

Sloley - PF/23/0929 - Retention of garage (retrospective) with external alterations and erection of boundary wall - The Old Workshop, Sloley Road, Sloley, Norwich for Mr and Mrs Harper-Gray

Minor Development
Target Date: 19 June 2023
Extension of time
Case Officer: Chris Green
Full planning application

RELEVANT SITE CONSTRAINTS

High grade Agricultural Land Classification
Contaminated Land
Landscape Character Area
A curtilage building to a Listed Building
Countryside LDF
Nutrient Neutrality Catchment
Within the Zone of Influence of multiple habitats site for GIRAMS

RELEVANT PLANNING HISTORY

PF/22/1909 Conversion of barn to dwelling (retrospective) Approved 27.01.23

LA/22/1910 Retention of internal and external alterations to facilitate conversion of barn to dwelling - Approved 27.01.23

PF/20/0537: Conversion of barns to five dwellings – approved

LA/20/0538: Internal and external works to facilitate conversion of a complex of barns to 5 dwellings – approved

CD/21/1625: Discharge of Conditions 5 (windows and doors) and 6 (materials) of listed building consent LA/20/0538 – details approved

CD/21/1680: Discharge of Conditions 5 (windows and doors), 6 (materials), 15 (highway plan) and 23 (external lighting) of planning permission PF/20/0537 – details approved

LA/17/0496: Internal and external alterations to facilitate conversion of a complex of barns into 5 dwellings - approved

PF/17/0495: Conversion of barns to 5 dwellings - approved

CDA/17/0495: Discharge of conditions 15 (offsite highway improvement works), 19 (method statement for protected species), 20 (landscaping), 22 (arboricultural method statement and tree protection) of planning permission PF/17/0495 – details approved

THE APPLICATION

This is a retrospective application for the retaining of a garage, already constructed, with detailed changes proposed to the existing building. The garage is not attached to other buildings in the group and so is a curtilage building. No listed building consent application is required.

The application also proposes the erection of a boundary wall.

REASONS FOR REFERRAL TO COMMITTEE

The Agent in this matter is a close relative of a Council Officer.

PARISH/TOWN COUNCIL

Sloley Parish Council: No comments received.

CONSULTATIONS:

Conservation and Design (NNDC): - Objection.

With regards to:

- *Retention of the garage (with alterations)* - have always been resistant to the notion of adding garaging on this site; this is on the basis that barns should be capable of conversion without substantial new build elements, and because of the desire to avoid harm being caused to the agrarian setting of the group. As a result, a garage was removed from the originally approved scheme as far back as 2016.

Notwithstanding this a decision (*by the developer*) was regrettably taken to build a garage anyway. This culminated in an application last year to retain it as built. However, following the expression of similar concerns, this too was dropped from the plans in order to facilitate an approval on the main barn. This has prompted the current submission.

The proposals involve the retention of the existing structure, albeit with its roof turned through 90° and its garage door relocated to the south elevation. Of these two alterations, it can be argued that the former would help in terms of simplifying the overall appearance of the garage, and in terms of bringing it more in-line with the main barn. Fundamentally, however, it would remain a detached structure with a square footprint which would be of domestic scale and appearance, and which would be offset from, and sited beyond, the host building. As a result, its impact upon the overall setting of the listed group would be little changed in practice. For this reason, and because the relocation of the unattractive/inappropriate roller shutter door would make no appreciable difference to acceptability, it is considered that the retention of this structure in its amended form would not satisfactorily address the previous concerns.

- *Erection of boundary wall* - this element stems from objections previously raised to the unauthorised slatted fence currently projecting out from the garage towards the eastern

boundary of the site. Not only has this had a suburbanising impact upon the rural context, but it has also introduced solid enclosure where it is least required, i.e. towards the margins of the site where it transitions into the wider countryside.

Against this context, it can be argued that a brick wall would be less fussy than the fence and would generally have greater resonance within a farmyard setting. This notwithstanding, however, it would take the existing subdivision and enclosure and make it even stronger and more permanent visually. With it also lying outside of the main yard, and in a position where one would not ordinarily expect to find such a barrier, it is considered that the proposal does not represent an acceptable way forward. With a wall likely to block views out into the wider landscape, additional harm would be the inevitable consequence.

Conclusion - although slightly better in some respects, the revised proposals would not provide appropriate mitigation for the heritage and landscape impacts. With no obvious public benefits to outweigh the 'less than substantial' harm identified, it is considered that this application is contrary to paras 130 & 202 of the NPPF, s66(1) of the Planning (Listed Buildings & Conservation Areas) Act, 1990 and policies EN 4 & EN 8 of the Core Strategy. As such, refusal is recommended.

It is noted that a series of other planning breaches have been identified across the wider group (now in separate ownership). These are the subject of ongoing enforcement discussions and are likely to result in further submissions coming forward in due course. Whilst these clearly do not influence our decision making on the current application, they do regrettably illustrate a repeat pattern of behaviour in terms of how the originally negotiated and approved proposals have been implemented.

County Council Highways: no objection

REPRESENTATIONS

Three received. One is neutral, and two raising the following concerns:

- Dispute the common boundary at the access to the application site.
- The garage door should be orientated to the east elevation on amenity grounds.
- A timber door not a roller door should be used.
- A continuous brick wall along the frontage would be more massive in character - a post and rail fence with new native hedging would be more appropriate.
- A five-bar timber gate would be better than the iron gate.
- There are legal agreements in place that prevent loss of views from permissive footpaths on the estate towards the barns. The wall proposed will further harm these views.
- The garage is detrimental to the aesthetic of the complex and surrounding area.
- There are numerous planning and listed building consent breaches.
- The owl slots in the brickwork have been replaced with uncharacteristic modern windows.

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, refusal of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

LOCAL FINANCE CONSIDERATIONS

Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are not considered to be material to this case.

STANDING DUTIES

Due regard has been given to the following duties: Environment Act 2021 Equality Act 2010 Crime and Disorder Act, 1998 (S17) Natural Environment & Rural Communities Act 2006 (S40) The Conservation of Habitats and Species Regulations 2017 (R9) Planning Act 2008 (S183) Human Rights Act 1998 – this incorporates the rights of the European Convention on Human Rights into UK Law - Article 8 – Right to Respect for Private and Family Life Planning (Listed Buildings and Conservation Areas) Act 1990 (S66(1) and S72).

RELEVANT POLICIES

North Norfolk Core Strategy (September 2008):

SS 1 - Spatial Strategy for North Norfolk
SS 2 - Development in the Countryside
HO 8 - House extensions and replacement dwellings in the Countryside
HO 9 - Conversion and Re-use of Rural Buildings as Dwellings
EN 2 - Protection and enhancement of landscape and settlement character
EN 4 – Design
EN 8 - Protecting and enhancing the historic environment.
EN 9 - Biodiversity and geology
CT 6 - Parking provision

National Planning Policy Framework (July 2021):

Chapter 2 - Achieving sustainable development
Chapter 4 - Decision making
Chapter 12 - Achieving well-designed places
Chapter 16 - Conserving and enhancing the historic environment.

Supplementary Planning Documents and Guidance:

North Norfolk Design Guide (December 2008)

OFFICER ASSESSMENT

MAIN ISSUES FOR CONSIDERATION

1. Whether the proposed development is acceptable in principle
2. The effect on the building's significance building as a designated heritage asset.
3. The effect on the living conditions of the occupiers of nearby dwellings

This proposal is to retain the currently unauthorised garage and make further alterations to it, that is to move the vehicular access door from the east elevation to the south elevation of the garage and replace the pyramid roof with a dual pitch roof with gables at east and west ends so as to mimic the roof of the larger main barns in the complex. Materials would remain pantile and weatherboard as at present. The proposal is also to erect a brick wall running east from the southeast corner of the garage to the curtilage boundary. This is not built.

1. Principle (Policies SS1, SS 2 and HO 8)

The dwelling with which the garage is associated is a converted barn. As a dwelling policies SS 2 and HO 8 are relevant under which extensions to dwellings in the countryside including the erection of outbuildings are acceptable in principle. To be acceptable overall however, a proposal must comply with all other relevant development plan policies unless material considerations indicate otherwise.

The original (2016) application for the conversion of the group of barns was considered against Core Strategy policy HO 9, amongst others. Criteria within this policy require that barns should be capable of conversion without substantial new build elements and to preserve the agrarian setting of the group. As a result, a garage was removed from the approved scheme to ensure compliance with policy HO 9.

2. Effect on heritage asset and surrounding landscape (Policies EN 2, EN 4 and EN 8)

The development carried out which does not accord with the previously approved plans involves:

- A new pyramidal roofed garage that was specifically omitted from the previous application upon the advice of the conservation officer.

The garage extends the built form beyond the original barn group and intrudes on open countryside to suburbanise the barn group rather than allowing its appreciation as a group in the wider agrarian landscape. It is considered this results in harm the setting of the designated heritage asset.

With regards to the proposed wall to replace the boundary fence, whilst it would be less fussy than the fence and would generally have greater resonance within a farmyard setting,

it would take the existing subdivision and enclosure and make it even stronger and more permanent visually. With it also lying outside of the main yard, and in a position where one would not ordinarily expect to find such a barrier. The wall would also be likely to block views out into the wider landscape, resulting in harm to the setting of the designated heritage asset.

Although this harm in respect of both the garage and proposed wall is less or would be less than substantial, there are no public benefits which outweigh it and as such the development is contrary to Core Strategy policies EN 4 and EN 8, paragraphs 130 & 202 of the NPPF and s66(1) of the Planning (Listed Buildings & Conservation Areas) Act, 1990.

It is considered that the garage has resulted in harm to the character and appearance of the surrounding landscape and the proposed wall would also, for similar reasons, be harmful. As such, the proposals conflict with Core Strategy Policy EN 2.

3. Living conditions (Policy EN 4)

The proposed southern vehicular access door into the garage will have a marginally greater impact on the occupant of the Oaks Barn to the south. This however is next to an area currently used as parking for vehicles and the driveway is positioned in a manner not uncommon in residential developments, so this is not considered to be materially harmful to the neighbour.

The proposal is considered to comply with Core Strategy Policy EN 4 and Section 12 of the NPPF.

Other considerations

The barn has already been converted and is now occupied. The changes to the approved scheme have not resulted in new material issues in terms of ecology, parking, and highway considerations and are otherwise acceptable in those respects and relevant Core Strategy policies listed above.

With regards to the effect on designated European Habitats Sites, the application site is within an area affected by the advice from Natural England received in March 2022 in respect of nutrient pollution and within the Zones of Influence of a number of habitats sites in respect of the Norfolk-wide Green Infrastructure & Recreational Impact Avoidance and Mitigation Strategy adopted in 2022. These are new material issues that have arisen since the previous applications to convert the barn to a dwelling were approved.

The fallback position of the previous approvals remains extant and operable. The small-scale nature of the changes to the approved scheme are limited only affecting the appearance of the barn, it is considered that the proposal has not resulted in any materially adverse impact in this respect. A mitigation contribution in respect of GIRAMS and evidence of the development being nutrient neutral are therefore not considered to be required in this instance. As such the development complies with Core Strategy Policy EN 9.

Procedural comments. Observations have been made by the neighbour that the red line on the submitted plans does not accurately describe the ownership of the land in the vicinity of

the access drive and its connection to the adopted public highway. It is noted that the amended plan associated with the earlier application: PF/22/1909 showed same access information. The proposed retrospective retention of the garage would not however, intrude on this land, so decision making need not be impacted by boundaries elsewhere in the site being disputed.

Conclusion

The development comprising alterations to an unauthorised structure and new walling is considered to be unacceptable for the reasons stated and planning permission should be refused on grounds of landscape impact and impact on the setting of the heritage asset.

RECOMMENDATION –

Refuse for reasons relating to the harmful effect on the setting of the designated heritage asset and, the effect on the character and appearance of the landscape, contrary to Policies EN 2 and EN 8 of the North Norfolk Core Strategy, with no public benefits which would outweigh the harm.

Final wording of reasons for refusal to be delegated to the Director for Place and Climate Change.