



The Planning Inspectorate

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Boston District Council
Dept Of Development Services
Municipal Buildings
West Street
Boston
LINCS, PE21 8QR

Your Ref:
B03/0604/98

Our Ref:
APP/Z2505/A/99/1022923

23 September 1999

Dear Sirs

**TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY WESTHORPE FLOWERS AND PLANTS LIMITED
SITE AT WESTHORPE, WEST END, BENINGTON**

The attached decision is in a new format. Traditionally decisions have been issued as a letter. That form of layout has meant that the administrative data, facts about the appeal - including the site address, who made the appeal, the local planning authority - as well as information to support the decision and the decision itself, has been embedded within the text. This new approach is intended to provide a clearer and more customer friendly document.

All the information about the appellant, the LPA, the site, the development and the relevant legislation is now at the top of the first page. The decision itself is also given at the beginning with the reasoning which supports it following. No changes have been made to the way in which the decision is reached; the reasoning behind the decision will remain..

Yours faithfully

G. Neill AP

Mr D App's
211B

NB - officer rec. on this application was to approve. Ctee decided to refuse.

DIRECTORATE OF DEVELOPMENT	
REGISTERED No.	5119 m
DATE RECEIVED	27/9/99
ATTENTION OF	BA
ACKNOWLEDGED	
REPLIED TO	
COMMITTEE	
COPY SENT TO	
FILE No.	



Appeal Decision

site visit held on Tuesday, August 3, 1999

by Diane Lewis BA(Hons) MCD MA MRTPI

an Inspector appointed by the Secretary of State for the
Environment, Transport and the Regions

The Planning Inspectorate
Tollgate House,
Houlton Street
Bristol BS2 9DJ
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23 SEP 1999

Appeal : T/APP/Z2505/A/99/1022923/P9

- 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 brought by Westhorpe Flowers and Plants Ltd. against Boston Borough Council.
- The site is located at Westhorpe, West End, Benington.
- The application (ref: BO3/0604/98), dated 8 December 1998, was refused on 26 January 1999.
- The development proposed is retain and change of use of dwelling to offices.

Decision: The appeal is allowed and planning permission granted for the change of use of dwelling to office in accordance with the terms of the application No: BO3/0604/98 dated 8 December 1998, and the plans submitted therewith, subject to the following conditions:

- (i) The development hereby permitted shall be begun before the expiration of six months from the date of this decision.
- (ii) The premises shall be used for offices ancillary to the existing horticultural unit and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Procedural matters

1. Planning permission was granted on 6 June 1974 for a bungalow, which was restricted by condition to an agricultural workers dwelling (ref: B3/0061/74) (the first bungalow). Planning permission was granted on 8 August 1995 for a replacement agricultural workers bungalow and Condition 4 required the first bungalow to be demolished (ref: BO3/0363/95).
2. The application, which is the subject of this appeal, sought to retain the first bungalow and change its use from a dwelling to offices. The intention is that the office would serve the horticultural unit at Westhorpe. The Council dealt with the proposal as an application for the removal of Condition 4 attached to planning permission BO3/0363/95 (which required the existing dwelling to be completely demolished within 3 months from the date of first occupation of the dwelling) and change of use from residential (Class C3) to ancillary offices.
3. I propose to deal with this appeal based on the refusal of planning permission for the retention of an existing building and the change of use from residential to ancillary offices at Westhorpe, West End. This approach reflects the description of the proposal on the application form. It also allows the proposed development to be considered on merit in accordance with the development plan, while leaving intact Condition 4 on the 1995 permission. Taking account of government advice in Circular 11/95 'The Use of Conditions in Planning Permissions', it would be possible to restrict the office use so that it

could only be ancillary to the horticultural unit and so I shall assess the proposal on that basis.

The main issues

4. The main issues are:-

- The effect of the proposal on the character and appearance of the surrounding countryside.
- The effect of the proposal on highway safety.

Development plan and other policy guidance

5. The development plan includes the Boston Local Plan, 1999 (the Local Plan). Policy CO1 restricts development in the countryside unless supported by other Local Plan policies. Policy CO6 supports the conversion of buildings in the countryside for employment uses. However, the policy identifies a number of criteria that have to be satisfied to ensure that re-use does not harm the rural character. The Local Plan further states that the introduction of new employment generating uses into existing rural buildings is unlikely to create new problems of visual intrusion and is likely to be supported. On the other hand, new buildings will only be allowed exceptionally to prevent the erosion of the character of the countryside.
6. National policy guidance in Planning Policy Guidance Note 7 The Countryside-Environmental Quality and Economic and Social Development 1997 (PPG7) also recognises that re-use of existing rural buildings has an important role in meeting the needs of rural areas, subject to a number of tests being met.

Inspector's reasons

Issue One: Character and Appearance

7. I will assess this issue first against the criteria set out in policy CO6 of the Local Plan and then against the tests in PPG7. The proposed ancillary office use, because of the quiet nature of the work, would not harm the living condition of adjoining occupiers in the detached house next to the site. Being related to an existing horticultural business it would not lead to the generation of extra traffic. There is no evidence to suggest that there would be problems of drainage, or that any protected species would be affected. Surrounding agricultural and related activities would not cause unacceptable environmental problems for the users of the office.
8. Furthermore, the building is of permanent and substantial construction and it would appear capable of re-use without any significant external works. It is small in scale, of basic design and in appropriate materials. It is well related to the operational buildings on the site, is partially screened from the highway by a brick boundary wall and vegetation and when visible it is seen against the backdrop of a much larger complex of buildings. It is not intrusive in the landscape and is in keeping with its surroundings.
9. I conclude that the proposal would not harm the character or appearance of the surrounding countryside and that it is in accordance with policies CO1 and CO6 of the Local Plan and advice in PPG7.

Issue Two: Highway Safety

10. The Council is concerned that the retention of the building would prevent the site having adequate turning and manoeuvring space for HGVs serving and visiting the business, with inadequate width for two vehicles to pass. However, there have been recent improvements to widen the access and to provide a new parking and turning area within the site. Furthermore, information from the appellant on the type and amount of traffic associated with the business indicates that the number of HGVs is low. My conclusion on this issue is that the retention of the building would not be against the interests of highway safety.

Other Matters

11. The widening of the access has resulted in the bungalow being immediately next to the main point of entry and exit for all vehicles serving the site. The use of the building as an office would therefore be appropriate as an aid to management and security of the site. In contrast, its use as a dwelling would not be acceptable as the occupiers would suffer from noise and disturbance and a lack of privacy. This finding supports the proposal and the retention of Condition 4 on the 1995 permission.

Summary

12. My conclusions on the two main issues, and the additional matter, is in favour of the proposal to retain the building and change its use to ancillary offices. I have considered all other matters raised in the written representations but find that there is nothing to change my decision.

Conditions

13. The Council has suggested conditions which I have considered taking account of advice in Circular 11/95. A condition to restrict the office use to being ancillary to the agricultural unit is necessary and relevant in order to control the effects of the development to ensure that it does not harm the character of the surrounding area. I have reworded the condition to comply with the advice in the Circular. I have imposed a strict time limit for the commencement of development. I consider six months to be a reasonable period in view of the nature of the use and limited amount of preparatory work and organisation required to implement the use. Failure to commence the use in this period would allow Condition 4 attached to planning permission BO3/0363/95 to be enforced to prevent the proliferation of dwellings in the countryside. Therefore, the second condition suggested by the Council is not necessary.

Conclusions

14. For the reasons given above I conclude that the appeal should succeed and I shall exercise the powers transferred to me accordingly.

Informatives

- This decision grants planning permission under Section 57 of the Town and Country Planning Act 1990. It does not give any other approval or consent which may be required.
- Attention is drawn to the enclosed note relating to the requirements of the Building Regulations 1991 with respect to access for disabled people.

Dore Lewis

BOSTON BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

SECTION 69 RECORD SHEET

Westhorpe, West End, Benington

Application for the removal of Condition No.4 attached to Planning Permission B03/0363/95 (which required the existing dwelling to be completely demolished within 3 months from the date of first occupation of the dwelling) and change of use from residential (Class C3) to ancillary office use

Applicant Westhorpe Flowers & Plants Ltd
Westthorpe, West End
Benington, Boston

Reference	Building Reg.No.	Grid Reference
B03/0604/98 BA		538400 347100

Type of Application:
Full

Date of Application: 08.12.98

Date Registered: 14.12.98

Committee/Delegation
to Officer: Delegation

Committee date:

Case Officer: Mr B L J Adams (extension 341/307)

Admin.Assistant: LH