



Appeal Decision

Site visit made on 16 March 2004

by **Janet L Cheesley BA(Hons) DipTP MRTPI**

an Inspector appointed by the First Secretary of State

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Date

29 APR 2004

Appeal Ref: APP/A2525/A/03/1134947

Elmhurst, 58 Dog Drove North, Holbeach Drove, Spalding, Lincolnshire PE12 0SA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs M Stock against the decision of South Holland District Council.
- The application ref: H09/0592/03, dated 6 May 2003, was refused by notice dated 19 September 2003.
- The development proposed is the conversion of an existing single storey outbuilding to a family annex.

Summary of Decision: The appeal is dismissed.

Preliminary Matters

1. I note that the address of the appeal site has been altered since the submission of the planning application and therefore I have referred to the new address.
2. The Council's suggested conditions referred to another property called 'The Willows'. I have no knowledge of that property and therefore have not considered it in my determination of this appeal.

Main Issue

3. I consider the main issue to be the effect of the proposal on the character and appearance of the surrounding countryside.

Planning Policy

4. The appeal site lies within open countryside as defined by the development plan, which includes the Lincolnshire Structure Plan adopted in 2000 and the South Holland District Local Plan adopted in 1998. Structure Plan Policy 13 and Local Plan Policy H3 restrict new residential development in the open countryside to that essential to house farm or forestry workers near to their place of work. No party has indicated that the proposal is for such workers.
5. The appeal proposal is not for new buildings but is for the conversion of an existing building. Local Plan Policy H4 allows conversion of rural buildings in the open countryside subject to a list of criteria including that every reasonable attempt has been made to secure an alternative business use of the original building.
6. I have also been referred to the South Holland District Local Plan First Deposit Draft, November 2001. Whilst the Council refer to emerging Policy GEN1 in relation to sustainable development, I consider emerging Policy GEN2 to be most appropriate to this appeal in relation to this matter. Emerging Policy GEN2 requires all development

to take full account of the need to protect the environment so that present day demands do not compromise the ability of future generations to meet their own needs. All development proposals must aim to safeguard and improve the quality of life, conserve energy resources and protect and where possible enhance the areas character and main environmental assets. Although the policy is in an emerging plan, which may be subject to further amendment, these objectives are broadly in accordance with Government Guidance in *Planning Policy Guidance Note No 3: Housing, (PPG3)* and *Planning Policy Guidance Note No 13: Transport (PPG13)* and therefore I have given this policy considerable weight in my determination of this appeal.

Reasons

7. I note the appellants' view that the appeal site and environs should not be considered as open countryside. However, notwithstanding the sporadic development in the vicinity, the site lies outside the village boundaries as defined in the Local Plan, and is therefore correctly considered as being in the open countryside. The area is characterised by flat fenland landscape and individual properties fronting narrow rural roads. It lies within the residential curtilage of Elmhurst, forming part of a former nursery business where just one of the greenhouses remains together with the appeal building which is the former packing shed. From my observations, the greenhouse is used for storage purposes. As the proposal is for the conversion of an existing building, it would not necessarily contravene Structure Plan Policy 13 and Local Plan Policy H3 if the requirements of Local Plan Policy H4 could be met.
8. In order to diversify the rural economy, preference is given to employment uses of redundant buildings rather than residential use. The appellants raise a number of factors which they consider would make a business use of the building uneconomic or otherwise unsuitable. Whilst I note the previous owner was unsuccessful in finding a buyer for the whole former nursery business as a business concern, I have no evidence to satisfy me that every reasonable attempt has since been made to secure an alternative business use for just the appeal building or in conjunction with the greenhouse. I note the close proximity of the appeal building to the house and the other physical constraints cited by the appellants, but do not consider it totally unacceptable to have a separate business in the appeal building. Therefore I conclude that the proposal would unacceptably contravene requirements set out in Local Plan Policy H4.
9. I note the appellants would like to use the appeal building as a family annex but nonetheless, if the property were to be converted in the manner proposed, it would offer accommodation that could physically be occupied as two separate dwellings. In the long term, it may be difficult for the Council to resist proposals for these properties to be occupied as separate units of accommodation. The appellants state that there is a need for affordable housing in the locality and that this proposal would enable their daughters to remain in the community. Such housing is by its nature self contained and is not, in my opinion, a family annex to a larger house. The property is situated in an isolated position in open countryside away from facilities and as such I consider that the provision of such dwellings would be in an unsustainable location. The countryside should be protected for its own sake. The proposal would introduce further residential use into the countryside without fully exploring the possibility of re-use of the building for employment, and therefore I conclude that the proposal would be detrimental to the character and appearance of the surrounding countryside. Therefore it would be

contrary to Local Plan Policy H4 and emerging Policy GEN2.

Other Considerations

10. I have been referred to nearby examples of development, but I have considered this case on its merits.
11. The appellants have expressed concern regarding the decision making process of the Council. The procedure before the appeal was made is not for my consideration.
12. The appellants also raise other factors in support of their appeal including the possible dereliction of the building, the undesirability of a physical link to the house, and the recent renumbering of houses in the area which appears to allow for additional properties to be built at some time in the future. However, neither these nor any other matters raised outweigh my conclusions on the main issue.

Conclusion

13. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

14. I dismiss the appeal.

Information

15. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.

Janet Cheadley

INSPECTOR