

Development Committee



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TO REGISTER TO SPEAK PLEASE CALL 01263 516150

10 July 2019

A meeting of the **Development Committee** will be held in the **Council Chamber - Council Offices, Holt Road, Cromer, NR27 9EN** on **Thursday, 18 July 2019** at **9.30 am**.

Coffee will be available for Members at 9.00am and 11.00am when there will be a short break in the meeting. A break of at least 30 minutes will be taken at 1.00pm if the meeting is still in session.

Any site inspections will take place on **8 August 2019**.

PUBLIC SPEAKING – TELEPHONE REGISTRATION REQUIRED

Members of the public who wish to speak on applications are required to register **by 9 am on Tuesday 16 July 2019** by telephoning **Customer Services on 01263 516150**. Please read the information on the procedure for public speaking on our website [here](#) or request a copy of "Have Your Say" from Customer Services.

Anyone may take photographs, film or audio-record the proceedings and report on the meeting. You must inform the Chairman if you wish to do so and must not disrupt the meeting. If you are a member of the public and you wish to speak, please be aware that you may be filmed or photographed.

Emma Denny
Democratic Services Manager

To: Mrs P Grove-Jones, Mr P Heinrich, Mr D Baker, Mr A Brown, Mr P Fisher, Mrs A Fitch-Tillett, Mrs W Fredericks, Mr R Kershaw, Mr N Lloyd, Mr G Mancini-Boyle, Mr N Pearce, Dr C Stockton, Mr A Varley and Mr A Yiasimi

Substitutes: Mr T Adams, Dr P Butikofer, Mrs S Bütikofer, Mr N Housden, Mr J Punchard, Mr J Rest, Mrs E Spagnola, Mr J Toyne and Ms K Ward

All other Members of the Council for information.

Members of the Management Team, appropriate Officers, Press and Public



**If you have any special requirements in order
to attend this meeting, please let us know in advance**

If you would like any document in large print, audio, Braille, alternative format or in a different language please contact us

Heads of Paid Service: Nick Baker and Steve Blatch
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AGENDA

PLEASE NOTE: THE ORDER OF BUSINESS MAY BE CHANGED AT THE DISCRETION OF THE CHAIRMAN

PUBLIC BUSINESS

1. CHAIRMAN'S INTRODUCTIONS

2. TO RECEIVE APOLOGIES FOR ABSENCE AND DETAILS OF ANY SUBSTITUTE MEMBER(S)

3. MINUTES

To approve as a correct record the Minutes of meetings of the Committee held on 6 June and 20 June 2019.

4. ITEMS OF URGENT BUSINESS

(a) To determine any other items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B(4)(b) of the Local Government Act 1972.

(b) To consider any objections received to applications which the Head of Planning was authorised to determine at a previous meeting.

5. ORDER OF BUSINESS

(a) To consider any requests to defer determination of an application included in this agenda, so as to save any unnecessary waiting by members of the public attending for such applications.

(b) To determine the order of business for the meeting.

6. DECLARATIONS OF INTEREST

Members are asked at this stage to declare any interests that they may have in any of the following items on the agenda. The Code of Conduct for Members requires that declarations include the nature of the interest and whether it is a disclosable pecuniary interest.

OFFICERS' REPORTS

ITEMS FOR DECISION

PLANNING APPLICATIONS

7. CLEY-NEXT-THE-SEA - PF/19/0168 - ENLARGEMENT OF WINDOW IN FRONT ELEVATION; ENLARGEMENT OF OPENING IN REAR ELEVATION TO ALLOW FOR REPLACEMENT OF WINDOW WITH GLAZED SLIDING DOORS. NEW ENTRANCE GATE TO FRONT BOUNDARY; MARSHLANDS, COAST ROAD, CLEY-NEXT-THE-SEA, HOLT, NR25 7RZ FOR MR LAMONT

(Pages 1 - 4)

8. APPLICATIONS RECOMMENDED FOR A SITE INSPECTION (Pages 5 - 6)

9. THE GRAHAM ALLEN AWARD FOR CONSERVATION AND DESIGN (Pages 7 - 8)

This report outlines the need to establish a Judging Panel for this year's Graham Allen Award and to agree the proposed dates for the judging and presentation of the awards.

10. APPEALS SECTION (Pages 9 - 18)

- (a) New Appeals
- (b) Inquiries and Hearings – Progress
- (c) Written Representations Appeals – In Hand
- (d) Appeal Decisions – Results and Summaries
- (e) Court Cases – Progress and Results

11. ANY OTHER URGENT BUSINESS AT THE DISCRETION OF THE CHAIRMAN AND AS PREVIOUSLY DETERMINED UNDER ITEM 4 ABOVE

12. EXCLUSION OF PRESS AND PUBLIC

To pass the following resolution, if necessary:-

“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A (as amended) to the Act.”

PRIVATE BUSINESS

13. ANY OTHER URGENT EXEMPT BUSINESS AT THE DISCRETION OF THE CHAIRMAN AND AS PREVIOUSLY DETERMINED UNDER ITEM 4 ABOVE

14. TO CONSIDER ANY EXEMPT MATTERS ARISING FROM CONSIDERATION OF THE PUBLIC BUSINESS OF THE AGENDA

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CLEY-NEXT-THE-SEA - PF/19/0168 - Enlargement of window in front elevation; enlargement of opening in rear elevation to allow for replacement of window with glazed sliding doors. New entrance gate to front boundary; Marshlands, Coast Road, Cley-next-the-Sea, Holt, NR25 7RZ for Mr Lamont

Target Date: 27 March 2019

Case Officer: Fran Watson

Householder application

RELEVANT CONSTRAINTS

SFRA - Flood Zone 2

SFRA - Flood Zone 3A

SFRA - Areas Susceptible to Groundwater Flooding

SFRA - Flood Alert and Warning Area

LDF Tourism Asset Zone

LDF - Countryside

Conservation Area

Area of Outstanding Natural Beauty

Development within 60m of Class A road

RELEVANT PLANNING HISTORY

PF/14/0345: Marshlands & Travellers Rest, Coast Road, Cley-next-the-Sea, Holt, NR25 7RZ
Variation of Condition 2 of planning permission reference: 12/0927 to permit revisions to approved design including omission of rear annexe and raised height of parapet
Approved 13/06/2014

PF/12/0927: Marshlands & Travellers Rest, Coast Road, Cley-next-the-sea, Holt, NR25 7RZ
Erection of replacement dwelling
Approved 23/07/2013

LE/12/0928: Marshlands, Coast Road, Cley-next-the-sea, Holt, NR25 7RZ
Internal and external alterations including rear extension to connect existing semi-detached houses to create a single dwelling house
Permission not required 16/08/2012

THE APPLICATION

The application seeks to make the following fenestration changes to the detached contemporary designed dwelling:

- the enlargement of an existing ground floor window on the front elevation and
- the replacement of a ground floor window on the rear elevation with patio doors.

In addition the application seeks the installation of a gate at the site entrance.

REASONS FOR REFERRAL TO COMMITTEE

At the request of Cllr Karen Ward who considers that the appearance of the entrance gate is inappropriate and would be harmful to the character and appearance of the Cley Conservation Area, contrary to Core Strategy Policies EN 4 and EN 8.

PARISH/TOWN COUNCIL

Cley Parish Council: Objected to the original plan for the gates. Following submission of a revised design the Parish Council maintain their objection on the grounds of poor design and material choice.

REPRESENTATIONS

One letter of objection received on the following grounds:

- the design, materials and scale of the proposed gates would be totally unsympathetic and cause harm to the AONB.

Following the receipt of amended plans, a further letter of objection was received from the same objector on the following grounds

- the revised gate design is still considered to be unsympathetic to the site and the materials inappropriate.

CONSULTATIONS

Conservation and Design Officer: Objection raised to the original plans for the proposed gate, due to its height, design and materials and utilitarian appearance. Objection withdrawn following receipt of amended plans, stating the gates would add visual interest and be compatible with the reworked dwelling behind, and would be an attractive addition within this part of the Cley Conservation Area. No objections were raised to the other elements of the proposal.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development may raise issues relevant to Article 8: The Right to respect for private and family life.

Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's Human Rights, and the general interest of the public, approval of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

POLICIES

North Norfolk Core Strategy (Adopted September 2008):

SS 2: Development in the Countryside

HO 8: House extensions and replacement dwellings in the Countryside

EN 1: Norfolk Coast Area of Outstanding Natural Beauty and The Broads

EN 4: Design

EN 8 - Protecting and enhancing the historic environment

EN 9 - Biodiversity and geology

EN 10 - Development and Flood Risk

National Planning Policy Framework (NPPF):

Section 12 - Achieving well-designed places

Section 14 - Meeting the challenge of climate change, flooding and coastal change

Section 15 - Conserving and enhancing the natural environment

Section 16 - Conserving and enhancing the historic environment

MAIN ISSUES FOR CONSIDERATION

1. Principle
2. Design and heritage
3. Amenity
4. Flooding
5. Landscape and trees

APPRAISAL

1. Principle:

Policy SS 2 limits development in Countryside policy areas to that which requires a rural location to protect the character of the rural environment. Policy SS 2 does, however, permit extensions and alterations to existing rural dwellings and the erection of curtilage outbuildings. Subject to compliance with all relevant Core Strategy policies the proposal is considered acceptable in principle with regard to Policies SS 2 and HO 8 of the adopted Core Strategy.

2. Design and heritage:

The host dwelling lies within the Cley Conservation Area. The dwelling was granted planning permission in 2013 and its design is unique in the area being contemporary in its aesthetic. It is considered that the fenestration alterations proposed to the host property are acceptable. They are considered to be sympathetic in terms of their design and materials, would be in keeping with the character of the existing dwelling and would protect the character and appearance of the wider Cley Conservation Area.

The contentious element of the proposal, to which objections have been raised, relates to the proposed gates. The original submitted plans for the gates were considered unacceptable, given their proposed height, design, materials and industrial design. Revised plans for the gates have been submitted and agreed with the Conservation Officer which are considered to address the Council's concerns. The gates have been lowered in height, split into two and given a more coherent design with a vertical emphasis. There is not considered to be any harm to the heritage asset arising from the proposed gates, indeed their revised form is seen as an attractive addition with this part of the Cley Conservation Area.

Therefore, based on the revised design of the gates, it is considered that the scheme is acceptable in design terms and would protect the appearance and character of the heritage asset, in this case the Cley Conservation Area, and would accord with the requirements of Policies EN 4 and EN 8 of the Core Strategy and sections 12 and 16 of the National Planning Policy Framework.

3. Amenity:

There are considered to be no detrimental impacts resulting from the proposals in terms of neighbour amenity and no material impacts in terms of overshadowing, overlooking or overbearing. The scheme is therefore considered to accord with the requirements of Policy EN 4 of the Core Strategy in terms of adequately protecting the residential amenities of the occupants of the surrounding properties.

4. Flooding:

It is considered that the nature of the proposals is such that additional flood risk information is not required and the scheme does not raise any issues in respect of flood risk. The scheme would therefore accord with the requirements of Policy EN 10 of the Core Strategy and Section 14 of the NPPF.

5. Landscape & Trees:

The site lies within the designated Norfolk Coast Area of Outstanding Natural Beauty (AONB) where Policy EN 1 of the Core Strategy states that proposals for development shall only be permitted where they do not detract from the special qualities of the AONB. Due to the modest nature of the development proposed, it is not considered that the proposals would harm the special qualities of the AONB and the application is therefore considered to accord with the requirements of Policy EN 1.

RECOMMENDATION: Approve, subject to the following conditions, and any others as deemed necessary by the Head of Planning:

1. Time limit for implementation
2. Development to be carried out in accordance with submitted plans
3. Materials for the proposed development to be in accordance with details submitted as part of the application.

APPLICATIONS RECOMMENDED FOR A SITE INSPECTION

A site inspection is recommended prior to the consideration of a full report on the following applications. The applications will not be debated at this meeting.

Please note that additional site inspections may be recommended by Officers at the meeting or agreed during consideration of report items on this agenda.

HOLT - PO/18/1857 – Outline planning application for the erection of up to 110 dwellings with 2 hectares of land for a new primary school, public open space, landscaping and sustainable drainage system (SuDS) with main vehicular access point from Beresford Road and secondary pedestrian, cycle and emergency access from Lodge Close. All matters reserved except for means of access on Land of Beresford Road, Holt.

REASON FOR SITE INSPECTION:

Recommended by the Head of Planning to enable Members to fully appreciate the site and its surroundings prior to consideration of this application.

BACONSTHORPE - PF/18/1921 - Proposed change of use of land from agricultural to tent-only campsite for a maximum of 63 units of tents-only camping with associated electric hook-up points. Erection of 6 camping pods. Retrospective erection of camp site reception/shop building, shower and wash-up block, two toilet blocks, utility block and children's play area; Baconsthorpe Meadows Campsite At Pitt Farm, The Street, Baconsthorpe, Holt, NR25 6LF

REASON FOR SITE INSPECTION:

This is an application for a major development in the countryside, and it is considered that Members would benefit from a site visit to gain a necessary visual understanding of the site that would highlight the planning issues associated with the development. The aspects of particular interest include: The proposed visual impact of the development on the countryside in particular an assessment of the mobile structures that are being considered for permanent permission; and the effect of the development on the residential amenity of the neighbouring properties, related to both traffic movements and proximity of campers. The visit will also provide an opportunity to see the context of the Highways concerns, and the implications of the development relating to the wider landscape conditions and consequences of any possible approval.

TRIMINGHAM - PF/18/2051 - Installation of 56 static holiday lodge bases, with associated access, services, veranda, car parking spaces and landscaping; Woodland Holiday Park, Cromer Road, Trimmingham, Norwich, NR11 8QJ

REASON FOR SITE INSPECTION:

This is an application for a major development in the AONB, and it is considered that Members would benefit from a site visit to assess the proposed visual impacts of the development on the AONB and to gain a visual understanding of the landscaping issues associated with the development. Furthermore, Members would benefit from a visiting the campsite itself to assess the other possible areas within the existing boundaries which might have been alternatively considered for expansion rather than extending outside the boundaries of the current campsite, as is proposed.

RECOMMENDATION:

The Committee is recommended to undertake the above site inspections.

The Graham Allen Award for Conservation and Design

This report outlines the need to establish a Judging Panel for this year's Graham Allen Award and to agree the proposed dates for the judging and presentation of the awards.

The Graham Allen Award for Conservation and Design was inaugurated in 1982 as a memorial to the late Councillor G.S. Allen, first Chairman of North Norfolk District Council. Since then it has been presented annually by the Council to the scheme considered to make the most significant contribution to the built environment within the District. Eligible projects can involve the conservation and restoration of historic properties as well as new buildings which, through their design, make innovative use of traditional building forms and detailing.

A Judging Panel needs to be set up to consider, evaluate and judge submissions under the award scheme, and make awards accordingly. Membership of this Panel will comprise at least 8 Members of Development Committee and does not need to be politically balanced. The Panel will need to elect a Chairman on the day and will also include the relevant Portfolio Member as well as Mr Edward Allen (Graham Allen's eldest son), who has once again kindly agreed to represent the Allen family.

It is suggested that the Judging Panel convenes on **22 August 2019** at the Council Offices to consider and judge the entries. As in previous years, the day will commence with a short presentation of all entries in the Council Chamber followed by a tour of those short-listed. There will then be a brief plenary session back in the Council Chamber on the merits of each scheme. The day will conclude with members of the Judging Panel voting on the entries. The awards will then be presented at a ceremony later in the year. At the time of writing this report **10 October 2019** would appear to be the preferred date.

RECOMMENDATION:-

That the Committee notes the contents of this report and agree the date for judging the entries and the presentation of the awards.

(Source: Paul Rhymes, Ext: 6367 – File Reference: GA Award)

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APPEALS SECTION

(a) NEW APPEALS

**OVERSTRAND - PF/18/1330 - Erection of two-storey dwelling; Land at Arden House, 5 Arden Close, Overstrand, Cromer, NR27 0PH for Mr & Mrs M Storer
WRITTEN REPRESENTATIONS**

**POTTER HEIGHAM - PF/18/1298 - Change of use of agricultural land and part of building, including external alterations, to fitness studio and car park (retrospective); Glebe Farm, Marsh Road, Potter Heigham, GREAT YARMOUTH, NR29 5LN for R&B Norfolk Ltd
WRITTEN REPRESENTATIONS**

**RUNTON - ADV/19/0324 - Display of non-illuminated advertisement panel mounted on posts; Dormy House Hotel, Cromer Road, West Runton, Cromer, NR27 9QA for Mr Brundle
WRITTEN REPRESENTATIONS**

**STIBBARD - PF/19/0118 - Erection of 4no. two storey dwellings (2no. detached two-storey dwellings and a pair of two-storey semi-detached dwellings) with detached cart lodges and new vehicular access; Land South East of Fruit Tree Farm, Guist Bottom Road, Stibbard for Mr & Mrs Spencer Ashworth
WRITTEN REPRESENTATIONS**

(b) INQUIRIES AND HEARINGS - PROGRESS

None

(c) WRITTEN REPRESENTATIONS APPEALS - IN HAND

BODHAM - PF/18/1124 - Erection of a pair of semi detached light industrial units (B1); Gipsies Lane Works, Weybourne Road, Bodham, Holt, NR25 6QJ for North Norfolk Garden Machinery Ltd

FELMINGHAM - PF/18/1700 - Conversion of barn to annexe accommodation ancillary to main house and installation of a septic tank; Grange Farm, Grange Road, Felmingham, North Walsham, NR28 0LT for Strange Farm Ltd

HOLT - PF/18/0513 - Construction of 2 No. single storey detached dwellings and use of existing access; The Grove, Cromer Road, Holt for Mr Storey

HOVETON - PF/18/1848 - Single storey extension to side/rear and replacement roof to allow for accommodation with the roof space; Flamingo Cottage, 15 Church Road, Hoveton, Norwich, NR12 8UG for NGS Civil Engineer & Technician Services

HOVETON - PF/18/2202 - Erection of rear single storey extension, creation of front first floor extension, demolish existing garage and erection of garage with annexe accommodation above; Windborne, 21 Stalham Road, Hoveton, Norwich, NR12 8DJ for Mr Webster

NEATISHEAD - PF/18/0025 - Change of use of land from sewage treatment works to private recreational use, including erection of polytunnel, storage shed and siting of Shepherd's Hut; Anglian Water Authority Sewage Div Bt 4 and 5, King Street, Neatishead for Mr & Mrs Plater

POTTER HEIGHAM - PO/18/1402 - Erection of detached bungalow and garage - outline (details of appearance reserved); White Gables, Dove House Lane, Potter Heigham, Great Yarmouth, NR29 5LJ for Mrs Elam

HAPPISBURGH - ENF/18/0069 - Land being used for siting a caravan for residential purposes; 17 Rollesby Way, Happisburgh

(d) **APPEAL DECISIONS - RESULTS AND SUMMARIES**

**HINDOLVESTON - PO/18/1436 - Outline application for the erection of 2no. dwellings (All Matters Reserved); The Mill House, Foulsham Road, Hindolveston, Dereham, NR20 5BY for Mrs Ellis
APPEAL DECISION:- APPEAL ALLOWED**

**POTTER HEIGHAM - PF/18/1136 - Re-building and extension of partly demolished former agricultural building to create a dwelling (C3); Land adjacent to junction of Fritton Road & Market Road, Potter Heigham NR29 5LZ for Mr & Mrs Lawn
APPEAL DECISION:- APPEAL DISMISSED**

**PUDDING NORTON - PF/18/0331 - Erection of two single storey dwellings (affordable housing); Adjacent to 1-4 Green Lane, Pudding Norton, Fakenham, Norfolk, NR21 7LT for Mr Tevenan
APPEAL DECISION:- APPEAL DISMISSED**

**SMALLBURGH - PO/18/1282 - Erection of 3 no. dwellings (outline - details of access only, all other matters reserved); Home Farm, Norwich Road, Smallburgh for Mr Green
APPEAL DECISION:- APPEAL DISMISSED**

**THORPE MARKET - PU/18/0842 - Notification for prior approval for proposed change of use of agricultural building to 4 dwellinghouses (Class C3) and for associated operational development; Ash Tree Lodge, Church Road, Thorpe Market, NORWICH, NR11 8UA for Mr E Morgan -Evans
APPEAL DECISION:- APPEAL DISMISSED**

**WIVETON - PF/18/1664 - Creation of access and provision of 2 no. parking spaces; Dolphin Cottage, Chapel Street, Wiveton, Holt, NR25 7TQ for Mr Travis
APPEAL DECISION:- APPEAL ALLOWED**

(e) **COURT CASES - PROGRESS AND RESULTS**

No change from previous meeting.

Application Number: PF/18/1664	Appeal Reference: APP/Y2620/D/19/3222154
Location: Dolphin Cottage, Chapel Street, Wiveton, Holt, NR25 7TQ	
Proposal: Creation of an access and provision of 2no car parking spaces.	
Officer Recommendation: Refuse	Member decision (if applicable): N/a
Appeal Decision: Allowed	Costs: N/a
<p>Summary:</p> <p>The main issues the Inspector considered were:</p> <ul style="list-style-type: none"> • Whether the proposal would preserve or enhance the character or appearance of the Wiveton Conservation Area (CA); • the effect of the proposal on highway safety; and • the effect of the proposal on the living conditions of the occupants of neighbouring dwellings, with particular regard to noise and disturbance. <p>Character and Appearance:</p> <p>The Inspector noted that the appeal property is a small cottage which is situated within a group of other traditional cottage style dwellings within the CA. A distinctive and significant feature and characteristic of the CA is closely grouped properties served off a narrow lane, which typifies the historic core of the village. Having regard to the desirability of preserving or enhancing their character or appearance as required by local, national policies and legislation, the Inspector concluded that there was no reason as to why the provision of the 2 spaces, including the demolition of part of the wall, would significantly impact on the existing appearance of the site. Consequently, the Inspector considered that the character and appearance of the CA would be preserved and the proposal would not conflict with the relevant provisions of the CS or with the Framework.</p> <p>Highway safety:</p> <p>The Inspector concluded that it is without doubt that visibility from the proposed parking spaces would be limited, because of the proximity of the appellant's cottage and the retained section of the boundary wall. However, he considered that vehicles travelling along Chapel Lane are likely to be travelling slowly and with care, due to the narrow width of the lane and the presence of parked vehicles and as such was not persuaded that the proposal would have an unacceptable effect on highway safety. He also considered that removal of parking on the lane was a benefit to road safety.</p> <p>Living Conditions:</p> <p>The Inspector found that whilst there would be some noise caused by vehicle manoeuvring, he was not persuaded that such noise would be prolonged or unduly disturbing. Therefore, the proposal would not have a detrimental effect on the living conditions of the occupants of neighbouring properties and it would not conflict with Policy EN4 or with the Framework.</p>	
<p>Relevant Core Strategy Policies:</p> <p>EN4 – Design and amenity EN8 - Heritage CT5 – Transport impact of new development CT6 – parking provision</p>	
<p>Relevant NPPF Sections/Paragraphs:</p> <p>None</p>	
<p>Learning Points/Actions:</p> <p>N/a.</p>	

Application Number: PF/18/1136	Appeal Reference: APP/Y2620/W/18/3216410
Location: Land adjacent to junction of Fritton Road and Market Road (South West quadrant) at Potter Heigham, Norfolk NR29 5LZ	
Proposal: Approval for the re-instatement and re-development of an existing but partially demolished barn structure (in accordance with the buildings historical footprint, design and materials) for use as a private, single occupancy, residential dwelling. As identified within the accompanying Design, Access & Planning Statement, the application will also seek approval for Change of Use from 'Agricultural'/Sui Generis (to be determined).	
Officer Recommendation: Refuse	Member decision (if applicable): N/a
Appeal Decision: DISMISSED	Costs: N/a
<p>Summary:</p> <p>The main issues the Inspector considered were:</p> <ul style="list-style-type: none"> • Whether, or not, the development amounts to the conversion of an existing building having regard to local policy • Whether, or not, the appeal site is a suitable location for a new dwelling having regard to local policy for the delivery of housing, and: • The effect of the development upon the character and appearance of the area. <p>The Inspector noted the countryside location of the proposed development.</p> <p>Conversion of an existing building:</p> <p>The inspector noted that Policy HO9 of the Local Plan allows conversion of existing rural buildings to dwellings, provided that certain criteria are met. These criteria require that, amongst other things, the building is worthy of retention due to its appearance, historic, architectural or landscape value and that the building is structurally sound and suitable for conversion to a residential use without substantial rebuilding or extension and the alterations protect or enhance the character of the building and its setting.</p> <p>However, the Inspector concluded that so little remains of the building following the demolition works which have been carried out that the development would necessitate substantial rebuilding of the barn and that what remains of the barn is not worthy of retention due to its appearance, historic, architectural or landscape value.</p> <p>The appellants argument that Policy SS2 of the Local Plan provides some support for the proposal as the policy allows development for “the re-use and adaptation of buildings for appropriate purposes” and “the extension and replacement of dwellings” was noted. However, the Inspector agreed that the policy limits development to that “which requires a rural location”. It was decided that, even if it were to be considered that the provision of a private dwelling requires a rural location and is an appropriate purpose, the proposed development does not re-use or adapt a building as so little remains of the building. There is little evidence to suggest that the structure on site was ever used as a dwelling and so the development would not be a replacement.</p> <p>The Inspector therefore concluded that the development does not amount to the conversion of an existing building in regard to the criteria set out in Policy HO9 of the Local Plan nor would it satisfy the criteria listed in Policy SS2 providing justification for development. Similarly, it would not satisfy the requirements of Paragraph 79 of the Framework which sets out the criteria under which development of homes in the countryside is acceptable.</p> <p>Suitability of location:</p> <p>The Inspector noted the lack of services within Ludham and Potter Heigham and poor public transport links. It was concluded that, whilst Paragraph 78 provides some support</p>	

for the development, in that it would provide limited benefits to the local economy this is outweighed by the disbenefits accruing from the lack of easy accessibility to sustainable transport to meet the day to day needs of the occupants. I was concluded that the site is not a suitable location for a new dwelling, having regard to local planning policy for the delivery of housing. The development would therefore be contrary to Policy SS1 of the Local Plan.

Character and Appearance:

The Inspector considered that the proposal would constitute urban development in this rural location. Whilst planting is proposed this would emphasise the change in the character and appearance of the area. As such, it was concluded that the development would cause unacceptable harm to the character and appearance of the area, contrary to Policy EN2 of the Local Plan.

Relevant Core Strategy Policies:

SS1 – Spatial Strategy for North Norfolk
 SS2 – Development in the Countryside
 HO9 – Conversion and Re-use of existing buildings
 EN2 – Landscape and Settlement character

Relevant NPPF Sections/Paragraphs:

N/a

Learning Points/Actions:

N/a.

Application Number: PO/18/1282	Appeal Reference: APP/Y2620/W/18/3216726
Location: Home Farm, Norwich Road, Smallburgh, NR12 9LP	
Proposal: Erection of 3no self-build dwellings	
Officer Recommendation: Refuse	Member decision (if applicable): N/a
Appeal Decision: DISMISSED	Costs: N/a
<p>Summary: The main issues the Inspector considered were:</p> <ul style="list-style-type: none"> • The effect of the proposed development on the character and appearance of the area; and • Whether the proposed development would provide a suitable location for housing, having regard to the spatial strategy for the area and the accessibility of services and facilities. <p>Character and appearance: The inspector noted that Views of a substantial tract of open countryside are possible through the site from the highway due to the limited footprint and single storey height of the workshops. Roadside hedgerow and trees and vegetation within the site form an unobtrusive natural element which contributes to the area’s rural appearance. The site is highly visible due to its position adjacent to the road, which carries relatively high levels of traffic and is bordered by footways to both sides outside the appeal site.</p> <p>It was considered that whilst scale, layout and appearance are matters reserved for later determination, the illustrative plans submitted show that the construction of two storey dwellings with garages may be envisaged. The dwellings would interrupt existing long range views of the significant area of open countryside beyond the site by the extension of substantial built form into the rural setting. Whilst existing boundary hedgerow and any proposed planting may offer a level of screening of the site, the dwellings, garages and drive would be highly visible from the highway, with a resulting urbanising effect on the</p>	

open countryside views which are currently available. The development would consequently fail to mirror or reinforce the existing character type, as identified in the CA. The proposed development would consequently cause unacceptable harm to the character and appearance of the area, with resulting conflict with Policy EN2 of the CS.

Suitability of location:

The Inspector did not consider the proposal to represent the development of isolated new homes in the countryside, of the type discouraged by the Framework, due to its location at the edge of an existing small settlement. However, it was considered that occupiers of the proposed development would be likely to rely on use of the private car for access to almost all of the day-to-day services and facilities they would require. Thus, the proposed development would not provide a suitable location for housing, having regard to the spatial strategy for the area and the accessibility of services and facilities. It therefore conflicts with Policies SS1 and SS2 of the CS. It was also noted that further conflict exist with Policy CT5 of the CS, which states that development will be designed to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to its particular location. Additional conflict exists with the aims of the Framework with regard to the location of rural housing.

Other matters:

The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) provides a legal definition of self-building. The Act provides that self-build is where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals. The appeal proposes the construction of 3 dwellings. However, only one of these could be intended for the appellant's occupation. The purpose of the additional 2 dwellings is not set out. Therefore, in the absence of substantive contradictory evidence, the Inspector concluded that the appeal does not demonstrate that the scheme is a self-build proposal.

Relevant Core Strategy Policies:

SS1 – Spatial Strategy for North Norfolk
 SS2 – Development in the Countryside
 EN2 – Landscape and Settlement character

Relevant NPPF Sections/Paragraphs:

N/a

Learning Points/Actions:

N/a.

Application Number: PO/18/1436	Appeal Reference: APP/Y2620/W/19/3222639
Location: The Mill House, Foulsham Road, Hindolveston, NR20 5BY	
Proposal: Construction of 2, 2/3 bedroom dwellings	
Officer Recommendation: Refuse	Member decision (if applicable): N/a
Appeal Decision: ALLOWED	Costs: N/a
<p>Summary: The main issues the Inspector considered were:</p> <ul style="list-style-type: none"> • Whether this would be an appropriate location for the two dwellings proposed, with particular regard to accessibility to services, highway safety and the character and appearance of the area <p>The Inspector noted that the application was made in Outline with all matters reserved.</p>	

The inspector noted the lack of services within the settlement of Hindolveston. He also noted the requirements of policies SS1 and SS2 and the application site's location within designated countryside. He noted the proposals conflict with these adopted policies and accepted that these policies are up to date and broadly consistent with the NPPF.

However, in spite of the above which appears clear cut, he noted that the Framework requires that planning decisions take into account that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and he cited paragraph 78: 'housing should be located where it will enhance or maintain the vitality of rural communities'.

He went on to conclude that occupiers of the new dwellings would have a relatively high dependency on private car use to access a full range of essential services and facilities, however, he balanced the small degree of further harm from two additional households against the benefits of maintaining the vitality of the village. In this regard he gave greater weight to the less unequivocal stance of the Framework, compared to that of the CS.

In doing so he also noted that although access is a reserved matter, a reasonably safe means of access appeared to him to be feasible, and whilst he recognised that this might not fully achieve the visibility standards recommended by Manual for Streets 2, he considered that the relatively low amount of additional vehicular movements generated by two three-bedroom dwellings, and the likely low flows and speeds of traffic along this rural lane, a safe and suitable access to the site for all users, as required by the Framework, could be achieved.

In his conclusions he noted that the Council can demonstrate a housing land supply. He considered that the proposal would comprise the suitable rounding-off of development to this side of the village. Any limited harm deriving from the conflict with CS policies SS1 and SS2 would be outweighed by the modest social benefits provided to rural housing supply and the vitality of the village

Relevant Core Strategy Policies:

SS1 – Spatial Strategy for North Norfolk

SS2 – Development in the Countryside

Relevant NPPF Sections/Paragraphs:

78 – Supporting rural communities

Learning Points/Actions:

The Council has sought a legal view on the potential for challenge to this decision as it is considered the Inspector is taking a different stance to other Inspectors.

His position appears to be that paragraph 78 of the NPPF overrides the fact that the settlement has very limited or, in this case, no services, and that residents will need to travel elsewhere for day to day services.

In this particular decision a very clear depiction of the village, the absence of any meaningful services, and an acknowledgement of high car dependency are specifically noted. In contrast to these identified negative impacts of the development there is nothing noted in the 'Planning balance and conclusion' section to suggest how the development will contribute positively to the vitality of the community, with particular reference to supporting rural services, or how this settlement is related to others and how this development might support services elsewhere, as is required by paragraph 78.

Application Number: PU/18/0842	Appeal Reference: APP/Y2620/W/18/3212838
Location: Ash Tree Lodge, Church Road, Thorpe Market, NR11 8UA	
Proposal: Conversion of a pig shed to four residential dwellings	
Officer Recommendation: Refuse	Member decision (if applicable): N/a
Appeal Decision: DISMISSED	Costs: N/a
<p>Summary: The main issues the Inspector considered were:</p> <ul style="list-style-type: none"> • whether, in order to be permitted under Class Q, the proposal is limited to building operations that are shown to be reasonably necessary to convert the building to four dwellings <p>The Inspector noted that the existing building is rectangular in plan and has a steel portal frame with fibre-cement sheeting to the roof and end gable, with block work walls part way up the long sides with an air break and vertically-slatted timber cladding above.</p> <p>He also noted the structural inspection report submitted with the appeal, states that the steel frame is in excellent condition to support the lighter weight roof covering proposed in the works. However, little beyond this steel portal frame and the existing blockwork would remain of the original building prior to the necessary works.</p> <p>The terms of the GPDO permit the demolition of the lean-to and other attached structures not required to accommodate the new dwellings and, where necessary, the installation or replacement of windows, doors, roofs, or exterior walls. However, in this case, the Inspector concluded that the substantial amount of rebuilding within the steel frame and beyond the limited amount of remaining blockwork walling, would suggest the existing building is not suitable for conversion to residential use and that the works would exceed what might be permitted as reasonably necessary building operations under the GPDO.</p>	
Relevant Core Strategy Policies: N/a	
Relevant NPPF Sections/Paragraphs: N/a	
Learning Points/Actions: N/a	

Application Number: PF/18/0331	Appeal Reference: APP/Y2620/W/18/3219162
Location: Land adj to 1-4 Green Lane, Pudding Norton, NR21 7LT	
Proposal: Erection of 2no bungalows as affordable housing, demolition of existing disused garages	
Officer Recommendation: Refuse	Member decision (if applicable): N/a
Appeal Decision: DISMISSED	Costs: Partially upheld
<p>Summary: The main issues the Inspector considered were:</p> <ul style="list-style-type: none"> • whether the development would provide suitable living conditions for future occupiers; and • the effect of the development on parking provision. <p>Living conditions: The Inspector noted that the proposed bungalows would be sited towards the rearmost part of the appeal site, which would be in proximity to the heavily landscaped rear</p>	

boundary. He considered that this would result in a poor outlook from the rear habitable rooms of the property which would look onto the rear boundary and be overshadowed by the tall trees. In addition, he considered that the positioning of the properties would result in very little useable garden space to the rear of the properties and would result in the gardens being located predominantly to the sides of the dwellings. He acknowledged that in terms of size the gardens would provide suitable space however locational considerations are also necessary. He considered that the dwellings would have the majority of their gardens located to the side of the dwellings, with a minimal strip of garden space to the rear which would give rise to issues of privacy with the main garden areas being located adjacent to the public realm. He found that the use of tall close boarded fencing to achieve suitable levels of privacy would appear incongruous and would effectively close off the site, conflicting with the reasonably open feel of the estate as a whole. He concluded that the proposal failed to comply with policy EN 4 of the adopted Core Strategy.

Parking provision:

The Inspector noted that the former use of the appeal site was for parking and garaging but these are no longer in use. The Council raised concerns that the loss of the appeal site, which is used for informal residents’ parking, would result in adverse impacts on the parking provision for the nearby residents.

The Inspector concluded that the proposed development would provide sufficient parking for future residents. He acknowledged that the site may be used informally for additional parking and that its development would result in the cars which use this area having to park elsewhere, and likely on the roads, however, he had regard to the fact that residents have no formal right to park on this piece of land and therefore this could be stopped at any time regardless of whether the site is developed. He found that the proposal therefore complies with Policy EN4 of the Core Strategy insofar as it requires development to achieve discreet and accessible parking.

Costs decision

The application for costs relies on the fact that the applicant considers that the Council had no evidence to substantiate their second reason for refusal in relation to harm arising in terms of the development causing increased pressure for on-street parking and that the Council have not applied the correct balance in considering the benefits arising from the scheme. The Inspector agreed and found that the Council had acted unreasonably in respect of its second reason for refusal (see above ‘Parking provision’ section). He concluded that by failing to substantiate the second reason for refusal, this has led to the applicant having to incur unnecessary and wasted expense in relation to this matter only. Therefore, a partial award of costs in relation to the second reason for refusal is justified.

The applicant must now make an application to the Council for costs.

Relevant Core Strategy Policies:

EN 4 - Design

Relevant NPPF Sections/Paragraphs:

N/a

Learning Points/Actions:

N/a

Sources:

Sarah Ashurst – Development Management Manager

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