Chartered Town Planners
Chartered Landscape Architects

rdc
Robert Doughty
Consultancy

32 High Street, Helpringham
Sleaford, Lincolnshire NG34 0RA

Tel: 01529 421646
Fax: 01529 421358
Email: admin@rdc-landplan.co.uk
Web: www.rdc-landplan.co.uk

Your ref: PA/2008/0688
Our ref: 925 1 PB MAG

13 May 2009

Head of Planning & Regeneration Services
North Lincolnshire Council
Church Square House
P O Box 42
Scunthorpe
North Lincolnshire
DN15 6XQ

14 MAY 2009
L morton

Dear Sirs

THE JERRY GREEN FOUNDATION TRUST AND THE MARGARET GREEN ANIMAL RESCUE CENTRE
CONVERT EXISTING BARNS INTO 3 DWELLINGS AND CARRY OUT ASSOCIATED ALTERATIONS AND EXTENSION (RESUBMISSION PA/2008/0688) AT BARNS ADJACENT TO MANOR FARM/ WHITE HOUSE FARM, CASTLETHORPE, BROUGHTON

Please find enclosed a copy of the appeal form in respect of the planning appeal lodged on Monday 11 May 2009 including the Grounds of Appeal.

Yours faithfully

[redacted]

Paul Barton MRTPI

Enclosure

rdc
Robert Doughty
Consultancy

32 High Street, Helpringham
Sleaford, Lincolnshire NG34 0RA

Tel: 01529 421646
Fax: 01529 421358
Email: admin@rdc-landplan.co.uk
Web: www.rdc-landplan.co.uk

Your ref: APP/Y2003/A/09/2104221
Our ref: 925 1 PB HC

12 May 2009

Customer Support Unit
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

14 MAY 2009

Dear Sirs

THE JERRY GREEN FOUNDATION TRUST AND THE MARGARET GREEN ANIMAL RESCUE CENTRE
CONVERT EXISTING BARNS INTO 3 DWELLINGS AND CARRY OUT ASSOCIATED ALTERATIONS AND EXTENSION (RESUBMISSION PA/2008/0688) AT BARNS ADJACENT TO MANOR FARM/ WHITE HOUSE FARM, CASTLETHORPE, BROUGHTON.

Further to our online submission, please find enclosed a copy of the appeal form, Grounds of Appeal, a copy of the original planning application and associated documents for the appeal at barns adjacent to Manor Farm/ White House Farm, Castlethorpe, near Broughton.

Enclosed with this letter are copies of the following documents using the planning portal's number system for ease of reference:

1 Original Planning Application Form dated 28 July 2008
2 Ownership Certificate included within Planning Application Form
3 LPA Decision Notice
4 Site Plan
5 Plans:

Existing Layout	5065-101 rev b
Proposed Layout Sheet 1	5065-102 rev b
Proposed Layout Sheet 2	5065-103 rev a
West and South Elevations	5065-104 rev c
North Barn 1 Elevations	5065-105 rev c
East and West Barn Elevations	5065-106 rev c
Proposed Sections	5065-107 rev b
Existing and Proposed Elevations	5065-108 rev b
Proposed Roof Plan	5065-109 rev b
Location Plan	
Bat and Barn Owl Survey – ESL	September 2007
Structural Survey – C R Parrott	October 2007
Property Report – Brown & Co	April 2008

Your ref: APP/Y2003/A/09/2104221 Our ref: 925 1 PB HC

12 May 2009

Customer Support Unit, The Planning Inspectorate

7 Design and Access Statement
9 Relevant Correspondence with LPA

Should you require any further information, please do not hesitate to contact us. We look forward to receiving formal notice that this appeal is valid.

Yours faithfully

[redacted]

Paul Barton MRTPI

Enclosure

cc Ken Pritchard – Brown and Co
North Lincolnshire Council

The Planning Inspectorate

Further information on us and the planning appeal system can be found on our website www.planning-inspectorate.gov.uk

For official use only
(Date received)
11-May-2009 17:39

PLANNING APPEAL FORM (Online Version)

Your appeal and essential supporting documents must reach the Inspectorate within 6 months of the date shown on the Local Planning Authority's decision notice (or, for 'failure' appeals, within 6 months of the date by which they should have decided the application). Before completing this form, please read our booklet 'Making your planning appeal' which was sent to you with this form.

WARNING: If any of the 'Essential supporting documents' listed in Section J are not received by us within the 6 month period, the appeal will not be accepted.

APPEAL REFERENCE: APP/Y2003/A/09/2104221

A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name 925 The Jerry Green Foundation Trust & the Margaret Green Animal Rescue

Address C/O Brown and Co.
10 Market Place
Brigg

Phone no. -

Fax no -

Postcode DN20 8ES E-mail

Please confirm how you wish to correspond with us: Electronically, via the email address specified above
On paper, by post. ✓

B. AGENT DETAILS FOR THE APPEAL (if any)

Name Mr P Barton (925 The Jerry Green Foundation Trust & the Margaret Green

Address 32 High Street
Helpringham
Sleaford
Lincolnshire

Your reference 925-1

Phone no. 01529421646

Fax no. 01529421358

Postcode NG34 0RA E-mail P.Barton@rdc-landplan.co.uk

Please confirm how you wish to correspond with us: Electronically, via the email address specified above
On paper, by post. ✓

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the LPA North Lincolnshire Council

LPA's reference number PA/2008/1101

Date of the planning application 28 Jul 2008

Date of the LPA's decision (if issued) 02 Jan 2009

D. APPEAL SITE ADDRESS

Address Whitehouse Farm
Castlethorpe
Nr Broughton
Lincolnshire

Postcode DN20 9LF Grid Reference: Easting 4982288 Northing 4076196

Is the appeal site within a Green Belt? YES NO ✓

Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site? YES NO ✓

E. DESCRIPTION OF THE DEVELOPMENT

Area of the whole appeal site (in hectares)

160

Area of floor space of proposed development (in square metres)

039

Has the description of the development changed from that stated on the application form?
YES NO ✓

If YES, please state below the revised wording, and enclose a copy of the LPA's agreement to the change.

Redevelopment of Barns into 3 Residential Properties

F. REASON FOR THE APPEAL

This appeal is against the decision of the LPA to:-

Please tick **one** box only ✓

1 Refuse planning permission for the development described on the application form or in Section E. ✓

2 Grant planning permission for the development subject to conditions to which you object.

3 Refuse approval of the matters reserved under an outline planning permission.

4 Grant approval of the matters reserved under an outline planning permission subject to conditions to which you object.

5 Refuse to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above).

or

6 Failed to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval.

G. CHOICE OF PROCEDURE

There are 3 possible procedures:- written representations, hearings and inquiries. You should consider carefully which method suits your circumstances before selecting your preferred option by ticking the box.

1. THE WRITTEN REPRESENTATIONS PROCEDURE

This is normally the simplest, quickest and most straightforward way of making an appeal. The written procedure is particularly suited to small-scale developments (e.g. individual houses or small groups of houses; appeals against conditions or changes of use).

Please answer the questions below.

a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land? YES NO

b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? YES NO

If so, please explain below or on a separate sheet.

2. THE HEARING PROCEDURE ✓

This procedure is likely to be suited to more complicated cases which require detailed discussion about the merits of a proposal. At the hearing the Inspector will lead a discussion on the matters already presented in the written statements and supporting documents. Although you may indicate a preference for a hearing, the Inspectorate must also consider that your appeal is suitable for this procedure.

Please answer the question below.

a) Is there any further information relevant to the hearing which you need to tell us about? If so please explain below. YES NO ✓

3. THE INQUIRY PROCEDURE

This is the most formal of procedures. Although it is not a court of law the proceedings will often seem to be quite similar, as the parties to the appeal will usually be legally represented and expert witnesses may be called to give evidence. Although you may indicate a preference for an inquiry the Inspectorate must also consider that your appeal is suitable for this procedure.

Please answer the questions below.

a) How long do you estimate the inquiry will last? No. of days
(Note: We will take this into consideration, but please bear in mind that our estimate will also be informed by others' advice and our own assessment.)

b) How many witnesses do you intend to call? No. of witnesses

c) Is there any further information relevant to the inquiry which you need to tell us about? If so, please explain below. YES NO
Please continue on a separate sheet if necessary.

H. GROUNDS OF APPEAL

If you have chosen the written representations procedure, your **FULL** grounds of appeal must be made, otherwise we will return the appeal form.

If you have requested a hearing or an inquiry, you do not have to provide your full grounds of appeal. You can provide only a brief outline of your grounds, but it must be sufficiently detailed and comprehensive enough to enable the LPA to prepare their case.

Refer to our booklet 'Making your planning appeal' for help.

Please continue on a separate sheet if necessary.

Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal? YES ✓ NO

** See separate documents **

H. GROUNDS OF APPEAL (continued)

I. (part one) APPEAL SITE OWNERSHIP DETAILS

We need to know who owns the appeals site. If you do not own the appeal site or only own a part of it, we need to know the name(s) of the owner(s) or part owner(s). and be sure that you have told them that you have made an appeal. YOU MUST TICK WHICH OF THE CERTIFICATES APPLIES. Please read the enclosed *Guidance Notes* if in doubt.

If you are the sole owner of the whole appeal site, certificate A will apply: Please tick **one** box only ✓

CERTIFICATE A ✓

I certify that, on the day 21 days before the date of this appeal, nobody except the appellant, was the owner (see Note (i) of the *Guidance Notes* for a definition) of any part of the land to which the appeal relates:

OR

CERTIFICATE B

I certify that the appellant (or the agent) has given the requisite notice (see the *Guidance Notes*) to every one else who, on the day 21 days before the date of this appeal, was the owner (see Note (i) of the *Guidance Notes* for a definition) of any part of the land to which the appeal relates, as listed below:

Owner's name	Address at which the notice was served	Date the notice was served

CERTIFICATES C & D

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D enclosed with the accompanying *Guidance Notes* and attach it to the appeal form.

I (part two) AGRICULTURAL HOLDINGS CERTIFICATE

We also need to know whether the appeal site forms part of an agricultural holding.
Please tick either (a) or (b).

✓

(a) None of the land to which the appeal relates is, or is part of, an agricultural holding: ✓

OR

(b) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates as listed below:

Tenant's name	Address at which the notice was served	Date the notice was served

J. ESSENTIAL SUPPORTING DOCUMENTS

You **must** send the documents listed 1-7 below with your appeal form.
Please tick the boxes to show which documents you are enclosing.

✓

1 A copy of the original **planning application** sent to the LPA. ✓

2 A copy of the **site ownership certificate** and **agricultural holdings certificate submitted** to the LPA at application stage (this is usually part of the LPA's planning application form). ✓

3 A copy of the **LPA's decision notice** (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application. ✓

4 A **site plan** (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue. ✓

5 Copies of all **plans, drawings and documents** sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA. ✓
Please number them clearly and list the numbers here or on a separate sheet:

6 Copies of any **additional plans, drawings and documents** sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes).
Please number them clearly and list the numbers here or on a separate sheet:

7 A copy of the **design and access statement** sent to the LPA (if required)

You must send copies of the following, if appropriate:

8 Additional plans, drawings or documents relating to the application but **not previously seen by the LPA.**
Please number them clearly and list the numbers here or on a separate sheet:

9 Any relevant **correspondence** with the LPA. Including any supporting information submitted with your application in accordance with the list of local requirements.

10 If the appeal is against the LPA's refusal or failure to approve the **matters reserved under an outline permission,** please encose:
(a) the relevant outline application;
(b) all plans sent at outline application stage;
(c) the original outline planning permission.

11 If the appeal is against the LPA's refusal or failure to decide an application which relates to a **condition**, we must have a copy of the original permission with the condition attached.

12 A copy of any **Environmental Statement** plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA).

K. OTHER APPEALS

If you have sent other appeals for this or nearby sites to us and these have not been decided, please give details and our reference numbers.

L. CHECK SIGN AND DATE

(All supporting documents must be received by us within the 6 month time limit)

I confirm that I have sent a copy of this appeal form and relevant documents to the LPA *(if you do not your appeal will not normally be accepted).*

I confirm that all sections have been fully completed and that the details of the ownership (section I) are correct to the best of my knowledge.

Signature Date 11 May 2009

Name (in capitals) Mr P Barton

On behalf of (if applicable) 925 The Jerry Green Foundation Trust & the Margaret Green Animal Re

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection policy can be found on our website under "Privacy Statement.

M. NOW SEND

- **1 COPY to the LPA**
- **1 COPY for you to keep**

Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the documents again, send them any supporting documents not previously sent as part of the application. If you do not send them a copy of this form and documents, we may not accept your appeal.

WHEN WE RECEIVE YOUR APPEAL

We will:

1) Tell you if it is valid and who is dealing with it.
2) Tell you and the LPA the procedure for your appeal.
3) Tell you the timetable for sending further information or representations.
4) Tell you about the arrangements for the site visit, hearing or inquiry.
5) At the end of the appeal process, the Inspector will give the decision, and the reasons for it, in writing.

YOU MUST KEEP TO THE TIMETABLE
If information or representations are sent late we may disregard them. They will not be seen by the Inspector but will be sent back to you.

N. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. If forwarding the documents by email, please send to **appeals@pins.gsi.gov.uk**. If posting, please enclose the section of the form that lists the supporting documents and send it to PO Box 2606, Bristol, BS1 9AY.

You will not be sent any further reminders.

Please ensure that anything you do send by post or email is clearly marked with the reference number:

APP/Y2003/A/09/2104221

Please ensure that a copy of your appeal form and any supporting documents are sent to the local planning authority.

```
**************************************************
* The Documents Listed Below Will Follow By Post *
**************************************************
==========  GROUNDS OF APPEAL  ==========
** Grounds of Appeal 1

==========  ESSENTIAL SUPPORTING DOCUMENTS  ==========
** 01. A copy of the original planning application sent to the LPA.
** 02. A copy of the site ownership certificate and agricultural holdings certificate
  submitted to the LPA at application stage (these are usually part of the LPA's
  planning application form).
** 03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure
  of the LPA to give a decision, if possible please enclose a copy of the LPA's letter
  in which they acknowledged the application.
** 04. A site plan (preferably on a copy of an Ordnance Survey map at not less than
  10,000 scale) showing the general location of the proposed development and its
  boundary. This plan should show two named roads so as to assist identifying the
  location of th
** 05. Copies of all plans, drawings and documents sent to the LPA as part of the
  application.  The plans and drawings should show all boundaries and coloured markings
  given on those sent to the LPA.
** 05i. A list of all plans, drawings and documents (stating drawing numbers) submitted
  with the application to the LPA.
```

THE JERRY GREEN FOUNDATION TRUST AND THE MARGARET GREEN ANIMAL RESCUE
GROUNDS OF APPEAL AGAINST THE REFUSAL OF PLANNING PERMISSION PA/2008/1101
BARN ADJACENT TO MANOR FARM/ WHITEHOUSE FARM CASTLETHORPE, NR BROUGHTON (APP/Y2003/A/09/2104221)

1. The appeal site consists of a range of barns formerly used for agricultural purposes which are now redundant.

2. The appeal proposes to convert 3 of the barns to 3 residential dwellings, the remaining barns on site will be demolished and the resulting open area landscaped. 2 of the dwellings will be 'live work' units and the other solely residential.

3. The barns are a variety of single and two storey buildings, predominantly built from red brick with clay pantiles on shallow hipped roofs, with many interesting architectural features. The Local Planning Authority (LPA) acknowledges the barns are of significant importance to the rural scene and accordingly should be retained.

4. The appeal development is a resubmission of a scheme refused on 10 July 2008 (PA/2008/0688). This application was refused due to the alleged harm on the character of the barns by way of excessive openings and alterations, and the inclusion of a small extension to north barn 2 (mistakenly referred to as north barn 1 in the Decision Notice).

5. The scheme was redesigned to address the LPA's concerns by reducing the number of openings and alterations and removing the extension to north barn 2. A revised application, the subject of this appeal, was submitted to the LPA on 29 July 2008.

6. The appeal application was refused on 2 January 2009 for two reasons: alleging the scheme is in an unsustainable location within the open countryside and that a grant consent would set an unwanted precedent.

7. The Decision Notice specifies Policies RD2 and RD9 of the North Lincolnshire Local Plan adopted May 2003, and Planning Policy Statement 7. It is common ground that these are the policies relevant to the appeal development.

8. Local Plan Policy RD2 concerns development in the open countryside. The policy lists 6 provisos which need to be met when granting permission for development. Part v) of the policy specifically supports development which is for the reuse and adaptation of existing rural buildings.

9. Local Plan Policy RD9 is perhaps the more relevant policy to the appeal proposal, as it concerns the reuse and/or adaptation of rural buildings for residential uses in the open countryside. Five criteria should be met and these are listed and commented upon below:

Proposals for the conversion of rural buildings in the open countryside for residential use will only be permitted if:

i. The building is of architectural or historic importance to the rural scene and is of substantial and permanent construction capable of conversion without major alteration.

The barns are significant to the rural scene and this has been accepted by the LPA in Decision Notice PA/2008/0688.

ii. It can be demonstrated that residential reuse or adaption is the only way to retain a building in viable continued use and /or secure the retention/improvement of the building;

The barns have been marketed for a B1 business use over a period of 20 months by Brown and Co in its Brigg office window, and in the Scunthorpe Evening Telegraph, in accordance with Policy RD9. No interest was received.

iii. The development will not create a need for new buildings to house activities displaced by conversion;

There will be no such need as a result of the appeal development. The barns are redundant and are not used to house any activity.

iv. The general design of the conversion retains and respects the original character of the building and is in keeping with its surroundings. Any extension should respect the scale and appearance of the original building;

The appeal development has been designed to address the LPA's original concerns regarding the design. The appeal development sympathetically converts the barns into well designed residential dwellings.

v. The development will not lead to the loss of habitat for protected species.

No such loss will result from the appeal development.

10. Marketing the buildings for B1 use has resulted in no interest and the LPA acknowledges the barns have importance to the rural scene. Residential development is, therefore, the only realistic way of conserving these buildings. The appeal proposal wholly accords with the specific criteria set out in Policy RD9 and its broader objectives.

11. The appeal development was refused, in part, due to an alleged unsustainable location, however, the appeal site is only a kilometre from the settlement boundary of Brigg, with all of the facilities that settlement offers in relative close proximity. In addition, there is a bus stop immediately outside the appeal site, from which the No.4 bus links Brigg to Scunthorpe.

12. Paragraphs 17 and 18 of PPS7 refer to the reuse of redundant buildings in the countryside, and it states LPAs should be supportive of proposals which 'closely relate' to country towns and villages, as is the case with the appeal development.

13. The LPA states that by allowing the appeal development it will set a precedent, however, the conversion of good quality rural redundant buildings, sympathetically designed to preserve their character is a precedent which the LPA should welcome. Allowing this appeal will not open the flood gates to the conversion of every redundant rural building in the District, as each application must be determined on its own merit, having regard to Development Plan policies and any other material considerations. Neither the refusal nor the approval of this appeal should set a precedent of any kind.

The Planning Inspectorate

Room: 3/18a
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line: 0117-372-6252
Switchboard: 0117-372-8000
Fax No: 0117-372-8181
GTN: 1371-6252
teamp7@pins.gsi.gov.uk
http://www.planning-inspectorate.gov.uk

Mrs L Morton
North Lincolnshire Council
Development Control
Planning Dept
P O Box 42, Church Square House
Scunthorpe
N Lincs
DN15 6XQ

Your Ref: PA/2008/1101

Our Ref: APP/Y2003/A/09/2104221/NWF

Date: 18 May 2009

Dear Mrs Morton

Town and Country Planning Act 1990
Appeal by The Jerry Green Foundation Trust & the Margaret Green Animal Rescue
Site at Whitehouse Farm, Castlethorpe, Nr Broughton, DN20 9LF

I have received appeal forms and documents for this site. I am the case officer. If you have any questions, please contact me.

Sending documents to us and looking at the appeal

If you post your documents, please send us **2 copies** of everything and put the full appeal reference number on each copy.

If you email them to the email address above please quote the full appeal reference number.

You can look at this case using the Planning Casework Service
www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp
by typing in the appeal reference number and clicking on "Search for Cases".

The starting date

I have checked the papers and confirm that the appeal is valid. If I later find out that this is not the case, I will write to you again.

The appellant has requested a hearing. We have applied the indicative criteria and considered all representations received, including the appellant's preferred choice. We consider that a hearing is suitable and we intend to determine this appeal by this procedure. The date of this letter is the **starting date** for the appeal.

INVESTOR IN PEOPLE
POSITIVE ABOUT DISABLED PEOPLE

Keeping to the timetable

You must keep to the timetable set out below and make sure that you send us the relevant documents within these deadlines. This will mean that we can deal with the appeal promptly and fairly. If you do not send us the relevant documents in time, the Inspector will not normally look at them and we will return them to you. You must note the details of the following timetable because we will not send any reminders.

The following documents must be sent within this timetable.

By 1 June 2009

You must notify any statutory parties and any other interested persons who made representations to you about the application, that the appeal has been made. You should tell them that:-

i) any comments they made at application stage will be sent to me and if they want to make any additional comments, wherever possible, they must submit 3 copies within 6 weeks of the starting date, **by 29 June 2009**. If comments are submitted after the deadline, the Inspector will not normally look at them and they will be returned.
ii) they may view the documents at your offices.
iii) they can get a copy of our booklet 'Guide to taking part in planning appeals' either free of charge from you or through 'publications' on our website: (www.planning-inspectorate.gov.uk) and
iv) if they want to receive a copy of the appeal decision they must write to me asking for one.

You will have the opportunity to state your preferred choice of procedure by answering Question 1 of the appeal questionnaire. You must send a copy of a completed appeal questionnaire and supporting documents, including relevant development plan policies to the appellant and me.

By 29 June 2009

Please send me 2 copies of your hearing statement. If your statement exceeds 1000 words, you must also send me 2 copies of a written summary which should not be more than 500 words. I will send a copy of your hearing statement (and summary where appropriate) to the appellant and send you a copy of their hearing statement (and summary where appropriate). You and the appellant must send a copy of your hearing statements (and summaries where appropriate) to any statutory parties. I will send you and the appellant a copy of any comments submitted by interested persons or organisations.

Withdrawing the appeal

If you hear that the appeal is to be withdrawn, please telephone me immediately. If I receive written confirmation of this from the appellant, I will write to you.

Costs

The appellant has been directed to our advice pamphlet *'Costs awards in planning appeals'*. You should also be aware that costs may be awarded to either party. Our website gives further details.

Further information

Further information about the terms we use in this letter and appeal procedures is on the attached sheet.

Yours sincerely

pp Rose Holland

H4B 08

Questionnaire

The appeal questionnaire must be sent complete with copies of all necessary documents referred to in it. It is particularly essential to us that details of all relevant development plan policies are included with the questionnaire at this early stage.

Hearing statement

In your hearing statement you will need to give full details of the case which you will put forward at the hearing. You must include copies of any documents, including copies of maps and plans, to which you intend to refer. The format of a statement for hearing cases is in Annex 2(i) of DETR Circular 05/2000. Also, remember to include a written summary of not more than 500 words if your statement exceeds 1000 words.

Statutory parties

'Statutory parties' are owners or tenants of the appeal site who made comments within the time limit on the application or appeal. You must give details of any statutory parties at application stage in reply to the questionnaire. I will tell you about any statutory parties at appeal stage, before your hearing statement is due.

Late representations

Comments or representations received after any of the time limits will normally be disregarded and we will send them back. Late representations will only be considered in extraordinary circumstances.

Planning obligations - Section 106 agreements

A planning obligation - often referred to as a 'section 106 agreement' – is either:

- a legal agreement made between the LPA and a person 'interested in the land'; or
- a legally binding undertaking signed unilaterally by a person 'interested in the land'.

The obligation must be capable of being executed before the hearing closes and we would expect you to be able to do so without the need for an adjournment to complete that process. To facilitate this and ensure matters can be properly discussed at the hearing you should send me a final draft of the obligation, signed by all parties, no later than 10 working days **before** the hearing opens.

Only in very exceptional circumstances will an Inspector delay the issue of a decision to wait for an obligation to be executed.

Please note that appeal files are normally only kept for one year from the date the decision is issued, following which they are destroyed. It is therefore important you ensure that if any section 106 planning obligation is received from the appellant, **the original is always retained by yourselves**. If you should receive a copy instead, please contact the appellant so that it may be exchanged for the original.

Application number: PA/2008/1101

(please quote in all correspondence)

Case officer: Mark Simmonds, telephone 01724 297309
Email: planning@northlincs.gov.uk

19 May 2009

Dear Sir or Madam

TOWN & COUNTRY PLANNING ACT 1990

Proposal:	Planning permission to convert existing barns into 3 dwellings and carry out associated alterations and extensions (re-submission of PA/2008/0688)
Site location:	Barn adjacent to Manor Farm White House Farm Castlethorpe Broughton
Appellant:	Jerry Green & Margaret Green Foundation Trust
Inspectorate's reference:	APP/Y2003/A/09/2104221/NWF
Appeal start date:	18/05/2009

I am writing to let you know that an appeal has been made to the Planning Inspectorate in respect of the above site. The appeal is to be decided by an inspector who will conduct an informal hearing before he makes his decision, the date for which has still to be determined. Interested parties may attend the hearing if they wish and, at the discretion of the inspector, take part in the discussion. The appeal follows the refusal of planning permission by this council.

The arguments put forward in support of the appeal and the reasons for the council's decision may be inspected in this office. Any comments already made following the original application for planning permission (unless they are expressly confidential) will be forwarded to the Inspectorate and copied to the appellant, and will be taken into account by the inspector in deciding the appeal.

If you wish to make any representations about the appeal, or if you wish to withdraw or modify your earlier comments in any way you should write direct (sending three copies) to The Planning Inspectorate, Room 3/18a, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN to arrive not later than six weeks from the appeal starting date stated above, quoting the Inspectorate's reference number. If representations are not made by this date there is a risk that they may not be considered. The Inspectorate will not acknowledge your letter unless you specifically ask them to do so. They will, however, ensure that your letter is passed on to the inspector dealing with the appeal. The Inspectorate will send a copy of the decision letter to you provided you specifically ask for one. If you are not the owner of the premises you occupy, please try to bring the contents of this letter to the attention of the owner.

The Planning Inspectorate have introduced an online appeals service which you can use to comment on this appeal. You can find the service through the Appeals area of the Planning Portal – see www.planningportal.gov.uk/pcs. The Inspectorate may publish details of your comments on the internet (on the Appeals area of the Planning Portal). Your comments may include your name, address, email address or phone number; please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Planning Inspectorate has also published an explanatory booklet '*A Guide to Taking Part in Planning Appeals*' which describes the possible involvement third parties may have in planning appeals. If you would like a free copy please telephone or write to this office to request one or you can download a copy from the Planning Inspectorate's web site at www.planning-inspectorate.gov.uk

Yours faithfully

Mike Welton
Head of Planning

Copy to: Cllr A Bunyan, Conservative Group Office, Pittwood House
Cllr I Glover, Conservative Group Office, Pittwood House
Cllr J Collinson, Labour Group Office, Civic Suite, Pittwood House
Cllr D Whiteley, Labour Group Office, Civic Suite, Pittwood House
Scunthorpe Telegraph
Land Charges, Pittwood House
Broughton Parish Council

Copies for information sent to:

Cllr A Bunyan
Conservative Group Office
Pittwood House
SCUNTHORPE

Cllr I Glover
Conservative Group Office
Pittwood House
SCUNTHORPE

Councillor J Collinson
Chair of the Planning Committee
Labour Group Office
Civic Suite
Pittwood House
SCUNTHORPE

Councillor D Whiteley
Vice Chair of the Planning Committee
Labour Group Office
Civic Suite
Pittwood House
SCUNTHORPE

Scunthorpe Telegraph
4/5 Park Square
Laneham Street
SCUNTHORPE
DN15 7JH

Mrs G Siddall, Assistant Clerk to Broughton Town Council
Phil Grundy Community and Sports Centre
Scawby Road
Broughton
BRIGG
DN20 0AB

Land Charges Section
Pittwood House
SCUNTHORPE

Letter sent to:

Mrs JP Howes
2 Hall Farm Cottages
Castlethorpe
BRIGG
DN20 9LG

The Owner/Occupier
New Cottages
Castlethorpe
Broughton
BRIGG
DN20 9LF

The Owner/Occupier
1 New Cottages
Castlethorpe
Broughton
BRIGG
DN20 9LF

The Owner/Occupier
2 New Cottages
Castlethorpe
Broughton
BRIGG
DN20 9LF

The Owner/Occupier
2 New Cottages
Castlethorpe
Broughton
BRIGG
DN20 9LF

The Whitehouse
Castlethorpe
Broughton
BRIGG
DN20 9LF

The Owner/Occupier
Whitehouse Farm
Castlethorpe
Broughton
BRIGG
DN20 9LG

The Owner/Occupier
Hall Farm Cottages
Castlethorpe
Broughton
BRIGG
DN20 9LG

The Owner/Occupier
The Barn
Castlethorpe
Broughton
BRIGG
DN20 9LG

The Owner/Occupier
The Maltkiln
Castlethorpe
Broughton
BRIGG
DN20 9LG

The Owner/Occupier
The Mount
Castlethorpe
Broughton
BRIGG
DN20 9LG

The Planning Inspectorate

For official use only
(Date received)
26-May-2009 15:01

QUESTIONNAIRE (Online Version)

PLANNING, LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT

Appeal Ref:	APP/Y2003/A/09/2104221
Appeal By:	The Jerry Green Foundation Trust & the Margaret Green Animal Rescue
Address	Whitehouse Farm Castlethorpe Nr Broughton Lincolnshire
Postcode	DN20 9LF

Grid Reference: Easting 4982288 Northing 4076196

You must ensure that a copy of the completed questionnaire, together with any enclosures, is sent to us and the appellant, **within 2 weeks of the 'starting date'** given in our letter. **You must include details of the statutory development plan, even if you intend to rely more heavily on some other emerging plan.** Please send our copy to the case officer. Their address is shown on our letter.

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not yet taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to us within 6 weeks of the 'starting date'.

1 Despite our initial letter, do you consider that this appeal can be dealt with by the written representation procedure? ☑ YES ☐ NO

Do you wish to be heard by an Inspector at;

☐ a local inquiry? or

☐ a hearing ?

How long do you expect an inquiry would last? ☐ days

How many witnesses do you intend to call? ☐

What are the preferred Inquiry/Hearing dates you have agreed with the appellant/agent?
(2 dates should be provided, or more if possible.)

Note: If the written procedure is agreed the Inspector will visit the site <u>unaccompanied</u> by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.

2 a. If the written procedure is agreed, can the relevant part of the appeal site be seen from a road, public footpath, bridleway or other public land? ☐ YES ☑ NO

b. Is it essential for the Inspector to enter the site to assess the impact of the proposal? ☑ YES ☐ NO

Please explain:

To fully assess site

2 c. Are there any known health and safety issues that would affect the conduct of the site inspection? ☐ YES ☑ NO

3 Please provide the name, telephone number and e-mail address of the officer we can contact to make arrangements for the site visit, hearing or inquiry.

Name Lynda Morton Phone 01724 297496

Email lynda.morton@yahoo.co.uk

4 Does the appeal relate to an application for approval of reserved matters? ☐ YES ☑ NO

5 Was a GDPO 1995 Article 7 (Regulation 6 for listed building or conservation area consent) certificate submitted with the application? ☑ YES ☐ NO

6 Did you give publicity to the application in accordance with either Article 8 of the GDPO 1995, Section 67/73 of the Planning (Listed Buildings & Conservation Areas) act 1990 or Regulation 5 of the Planning (Listed Buildings & Conservation Areas) Regulations 1990? ☐ YES ☑ NO

☐ *Document provided*

7 Is the appeal site within;

a. A Green Belt? ☐ YES ☑ NO

b. An Area of Outstanding Natural Beauty? ☐ YES ☑ NO

8 Is there a known surface or underground mineral interest at or within 400 metres of the appeal site which is likely to be a material consideration in determining the appeal? ☐ YES ☑ NO

☐ *Document provided*

9 a. Are there any other appeals or matters relating to the same site still being considered by us or the Secretary of State? ☐ YES ☑ NO

Please give our reference numbers and if necessary attach details:

☐ *Document provided*

b. Are there any other appeals or matters relating adjacent or close to the site still being considered by us or the Secretary of State? ☐ YES ☑ NO

Please give our reference numbers and if necessary attach details:

☐ *Document provided*

10 Would the development require the stopping up or diverting of a public right of way? ☐ YES ☑ NO

Please provide an extract from the Definitive Map and Statement for the area, and any other details.

☐ *Document provided*

11 a. Is the site in a Conservation Area? ☐ YES ☑ NO

Please attach a plan of the Conservation Area

☐ *Document provided*

b. Does the appeal relate to an application for conservation area consent? ☐ YES ☑ NO

12 a. Does the proposed development involve the demolition, alteration or extension of a listed building? ☐ YES ☑ NO

Date of listing: ☐ I ☐ II* ☐ II

b. Would the proposed development affect the setting of a listed building? ☐ YES ☑ NO

Please attach a copy of the relevant listing description from the List of Buildings of Special Architectural or Historical Interest.

☐ *Document provided*

13 Has a grant been made under s3A or s4 of the Historic Buildings and Ancient Monuments Act 1953? ☐ YES ☑ NO

14 a. Would the proposals affect an Ancient Monument (whether scheduled or not)? ☐ YES ☑ NO

b. Was English Heritage consulted? ☐ YES ☐ NO

Please send a copy of any comments.

☐ *Document provided*

15 Is any part of the site subject to a Tree Preservation Order? ☐ YES ☑ NO

Please send a plan showing the extent of the Order and any relevant details.

☐ *Document provided*

16 Have you made a Local Development Order under s61A to 61C of the Town and Country Planning Act 1990 (as inserted by s40 of the Planning and Compulsory Purchase Act 2004) relating to the application site? ☐ YES ☑ NO

Please attach a copy of the relevant order.

☐ *Document provided*

17 Does the appeal involve persons claiming Gypsy/Traveller status, whether or not this is accepted by the planning authority? ☐ YES ☑ NO

18 a. Is the appeal site in or adjacent to or likely to affect an SSSI or an Internationally designated site (ie. cSAC, SAC, pSPA, SPA Ramsar)? ☐ YES ☑ NO

Please attach the comments of Natural England

☐ *Document provided*

b. Are any protected species likely to be affected by the proposals? ☐ YES ☑ NO

Please attach details.

☐ *Document provided*

19 **Environmental Impact Assessment**

Environmental Statement (ES)

Schedule 1

a. (i) Is the proposed development Schedule 1 development as described in Schedule 1 of The Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999? ☐ YES ☑ NO

(ii) Under which description of development? (ie Nos 1-20) ☐

Schedule 2

b. (i) Is the proposed development Schedule 2 development as described in Column 1, Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999? ☐ YES ☑ NO

(ii) Under which description of development in Column 1? (ie Nos 1-13) ☐

(iii) Is the applicable threshold/criteria in Column 2 exceeded/met? ☐ YES ☑ NO

c. Is the development within or partly within a 'sensitive area' as defined by Regulation 2 of The Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999? ☐ YES ☑ NO

☐ *Document provided*

Please provide details in the box below:

☐

Screening

d. (i) Have you issued a screening opinion (SO)? ☐ YES ☑ NO

Please attach a copy of the SO that was placed on the planning register, and any other related correspondence. ☐ *Document provided*

(ii) Did the SO state that the proposed development is EIA development as defined by the EIA Regulations? ☐ YES ☑ NO

If you decided that the proposed development is not EIA development as defined by EIA Regulations, please attach brief descriptions for your opinion. ☐ *Document provided*

Environmental Statement (ES)

e. Has the appellant supplied an environmental statement? ☐ YES ☑ NO

Please supply any related correspondence from statutory consultees and others that you may have had about the adequacy of the environmental information contained in the ES, having regard to The Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999 and Circular 2/99. ☐ *Document provided*

Publicity

f. If applicable, please supply a copy of the site notice and local advertisement published under Article 8 of the GDPO 1995, as required for EIA development. *Document provided*

20 Have all the notifications or consultations under any Act, Order or Departmental Circular, necessary before granting permission, taken place? ☑ YES ☐ NO

Please attach copies of any comments that you received in response. ✓ *Document provided*

21 **Copies of the following documents must, if appropriate, be attached to this questionnaire;**
Tick the 'Applies' checkbox to the right of each applicable document, then select whether you intend to send it by post or attach it now.

a. a copy of the letter with which you notified people about the appeal; ✓ Applies

b. a list of the people you notified and the deadline you have for their comments to be sent to us; ✓ Applies

Deadline: 29 Jun 2009

c. all representations received from interested parties about the original application; ✓ Applies

d. the planning officer's report to committee or delegated report on the application and any other relevant documents/minutes; Applies

e. any representations received as a result of a GDPO 1995 Article 7 (or Regulation 6) notice; Applies

f. extracts from any relevant statutory development plan policies (even if you intend to rely more heavily on the emerging plan) You must include the front page, the title and date of the approval/adoption, please give the status of the plan. Copies of the policies should include the relevant supporting text. You must provide this even if the appeal is against non-determination; Applies

List of Policies:

g. extracts of any relevant policies which have been 'saved' by way of a Direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004, that you consider necessary. Please attach a copy of the Direction and a copy of the letter from the Government Office which accompanied the Direction. ✓ Applies

List of Policies: RD2, RD9

h. extracts from any supplementary planning guidance, that you consider necessary, together with its status, whether it was the subject of public consultation and consequent modification, whether it was formally adopted and if so, when; Applies

i. extracts from any supplementary planning document, that you consider necessary, together with the date of its adoption. In the case of emerging documents, please state what stage they have reached; Applies

j. a comprehensive list of conditions which you consider should be imposed if planning permission is granted. You need not attach this to the other questionnaire papers, but it should reach us within 6 weeks of the starting date. The list must be submitted separately from your appeal statement; ✓ Applies

k. any other relevant information or correspondence you consider we should know about; Applies

22 **For appeals dealt with by written representations only.**

Do you intend to send a 6 week statement about this appeal? ☑ YES ☐ NO

a. the relevant planning history, including a full list of the plans submitted with the application; *Applies*

b. any supplementary reasons for the decision on the application or what the decision notice would have said; *Applies*

c. matters which you want the Inspector to note at the site visit; *Applies*

d. how the relevant development plan policies relate to the issues of this appeal; *Applies*

23 **For the Mayor of London cases only**

a. Was it necessary to notify the Mayor of London about the application? ☐ YES ☐ NO
Please attach a copy of that notification *Document provided*

b. Did the Mayor of London issue a direction to refuse planning permission? ☐ YES ☐ NO
Please attach a copy of that notification *Document provided*

Council's Reference: PA/2008/1101

☑ I certify that a copy of this appeal questionnaire and any enclosures will be sent to the appellant or agent today.

Completed by Mark Simmonds (name)

On behalf of North Lincolnshire Council

STATEMENT
Do you wish to attach your statement of case? ☐ YES ☑ NO
Document provided

Appeal Ref:	APP/Y2003/A/09/2104221
Appeal by:	The Jerry Green Foundation Trust & the Margaret Green Animal Rescue
Site Address:	Whitehouse Farm Castlethorpe Nr Broughton Lincolnshire DN20 9LF

The following documents should be sent to us within 2 weeks of the 'starting date' ***(unless otherwise specified)***

Description	No. Sent
********** * The Documents Listed Below Were Uploaded With The Questionnaire Form * **********	
TITLE: 21a. A copy of the letter with which you notified people about the appeal DESCRIPTION: Letter to neighbours FILENAME: Letter sent to neighbours.DOC	
TITLE: 21b. A list of the people you notified and the deadline you gave for their comments DESCRIPTION: People notified FILENAME: List of persons notified.DOC	
TITLE: 21c. All representations received from interested parties. DESCRIPTION: Archaeology response FILENAME: Consultation Reply - Archaeology.pdf	
TITLE: 21c. All representations received from interested parties. DESCRIPTION: Environment Agency response FILENAME: Consultation Reply - Environment Agency.pdf	
TITLE: 21c. All representations received from interested parties. DESCRIPTION: Environment Team response FILENAME: Consultation Reply - Environment Team.pdf	
TITLE: 21c. All representations received from interested parties. DESCRIPTION: Environmental protection respo FILENAME: Consultation Reply - Environmental Protection.pdf	
TITLE: 21c. All representations received from interested parties. DESCRIPTION: Highways response FILENAME: Consultation Reply - Highways.pdf	
TITLE: 21c. All representations received from interested parties. DESCRIPTION: Town Council response FILENAME: Consultation Reply - Town Council.pdf	
TITLE: 21c. All representations received from interested parties. DESCRIPTION: Letter of comment FILENAME: Letter of comment.pdf	
TITLE: 21g. Extracts from any relevant policies which have been 'saved' by way of a Direction under paragraph 1(3) of Schedule 8 DESCRIPTION: Letter of Direction FILENAME: SAVED POLICIES - Direction Letter etc.pdf	
TITLE: 21g. Extracts from any relevant policies which have been 'saved' by way of a Direction under paragraph 1(3) of Schedule 8 DESCRIPTION: Policy RD2 FILENAME: RD02 - Rural Development.pdf	

Continued...

Completed By	Mark Simmonds	**Date**	26 May 2009
LPA	North Lincolnshire Council		

PLEASE ENSURE THAT A COPY OF THIS SHEET IS ENCLOSED WHEN POSTING THE ABOVE DOCUMENTS TO US.

SUPPLEMENTARY SHEET

Questionnaire Documents (continued)

```
TITLE:       21g. Extracts from any relevant policies which have been 'saved' by way of
            a Direction under paragraph 1(3) of Schedule 8
DESCRIPTION: Policy RD9
FILENAME:    RD09 - Rural Development.pdf

************************************************************************
* The Documents Listed Below Will Follow By Post                       *
************************************************************************
** 21j. A list of comprehensive conditions which you consider should be imposed if
  planning permission is granted.

************************************************************************
* The Documents Listed Below Are Already Enclosed                      *
************************************************************************
** 20.  see 21c
```

The Planning Inspectorate

Room: 3/18
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line: 0117-372-8429
Switchboard: 0117-372-8000
Fax No: 0117-372-8181
GTN: 1371-8429
teamp7@pins.gsi.gov.uk
http://www.planning-inspectorate.gov.uk

Mrs L Morton
North Lincolnshire Council
Development Control
Planning Dept
P O Box 42, Church Square House
Scunthorpe
N Lincs
DN15 6XQ

Your Ref: PA/2008/1101

Our Ref: APP/Y2003/A/09/2104221/NWF

Date: 29 May 2009

Dear Mrs Morton

Town and Country Planning Act 1990
Appeal by The Jerry Green Foundation Trust & the Margaret Green Animal Rescue
Site at Whitehouse Farm, Castlethorpe, Nr Broughton, DN20 9LF

Thank you for submitting your Council's questionnaire in relation to this appeal which includes a copy of your Council's notification of the appeal to local residents dated 28 May correctly advising that it will proceed by way of a hearing.

Whilst we note that question 1 has been answered "yes", I would refer to our starting letter of 18 May in which we confirmed that, having applied the indicative criteria and considered all of the representations received including the appellant's preferred choice, we consider that a hearing is suitable for this appeal.

A copy of this letter has been sent to the agent Mr P Barton

Yours sincerely

Chris Cole
Planning Inspectorate Appeals Administration

211B(BPR)

DEVELOPMENT CONTROL SECTION
- 2 JUN 2009
DATE RECEIVED
Referred To

You can now use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is - http://www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp

INVESTOR IN PEOPLE
POSITIVE ABOUT DISABLED PEOPLE

NORTH LINCOLNSHIRE COUNCIL

Town and Country Planning Act 1990

APPEAL BY JERRY GREEN & MARGARET GREEN FOUNDATION TRUST

AGAINST THE REFUSAL BY NORTH LINCOLNSHIRE COUNCIL TO GRANT PLANNING PERMISSION TO CONVERT EXISTING BARNS INTO 3 DWELLINGS AND CARRY OUT ASSOCIATED ALTERATIONS AND EXTENSIONS (RE-SUBMISSION OF PA/2008/0688)

AT BARN ADJACENT TO MANOR FARM WHITE HOUSE FARM CASTLETHORPE BROUGHTON

Local Planning Authority's Reference: PA/2008/1101
Planning Inspectorate's Reference: APP/Y2003/A/09/2104221/NWF

June 2009

1. INTRODUCTION

1.1 This appeal arises out of the decision by North Lincolnshire Council to refuse planning permission in respect of an application to convert farm buildings to three dwellings; the application also included alterations and extensions.

1.2 Permission was refused on the grounds that:

1.

The site is in the open countryside outside the development boundary of any settlement as defined by the North Lincolnshire Local Plan. The proposals would represent an unsustainable level of development in this location due to a lack of local facilities and would have an unacceptable impact upon the open countryside due to generating unsustainable car travel and unacceptably compromising the rural character and appearance of the area. The proposals are therefore contrary to policies RD2 and RD9 of the North Lincolnshire Local Plan and PPS7.

2.

North Lincolnshire is predominantly a rural area with numerous similar clusters of barns. If allowed the development would set a precedent which would make it harder for the Local Planning Authority to resist other unacceptable proposals. The proposals are therefore contrary to policies RD2 and RD9 of the North Lincolnshire Local Plan and PPS7.

2.0 APPEAL SITE

2.1 The site is on the west side of the B1208 in open countryside, there are a small number of dwellings in the area, predominantly to the east, with one property to the north.

3.0 CONSULTATIONS

3.1 All consultations received by the Council were sent with the questionnaire.

4.0 PLANNING POLICY

4.1 The Local Plan policies that are relevant have been sent with the questionnaire.

5.0 COUNCIL'S STATEMENT OF CASE

5.1 **Policy RD2 – Development in the Open Countryside** - of the Local Plan is the over-arching policy which is applicable to all development within the open countryside. This policy states that planning permission will only be granted for development which falls within a set list of categories, including the re-use and adaptation of existing rural buildings, and subject to certain criteria. These criteria include the requirement that 'the proposed development accords with the specific requirements set out in the relevant policies of this chapter and elsewhere in this local plan'. The accompanying text which forms part of the policy quotes from PPG7 (now PPS7) and states that the Local Plan strategy has taken account of the advice in the PPG by directing the majority of rural development proposals to the medium and minimum growth settlements as this is where the majority of services are located and where development can be sustained and benefit the local community. Within the development boundary of a minimum growth settlement the starting point for housing is 1 unit with a

maximum of 3, therefore it is inescapable logic that it cannot be seen as acceptable to allow 3 new dwellings to be created in such an isolated position as the appeal site, the proposals are clearly unsustainable and would lead to a proliferation of vehicular movements. The latest TRICS modelling indicates that each newly created dwelling would generate 5 movements per day over its lifetime, so for this development that would indicate 15 daily car movements being added to a rural hamlet. Whilst there is a bus stop outside the site the Council contends that the majority of trips by occupiers of any such dwellings will be by car. There is no employment, school, shop or public house facilities in the immediate area and almost all trips would be at the least to Scunthorpe or Brigg, again the Council would contend that these would almost all be by car. This is clearly not a form of sustainable development. During negotiations with the appellant's agents it was suggested that they amend the plans to just one dwelling initially, which would be more appropriate with the open countryside location, with the possibility of a further unit in the future once the Council had been able to assess the impact of the first conversion. The proposals submitted are clearly contrary to policy RD2. Regarding the character and appearance of the area, the conversion and domestication of a set of rural/agricultural buildings, with the inevitable paraphernalia of residential use – cars, washing lines, wheelie-bins etc – will dramatically impact on the feeling of openness that currently exists and the rural appearance of the site. To alter the farm buildings into 3 dwellings at once would be a detrimental intrusion upon the open countryside. Policy RD2 specifically states that development in the open countryside will only be granted for development if the development would not be detrimental to the character of the open countryside.

5.2 **Policy RD9 – Re-use and/or adaptation of Rural Buildings for Residential Use in the Open Countryside** – sets out the criteria for assessing applications for conversion of existing buildings for residential use. The policy's accompanying text makes it clear that PPG7 advice was that residential uses in the open countryside will only be allowed in exceptional circumstances and makes it clear that the commercial re-use of vacant rural buildings is the most preferable option, residential only being allowed if business use cannot be achieved. The residential use being less preferred clearly indicates that the number of new dwelling units should be minimal. As explained above, in a minimum growth settlement, which is higher up the housing hierarchy than a rural hamlet, 3 is the absolute maximum allowed and the starting point for consideration is 1 unit, therefore, logically, it cannot be considered sustainable to allow 3 units in an isolated rural hamlet which has no services or facilities, with the exception of a bus stop which the Council contends would not take a significant amount of the traffic which 3 new dwellings would generate. The proposals are clearly contrary to this policy.

5.3 **Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) –** One of, if not the, main thrust of PPS7 is to achieve sustainable development in the open countryside and this is set out at the beginning of the document. The Government's objectives include promoting more sustainable patterns of development by focusing most development in or next to existing towns and villages. In the section entitled 'Key principles' the first statement is that "decisions on development proposals should be based on sustainable development principles." The guidance advises good quality carefully sited development within towns and villages, accessibility being a key issue; with new development which is likely to generate large numbers of trips being located in or next to towns or other service centres that are accessible by public transport (para 1: ii and iii). The barns are existing and are obviously in a fixed location, but the key point is that the location of the barns is not next to a service centre or town, there are

no services there apart from the single bus service and it is not a sustainable location. Therefore to allow 3 new dwellings in this location, albeit by conversion of existing buildings, would be contrary to the advice contained within PPS7.

5.4 Regarding the re-use of buildings in the countryside paragraph 17 of PPS7 relates specifically to this type of development and states that the Government's policy is to support the re-use of appropriately located buildings where this would meet sustainable development objectives. It clearly says that re-use for economic development purposes will usually be preferable but residential conversions may be more appropriate in some locations, criteria to be considered by Local Planning Authorities in LDD policies should take account of, amongst other criteria, settlement patterns and accessibility to service centres, markets and housing. Again, the creation of 3 dwellings in this location is not sustainable and does not comply with either the spirit or specifics of PPS7.

5.5 Regarding the impact upon the character and appearance of the area, PPS7 advises that all development in rural areas should be well designed and inclusive, in keeping with its location, and sensitive to the character of the countryside and local distinctiveness. The domestication of this set of barns with the associated residential paraphernalia would significantly and detrimentally impact upon the character and appearance of the area and would be contrary to the advice in PPS7.

5.6 Regarding the issue of precedent, the Council contends that to not set a precedent a development must be exceptional with extraordinary and overwhelming reasons indicating permission should be granted despite not complying with national and local planning policy. The proposed development, in this location, is not exceptional. There are clusters of barns all over North Lincolnshire and this site is no different to other

unsustainable locations. The Council believes it was correct in refusing permission for these proposals.

6.0 COMMENTS ON GROUNDS OF APPEAL

6.1 The points raised by the appellant in their grounds of appeal are noted, however further comment is made:

6.2 Paragraph 9 – The proposals may accord with specific aspects of the relevant policies but the site is fundamentally unsustainable and development involving the creation of 3 new dwellings therefore fails to meet the overarching principles of the relevant policies.

6.3 Paragraph 10 – Whilst the barns have been advertised, this does not justify the scale of development proposed which would result in 3 new dwellings in an unsustainable location.

6.4 Paragraph 11 – With Brigg being a kilometre away it is probable that almost all trips generated by the new dwellings would be car based.

6.5 Paragraph 12 – The Council strongly disagrees that the site closely relates to any town or village. Castlethorpe is classified as a rural hamlet, the least sustainable type of settlement in the housing hierarchy.

6.6 Paragraph 13 – There are many such sites across the Borough and the Council would find it harder to resist other inappropriate development if this scheme was approved.

7.0 CONCLUSION

7.1 The Council contends that the appeal proposals do not accord with policies RD2 and RD9 of the North Lincolnshire Local Plan and also that the proposals are contrary to the advice contained within PPS7. The Council has considered that the proposals are unsatisfactory having regard to the development plan and all other material considerations. The Council is of the opinion that the decision to refuse the application was reasonable and the inspector is respectfully requested to dismiss the appeal.

SUGGESTED PLANNING CONDITIONS

APPLICATION REF:	**PA/2008/1101**
INSPECTORATE REF:	**APP/Y2003/A/09/2104221/NWF**
APPEAL SITE:	**Barn adjacent to Manor Farm White House Farm Castlethorpe Broughton**
PROPOSAL:	**Planning permission to convert existing barns into 3 dwellings and carry out associated alterations and extensions (re-submission of PA/2008/0688)**
APPLICANT:	**Jerry Green & Margaret Green Foundation Trust**

1.
The development must be begun before the expiration of three years from the date of this permission.

Reason
To comply with section 91 of the Town and Country Planning Act 1990.

2.
No development shall take place until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority and only the approved materials shall be used.

Reason
To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy RD2 of the North Lincolnshire Local Plan.

3.
No development shall take place until a Biodiversity Management Plan has been submitted to and approved in writing by the Local Planning Authority.
The plan shall include:

a) Details of nesting and roosting features to be installed to support Pipistrelle bat *Pipistrellus spp.,* brown eared bat *Plecotus auritus,* barn owl *Tyto alba* and other bird species recorded on site.
b) Proposed timings for the installation of the above features in relation to the completion of each building.
c) Details of landscaping features to maintain and enhance the biodiversity of the site.
d) Details of measures to be taken during the construction phase of the development, to avoid harm to bats, nesting birds, and other protected specicies or priority species.

The Management Plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the Local Planning Authority.

Reason
To protect and enhance features of nature conservation interest in accordance with policy LC5 of the North Lincolnshire Local Plan 2003

4.
No development shall take place until the the applicant, or their agents or successors in title, has produced a photographic record of the buildings in accordance with a written scheme of investigation, including a timetable for the investigation, has been submitted to and approved in writing by the Local Planning Authority.

Reason
To comply with policy HE9 of the North Lincolnshire Local Plan as the building is of historic interest.

5.
Before development commences on site a full schedule of all construction works shall be submitted to and approved in writing by the Local Planning Authority.

Reason
In order to retain the historic character of the buildings in accordance with policies RD2 and RD9 of the North Lincolnshire Local Plan 2003.

6.
Notwithstanding the provisions of Class A, B, C, D, E, F and H of Part 1of Schedule 2 of The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 and Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking and re-enacting those orders with or without modification, no extensions, alterations , outbuildings or means of enclosure shall be carried out/constructed or erected on the site other than those expressly authorised by this permission.

Reason
To maintain the character of the development in accordance with policy RD2 of the North Lincolnshire Local Plan.

7.
All windows and external doors shall be constructed from timber at all times. Before development commences on site joinery details of the windows and external doors shall be submitted to and approved in writing by the Local Planning Authority. Thereafter only the approved scheme shall be implemented on site at all times.

Reason
To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy RD9 of the North Lincolnshire Local Plan.

8.
All guttering on the site shall be cast iron, painted matt black at all times

Reason
To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy RD9 of the North Lincolnshire Local Plan.

9.
Before development commences on site details of the paintwork/staining to the windows and external doors shall be submitted to and approved in writing by the Local Planning Authority. Thereafter only the approved scheme shall be implemented on site at all times

Reason
To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy RD9 of the North Lincolnshire Local Plan.

10.
The development hereby permitted shall not be commenced until details of a comprehensive contaminated land investigation has been submitted to and approved by the Local Planning Authority and until the scope of works approved therein have been implemented. The assessment shall include all of the following measures unless the Local Planning Authority dispenses with any such requirements in writing:

(a) A Phase 1 desk study carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the Local Planning Authority without delay upon completion.

(b) A site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle and takes into account the site's existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the Local Planning Authority.

Reason
To address potential hazards from the former use of the site in terms of land contamination and to ensure appropriate measures are undertaken as part of the development in accordance with policy DS7 of the North Lincolnshire Local Plan.

11.
Where the risk assessment identifies any unacceptable risk or risks, a detailed remediation strategy to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved by the Local Planning Authority. No works, other than investigative works, shall be carried out on the site prior to receipt of written approval of the remediation strategy by the Local Planning Authority.

Reason
To address potential hazards from the former use of the site in terms of land contamination and to ensure appropriate measures are undertaken as part of the development in accordance with policy DS7 of the North Lincolnshire Local Plan.

12.
Remediation of the site shall be carried out in accordance with the approved remediation strategy. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

Reason
To address potential hazards from the former use of the site in terms of land contamination and to ensure appropriate measures are undertaken as part of the development in accordance with policy DS7 of the North Lincolnshire Local Plan.

13.
On completion of remediation, two copies of a closure report shall be submitted to the Local Planning Authority. The report shall provide validation and certification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report.

Reason
To address potential hazards from the former use of the site in terms of land contamination and to ensure appropriate measures are undertaken as part of the development in accordance with policy DS7 of the North Lincolnshire Local Plan.

14.
If during development, contamination not previously considered is identified then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority.

Reason
To address potential hazards from the former use of the site in terms of land contamination and to ensure appropriate measures are undertaken as part of the development in accordance with policy DS7 of the North Lincolnshire Local Plan.

15.
No development shall take place until proposals for landscaping have been submitted to and approved by the Local Planning Authority. The proposals shall include indications of all existing trees and hedgerows on the site, and details of any to be retained, together with measures for their protection during the course of development.

Reason
To enhance the appearance of the development in the interests of amenity.

16.
All the approved landscaping shall be carried out within twelve months of development being commenced (unless a longer period is agreed in writing by the Local Planning Authority). Any trees or plants which die, are removed or become seriously damaged or diseased within five years from the date of planting shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the Local Planning Authority agrees in writing to any variation.

Reason
To enhance the appearance of the development in the interests of amenity.

17.
Before development commences on site details of the proposed boundary treatment to the site and the garden/amenity areas and screening to the approved dwellings shall be submitted to and approved in writing by the Local Planning Authority. Thereafter only the approved scheme shall be implemented on site and retained as such at all times.

Reason
To maintain the rural character of the area and to comply with policy RD9 of the North Lincolnshire Local Plan.

18.
Notwithstanding the approved plans, details of the access road including width and surfacing materials shall be submitted to and approved in writing by the Local Planning Authority.

Reason
To maintain the rural character of the area and to comply with policy RD9 of the North Lincolnshire Local Plan.

20.
Any gates or gate positions at the vehicular access shall be set back a minimum distance of 5 metres from the nearside carriageway edge.

Reason
In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

21.
No loose material shall be placed on any driveway or parking area within ten metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the Local Planning Authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason
In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

22.
No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking spaces serving it have been completed and, once provided, the vehicle parking spaces shall be retained.

Reason
In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

23.
No dwelling on the site shall be occupied until the private driveway has been completed to a standard to be agreed beforehand in writing with the Local Planning Authority, up to its junction with the vehicular access to that dwelling.

Reason
In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

24.
No development shall take place until a scheme for the disposal of foul and surface water has been agreed in writing by the Local Planning Authority and none of the dwellings shall be occupied until it is connected to the approved drainage system.

Reason
To ensure satisfactory drainage is provided in accordance with policy DS14 of the North Lincolnshire Local Plan.

INFORMATIVE

The Environment Agency should be contacted on 08708 506506 as under the provisions of the Water Resources Act 1991 their consent is normally required for the discharge of sewage to controlled water and may be required if discharged to ground or water which is not controlled.

The Planning Inspectorate

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Mrs L Morton
North Lincolnshire Council
Development Control
Planning Dept
P O Box 42, Church Square House
Scunthorpe
N Lincs
DN15 6XQ

Your Ref: PA/2008/1101

Our Ref: APP/Y2003/A/09/2104221/NWF

Date: 16 June 2009

Dear Mrs Morton

Town and Country Planning Act 1990
Appeal by The Jerry Green Foundation Trust & the Margaret Green Animal Rescue
Site at Whitehouse Farm, Castlethorpe, Nr Broughton, DN20 9LF

I am writing to advise you that the hearing into this appeal will start at **10:00am** on Tuesday 15 September 2009 at a venue to be arranged. Please arrange a car-parking space for the Inspector and send the details, together with a location plan of the venue, to the case officer quoting our appeal reference number.

The name of the Inspector will be confirmed to you at a later date.

The hearing date has been imposed upon yourselves.

Please write to all those other than the appellant, with an interest in the land, and those who made representations at the planning application stage i.e. including any interested third parties, telling them about the hearing details at least 2 weeks before the hearing date. Your letter should cover:

- An Inspector has been appointed by the Secretary of State to determine this appeal;
- The location of the site and a description of the development;
- Where your, and the appellant's, statements can be inspected;
- that they may attend the hearing and, at the Inspector's discretion, give their views;
- that we will send a copy of the decision letter only to those who ask for one in writing;

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- what facilities are available for people with disabilities e.g. parking spaces, access and seating arrangements etc.

You should send a copy of this letter and a list of those notified to the case officer. If you have not already done so, please send 2 copies of your written statement to the case officer and one copy to any statutory party. We must receive it within 6 weeks of the starting date.

If you consider it appropriate, please notify the press of the hearing. Please also note that people with disabilities who may be concerned about facilities at the hearing venue have been advised to write to, or contact, your Council to confirm that proper provisions are in place.

We aim to issue the decision letter within 7 weeks of the close of the hearing. If there is likely to be significant delay, we will let you know.

Yours sincerely

Sarah Williams

206J.PA08

You can now use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is -
http://www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp
You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button

The Planning Inspectorate

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Mrs L Morton
North Lincolnshire Council
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DN15 6XQ

Your Ref: PA/2008/1101

Our Ref: APP/Y2003/A/09/2104221/NWF

Date: 16 June 2009

Dear Mrs Morton

Town and Country Planning Act 1990
Appeal by The Jerry Green Foundation Trust & the Margaret Green Animal Rescue
Site at Whitehouse Farm, Castlethorpe, Nr Broughton, DN20 9LF

PLEASE NOTE: CONFIRMATION OF VENUE.

I am writing to confirm that the hearing into this appeal will start at 10.00 on 15 September 2009 at The Meeting Room 2, North Lincolnshire Council Offices, Church Square House, Scunthorpe, DN15 6XQ.

Yours sincerely

Sarah Williams

You can now use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is -
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Mrs L Morton
North Lincolnshire Council
Development Control
Planning Dept
P O Box 42, Church Square House
Scunthorpe
N Lincs
DN15 6XQ

Your Ref: PA/2008/1101

Our Ref: APP/Y2003/A/09/2104221/NWF

Date: 30 June 2009

DEVELOPMENT CONTROL SECTION
- 1 JUL 2009
L Morton
DATE RECEIVED
Referred To

Dear Mrs Morton

Town and Country Planning Act 1990
Appeal by The Jerry Green Foundation ~~Trust & the Margaret Green~~ Animal Rescue
Site at Whitehouse Farm, Castlethorpe, Nr Broughton, DN20 9LF

I enclose for your information a copy of the appellant's statement and third party correspondence on the above appeal. Normally, no further comments, from any party, will now be considered.

Yours sincerely

[redacted]
Rose Holland

211L 08

You can now use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is -
http://www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp
You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button

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Chartered Landscape Architects

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Your ref: APP/Y2003/A/09/2104221
Our ref: 925 1 PB MAG

22 June 2009

RECEIVED
23 JUN 2009
PINS AA PEP

Ms Rose Holland
Room 3/18a
The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Dear Ms Holland

TOWN AND COUNTRY PLANNING ACT 1990
APPEAL BY THE JERRY GREEN FOUNDATION TRUST & THE MARGARET GREEN ANIMAL RESCUE
SITE AT WHITEHOUSE FARM, CASTLETHORPE, NEAR BROUGHTON, DN20 9LF

Please find enclosed 2 copies of the hearing statement in accordance with your letter dated 18 May 2009.

Yours sincerely

[redacted]

Paul Barton MRTPI

Enclosure: Hearing Statement (x2)

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ISO 9001 REGISTERED FIRM

Robert Doughty Consultancy Limited
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VAT Reg No. 364 7780 17
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The Jerry Green Foundation Trust And The Margaret Green Animal Rescue

rdc
Robert Doughty Consultancy

Hearing Statement
Appeal against the refusal of planning permission
Site at Whitehouse Farm, Castlethorpe, Near Broughton, DN20 9LF

PINS Appeal Ref: APP/Y2003/A/09/2104221
LPA Ref: PA/2008/1101
Our Ref: 925/1/SOC/PB/fv

June 2009

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1. SUMMARY

1.1. The Appeal Development is a resubmission of an application to convert the existing barns at Whitehouse Farm into 3 residential dwellings.

1.2. The previous application was refused on design grounds, whilst the Appeal Development was refused due to sustainability, and the creation of an unwanted precedent.

1.3. The barns are of significant architectural and historical importance and this is acknowledged by the Local Planning Authority (LPA).

1.4. In order to retain the barns, the buildings need to be put to use. A property report submitted with the Planning Application details why alternative uses would not be appropriate, and the barns have been marketed to this effect with no success.

1.5. The Appeal Site's close proximity to Brigg, a second tier settlement within the District, and its immediate access to public transport mean its location is entirely sustainable. Planning Policy Statement 7 advises LPAs should look favourably on such sites.

1.6. In addition, the re-use of redundant buildings is a sustainable form of development, wholly in keeping with Local Plan Policy RD9 which is considered to be the principal policy to measure the Appeal Development against.

1.7. A structural survey has been completed to demonstrate the barns are capable of conversion.

1.8. A protected species survey has been completed to demonstrate the barns do not provide significant habitation which should be afforded protection.

1.9. The Appeal Development will not set a precedent for other similar applications, as each application has to be determined on its own merits.

1.10. The issues which are identified within this appeal are specific to the proposal and its location. There should be no reason why a precedent is set by allowing this appeal.

1.11. It is difficult to see why the LPA would not wish to see a precedent set for the high quality redevelopment of redundant barns in appropriate locations.

2. INTRODUCTION

2.1. This statement is made on behalf of the Jerry Green Foundation Trust and the Margaret Green Animal Rescue in respect of the decision by North Lincolnshire Council, the LPA, to refuse planning permission PA/2008/1101/ to convert the barns at Castlethorpe, near Brigg into three residential dwellings, (two of which serve as 'live work' units)

2.2. The Planning Application was refused for the following reasons:

1) The site is in the open countryside outside the development boundary of any settlement, as defined by the North Lincolnshire Local Plan. The proposals would represent an unsustainable level of development in this location due to a lack of local facilities and would have an unacceptable impact upon the open countryside due to generating unsustainable car travel and unacceptably compromising the rural character of the area. The proposals are, therefore, contrary to policies RD2 and RD9 of the North Lincolnshire Local Plan and PPS7

2) North Lincolnshire is predominantly a rural area with numerous similar clusters of barns. If allowed the development would set a precedent which would make it harder for the Local Planning Authority to resist other unacceptable proposals. The proposals are therefore contrary to policies RD2 and RD9 of the North Lincolnshire Local Plan and PPS7.

2.3. The Appeal Development is a resubmission of a previous application, planning reference no: PA/2008/0688. This application was refused for the following reason:

1) Whilst the buildings are of significant importance to the rural scene, the proposals would unacceptably harm the character of the buildings due to the excessive number of new window and door openings and other alterations to the buildings including the unacceptable proposed extension to North Barn 1. The proposals are therefore contrary to policies DS1, RD2 and RD9 of the North Lincolnshire Local Plan.

2.4. It can be seen the Appellants overcame the initial design concerns of the LPA by amending the scheme, only for it to subsequently determine that the proposals are unsustainable and would set an unwanted precedent.

2.5. Aside from the LPA wasting the appellants' time by intimating that the design of the proposal was its only concern and allowing an alternative design to be progressed, it has refused two proposals which are wholly appropriate to their surroundings, albeit the Appeal Development now meets the Council's original concerns.

3. THE APPEAL SITE

3.1. The appeal site is located less than a kilometre from the settlement of Brigg, a market town with a population of over 5000.

3.2. The site consists of a number of barns formerly used for agriculture.

3.3. The barns are a variety of single and two storey buildings predominantly built from red brick with clay pantiles on shallow hipped roofs, with many interesting architectural features.

3.4. Access to the site is gained directly onto the B1208 which also serves Whitehouse Farm.

3.5. The barns are redundant farm buildings which do not lend themselves to modern agricultural practices. The barns have been marketed for a B1 business use by Brown and Co in accordance with Policy RD9.

3.6. No interest was received.

4. THE APPEAL DEVELOPMENT

4.1. The Appeal Development proposes to redevelop a group of barns into three dwellings, two of the dwellings will also serve as live work units.

4.2. The three dwellings will be set out around a courtyard layout utilising the existing barns: North Barn 1, North Barn 2 and East Barn; West Barn will be used for garages.

4.3. North Barn 1 is proposed to be a four bedroom property with 77 sqm of office and workshop space and 212sqm of residential floor space.

4.4. North barn 2 is proposed to be a 5 bedroom property consisting of 262sqm of residential floor space, and 83sqm work floor space.

4.5. East barn is not a live work unit, but simply proposes a 3 bedroom property with 177sqm of floor space.

5. PLANNING POLICY

5.1. The Development Plan comprises The Yorkshire and Humber Plan, adopted May 2008 ('The Regional Plan') and The North Lincolnshire Local Plan, adopted May 2003 ('The Local Plan').

5.2. National Government Guidance is set out in Planning Policy Statements 1 – Planning for Sustainable Development, 3 - Housing, and 7 Sustainable Development in Rural Areas.

5.3. Regional Plan

5.3.1. Policy H1 of the Regional Plan sets the overall housing targets for the region, and the Appeal Development will help contribute to these targets.

5.4. The Local Plan

5.4.1. Policy RD9 is arguably the most relevant policy to the Appeal Development, as it concerns the re-use and/or adaptation of rural buildings for residential uses in the open countryside. Five criteria have to be met in order to satisfy this policy.

Proposals for the conversion of rural buildings in the open countryside for residential use will only be permitted if:

i. The building is of architectural or historic importance to the rural scene and is of substantial and permanent construction capable of conversion without major alteration.

The barns are clearly significant to the rural scene and this has been accepted by the LPA in Decision Notice PA/2008/0688.

ii. It can be demonstrated that residential re-use or adaptation is the only way to retain a building in viable continued use and /or secure the retention/improvement of the building; and

The barns have been marketed for a B1 business use over a period of 20 months by Brown and Co in its Brigg office window, and in the Scunthorpe Evening Telegraph, in accordance with Policy RD9. No interest was received.

iii. The development will not create a need for new buildings to house activities displaced by conversion;

There will be no such need as a result of the Appeal Development as the barns are redundant not being used to house any activity.

iv. The general design of the conversion retains and respects the original character of the building and is in keeping with its surroundings. Any extension should respect the scale and appearance of the original building; and

The Appeal Development has been redesigned to meet the LPA's original concerns regarding the design. The Appeal Development sympathetically converts the barns into outstanding residential dwellings.

v. The development will not lead to the loss of habitat for protected species.

No such loss will result from the Appeal Development.

5.5. Policy RD2 concerns development in the open countryside. The policy lists 6 provisos to be met when granting permission for development. Part v) of the policy specifically supports development which re-uses buildings in the countryside. It states planning permission will only be granted for development which is for the re-use or adaptation of existing rural buildings.

5.6. Policy H1 provides the settlement hierarchy for the District. Brigg should be the focus for development within the District outside of the Scunthorpe and Bottesford Urban area. Whilst the appeal site is outside the Settlement Boundary of Brigg, given its close proximity to the town, the relationship to the settlement is an important and telling material consideration.

5.7. Planning Policy Statement 1

5.7.1. This reiterates the four objectives for sustainable development set out in the UK's strategy *Sustainable Communities - building for the future,* March 2003. These are:

i. Social progress which recognises the needs of everyone;

ii. Effective protection of the environment;

iii. The prudent use of natural resources; and,

iv. The maintenance of high and stable levels of economic growth and employment.

5.7.2. Whilst the LPA may perceive the location to be unsustainable, it can be seen that by providing much needed housing, retaining barns which are acknowledged to be of importance and, in turn, contributing to the economic prosperity of this part of the District, the Appeal Development meets the broad aims of the PPS.

5.7.3. The location is not an unsustainable location by virtue of the fact the barns already exist and will not require the use of green field land to provide the dwellings; the Appeal Development is very close to Brigg; and has easy access to the wider area via public transport.

5.8. Planning Policy Statement 3

5.8.1. Paragraphs 40-51 in particular encourage the efficient and effective use of land. Whilst the buildings cannot be considered Previously Developed Land, by virtue of their agricultural nature, the redevelopment and retention of existing buildings will meet the aims and objectives of this document.

5.9. Planning Policy Statement 7

5.9.1. Paragraphs 17-18 of PPS7 concern the reuse of redundant buildings in the countryside, and it states LPAs should be supportive of proposals which 'closely relate' to country towns and villages, as is the case with the Appeal Development.

6. ISSUES OF SIGNIFICANCE

6.1. The Appeal Development has been designed to meet the original concerns of the LPA. The lack of any referral to design within the refusal reason demonstrates the LPA considers this element of the proposal to have been met.

6.2. The LPA's reasons for refusal are essentially that the site is unsustainable, and there will be an unwanted precedent set.

6.3. Sustainability

6.3.1. The barns are located less than a kilometre from the settlement of Brigg and all of the facilities which it offers. In fact, the centre of Brigg is only 1.5 kilometres from the site. This equates to a 10-15 minute walk.

6.3.2. Additionally, there is a bus stop immediately outside of the site, from which there is an hourly bus service to Brigg and Scunthorpe.

6.3.3. The LPA refers to an unsustainable level of car travel being generated by the proposal. However, it should be readily obvious that other alternative uses such as tourism or business, would arguably generate as much or a higher level of traffic. This in turn will have a far greater impact on sustainability.

6.3.4. Importantly the barns are existing buildings, and their retention and re-use will be an entirely sustainable form of development.

6.3.5. Policy RD9 is fundamental to the appeal development and its importance is compounded by the content of PPS7 which now provides further emphasis to promote development which closely relates to existing settlements. The Appeal Development meets all the criteria and demonstrates the Appeal Development's sustainable credentials.

6.3.6. A property report in April 2008, submitted with the Planning Application, demonstrates the site is unsuitable for any other use. It sets out that warehousing or workshops, tourism, and office use would not be suitable due to the layout and design of the buildings, together with the economic returns which would be available from any investment. The unsuccessful marketing of the buildings for an alternative use underlines this point.

6.3.7. A structural survey completed in October 2007 was submitted with the Planning Application. It states the barns are of a condition which can be readily converted, subject to appropriate mitigation measures detailed within the report.

6.3.8. A protected species survey concludes development can proceed with appropriate mitigation measures.

6.3.9. These positive technical reports assist in demonstrating the sustainable nature of the Appeal Development and, significantly, ensure the Appeal Development is fully compliant with Policy RD9, the principal policy to determine the appeal against.

6.4. Unwanted Precedent

6.4.1. It is difficult to comprehend why the LPA would wish to resist high quality re-development and why the approval of this Appeal Development would set a precedent for every other cluster of barns within the District to be converted to residential use.

6.4.2. A Planning Application must be determined on its own merits having regard to Development Plan policies and any other material considerations. Given the issues raised by the appeal are specific to the development and its location, a precedent will not be set which will allow the conversion of every redundant rural building in the District.

6.4.3. In any case, a precedent which allows for the retention of barns which have acknowledged merit, sympathetically re-developed, to a very high standard, is one which the LPA should want to set.

7. REPRESENTATIONS FROM LOCAL RESIDENTS

7.1. The occupants of 2 Hall Farm Cottage, Castlethorpe have objected to the scheme due to its perceived unsympathetic redevelopment, the presence of barn owls, and inadequate access.

7.2. The design of the appeal development has been further improved to take account of the LPA's original refusal reason regarding design. Mitigating measures will be put in place regarding protected species and we note the Council's Environment Team has suggested a condition relating to a biodiversity plan to be submitted prior to the commencement of development, which is acceptable. In addition, the Local Highway Authority advised only that standard highway conditions should be attached to any consent.

8. CONCLUSION

8.1. The proposal has been designed to take into account the LPA's original concerns, and now represents a design which further reflects and builds upon the surrounding area.

8.2. The Appeal Development, by virtue of its close relationship to Brigg, its immediate access to public transport, together with the fact the barns are worthy of retention with no realistic opportunity for conversion to other uses, is an entirely sustainable form of development.

8.3. The Appeal Development will not set a precedent for other similar applications, as each application must be determined on its own merits.

8.4. The Appeal Development is precisely the type of development LPAs should wish to set precedents for.

8.5. The Appeal Development is in accordance with the Development Plan and National Planning Advice, with particular reference to Planning Policy Statement 7 and Local Plan Policy RD9, and we respectfully request the Inspector allow this appeal.

BROUGHTON TOWN COUNCIL

Mayor: Councillor Arthur Bunyan

Deputy Mayor: Councillor Ivan Glover

Town Clerk: Gary Johnson

Assistant Clerk: Gladys Siddall

RECEIVED
24 JUN 2009
PINS AA PEP

22nd June 2009

The Planning Inspectorate
Room 3/15 Eagle
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Dear Sir / Madam

Inspectorate's Reference: APP/Y2003/A/09/2104221/NWF
Application Number: PA/2008/1101

Proposal: Planning permission to convert existing barns into 3 dwellings and carry out associated alterations and extensions (re-submission of PA/2008/0688)

Location: Barn adjacent to Manor Farm White House Farm, Castlethorpe, Broughton

Appellant: Jerry Green & Margaret Green Foundation Trust

Broughton Town Council's Planning Committee met on Monday, 15th June 2009, to consider the above appeal.

It was resolved that the Council continue not to object, but express concerns over safety upon entering / leaving the site.

I would be grateful if you could send the Council a copy of the decision letter in due course, however in the meantime if you have a question or query about this please do not hesitate to contact me.

Yours faithfully

Mr G M Johnson
Clerk to the Council

Phil Grundy Community & Sports Centre, Scawby Road, Broughton, North Lincolnshire, DN20 0AB
Tel: (01652) 659441 Email: broughtontowncouncil@btconnect.com

The Planning Inspectorate

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albert.summers@pins.gsi.gov.uk
http://www.planning-inspectorate.gov.uk

Mrs L Morton
North Lincolnshire Council
Development Control
Planning Dept
P O Box 42, Church Square House
Scunthorpe
N Lincs
DN15 6XQ

Your Ref: PA/2008/1101

Our Ref: APP/Y2003/A/09/2104221/NWF

Date: 27 July 2009

Dear Mrs Morton

Town and Country Planning Act 1990
Appeal by The Jerry Green Foundation Trust & the Margaret Green Animal Rescue
Site at Whitehouse Farm, Castlethorpe, Nr Broughton, DN20 9LF

NOTIFICATION OF INSPECTOR

I am writing to inform you that the Inspector appointed to hold the hearing into the above appeal will now be:

S Berkeley BA MA MRTPI

You have already been given notice of the arrangements for this hearing.

Yours sincerely

Albert Summers

NB: All further correspondence should be addressed to the case officer mentioned in the initial letter.

206C

INVESTOR IN PEOPLE
POSITIVE ABOUT DISABLED PEOPLE

Application Number: PA/2008/1101

(please quote in all correspondence)

Case Officer: Mark Simmonds Tel: 01724 297309
mark.simmonds@northlincs.gov.uk

25 August 2009

Dear Sir/Madam

Planning Appeal – Informal Hearing: Planning permission to convert existing barns into 3 dwellings and carry out associated alterations and extensions (re-submission of PA/2008/0688) Barn adjacent to Manor Farm White House Farm Castlethorpe Broughton

Inspectorate's Reference: APP/Y2003/A/09/2104221/NWF

Appellant: Jerry Green & Margaret Green Foundation Trust

I wrote to you previously to let you know about the above appeal. The Planning Inspectorate have now decided on a date for the hearing and this letter is to inform you about the arrangements.

The hearing will take place on Tuesday 15 September 2009 starting at 10:00 in Meeting Room 2, Church Square House, Scunthorpe. It will be chaired by the Inspector, who will lead a discussion about the proposal. The atmosphere is informal – it is not a public inquiry and parties other than the Council and the appellants are allowed to take part, at the Inspector's discretion. Statements and other documents associated with the appeal are available to view by prior appointment at the Church Square Offices. Alternatively, they can be viewed on the Council's web site www.northlincs.gov.uk by selecting Planning and Building Control from the Home page and following the links to the Online Application Register.

All views received which have already been expressed in writing will still be taken into account. Additionally, as an occupier of property near to the site or an otherwise interested party, you are invited to attend to give your views, or if you wish, to ask someone to attend on your behalf. It would be helpful, although it is not essential, to have an indication if you are likely to attend or be represented so that I can ensure the accommodation is suitable for the event.

Please contact the case officer Mark Simmonds on 01724 297309 if you require further assistance.

Yours faithfully

Mike Welton
Head of Planning

Copies for information sent to:

Cllr A Bunyan
Conservative Group Office
Pittwood House
SCUNTHORPE

Cllr I Glover
Conservative Group Office
Pittwood House
SCUNTHORPE

Councillor J Collinson
Chair of the Planning Committee
Labour Group Office
Civic Suite
Pittwood House
SCUNTHORPE

Councillor D Whiteley
Vice Chair of the Planning Committee
Labour Group Office
Civic Suite
Pittwood House
SCUNTHORPE

Scunthorpe Telegraph
4/5 Park Square
Laneham Street
SCUNTHORPE
DN15 7JH

Mrs G Siddall, Assistant Clerk to Broughton Town Council
Phil Grundy Community and Sports Centre
Scawby Road
Broughton
BRIGG
DN20 0AB

Land Charges Section
Pittwood House
SCUNTHORPE

Letter sent to:

Mrs JP Howes
2 Hall Farm Cottages
Castlethorpe
BRIGG
DN20 9LG

The Owner/Occupier
New Cottages
Castlethorpe
Broughton
BRIGG
DN20 9LF

The Owner/Occupier
1 New Cottages
Castlethorpe
Broughton
BRIGG
DN20 9LF

The Owner/Occupier
2 New Cottages
Castlethorpe
Broughton
BRIGG
DN20 9LF

The Owner/Occupier
2 New Cottages
Castlethorpe
Broughton
BRIGG
DN20 9LF

The Whitehouse
Castlethorpe
Broughton
BRIGG
DN20 9LF

The Owner/Occupier
Whitehouse Farm
Castlethorpe
Broughton
BRIGG
DN20 9LG

The Owner/Occupier
Hall Farm Cottages
Castlethorpe
Broughton
BRIGG
DN20 9LG

The Owner/Occupier
The Barn
Castlethorpe
Broughton
BRIGG
DN20 9LG

The Owner/Occupier
The Maltkiln
Castlethorpe
Broughton
BRIGG
DN20 9LG

The Owner/Occupier
The Mount
Castlethorpe
Broughton
BRIGG
DN20 9LG

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Mrs L Morton
North Lincolnshire Council
Development Control
Planning Dept
P O Box 42, Church Square House
Scunthorpe
N Lincs
DN15 6XQ

Your Ref: PA/2008/1101

Our Ref: APP/Y2003/A/09/2104221/NWF

Date: 7 October 2009

Dear Mrs Morton

Town and Country Planning Act 1990
Appeal by The Jerry Green Foundation Trust & the Margaret Green Animal Rescue
Site at Whitehouse Farm, Castlethorpe, Nr Broughton, DN20 9LF

I enclose a copy of our Inspector's decision on the above appeal.

Leaflets explaining the right of appeal to the High Court against the decision, our complaints procedures and how the documents can be inspected are on our website – www.planning-inspectorate.gov.uk/pins/agency_info/complaints/complaints_dealing.htm - and are also enclosed if you have chosen to communicate by post. If you would prefer hard copies of these leaflets, please contact our Customer Services team on 0117 3726372.

If you have any queries relating to the decision please send them to:

Quality Assurance Unit
The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square, Temple Quay
Bristol BS1 6PN

Phone No. 0117 372 8252

Fax No. 0117 372 8139

E-mail: complaints@pins.gsi.gov.uk

Yours sincerely

Amanda Baker

INVESTOR IN PEOPLE

POSITIVE ABOUT DISABLED PEOPLE

Appeal Decision

Hearing held on 15 September 2009
Site visit made on 15 September 2009

by Simon Berkeley BA MA MRTPI

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email:enquiries@pins.gsi.gov.uk

Decision date:
7 October 2009

Appeal Ref: APP/Y2003/A/09/2104221
White House Farm, Castlethorpe, Brigg, North Lincolnshire DN20 9LF

- 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 The Jerry Green Foundation Trust and The Margaret Green Animal Rescue against the decision of North Lincolnshire Council.
- The application reference PA/2008/1101, dated 29 April 2008, was refused by notice dated 2 January 2009.
- The development proposed is the redevelopment of barns into 3 residential properties.

Decision

1. I dismiss the appeal.

Main issues

2. There are two main issues in this case. The first is whether the proposed development would be sustainable in this location. The second is its effect on the character and appearance of the surrounding countryside.

Reasons

3. This appeal relates to a group of disused farm buildings in the countryside. The proposed scheme involves demolishing some, and converting three into houses, two of which would include office and workshop space for home working.

Whether the development would be sustainable in this location

4. The Council's reasons for refusal refer to Policies RD2 and RD9 of the North Lincolnshire Local Plan, adopted in May 2003. The former seeks to strictly control development in the open countryside. It does, though, permit the re-use of rural buildings provided that certain criteria are met. In this case, the Council says that criteria b) and c) are the most relevant. But neither of these directly address matters of sustainability, and nor do those in Policy RD9. Criterion c) relates to the character and appearance of the countryside. Although b) requires adherence to other plan policies, the Council confirmed at the Hearing that other policies form no part of their case in this appeal. I note that paragraphs 6.26 and 6.27 of the Local Plan indicate that residential uses in the open countryside will only be allowed in exceptional circumstances. However, this approach is not justified by reference to sustainability considerations. In short, there is little basis in the Local Plan policies relied on in the reasons for refusal for judging the proposal on sustainability grounds.

5. Planning Policy Statement 7: *Sustainable Development in Rural Areas* (PPS7), though, is clear on this point, and is also quoted in the Council's decision notice.

Among the key principles set out in paragraph 1, PPS7 requires decisions on development proposals to be based on sustainable development principles, particularly in relation to accessibility. In addition, as paragraph 17 of PPS7 specifically concerns the re-use of buildings, it is of direct relevance. I acknowledge that, despite the preference for re-use for economic development, it does not preclude residential conversions. However, the support given in paragraph 17 for the re-use of buildings in the countryside is limited to situations where they are appropriately located, and where this would meet sustainable development objectives. As the Local Plan policies cited in the reasons for refusing the application do not explicitly address these matters, the appeal falls to be judged against the more recent policy statement in paragraph 17 of PPS7 on this main issue.

6. Castlethorpe has no shops or other community facilities, and the only opportunities for employment there are at the nursing home. The nearest town is Brigg, and the main parties agree that it is around 1½ miles from the site to the town centre, where shops and services can be found. In my view, this is a considerable distance. In this context, despite the continuity of the footpath, I consider it improbable that the development's occupants would walk or cycle to Brigg with any degree of regularity, particularly for shopping trips.

7. There is a bus stop in Castlethorpe, very close to the site entrance, on a bus route between Scunthorpe and Brigg. The journey to Brigg is a short one, and the current service runs Monday to Saturday from quite early in the morning to the late afternoon. There are also four buses on Sunday afternoons. I accept that this is an advantage. However, at generally around one bus an hour, the service is not frequent. Despite some later buses for the return journey, those to Brigg do not run after 6.30pm. Consequently, in my view, the opportunities to travel to Brigg by public transport are somewhat limited. As I see it, taking the bus is unlikely to represent a realistic alternative to the private car, and it seems improbable to me that many would habitually make this choice, given the service's limitations.

8. Overall, I find the sustainability credentials of this location to be unfavourable. As a consequence of the lack of shops and other facilities nearby, combined with the limited public transport service, the proposed development would be likely to result in additional trips by private car. It is reasonable to expect that each household here would have two cars and, indeed, the scheme's parking arrangements provide for more than this. From TRICS modelling, the Council estimates an average of 15 car journeys each day from the development. The appellants do not dispute this figure, and I have no reason to suspect its general accuracy. Notwithstanding the benefit of the proposed office or workshop space in this regard, I consider this to be a significant number. I conclude that the proposed development would not be sustainable in this location and would result in a material degree of environmental harm arising from the car trips likely to be generated. As such, it would conflict with the key principles of PPS7 and the aims of paragraph 17. That re-using buildings may be more sustainable than constructing new ones does not alter this.

9. I note the appellants' point that other alternative uses would also generate traffic. But I have no evidence about the likely impacts involved or, for that matter, about the probability of such other uses going ahead. So far as I am aware, there is no extant planning permission in place. In any event, I have determined this appeal

on the basis of the scheme before me, and the possibility of the buildings being used for something else does not alter my findings in relation to the sustainability of this location.

Effect on the character and appearance of the countryside

10. To the west of the B1208, along with White House, the appeal buildings are separated from others in Castlethorpe, which chiefly lie to the other side of the road. They are surrounded by fields, many of which are in agricultural use.

11. In general, this group of barns is arranged in a U shape, around a central farmyard. Their façades have few openings, and the group has a rather rudimentary appearance as a consequence. In my view, this configuration and elementary treatment of the elevations lends the complex a particularly rural, agricultural character. This reflects the barns' original function and informs their legibility in the landscape. Put simply, these buildings look like a group of traditional barns in the fields here, befitting of and in keeping with their surroundings. Indeed, in my view, they add to the rural character of the area, despite their disused condition.

12. The proposed development would introduce a substantial number of new doors and windows in most of the elevations. The central courtyard would include quite large garden and lawn areas, landscaping and block paving to the proposed garages. It is probable that paraphernalia associated with the residential use would be placed in the proposed gardens. All of this would bring about a visually obvious domestication of the barns and the farmyard. Given the number and considerable size of the buildings involved, and the substantial area that they occupy, the effect of this would be significant.

13. The appellants argue that the appeal scheme would be beneficial as it would make sure that the barns, which undisputedly are of architectural and historic importance, would be retained. However, in my view, the treatment of the open farmyard, introduction of numerous house windows and the infilling of the arches in North Barn 1, which are features of particular interest, would all erode the group's noteworthiness. My point here is that whilst the buildings' continued presence would be assured, the extent of the alterations proposed would undermine the very characteristics that make this desirable.

14. In my view, the proposed development would result in the creation of a somewhat solitary, quite sizeable residential enclave, visually isolated from Castlethorpe and the nearest cluster of buildings. It would lead to a significant incursion of domesticity that would stand out in the landscape, look out of place in the surroundings here and would diminish the area's rural character.

15. Whilst I note the appellants' argument that views of the site from public places are limited, this would not prevent the visual impacts I find the development would cause from occurring. In addition, it would be seen from White House and surrounding fields, where the effects of the development would be clearly noticeable.

16. I therefore conclude that the proposed development would harm the character and appearance of the countryside. This effect would be brought about by the location of the buildings, the scale and nature of the works involved and the design of the scheme. As such, it would conflict with the aims of Local Plan Policy

RD2. This allows the re-use of buildings in the countryside provided that the development would not be detrimental to the character or appearance of the open countryside in terms of siting, scale and design, amongst other things. Contrary to the Council's view expressed at the Hearing, it would additionally not accord with criteria iv) of Policy RD9. This only permits residential conversions if it retains and respects the original character of the building and is in keeping with its surroundings.

Other matters

17. The second reason for refusal says that North Lincolnshire is predominantly a rural area with numerous similar clusters of barns. It argues that if allowed, the development would set a precedent which would make it harder for the Council to resist other unacceptable proposals. However, no specific similar sites to which this might apply have been put forward. Each application and appeal must be determined on its individual merits, and I see no reason to suppose that my decision would set a precedent as the Council fears. I conclude that such a generalised concern of precedent should not be central to my decision in this case.

18. I acknowledge that bats and barn owls use the barns and that the presence of contamination is a possibility, given the agricultural history of the site. However, the Council's ecology and environmental protection officers are content that conditions requiring the provision of nesting and roosting features and undertaking of further ground investigations, among other things, could satisfactorily resolve these matters. I have been given no compelling reason to conclude otherwise.

19. Concerns have been raised about highway safety. However, from the site access, visibility in both directions is reasonable, despite the proximity of the junction. In this context, and as the highways authority does not object, I consider that the scheme should not be prevented on these grounds.

20. I note the Council's indication that converting one of the barns to a house might be acceptable. Nevertheless, the scheme before me relates to the proposed re-use of three, and I have determined the appeal on that basis.

Conclusion

21. My findings concerning precedent and the other matters in this case must be considered against those on the first two main issues. I consider that an absence of harm in respect of the former is insufficient to outweigh the harm I judge would be caused in terms of sustainability and the character and appearance of the countryside. For this reason, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Simon Berkeley

INSPECTOR

Appearances

For the appellants:

Mr Robert Doughty BSc (Hons) DipTP MRTPI	Robert Doughty Consultancy Limited
Mr K. E. Pritchard MRICS FAAV	Brown & Co.

For the local planning authority:

Mr Mark Simmonds	North Lincolnshire Council

Documents submitted at the Hearing

1 A bus timetable showing services between Brigg and Scunthorpe.
2 An extract from the Local Plan proposals map.
3 Extracts from the Local Plan.
4 A *Phase One Environmental Assessment Report* by C.R. Parrott Consultants Limited.
5 An email from the Council's Technical Officer (Environmental Protection).