



Appeal Decision

Site visit made on 3 May 2022

by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 MAY 2022

Appeal Ref: APP/Z2505/W/22/3290799

The Farmyard, Mill Lane, Kirton End, Boston, Lincolnshire PE20 1PB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement, or approval to details required by a condition of a planning permission.
 - The appeal is made by Lincolnshire Game against the decision of Boston Borough Council.
 - The application Ref B/19/0444/CD1, dated 16 September 2021, sought approval of details pursuant to condition No 5 of a prior approval Ref B/19/0444, granted on 20 December 2019.
 - The application was refused by notice dated 10 November 2021.
 - The development proposed is prior approval for a proposed change of use of agricultural building to a two-storey dwelling.
 - The details for which approval is sought are: Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this approval, within 3 months of development first taking place details of the siting, height, design, materials, and finish of all boundary treatments to be constructed on the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be constructed in accordance with the duly approved details before the dwelling hereby approved is first occupied and shall be retained as such thereafter.
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Decision

1. The appeal is allowed, and details submitted in pursuance of condition No 5 attached to planning permission Ref B/19/0444 dated 20 December 2019 are approved.

Applications for Costs

2. An application for costs was made by Lincolnshire Game against Boston Borough Council. This application is the subject of a separate Decision.

Background and Main Issue

3. In December 2019, the Council determined that an application for the change of use of an agricultural building to a dwellinghouse was in accordance with Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)¹. A number of conditions were attached to the approval including condition 5 which required the submission of details of boundary treatments.
4. The appellant submitted an application stating that no boundary treatment was to be erected within the confines of the red line demarking the appeal site on the approved plan of the original permission ref 19/12/1601.

¹ B/19/0444 (the original permission)

5. This application was refused by the Council. The reason for refusal refers to other boundary treatments that have been erected on site outside of the appeal site and states that these cannot fulfil the requirements of condition 5.
6. At the time of my site visit, a part hedge and part wall had been erected around the line marked by the blue line, trees had been planted within the wider site and stone walls had been erected within the wider site. I understand from the Council that two planning applications to change the use of that larger site from agricultural use to residential use have been refused². However, during the course of the appeal I was advised that planning permission has been granted for the use of the area between the red and blue lines on the approved plan for residential purposes³.
7. In that context therefore, the main issue is whether or not the proposal to provide no boundary treatment would appropriately satisfy condition 5 of prior approval B/19/0444.

Reasons

8. The reason for condition 5 is to provide demarcation of curtilage for the dwelling and to ensure use of appropriate boundary treatments which are sympathetic to the character of the building and its surroundings in the interests of visual amenity and to ensure a satisfactory external appearance to the building.
9. The proposal to not place any boundary treatment on the approved curtilage in the original permission would mean that it would not be physically demarcated on the ground. However, given that the residential use of the surrounding area has expanded considerably in the granting of the most recent planning permission this is no longer a relevant consideration.
10. Given that the red line is quite tightly drawn around the dwellinghouse, the provision of boundary treatment on that line, would be very close to doors on the front and rear elevations. While a relatively open boundary treatment could be installed, at such proximity to the dwelling it would appear contrived and incongruous within the local area.
11. For the reasons above, therefore I conclude that the proposal to provide no boundary treatment on the approved curtilage of the dwelling under the original permission would be acceptable in this instance and appropriately satisfy condition 5 of prior approval B/19/0444.

Conclusion

12. Therefore, for the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Zoe Raygen

INSPECTOR

² B/20/0492 & B/21/0118

³ B/22/0085

