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## Appeal Decision

Site visit made on 10 August 2017

**by D Guiver LLB(Hons) Solicitor**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 18 September 2017**

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**Appeal Ref: APP/E2530/W/17/3175132**

**Holywell Farm, Holywell Road, Clipsham, Oakham LE15 7SQ**

- 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 T Fiducia against the decision of South Kesteven District Council.
  - The application Ref S16/2814, dated 22 December 2016, was refused by notice dated 12 April 2017.
  - The development proposed is the conversion and extension of two existing agricultural buildings to form a single dwelling.
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### Decision

1. The appeal is allowed and planning permission is granted for the conversion and extension of two existing agricultural buildings to form a single dwelling at Holywell Farm, Holywell Road, Clipsham, Oakham LE15 7SQ in accordance with the terms of the application, Ref S16/2814, dated 22 December 2016, subject to the conditions set out in the attached schedule.

### Preliminary Matter

2. I have adopted the Council's description of the proposed development as this is more precise.

### Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area with particular reference to the impact on the significance of a non-designated heritage asset.

### Reasons

4. The appeal site comprises two agricultural buildings constructed in close proximity on an isolated part of a working farm. The first building is a stone barn that, although not listed, is a sufficiently important example of the historical vernacular building style to be considered a non-designated heritage asset. The second building is an open shed used for storing hay and is of more modern construction comprising concrete pillars and steel roof beams supporting a corrugated roof. The hay shed is an unremarkable building that lacks significant architectural merit.
5. Policy SP1 of the Local Development Framework for South Kesteven Core Strategy 2010 (the Local Plan) seeks to ensure that development does not

- have an unacceptable adverse impact on the countryside. The policy provides for the conversion of buildings from agricultural use to dwellings, provided the existing buildings are structurally sound, contribute to the character of the area and can be converted without substantial alteration. The Council states that the hay shed does not contribute to the character of the area and by reason of scale and bulk its conversion would detract from the setting of the barn as a non-designated heritage asset.
6. The floor area of the hay shed is approximately 144 square metres, compared to the barn's footprint of approximately 76 square metres, and dominates the smaller barn. In its existing condition the hay shed detracts significantly from the setting of the barn and I consider it unlikely that the barn would make an attractive dwelling if the hay shed were to remain in its current state.
  7. However, the appellant enjoys the benefit of prior approval for conversion of both the barn and the hayshed from agricultural use to residential use by virtue of Class Q of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). On 22 July 2016 the Council notified the appellant of deemed approval of details of a proposed change of use for the buildings from agricultural to residential use under the GPDO.
  8. The proposal subject to this appeal is to a large extent indistinguishable from the GPDO approved scheme save for the addition of a small building that would provide a hall to link the two existing buildings and provide for a larger kitchen.
  9. Paragraph 135 of the National Planning Policy Framework (the Framework) states that the effect of an application on the significance of a non-designated heritage asset should be taken into account. The Framework requires a balanced judgement to be made regarding the scale of any harm or loss and the significance of the asset.
  10. At paragraphs 186 and 187, the Framework states that a positive approach should be taken to decision-making and that Council's should look for solutions rather than problems. I give significant weight to the Framework as a material consideration.
  11. The statutory position in section 38(6) of the Planning and Compulsory Purchase Act 2004 is that an application for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise. If the application subject to this appeal was refused I consider that the conversion of the barn and hay shed approved under the GPDO would be highly likely to proceed, which is a material consideration to which I attach significant weight.
  12. I must balance the scale of any harm to the setting of the barn as a heritage asset arising from the application subject to this appeal with the appellant's fall-back position, which would achieve a similar juxtaposition between the buildings.
  13. It would be open to the appellant to implement the development approved under the GPDO and seek permission to join the two buildings with an extension similar to the current proposal. In its evidence the Council accepted that the additional building would not have an adverse impact on the character and setting of the barn and I give significant weight to this evidence.

14. I conclude that the weight I give to the appellant's fall-back position, the Council's evidence on the acceptability of the proposed extension and the policy considerations in paragraphs 186 and 187 of the Framework are sufficient material considerations to justify departure from the requirements of Policy SP1 of the Local Plan.

### **Conditions**

15. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary I have amended the wording of these in the interests of precision and clarity in order to comply with the advice in the Planning Practice Guidance.

16. In the interests of proper planning I have imposed the standard condition in respect of time limits. For certainty I have imposed a condition requiring compliance with the plans.

17. In the interests of protecting the character and appearance of the area and the setting of the non-designated heritage asset, I have imposed conditions relating to the provision of material samples and landscaping. I have also imposed a condition removing permitted development rights under Class A of Part 1 of Schedule 2 to the GPDO for the same reason.

### **Conclusion**

18. For the reasons given above, and taking into account all other matters, I therefore conclude that the appeal should succeed.

*D Guiver*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plan: FIDUCIA-02.
- 3) No development of buildings shall take place until a sample panel of the materials to be used in the construction of the external surfaces shall have been prepared on site for inspection and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved sample.
- 4) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
  - i) proposed finished levels;
  - ii) means of enclosure and retaining structures;
  - iii) boundary treatments;
  - iv) vehicle parking layouts;
  - v) other vehicle and pedestrian access and circulation areas;
  - vi) hard surfacing materials;
  - vii) an implementation programme.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. The completed scheme shall be managed and/or maintained in accordance with an approved scheme of management and/or maintenance.

- 5) Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the property other than those expressly authorised by this permission shall be carried out without planning permission first having been granted by the local planning authority.