires functional garden space regardless of the extent of a Class Q application boundary. Such residual concern as remains is, in any event, capable of resolution by condition, including the reduction in roof height and the change to the garage roof offered to, but not reviewed by, the Council.

13.6 As set out in Chapter 10, the corrected separation distance between the appeal proposal and 409 Broadgate is 12.5m, a figure the officer's report left unquantified. The single affected window is capable of relocation, and effective boundary screening is available and readily secured by condition. The harm identified in Reason 3 does not, on this basis, justify dismissal of the appeal.

13.7 As set out in Chapter 11, the Appellants rely on two points rather than disputing whether a lower-risk site exists. First, Policy F5(2)(c)(iii) of the NPPF confirms the Sequential Test does not apply to changes of use, corroborated by the SFRA; the fallback accordingly carries comparable flood risk exposure without the Sequential Test being engaged. Second, the outcome of the Sequential Test is not an automatic bar to permission, and its weight is informed by the site's "Danger for Some" hazard rating and the mitigation proposed. The officer's report also fails to identify any specific alternative site or engage with the non-determinative principle at all, weakening the soundness of Reason 4.

13.8 The chronology set out in Chapter 6 is relevant to the overall assessment of this appeal. The Appellants engaged proactively with the Council throughout the determination of the application, offering clarifying information addressing each of the concerns which came to form the reasons for refusal. The Council declined to review that information, including information going directly to the existence of the fallback position. This history informs the weight properly attributable to the officer's conclusions, several of which do not withstand scrutiny against the evidence the Appellants sought the opportunity to provide.

13.10 The material benefits of the appeal proposal, taken together, are: a contribution to housing supply against a requirement that is a minimum rather than a ceiling; a mandatory 10% Biodiversity Net Gain that the lawful fallback could not deliver; enhanced sustainability performance, including water efficiency to Building Regulations Approved Document G optional requirements and a green roof to the garage; and a response to an element of local housing need, family accommodation, distinct from that which the fallback would meet.

13.11 For the reasons set out in this statement, the reasons for refusal do not, individually or cumulatively, justify dismissal of the appeal. Weighed against the identified benefits, the planning balance favours the grant of planning permission. The Appellants respectfully request that the appeal be allowed.

14 Appendices

14.1 **Appendix A –** Email Correspondence with Planning Officer

14.2 **Appendix B** – Misterton Appeal

14.3 **Appendix C** – Fairfield's/ 409 Broadgate Appeal

14.4 **Appendix D** – NDSS Technical Document (DCLG, March 2015)

14.5 **Appendix E1** – Supplementary Structural Report

14.6 **Appendix E2** – Revised Illustrative Class Q Design

14.7 **Appendix E3** – Revised House Design

14.8 **Appendix E4** – Revised Site Layout and Location Plan

14.9 **Appendix E5** – Revised Garage Design

14.10 **Appendix E6** – Architectural Visual from South-West

14.11 **Appendix E7** – Architectural Visual from North-East

14.12 **Appendix E8** – Photorealistic Image from Broadgate

14.13 **Appendix F** – SHDC Local Validation List 2019

14.14 **Appendix G** – Services and Accessibility Report