



## Appeal Decision

Site visit made on 11 May 2023

by **A Hickey MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 July 2023

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**Appeal Ref: APP/J0540/W/22/3308706**

**Croft Farm, Meadow Lane, Thornhaugh, Peterborough PE8 6HN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Peter Sharpley against the decision of Peterborough City Council.
  - The application Ref 22/00506/FUL, dated 11 April 2022, was refused by notice dated 22 July 2022.
  - The development proposed is change of use from agricultural land to garden land.
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### Decision

1. The appeal is dismissed

### Preliminary Matters

2. At the time of my visit the appeal site was separated from the adjacent agricultural field by a partially stone-built wall which gave way to a small timber fence. It was not evident that the proposed change of use had taken place and I have determined the appeal on the basis that the scheme is as proposed.

### Main Issues

3. The main issues are:
  - the effect of the proposed development on the living conditions of neighbouring occupiers, with particular regard to noise and disturbance;
  - the effect of the proposal on the character and appearance of the area, including the Thornhaugh Conservation Area (CA) and the setting of the nearby Grade II listed buildings Croft Farmhouse and Avebury Cottage; and
  - whether the appeal site is a suitable location for the proposed development having regard to local and national planning policy.

### Reasons

#### *Living conditions*

4. The outdoor space to be provided would be sited to the rears of Apple Grove and 8 and 10 Meadow Lane. The limited surrounding residential development and countryside setting of the appeal site result in a tranquil rural character which these properties benefit from.
5. I acknowledge that the existing holiday let use of the buildings is likely to result in associated activities such as barbecues, games and music which are typical

residential activities. However, given the capacity of the holiday lets it would suggest that it would be particularly attractive to larger groups of people and family gatherings.

6. Activities are at present likely to take place within existing enclosed areas or may even take place at the front of the barn. Nevertheless, these activities are presently undertaken within a more enclosed area bounded predominantly by built development. In contrast, the proposed location of such activities for what may be large groups of people would have the potential to be particularly noisy and would still be in close proximity to nearby properties. As the occupiers would be on holiday, it is also likely that they may use the outdoor facilities in the evening with no restriction on hours and therefore cause noise and disturbance when neighbouring occupiers may reasonably expect quietness.
7. The resulting regular noise and disturbance would be particularly noticeable given the tranquil surroundings. The proposed use would consequently generate greater noise and disturbance levels than are currently experienced by the occupiers of neighbouring dwellings, on a regular basis.
8. As a result, the proposal would unacceptably harm the living conditions of the occupiers of neighbouring dwellings with regard to noise and disturbance. The proposal would therefore conflict with Policy LP17 of the Peterborough Local Plan (LP), which states that development should not result in an unacceptable impact on the amenity of existing occupiers of any nearby properties through noise or other disturbance. The proposed development would also fail to comply with the Framework, which seeks a high standard of amenity for existing users.

#### *Character and appearance*

9. The appeal site is located in an area of open countryside but adjacent to the settlement boundary. It comprises an L-shaped piece of agricultural land bordered by development on two sides and a small agricultural field to the south and a much larger field to the east. There is no built development on the site. However, the remains of foundations from a previous building are evident. On the eastern edge of the appeal is a stone-built wall with the remains of derelict low-level sections running to the north before giving way to a more recently erected low-level timber fence.
10. The appeal site is located within the CA. As such, I have had regard to the duty to pay special attention to the desirability of preserving or enhancing its character or appearance. In addition, there are two nearby listed buildings, Grade II Croft Farmhouse which forms part of the holiday let accommodation and Grade II listed Avebury Cottage located close by to the south-west. Given the presence of these heritage assets, I have had special regard to the desirability of preserving the buildings their setting and any features of special architectural or historic interest which they possess.
11. The significance of the CA lies largely in the form, scale, detailing and materials of its historical buildings of different ages and styles in a largely linear arrangement. Whilst there is a variety to the architecture, many of the buildings are of traditional appearance including agricultural and ancillary buildings referencing the agricultural character of the village.

12. Unlike many other properties on the road Grade II listed Croft Farmhouse (the Farmhouse) sits side on to the road. Public access to the Farmhouse can only be taken from Russell Hill where visitors are greeted by the rear of the building. The Farmhouse derives its significance from its simple detailing, steeply pitched tall roof and positioning facing into a modestly sized enclosed garden situated behind low-level stone walls.
13. Located a short distance to the south is Grade II listed Avebury Cottage which faces outward onto the road. It derives its significance from its fine detailing set over one storey and attic and steeply pitched stone roof with gable ends and chimneys.
14. The site is well contained by the existing development to the north and west, which includes buildings, boundary treatments and residential gardens. The appeal site is beyond the extent of the barn conversion. However, it is evident it shared an agricultural past with the converted barn. This is apparent from the existence of previous building foundations and the nearby stone wall and derelict sections. As a result, whilst outside of the defined settlement boundary the appeal site does share a close historic connection with the village.
15. Given the close relationship of the appeal site to the surrounding built development, the proposed change of use would not significantly alter the character and appearance of the area. This is because the appeal site is largely viewed within the context of surrounding properties where domestic paraphernalia such as seating and tables are evident. Notwithstanding the domestic paraphernalia, had I been minded to approve the proposed scheme it would have been necessary to insert a condition requiring planning permission for any outbuildings, extensions or hard surfacing given the potential harm to the nearby heritage assets and the wider countryside setting. Subject to such conditions, the proposal would be sensitive to its landscape setting and would not alter the perception of the edge of the village.
16. There are a number of well-sized gardens found within the vicinity of Meadow Lane which have only modest-sized properties. As such, the size of the garden would not be out of character with the surrounding area or disproportionate to the scale of the two holiday lets. Additionally, given that the proposed scheme would see no additional built form it would not alter existing views, into, out of or through the site which contribute to the character of the area.
17. The appeal site shares an historic connection with the village boundary such that its change of use would not impact upon how the historic village boundary is experienced in this location. Additionally, given the development proposed and its location away from the nearby Grade II listed buildings, there would be no harm to the setting of these buildings. As such, it would preserve the character and appearance of the CA and the setting of nearby listed buildings.
18. Consequently, the development proposed would comply with Policies LP16, LP19 and LP27 of the LP. These together, amongst other things, seek new development to respect the distinctiveness of the site and surrounding area being located and designed in a way that is sensitive to its landscape setting. The proposal would also accord with the provisions of the Framework, in so far as it seeks to sustain and enhance the character and significance of the historic environment.

*Suitable location*

19. Policy LP2 of the LP sets out the spatial strategy for the location of new development. Under Policy LP2 land beyond village envelopes is defined as countryside where development will be restricted to a limited number of exceptions. Of these exceptions, development within the countryside will be supported subject to complying with Policy LP11. LP2 goes on to state that new development which fails to comply with these exceptions will by definition, be contrary to the vision, objectives, development strategy and policies of the LP.
20. As identified above, the appeal site is located outside but close to the boundary of the village of Thornhaugh. Having considered, the relevant criteria and the proposed scheme is not for a permanent residential dwelling or employment use I find no reasons why the proposed scheme should not be considered against Policy LP11. LP11 identifies a number of different development types with the countryside. The parts most relevant to this appeal are E, F and G
21. Part E of Policy LP11 relates to the rural economy. Of the criteria most relevant under part E, which allows for the expansion of tourism related uses. The supporting text specifically refers to tourist accommodation. I have already established the proposal would not harm the character and appearance of the surrounding area including natural and heritage assets. The development would only involve the change of use of a small area of agricultural field. As such, it would be of an acceptable scale unlikely to result in unacceptable environmental impacts or adversely affect local services and facilities. It would also be in an acceptable location adjacent the village. Accordingly, the requirements of Part E are met.
22. Part F seeks to protect the best and most versatile agricultural land subject to a set of further exemptions. I find the proposed scheme would comply with the listed exceptions as firstly, to provide the additional garden space sought elsewhere within the settlement would likely result in the need to travel further afield which would not be as sustainable as being sited in the proposed location.
23. Secondly, from my observations on site the modest parcel of land which contains areas of hard surfacing from previous farm buildings is somewhat severed from the adjacent agricultural field by the remains of an old stone wall and a small wooden fence. Given the size and somewhat awkward shape of the appeal site and remaining hard surface areas I find no reason that the loss of this site would impact any ongoing agricultural operations. Additionally, as the proposal would not result in any built form it would be an appropriate design solution.
24. Thirdly, as no additional built form is proposed and any future built form could be controlled through an appropriately worded condition, I see no reason why the appeal site could not be restored to its former use, and could be of at least equal quality to that which existed prior to the development taking place. As such, Part F is satisfied.
25. Part G relates to farm-based diversification. From the evidence before me it is clear the past applications for the holiday lets related to farm diversification. There is no substantive evidence before me to conclude that the proposed scheme would not be for farm diversification. In any event even if the proposal

was no longer for farm diversification it would still be compliant with the relevant parts of Policy LP11 for the reasons set out above.

26. The Council have drawn my attention to an appeal<sup>1</sup> dismissed for development in the countryside. Whilst I have had regard to the Inspector's findings, I note the scheme was for a hobby workshop and considered contrary to Policy LP2 and no assessment against Policy LP11 was undertaken. Given, I have found the proposed scheme would be compliant with LP11 and thereby LP2 I can draw no comparisons which would lead me to reach a different conclusion on the suitability of the site with regards to these development plan policies.
27. Overall, I conclude that it has been shown that the appeal site is a suitable location for the proposed development having regard to local planning policy for the location of new development in the countryside. The proposal would accord with Policies LP2 and LP11 of the LP. The proposal would also accord with requirements within the National Planning Policy Framework to protect soils.

### **Other Matters**

28. I acknowledge that a letter of support has been received in relation to the proposed scheme. However, this does not lead me to a different conclusion about the harm likely to result for the reasons set out above.
29. The appellant has also referred to there being no harm with regard to flood risk, ecology or highways. However, the lack of harm in these respects is neutral and weighs neither for nor against the development.

### **Conclusion**

30. The proposal would be in a suitable location and would not harm the character or appearance of the area or nearby heritage assets. Notwithstanding this and for the above reasons the development would be harmful to the living conditions of nearby occupiers through increased noise and disturbance. As a result, the proposal conflicts with the development plan when taken as a whole and there are no material considerations, either individually or in combination, that outweigh this.
31. Therefore, I conclude the appeal should be dismissed.

*A Hickey*

INSPECTOR

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<sup>1</sup> APP/J0540/W/20/3247024

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