The Planning Inspectorate

Appeal Decision

Site visit made on 21 May 2019

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 August 2019

Appeal Ref: APP/A2525/W/19/3223469
Land adjacent to Rosemead, Stoton's Gate, Holbeach, Spalding, Lincolnshire PE12 8SB

- 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 Executors of the late D Bailey against the decision of South Holland District Council.
- The application Ref H09-0798-18, dated 3 August 2018, was refused by notice dated 23 November 2018.
- The development proposed is the proposed conversion of barn to dwelling.

This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 2 July 2019.

Decision

1. The appeal is allowed and planning permission is granted for the proposed conversion of barn to dwelling at land adjacent to Rosemead, Stoton's Gate, Holbeach, Spalding, Lincolnshire PE12 8SB in accordance with the terms of the application, Ref H09-0798-18, dated 3 August 2018, subject to the conditions in the schedule to this decision letter.

Procedural Matter

2. Since the determination of the application by the Council the South East Lincolnshire Local Plan 2011-2036 (the SELLP) has been adopted (on 8 March 2019). The SELLP has superseded all policies from the South Holland Local Plan (2006). I have therefore determined the appeal with the newly adopted Local Plan in mind.

Main Issue

3. The main issue is whether Stoton's Gate would provide a suitable access to the proposed dwelling.

Reasons

4. The appeal site is located on the west side of Stoton's Gate which is an unmetalled adopted road which runs broadly on a north-south axis between Raven's Bank (the B1165) and Joy's Bank. To the west and east of Stoton's Gate there are other metalled roads in proximity which also link Raven's Bank with Joy's Bank. At the time of my site visit Stoton's Gate was rutted and had

several pools of water on it and was not an easy road to navigate. From the evidence before me, the road has been in that condition for some time.

5. There are two buildings which are accessed from Stoton's Gate, Rosemead and the appeal site building. However, Rosemead appears to be an unoccupied dwelling and the appeal buildings are in a semi-derelict state. Therefore, the current vehicular traffic on Stoton's Gate is likely to be restricted to traffic associated with agriculture.

6. Notwithstanding the current state of the road, the Council have identified very little evidence in relation to any harm which would result in respect of the safety of other road users. Indeed, from traversing the whole of Stoton's Gate, I found that the very low speeds involved would mean that it would be unlikely that any adverse safety issue would arise as a result of the development.

7. In coming to that view, I acknowledge that the road is not in a good state of repair. However, I am of the view that the state of the road is more of an inconvenience rather than a significant highway safety concern. Furthermore, the ongoing maintenance of the public highway is not a matter which persuades me that planning permission should not be granted.

8. For the above reasons I find that Stoton's Gate would provide a suitable access to the new dwelling and the proposal would therefore accord with Policy 2 of the SELLP which amongst other matters seek to ensure that proposals are sustainable development (including access and vehicle generation levels). It would also accord with the overarching aims of the National Planning Policy Framework which indicates that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Conditions

9. The Council has provided a list of suggested conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, I have amended some of the Council's suggested wording.

10. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty.

11. Conditions relating to the external materials of the development and landscaping of the site are necessary in the interests of the character and appearance of the area.

12. The Council have suggested a condition in respect of the demolition and reconstruction works required in order to facilitate the conversion of the building to residential use. The preliminary structural report identifies that the entire roof of the barn would need to be replaced along with the timber element of the barn (identified as barn A). Given this, it is not necessary to seek such details for these elements. However, it is necessary to ascertain the exact details of the rebuilding required to the brick built elements of the barn to ensure that the development remains as a conversion of the building as

opposed to a new build dwelling. Consequently, it is necessary that these details are agreed prior to any works taking place on site.

13. For ecological reasons, and to ensure that no protected species are adversely affected by the development conditions are required to ensure that the development is carried out in accordance with the protected species report and that Barn Owl nesting boxes are provided. The nesting box condition needs to be a pre-commencement condition as the approved nest boxes need to be installed at least one month before any works commence on site.

14. In order to ensure that the occupants of the development are not subjected to an unacceptable risk from flooding a condition is required in relation to flood protection measures, including the finished floor level of the dwelling.

15. The Council have also recommended a condition relating to potential contaminated land issues. However, given the historical use of the site I consider that such an onerous condition is not necessary. However, for environmental reasons, it is necessary that any unexpected contamination is properly dealt with and as such I have attached a suitably worded condition.

16. Finally, it is necessary to restrict further development at the site (by removing permitted development rights for householder development) to ensure that the essential rural character of the barn and its setting is not harmed.

Conclusion

17. Taking all matters into consideration, I conclude that the appeal should be allowed.

Chris Forrett

INSPECTOR

SCHEDULE OF CONDITIONS

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; SD17-038/2; SD17-038/4 and SD17-038/5.

3) No development shall take place (including any site clearance or demolition works) until full details of the extent of demolition and reconstruction works to the brick built elements of the barn have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details.

4) No development shall take place (including any site clearance or demolition works) until details of at least two barn owl nesting boxes (including the intended location of where they will be installed) has been submitted to and approved in writing by the local planning authority. The

approved nesting boxes shall be installed at least one month before any other works on site takes place and shall be retained on site as such for the life of the development.

5) The development shall only be carried out in accordance with the protected species survey report by Andrew Chick dated August 2018 (or any such subsequent report submitted to and approved in writing by the local planning authority).

6) The finished floor level of the development shall be set at 300mm above the existing ground level and shall incorporate flood resilient construction measures to at least 300mm above the finished floor level.

7) All new and replacement brickwork utilised in carrying out the development hereby permitted shall match as closely as possible that of the principal existing building on the site in terms of the type of brickwork, mortar mix and method of bonding.

8) All new window frames, glazing bars and external door frames shall be of timber construction and have a stained dark brown finish. The joinery shall not be replaced with any alternative material and finish without the prior permission of the local planning authority.

9) Prior to the fixing of any external elements of the roof, full details of the materials to be used in the external finish of the roof shall be submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details.

10) Prior to the first occupation of the dwelling full details of a scheme of landscaping and tree planting at the site (including the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance) shall be submitted to and approved in writing by the local planning authority.

11) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out by the end of the first planting and seeding season following the first occupation of the dwelling or the completion of the development, whichever is the sooner. Any trees, hedgerows or shrubs forming part of the approved landscaping scheme which within a period of five years from the first occupation or substantial completion of the dwelling, whichever is the later, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority expressly gives written consent to any variation.

12) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise first agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

13) Notwithstanding any the provisions of Classes A, B, C, D and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that

Order), no development shall be carried out without the prior express planning permission of the local planning authority.