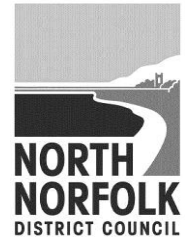


# Development Committee



**Please contact:** Linda Yarham

**Please email:** [linda.yarham@north-norfolk.gov.uk](mailto:linda.yarham@north-norfolk.gov.uk) Direct Dial: 01263 516019

**TO REGISTER TO SPEAK PLEASE CALL 01263 516150**

25 September 2018

A meeting of the **Development Committee** will be held in the **Council Chamber** at the Council Offices, Holt Road, Cromer on **Thursday 4 October 2018 at 9.30am.**

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 **Thursday 25 October 2018.**

## **PUBLIC SPEAKING – TELEPHONE REGISTRATION REQUIRED**

Members of the public who wish to speak on applications are required to register by **9 am on Tuesday 2 October 2018** 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 attending this meeting may take photographs, film or audio-record the proceedings and report on the meeting. Anyone wishing to do so must inform the Chairman. 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 S Arnold, Mrs A Claussen-Reynolds, Mrs A Fitch-Tillett, Mrs A Green, Mrs P Grove-Jones, Mr B Hannah, Mr N Lloyd, Mr N Pearce, Ms M Prior, Mr R Reynolds, Mr R Shepherd, Mr B Smith, Mr N Smith, Mrs V Uprichard

**Substitutes:** Mr D Baker, Dr P Bütikofer, Mrs S Bütikofer, Mr N Coppack, Mrs J English, Mr T FitzPatrick, Mr V FitzPatrick, Mr S Hester, Mr M Knowles, Mrs B McGoun, Mrs J Oliver, Miss B Palmer, Mr J Punchard, Mr J Rest, Mr P Rice, Mr E Seward, Mr S Shaw, Mr D Smith, Mrs L Walker, Ms K Ward, Mr A Yiasimi

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  
**Tel** 01263 513811 **Fax** 01263 515042 **Minicom** 01263 516005  
**Email** [districtcouncil@north-norfolk.gov.uk](mailto:districtcouncil@north-norfolk.gov.uk) **Web site** [www.north-norfolk.gov.uk](http://www.north-norfolk.gov.uk)

## 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 a meeting of the Committee held on 6 September 2018.
4. ITEMS OF URGENT BUSINESS (to be taken under items 8 or 10 below)
  - (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.
7. OFFICERS' REPORT

### ITEMS FOR DECISION

#### PLANNING APPLICATIONS

- (1) **KETTLESTONE - SV/18/1415 - Variation of unilateral undertaking under section 106, attached to planning permission ref: PF/14/0852 to permit the use of 91 The Street, Kettlestone as a long-term residential let; 91 The Street, Kettlestone, Fakenham, NR21 0AU for Mr & Mrs Brown**

- (2) **NEW APPEALS** Page 10
- (3) **INQUIRIES AND HEARINGS - PROGRESS** Page 11
- (4) **WRITTEN REPRESENTATIONS APPEALS - IN HAND** Page 11
- (5) **APPEAL DECISIONS – RESULTS AND SUMMARIES** Page 12  
(Appendix 2 – page 17)
- (6) **COURT CASES – PROGRESS AND RESULTS** Page 12
- 8. **ANY OTHER URGENT BUSINESS AT THE DISCRETION OF THE CHAIRMAN AND AS PREVIOUSLY DETERMINED UNDER ITEM 4 ABOVE**
- 9. **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**

- 10. **ANY OTHER URGENT EXEMPT BUSINESS AT THE DISCRETION OF THE CHAIRMAN AND AS PREVIOUSLY DETERMINED UNDER ITEM 4 ABOVE**
- 11. **TO CONSIDER ANY EXEMPT MATTERS ARISING FROM CONSIDERATION OF THE PUBLIC BUSINESS OF THE AGENDA**

**OFFICERS' REPORTS TO  
DEVELOPMENT COMMITTEE - 4 OCTOBER 2018**

Each report for decision on this Agenda shows the Officer responsible, the recommendation of the Head of Planning and in the case of private business the paragraph(s) of Schedule 12A to the Local Government Act 1972 under which it is considered exempt. None of the reports have financial, legal or policy implications save where indicated.

**PUBLIC BUSINESS - ITEM FOR DECISION**

**PLANNING APPLICATIONS**

**Note :-** Recommendations for approval include a standard time limit condition as Condition No.1, unless otherwise stated.

- (1) **KETTLESTONE - SV/18/1415** - Variation of unilateral undertaking under section 106, attached to planning permission ref: PF/14/0852 to permit the use of 91 The Street, Kettlestone as a long-term residential let; 91 The Street, Kettlestone, Fakenham, NR21 0AU for Mr & Mrs Brown

**Minor Development**

**- Target Date: 06 September 2018**

Case Officer: Mr G Lyon

Variation of Section 106 Agreement

**CONSTRAINTS**

Countryside

SFRA - Areas Susceptible to Groundwater Flooding

SFRA - Risk of Flooding from Surface Water + CC

EA Risk of Flooding from Surface Water 1 in 1000

EA Risk of Flooding from Surface Water 1 in 100

C Class Road

**RELEVANT PLANNING HISTORY**

PLA/19781041 HR

93B THE STREET, KETTLESTONE

EXTENSION TO CHALET TO INCORPORATE DINING ROOM, LOBBY AND BEDROOM  
AND ERECTION OF GARAGE

Approved 28/07/1978

PLA/19800335 HR

91 TO 93A THE STREET, KETTLESTONE

ERECTION OF A DOUBLE GARAGE

Approved 07/03/1980

PLA/19831110 PO

91 The Street, Kettlestone, Fakenham, NR21 0AU

WASH HOUSE / COAL SHED

Approved 02/12/1983

PF/14/0852 PF

93B The Street, Kettlestone, Fakenham, NR21 0AU

Conversion and extension of garage to form residential dwelling

Approved 24/10/2014

## **THE APPLICATION**

Seeks permission to vary the terms of a Section 106 Obligation signed as part of planning application ref: PF/14/0852 previously approved in relation to the conversion and extension of garage to form residential dwelling at 93B The Street Kettlestone.

The part of the S106 Obligation to be amended relates to clause 1 in Schedule 1 that states '*With effect from the Commencement Date 91 The Street shall thereafter be used only for holiday letting purposes and shall not be used as a permanent residential dwelling.*' The applicant seeks to delete this clause so as to enable 91 The Street to be used, in effect, as an unrestricted dwelling albeit with a proposed use for residential lettings at 80% market rent.

**REASONS FOR REFERRAL TO COMMITTEE** – The proposal seeks the removal/variation of a S106 Obligation/Unilateral Undertaking for which there are no provisions for delegation of powers of determination to the Head of Planning under the Council's Constitution. The matter is therefore being referred to the Development Committee for determination.

## **PARISH/TOWN COUNCIL**

Kettlestone Parish Council – Objects to the application

The original planning permission for this property, and the associated section 106 obligation, date back only 4 years to 2014. The key point of the argument to vary this agreement is based on the downward trend of holiday bookings. However, this was already evident in 2014 when the original application was submitted, and no new evidence has been submitted. Due to the relatively recent nature of the covenant Kettlestone Parish Council have no alternative but to object to this application for a variation of the unilateral undertaking under section 106, and therefore reinforce the original permission with its section 106 covenant.

## **REPRESENTATIONS**

None Received

## **CONSULTATIONS**

None Consulted

## **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):

Policy SS 1: Spatial Strategy for North Norfolk (*specifies the settlement hierarchy and distribution of development in the District*).

Policy SS2: Development in the Countryside (*prevents general development in the*

*countryside with specific exceptions).*

Policy SS 4: Environment *(strategic approach to environmental issues).*

Policy SS 5: Economy *(strategic approach to economic issues).*

Policy SS 6: Access and Infrastructure *(strategic approach to access and infrastructure issues).*

Policy HO 6: Removal of agricultural, forestry and essential worker occupancy conditions *(specifies the criteria that must be met for the removal of agricultural, forestry and essential worker occupancy conditions).*

Policy EN 4: Design *(specifies criteria that proposals should have regard to, including the North Norfolk Design Guide and sustainable construction).*

Policy EN 9: Biodiversity and geology *(requires no adverse impact on designated nature conservation sites).*

Policy EN 10: Flood risk *(prevents inappropriate development in flood risk areas).*

Policy EN 13: Pollution and hazard prevention and minimisation *(minimises pollution and provides guidance on contaminated land and Major Hazard Zones).*

Policy EC 8: Retaining an adequate supply of mix tourist accommodation *(specifies criteria to prevent loss of facilities).*

Policy EC 9: Holiday and seasonal occupancy conditions *(specifies the conditions to be attached to new unserviced holiday accommodation).*

Policy CT 2: Development contributions *(specifies criteria for requiring developer contributions).*

Policy CT 5: The transport impact on new development *(specifies criteria to ensure reduction of need to travel and promotion of sustainable forms of transport).*

Policy CT 6: Parking provision *(requires compliance with the Council's car parking standards other than in exceptional circumstances).*

National Planning Policy (2018):

Section 1 – Introduction

Section 2 – Achieving sustainable development

Section 4 – Decision-making

Section 5 – Delivering a sufficient supply of homes

Section 8 – Promoting healthy and safe communities

Section 9 – Promoting sustainable transport

Section 15 - Conserving and enhancing the natural environment

## **MAIN ISSUES FOR CONSIDERATION**

1. Background
2. Principle
3. Supporting Evidence
4. Other Material Considerations

## **APPRAISAL**

### **1. Background**

Application ref: PF/14/0852 proposed the 'Conversion and extension of garage to form residential dwelling' at No.93 The Street in Kettlestone. In essence the scheme sought to convert and extend a 1980s domestic garage to provide one new unit of residential accommodation. The proposal was considered under the current Core Strategy Policies.

In assessing the 2014 application (determined under delegated powers), the case officer set out the policy context within the officer report. The officer considered the proposal under Core Strategy Policy EC 2 and concluded that 'as the site lies within the designated

*countryside policy area a proposal for conversion of this garage to holiday accommodation is acceptable in principle under Policy EC2 of the Core Strategy subject to usual planning considerations...'*

The officer then went on to consider Policy HO 9 as follows:

*'Proposals for conversion of buildings in the countryside for full residential occupancy are...acceptable under Policy HO9. However, this policy is stricter in relation to the quality of the buildings proposed for conversion. It is considered that this modern garage would not generally fall within the 'worthy of retention' criteria to allow compliance with Policy HO9'.*

The officer report also set out that *'the applicant owns 3 residential properties in the vicinity of the site (No's. 93A, 93B and 91), two of which have been in long term use as holiday lets and therefore have long formed part of the tourist economy of the area'.*

With this information in mind, the case officer went on to set out that *'conversion of this building to full residential could be acceptable subject to a legal agreement (Section 106) that places a holiday occupancy condition on one of the dwellings currently used for holiday purposes but otherwise not specifically restricted as such. This would result in no net gain in unrestricted occupancy dwellings. Essentially the holiday restriction that could be imposed on the proposed conversion of the garage under Policy EC2 would instead be imposed on the property (Number 91) at the front of the site. Thereby ensuring retention of tourist accommodation'.*

A Unilateral Obligation dated 21 October 2014 was submitted and signed by the applicant where by the applicant agreed to comply with two provisions/clauses set out in Schedule 1 of the obligation as follows:

1. With effect from the Commencement Date 91 The Street shall thereafter be used only for holiday letting purposes and shall not be used as a permanent residential dwelling.
2. The dwelling to be created by conversion and extension of the existing double garage at 93B The Street, Kettlestone pursuant to the Planning Application shall remain in the same ownership as 91 The Street unless otherwise agreed in writing by the District Council.

This Unilateral Obligation provided the basis upon which the 2014 planning permission was granted. Without it, the proposal would likely have been considered contrary to the provisions of the development plan and would have been recommended for refusal by officers, in the absence of any other material planning considerations to justify a departure from the development plan.

## 1. **Principle**

The planning policy context for the proposal to remove clause 1 of the Unilateral Obligation attached to application ref: PF/14/0852 remains the same now as in 2014 in that the Adopted North Norfolk Core Strategy from 2008 and the policies within still comprise the up to date development plan for the area.

Kettlestone is not one of the Principal or Secondary settlements nor is it one of the selected Service Villages or Coastal Service Villages within North Norfolk and is therefore considered to fall within the Countryside policy area where Core Strategy Policy SS 2 sets out the range of different uses that are permitted in the countryside. This would not be generally

permissive towards the creation of new open market dwellings in the countryside unless considered under Core Strategy Policy HO 9, which sets out the criteria for the conversion and re-use of existing rural buildings for use as dwellings.

Setting aside the 2014 Unilateral Obligation restricting the use of 91 The Street, Kettlestone for holiday purposes, and whilst it is a matter of planning judgement as to whether the existing building is '*worthy of retention due to its appearance, historic, architectural or landscape value*', it is clearly evident that the building is structurally sound and capable of residential use without substantial rebuilding or extension. As such a case could be made that the building would broadly comply with the requirements of Policy HO 9 so as to enable residential use.

However, Committee will be aware that the only reason the garage conversion and extension at 93B The Street to form a new residential unit was permitted in 2014 was on the basis that the existing unrestricted residential use at 91 The Street was forfeited so that there was no net gain in residential dwellings.

Only four years have passed since the 2014 application was submitted and the Unilateral Obligation signed. Officers recognise the potential precedent that would be set for the creation of additional dwellings in the countryside by means that some may argue circumvents the normal planning process. It is therefore important to understand whether there are any material planning considerations that would weigh in favour of the proposal and which would justify the proposed removal of Clause 1 and, in effect permit the creation of a new market dwelling in the countryside.

## 2. **Supporting Evidence**

The applicant has submitted a supporting statement with their application together with other supporting documents.

The applicant's case is that, despite their best efforts, since 2014 the holiday booking levels for 91 The Street have declined each year. The applicant has provided documents setting out the booking record from 2010-2018 showing total days booked, days booked by the owners and days booked by the booking agent/website. This shows a decline from a peak in 2013 of 230 days with fewer days now booked by the agent/website but more days booked by the owner. (See **Appendix 1**).

The applicant has set out that the agency/website were approached for suggestions as to the actions the applicant could take to improve the booking situation. The applicant has submitted a copy of the three-page reply signed by Lynda Gotts-White of Wyndham Vacation Rentals UK on behalf of cottages.com (See copy at **Appendix 1**). The applicant sets out that the advice from the agent was that the layout and space available at 91 The Street is insufficient to allow any improvement to be made that would rectify the ever increasing demands of holiday customers.

The applicant goes on to state that the decline in booking levels is now at a point where the property will no longer likely meet HM Revenue & Customs Furnished Holiday Lettings tax rules which not only require the property to be available for at least 210 days in the year but also that the property is let for at least 105 days in the year. Whilst the applicant has so far met the 105 day HMRC requirements, in many cases this was because of people booking the property for longer periods whilst they looked for housing in the area rather than purely as a holiday let. The applicant has also set out that they do not wish to see the property lie vacant for two thirds of the year when the property could be better used and would make a good home for someone.



Since 2014, the holiday rental market has changed with the advent of the ability for any householder to more easily rent out their property through such sites as 'airbnb'. This means that there is greater competition in the UK holiday rental market with customers demanding high quality properties and especially 'experience' type retreats. Whilst the number of people holidaying in the UK is increasing, many older and smaller properties and those away from popular Norfolk coastal destinations are more likely to fall out of favour with visitors leading to greater periods of vacancy and pressure to reduce rents in order to compete.

It is with this in mind that the applicant wishes to remove the holiday restriction (Clause 1 of the S106 Obligation) and replace this a new clause which allows permanent residential occupancy but with a commitment to rent out the property as a long-term residential let at an affordable level, which would be set at 80% of normal market rate. The applicant has provided evidence of what the property could be let for and this would be used to set the 80% of normal market rental rate.

### **3. Other Material Considerations**

The National Planning Policy Framework (2018) sets out the Governments planning policies for England and how these should be applied. It reinforces the presumption that planning proposals are determined in accordance with the development plan unless material considerations indicate otherwise.

NPPF Section 5 – Delivering a sufficient supply of homes includes a section on Rural Housing at paragraphs 77 to 79.

NPPF Paragraph 77 reflects the general provisions of Core Strategy Policy HO 3 (Affordable Housing in the Countryside).

NPPF Paragraph 78 reflects the provisions of Core Strategy Policy SS 1 and identifies selected Service Villages and Coastal Service Villages within which a small amount of new development will be permitted.

NPPF Paragraph 79 (a) reflects the general provisions of Core Strategy Policy HO 5 (Agricultural, Forestry and Other Occupational Dwellings in the Countryside).

NPPF Paragraph 79 (b) reflects the general provisions of Core Strategy Policy EN 8 (Protecting and Enhancing the Historic Environment).

NPPF Paragraph 79 (c) reflects the general provisions of Core Strategy Policy HO 9 (Conversion & Re-use of Rural Buildings as Dwellings).

However, there is no current Core Strategy Policy which reflects the guidance set out in NPPF Para 79 (d) which indicates a slightly more permissive approach being advocated by government in rural areas through the inclusion of subdivision of an existing dwelling. The national policy position is therefore slightly changed since 2014 and it is therefore a matter of planning judgment as to whether this proposal is acceptable in planning terms, the result of which would be the provision of a relatively modest dwelling on the open market, available at a discounted rent.

## Summary

It is accepted by officers that it could be argued that the policy position that led to the approval of application ref: PF/14/0852 with the requirement for a S106 Obligation limiting 91 The Street for holiday letting purposes in order to enable residential use of 93C The Street with no net gain in residential dwellings is equally valid today.

However, whilst the proposed removal of the holiday occupancy restriction could encourage others to seek do the same in the future, there is no clear evidence to suggest that the applicant has deliberately sought to manipulate the planning system so as to enable the creation of a new dwelling in the countryside. The applicant has been very open and honest and has provided evidence to demonstrate the holiday lettings at the property over the last eight years and has indicated that they would be prepared to continue with holiday lets if it was viable to do so as a business and the applicant has indicated they are open to suggestion of any alternative options.

In the case of 91 The Street, the applicant is genuinely concerned that the property is close to falling below the threshold for a furnished holiday let despite the efforts of the owner to let the property. The applicant is concerned that periods of vacancy represents a waste if the property is not being used for its full potential.

On balance it is considered that approval of this application would enable the provision of a modest market dwelling which the applicant has indicated would be made available at 80% of market rent. Whilst ensuring the property remains at or below 80% of market rent would be challenging and there would be no control of who actually occupies the property, the creation of a new market dwelling would nonetheless contribute to the supply of new homes in the District and broadly reflects the government's intention to be more permissive towards residential subdivision in the countryside as set out through the inclusion of NPPF para 79(d). These are matters which can be afforded some weight in the planning decision.

In the opinion of officers, subject to the completion of a new S106 Obligation to secure the property for residential letting at no more than 80% of market rent, the supporting evidence and material considerations in favour of the proposal would, on balance, justify the departure from development plan policy

### **RECOMMENDATION:**

**Approval of the application is delegated to the Head of Planning subject to a new S106 Obligation replacing Clause 1 with a new clause requiring 91 The Street to be used only for residential letting purposes at or below 80% of market rent (including setting out how such rent is to be calculated and typical period for rent review).**

## APPEALS SECTION

### (2) NEW APPEALS

**FAKENHAM - PO/17/1554 - Outline planning permission for the erection of single storey dwelling (including matters of access, layout and scale); 209 Norwich Road, Fakenham, NR21 8LR for Mr & Mrs MacBrayne**  
WRITTEN REPRESENTATIONS

**FAKENHAM - PF/17/1599 - Erection of single storey detached dwelling; The Housekeepers Bungalow, Norwich Road, Fakenham, NR21 8LF for Raven Development Co Ltd**  
WRITTEN REPRESENTATIONS

**HICKLING - PF/18/0251 - Erection of first floor extension; St Catherines, The Green, Hickling, Norwich, NR12 0XR for Mr & Mrs Scarborough  
FAST TRACK - HOUSEHOLDER**

**(3) INQUIRIES AND HEARINGS - PROGRESS**

**TUNSTEAD - PF/17/0428 - Change of use from Agricultural to General Industrial (Class B2) (retrospective); Unit 13, Beeches Farm, Crowgate Street, Tunstead, NORWICH, NR12 8RF for Mr Platten  
PUBLIC INQUIRY 25 September 2018**

**TUNSTEAD - ENF/15/0067 - Unauthorised commercial uses of former agricultural buildings; Beeches Farm, Crowgate Street, Tunstead, Norwich, NR12 8RF PUBLIC INQUIRY 25 September 2018**

**(4) WRITTEN REPRESENTATIONS APPEALS - IN HAND**

**BRISTON - PF/17/1681 - Erection of two semi-detached houses to include a detached single garage and new vehicular access.; Land rear of 157 &159 Fakenham Road, Briston, Melton Constable, NR24 2HQ for Mr K Lawrence**

**CORPUSTY AND SAXTHORPE - PF/17/0470 - Demolition of dwelling, garage & outbuilding & erection of 2 semi-detached bungalows; Sunnyside, Post Office Lane, Saxthorpe, Norwich, NR11 7BL for Sparksfield Ltd**

**HAPPISBURGH - PU/17/1003 - Notification of prior approval for a proposed change of use of agricultural building to pair of semi-detached dwellings; Hill Farm, Whimwell Green, Happisburgh, NORWICH, NR12 0AJ for Mr Pugh**

**HICKLING - PF/18/0251 - Erection of first floor extension; St Catherines, The Green, Hickling, Norwich, NR12 0XR for Mr & Mrs Scarborough**

**MUNDESLEY - PF/17/1735 - Erection of first floor extension to create residential flat; Mundesley Post Office, 15 High Street, Mundesley, Norwich, NR11 8AE for Mr Thiruchelvam**

**OVERSTRAND - PF/17/0222 - Formation of children's play area and erection of play equipment to rear of public house; White Horse, 34 High Street, Overstrand, CROMER, NR27 0AB for Mr Walsgrove**

**POTTER HEIGHAM - PF/17/1217 - Erection of detached single-storey dwelling; 17 St Nicholas Way, Potter Heigham, Great Yarmouth, NR29 5LG for Mr Laxon**

**FAKENHAM - ENF/17/0216 - Building works not in accordance of the approved plans- ref PF/16/0858; 6 Whitelands, Fakenham, NR21 8EN**

**MELTON CONSTABLE - ENF/16/0086 - Unauthorised works to listed building; Bath House, Melton Constable Hall, Melton Park, Dereham Road, Melton Constable, NR24 2NQ**

**MELTON CONSTABLE - ENF/16/0087 - Removal of Clock Mechanism - Listed Building; Clock Tower, Melton Constable Hall, Dereham Road, Melton Constable, NR24 2NQ**

**MELTON CONSTABLE - ENF/16/0088 - Removal of Cupola - Listed Building; Fire Engine House, Melton Constable Hall, Melton Park, Dereham Road, Melton Constable, NR24 2NQ**

**NORTH WALSHAM - ENF/14/0130 - Fences Erected Enclosing Land Which had Previously been Grass Verge Maintained by the Council; 8 Debenne Road, North Walsham, NR28 0LZ**

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

**CROMER - PF/18/0446 - Erection of single storey side extension to dwelling above existing lower level garage; 5 Holt Road, Cromer, NR27 9EB for Mr & Mrs Wilson**

**APPEAL DECISION:- APPEAL DISMISSED**

**EDGEFIELD - PF/17/1995 - Erection of single storey rear extension, two storey side extension & reconstruction of roof to form additional second storey accommodation and dormer windows; Green Lanes Cottage, Ramsgate Street, Edgefield, Melton Constable, NR24 2AY for Mr & Mrs Davy**

**APPEAL DECISION:- APPEAL DISMISSED**

**NORTH WALSHAM - PO/17/0549 - Erection of up to 200 dwellings, open space, supporting infrastructure and other associated works (outline application) - revised submission; Land between Aylsham Road and Greens Road, North Walsham for MLN (Land and Properties) Ltd & Simon Rossi & Katherine Beardshaw & Nigel Rossi**

**APPEAL DECISION:- APPEAL DISMISSED**

**SWANTON ABBOTT - PF/18/0702 - Conversion of garage to annex accommodation; Country Barn, The Hill, Swanton Abbott, NORWICH, NR10 5AT for Mr Read**

**APPEAL DECISION:- APPEAL DISMISSED**

Summaries of the above appeals are attached at **Appendix 2**.

**NORTH WALSHAM - PF/17/0902 - Conversion of stable/barn to create dwelling; Agricultural Building, Adjacent to Bells Cottage, Holgate Road, White Horse Common, North Walsham, NR28 9N for Mr F Knights**

**APPEAL DECISION:- APPEAL ALLOWED**

**COSTS TO BE DISCUSSED Awarded: £0.00 Against:**

A summary of the above appeal will be reported to the next meeting.

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

No change from previous meeting.

**Booking Record/Rental Income For HOLIDAY Cottage - 91 The Street Kettlestone NR21 0AU Ref. 11583**

Revised 15 September 2018

YEAR	Total Days Booked	Days booked by Owner	Days booked by Cottages .com	Yearly Rental Income
2010	219	30	189	£ 8,867.00
2011	223	46	177	£ 9,206.00
2012	212	45	167	£ 9,161.00
2013	230	56	174	£ 8,361.00
2014	177	52	125	£ 8,159.00
2015	147	73	74	£ 7,598.00
2016	105	49	56	£ 5,043.00
2017	116	81	35	£ 6,119.00
2018	124	86	38	£ 5,788.00
2019 projected	365 i.e. Whole Year	365	At Full £580 Per Month	£ 6,960.00
2019 projected	365 i.e. Whole Year	365	At Affordable rent Rate i.e.£580 x.80 per month =£464/ Month	£ 5,568.00

This chart shows how the bookings and revenue have fallen over the years.

The attached letter, from W H BROWN -Estate Agents, who would be handling any tenancy agreements for me, confirms The £580 per month rental estimate for the property.

The figures shown in RED show the income I would receive if my proposal to allow the property to be let on an affordable rent basis is accepted.

SV

18 / 14 15



cottages.com

By Wyndham Vacation Rentals



Mr and Mrs Brown  
91 The Street  
Kettlestone  
Fakenham  
Norfolk  
NR21 0AU

2<sup>nd</sup> March 2017

Reference: 11583

Dear Mr Brown

I am writing regarding Chapel Cottage and would like to start by thanking you for being a loyal owner with us. It is always a pleasure dealing with you and your good wife.

When I last visited you asked me to compare your booking levels to those of other similar properties in your area. .

Your property sleeps 4 people and I can confirm that the average property in your area that sleeps 4 achieves around 28 weeks a year in terms of holiday bookings.

Your property achieved the following the following bookings:

2015: 12.5 weeks

2016: 8 weeks.

In terms of just your bookings, I believe that decline can be attributed to several reasons. One of which is that competition is much greater, especially more recently when the property market has become a little more buoyant again and I am seeing an increase in new owners bringing properties on in your area.

Because many of these properties are being chosen especially for holiday letting, they tend to be more suitable for the current market than Chapel Cottage.

We are seeing more and more guests booking properties that are light, airy and spacious and that offer facilities that, due to the nature of your property, you are just unable to offer.

I am very aware that you are always keen to improve things at Chapel Cottage and you asked me to detail areas that may be holding you back. I've looked at this and am sad to say that due to the layout and space available at Chapel Cottage, I am not sure that these areas can be fully rectified.

These areas include, but are not limited to:

- More user friendly stairs. I know that due to the layout and room available your stairs need to be quite steep but many guests are wary of using stairs like these when they are unfamiliar.
- An upstairs bathroom. I am aware that this just isn't possible at Chapel Cottage but this, coupled with the stairs is an issue for guests as they would worry about having to go downstairs to use the toilet in the night.
- A greater degree of space is desirable in the living area and kitchen for four people on holiday.
- The bedrooms are very small with one just about accommodating bunk beds. Bunk beds are not popular with our guests unless they are travelling with children of a certain age. But, were they travelling with these children, they would be likely to rule out your property because the bathroom is down a set of, what will be to our guests, unfamiliar stairs.
- The bedroom configuration. Again, I must emphasise that bunk beds are not very popular with our guests. I know that you are keen to increase bookings and, in light of this, we did discuss whether it would be worth putting one single bed in there. My concern with this is that we would have to bring pricing down considerably and properties sleeping 3 are not that popular so, in doing so, you may be in a position where you either have the same amount of bookings but earn less. Or, you may have just a handful more, with more cleaning and heating costs and only the same amount of income that you have now. This does not seem to be a reasonable request for me to make.
- A more modern kitchen and more modern furnishings throughout. I know that you were prepared to invest in this but, given that the other issues will still be there, I am not confident that spending the required amount of money would yield sufficient return to justify the investment.

I must stress that your property is always well looked after and spotlessly clean. The reviews that you receive from your guests are amazing so I can confirm that the sector of the market that choose to stay at Chapel Cottage are very happy with it. It is just that this sector is a very small percentage of the market place and moving forwards I can anticipate that this will decrease further.

I must also stress that Cottages.com are the market leaders in terms of generating revenue and I can confidently say that if we cannot secure bookings for you it would not be reasonable to suspect that a competitor could do so either.

While I do love working with you both, I do feel that Chapel Cottage would genuinely serve both you and your community better as a long term residential let for a single person or a couple who would choose it because it would suit their needs and would soon become familiar with the property.

Given the New Anglia sector gross strategy that promised to build 117,000 new houses in East Anglia there is clearly a need for more residential properties. As such, I would hope that consideration would be given to any request that you made to offer your property on this basis.

I will end by thanking you again for your continued commitment to ensuring that you have done all possible to encourage guests to book your property. You have genuinely done all you can and the lack of bookings for Chapel Cottage is about changes in the market and in guest expectations, all of which have been beyond your control.

If you require any further information please do not hesitate to get in touch. It will always be a pleasure to hear from you.

Yours sincerely

*Lynda Gotts-White*

Lynda Gotts-White  
Regional Manager  
Wyndham Vacation Rentals UK





<b>Application Number: PO/17/0549</b>	<b>Appeal Reference: APP/Y2620/W/18/3193438</b>
<b>Location: Land between Aylsham Road and Greens Road, North Walsham</b>	
<b>Proposal: Up to 200 dwellings, open space, supporting infrastructure and other associated works</b>	
<b>Officer Recommendation: Refuse</b>	<b>Member decision (if applicable): Refuse</b>
<b>Appeal Decision: DISMISSED</b>	<b>Costs: N/A</b>
<p><b>Summary:</b> The main issues the Inspector considered were:</p> <ul style="list-style-type: none"> <li>• Whether the Council had an up to date five-year housing land supply;</li> <li>• Whether Policies SS 1 and SS 2 were up to date; and</li> <li>• The weight to be afforded to the emerging Local Plan</li> </ul> <p>The appeal site is located on land outside of the development boundary of North Walsham and in the Countryside Policy Area. The appellant accepted that the proposal was contrary to policies SS1 and SS2 of the Core Strategy but argued that these policies did not comply with the National Planning Policy Framework and that their proposals where in any event in conformity with the development plan when it was considered as a whole. Furthermore, it was argued that the Council was failing to address the local need for affordable homes notwithstanding that a five-year land supply was demonstrated. The appellant also argued that the authority was intending to allocate the site in the next local plan anyway and that early delivery would assist in delivering larger scale growth by providing some of the necessary road infrastructure and also that, if permitted, the scheme would be un-harmful.</p> <p>In dismissing the appeal, the Inspector agreed with the Council that it was important that decisions continue to be made in accordance with the adopted Local Plan. The Inspector considered the existing plan reflected the provisions of the NPPF (as recently updated in 2018) and that the Council had shown that it was effective in delivering sufficient homes including the required amount of affordable housing. The Inspector set out that the fact that the scheme might be un-harmful was not in itself a sufficient reason to depart from adopted policies which were intended to provide the strategic framework for the distribution of homes in the district. The Inspector also made very clear that granting planning permission would undermine the plan led system. The Inspector concluded that little weight, if any, could be given to the new Emerging Local Plan as it was too early in its preparation to be taken into account.</p> <p>As this is an important appeal decision for the Council, a complete copy of the Inspectors decision letter is attached with this summary.</p> <p>The appellants have a six-week period within which to decide if they intend to challenge the decision further which ends on 15 Oct 2018.</p>	
<p><b>Relevant Core Strategy Policies:</b> SS 1 – Spatial Strategy for North Norfolk SS 2 – Development in the Countryside</p>	
<p><b>Relevant NPPF Sections/Paragraphs:</b> N/a</p>	
<p><b>Learning Points/Actions:</b></p> <ul style="list-style-type: none"> <li>• The Council can demonstrate a five-year housing land supply.</li> </ul>	

- Policies SS1 and SS 2 are broadly consistent with the NPPF (2018) and therefore attract significant weight in decision making.

**Sources:**

Geoff Lyon – Major Projects Manager

Mark Ashwell – Planning Policy Manager



---

## Appeal Decision

Inquiry held on 21-23 August 2018

Site visit made on 23 August 2018

**by Michael Boniface MSc MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 3 September 2018**

---

**Appeal Ref: APP/Y2620/W/18/3193438**

**Land between Aylsham Road and Greens Road, North Walsham**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by MLN (Land and Properties) Ltd, Simon Rossi, Katherine Beardshaw, Nigel Rossi and Julian Rossi against the decision of North Norfolk District Council.
  - The application Ref PO/17/0549, dated 4 April 2017, was refused by notice dated 3 August 2017.
  - The development proposed is up to 200 dwellings, open space, supporting infrastructure and other associated works.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The application was submitted in outline with details of the proposed access only. Matters of appearance, landscaping, layout and scale are reserved for subsequent consideration. I have dealt with the appeal on this basis.

### Main Issue

3. The main issue is whether the proposal accords with the development plan (with particular regard to Policies SS 1 and SS 2 of the Core Strategy) and if not, whether material considerations indicate a decision other than in accordance with the development plan.

### Reasons

4. The development plan, so far as it is relevant to the appeal, comprises the Core Strategy (2008) (CS) and the Site Allocations Development Plan Document (2011) (Site Allocations DPD). It is common ground between the parties that the proposal accords with all relevant policies of the development plan, except Policies SS 1 and SS 2 of the CS.
5. Policy SS 1 sets out the spatial strategy for North Norfolk, seeking to focus the majority of new development in the towns and larger villages referred to as Principal and Secondary Settlements. A small amount of development is to be focused on designated Service Villages and Coastal Service Villages to support rural sustainability. The remainder of the district is designated as countryside where development is to be restricted to particular types of development to

- support the rural economy, meet affordable housing needs and provide renewable energy. Policy SS 2 relates specifically to the countryside area, limiting development to that specified in the policy which is recognised to require a rural location.
6. North Walsham is a Principal Settlement but the proposed development falls outside of the settlement boundary defined for the town and is therefore in countryside. The proposal does not meet the policy criteria for a countryside location. As such, it is accepted by the appellant that the scheme is in conflict with Policies SS 1 and SS 2.
  7. These are strategic policies that set out the overarching approach for distributing development across the district, promoting sustainable patterns of development and protecting the countryside. In my view, they are fundamental to the effective operation of the plan.
  8. There was much discussion during the Inquiry about the degree to which these policies are consistent with the National Planning Policy Framework (2018) (the Framework). However, it seems to me that there is nothing novel or onerous in the requirements that they impose. The Framework actively expects strategic policies to set out an overall strategy for the pattern, scale and quality of development. Broad locations for development should be indicated and land use designations and allocations identified. The intrinsic character and beauty of the countryside should be recognised. That is precisely what these policies do, along with the Site Allocations DPD.
  9. Far from introducing a blanket ban on development in the countryside as the appellant asserts, Policy SS 2 sets out a broad range of development types that will be supported in the countryside with the express aim to support the rural economy, meet local housing needs and provide for particular uses. Albeit that, in my view, the Framework's policy for rural housing has little relevance to this appeal proposal involving large scale residential development adjacent to the largest Principal Settlement in the District, the objectives of Policy SS 2 are closely aligned with the Framework and the permissible criteria extensive.
  10. For all of these reasons, I consider that Policies SS 1 and SS 2 are broadly consistent with the Framework. With respect to Policy SS 2, a similar conclusion was reached in an appeal close by at Holt<sup>1</sup> having regard to the previous iteration of the Framework. The appellant accepts that there is nothing in the revised version that should lead to a different outcome in this case.
  11. In addition, the appellant accepts that the development plan is operating effectively and is delivering its objectives. It is common ground that the Council can currently demonstrate a 5.02 year housing land supply and the Council expects this to increase following publication of the next household projections. It is further agreed that the evidenced need for affordable housing over the coming years is 95 dwellings per annum and that the expected supply more than fulfils this requirement. This is notwithstanding the appellant's claim that there is likely to be a greater unquantified and un-evidenced need for affordable housing. Clearly, the undisputed need for housing evidenced in the SHMA<sup>2</sup> is more reliable for the purposes of this appeal.

---

<sup>1</sup> APP/Y2620/W/14/3000517

<sup>2</sup> Central Norfolk Strategic Housing Market Assessment 2017

12. The proposed development would be consistent with many of the detailed objectives and purposes of Policies SS 1 and SS 2 contained within the supporting text of the CS. However, a focus on the lack of conflict with detailed objectives such as landscape character protection ignores the strategic purposes of the policies to ensure that the plan is truly spatial, reflects local needs and the role of different settlements, as well as the need to deliver suitable infrastructure alongside planned development. This is the essence of a plan led system. The approach is defined by statute and its importance reinforced by the Framework.
13. In this case, there is a clear conflict with the development plan in both policies SS 1 and SS 2 of the CS. Having determined that these policies are broadly consistent with the Framework and identified their fundamental and strategic role, I find that there is conflict with the development plan taken as a whole. This is notwithstanding that the proposal accords with other policies of the development plan. The development plan is operating effectively, delivering the necessary level of homes as part of its overall approach. For all of these reasons, I attach substantial weight to the identified conflict with the development plan.
14. I have had regard to the emerging Local Plan for the area and the Council's intention to pursue development of the appeal site as part of a larger allocation in North Walsham. However, the emerging Local Plan is at a very early stage and is yet to be consulted upon. There can be no certainty whatsoever that the plan will progress in line with this intention or that it will remain as currently anticipated following consultation and examination. As such, I attach this matter very little weight. In any case, the appellant accepted during the Inquiry that development of the type envisaged would only be sustainable if requisite infrastructure was delivered alongside it. The appeal scheme would not deliver or contribute to the package of infrastructure anticipated by the emerging Local Plan in any coordinated fashion, notwithstanding that it might facilitate an element of it if the proposed roundabout were suitable as part of the expected link road.
15. The appellant identifies a range of public benefits that would arise from the development, none of which are disputed by the Council in principle. In the context of the Framework's objective to significantly boost the supply of homes, the delivery of market and affordable housing weighs in favour of the proposal, providing greater certainty that needs would be met and contributing to the early delivery of affordable housing in the area. However, given that the Council can already demonstrate a supply of both market and affordable housing sufficient for the next five years of need, I attach this benefit no more than moderate weight.
16. I note that other Inspectors' and the Secretary of State have attached different levels of weight to the provision of housing, including in situations where a five year housing land supply could be demonstrated, but that is unsurprising given the need to assign weight dependent on the merits of each case. I do not know the full circumstances in the examples provided by the appellant and I have seen none which directly reflects the circumstances in this case so as to have any bearing on my conclusion.
17. An extensive range of off-site highway works are proposed in recognition of the existing substandard highway conditions in the vicinity of the site. The

majority of these are required to mitigate the impacts of the development though there would also be clear advantages to existing users of the highway network in improving the current situation. I have significant reservations about whether the proposed roundabout, at the specification proposed, could legitimately be secured by conditions given that both parties agree it goes far beyond what is required to mitigate the impacts of the development. My concerns are amplified by the appellant's acceptance that the offer of such infrastructure is made in an effort to induce favour for the scheme. However, even if the entirety of the proposed off-site works were secured and taken into account, they would attract no more than moderate weight given the extent to which they mitigate the additional impacts of the development.

18. I attach limited weight to the potential landscape benefits, including improving the appearance of the existing hard settlement edge, and the potential biodiversity enhancements that might be secured. The economic benefits of the scheme through Council Tax receipts, New Homes Bonus, employment opportunities and additional expenditure by future residents would be realised from any policy compliant residential development but would nonetheless be a benefit to the local area and attracts limited weight.
19. Taking the entirety of the benefits identified by the appellant into account along with all other material considerations, even cumulatively they do not indicate a decision other than in accordance with the development plan. The fact that there is no harm identified, other than the conflict with the development plan, does not affect this conclusion.
20. In light of the above, the appeal is dismissed.

*Michael Boniface*

INSPECTOR

## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Estelle Dehon, Counsel

She called:

Mark Ashwell MRTPI          Planning Policy Manager

Sarah Hinchcliffe MRTPI      Major Projects Team Leader

### FOR THE APPELLANT:

Trevor Ivory, Solicitor

He called:

Matt Cleggett CIHT CILT      Director, Vectio Consulting Ltd

Richard Walters MRTP        Director, Broadgrove Planning & Development

### INTERESTED PERSONS:

Ann Moore

Councillor

Elaine Addison

Councillor

Bernie Marfleet

Save Our Streets

Nigel Ward

Local resident

## **DOCUMENTS SUBMITTED DURING THE INQUIRY**

- 1      Agreed list of conditions
- 2      Draft S106 agreement
- 3      High Court Judgement [2001] EWHC 1116 (Admin)
- 4      Eastern Daily Press article (31 October 2017)
- 5      Appellants' Opening Statement
- 6      Council's Opening Statement
- 7      Copy of oral statement by Ann Moore
- 8      Copy of oral statement by Elaine Addison
- 9      Habitat Regulations Assessment
- 10     Extract of NPPF Consultation Proposals, Pages 8-9
- 11     Draft S106 agreement
- 12     Copy of oral statement by Bernie Marfleet, Save Our Streets
- 13     Highway Measures Benefit Matrix
- 14     Copy of Appendix 3 to Richard Walters Proof
- 15     High Court Judgement [2018] EWHC 633 (Admin)
- 16     Court of Appeal Judgement [2016] EWCA Civ 1146
- 17     Council's Closing Statement
- 18     Appellants' Closing Submissions
- 19     Completed S106 agreement
- 20     Agreed site visit route

<b>Application Number: PF/18/0702</b>	<b>Appeal Reference: APP/Y2620/D/18/3204453</b>
<b>Location: Country Barn, The Hill, Swanton Abbott</b>	
<b>Proposal: Conversion of a three bay garage to annexe</b>	
<b>Officer Recommendation: Refuse</b>	<b>Member decision (if applicable): N/a</b>
<b>Appeal Decision: DISMISSED</b>	<b>Costs: N/a</b>
<p><b>Summary:</b> The main issues the Inspector considered was:</p> <ul style="list-style-type: none"> <li>Whether the proposed development would accord with the development plan policies in respect of new residential development in the countryside.</li> </ul> <p>The Inspector noted that although the proposed annexe would share a driveway, the size, layout and driveway would mean that users of the annexe would not be dependent on the use of that part of the driveway near to the main house and access into the annexe would be independent of the house. Further, he noted that there was sufficient garden near the garage, away from the main house, for it to be used a private amenity space by occupiers and users of the conversion.</p> <p>The application noted specifically that fenestration had been designed so as to avoid overlooking, indicating an intention for eh converted garage to be suitable for use or occupation independent of the main dwelling.</p> <p>The Inspector noted that, both practically and physically, the proposed conversion would appear to be more akin to an independent dwelling rather than an annexe.</p> <p>The Inspector noted that SS2 allows for extensions to dwellings but did not consider this appropriate in this instance given the lack of functional relationship between the host dwelling and the proposed annexe, as such, the proposed conversion was tantamount to a new build residential dwelling in the countryside, contrary to SS2. The Inspector also concluded that the imposition of conditions would not address the arising issues with the application or secure a degree of functional relationship between the host dwelling and the proposed annexe.</p>	
<b>Relevant Core Strategy Policies:</b> SS2 – Development in the Countryside	
<b>Relevant NPPF Sections/Paragraphs:</b> N/a	
<b>Learning Points/Actions:</b> N/a	

<b>Application Number: PF/17/1995</b>	<b>Appeal Reference: APP/Y2620/D/18/3203781</b>
<b>Location: Green Lanes Cottage, Ramsgate Street, Edgefield. NR24 2AY</b>	
<b>Proposal: Single-storey rear extension, two-storey side extension, reconstruction of roof to form second-storey accommodation and new dormer windows</b>	
<b>Officer Recommendation: Refuse</b>	<b>Member decision (if applicable): N/a</b>
<b>Appeal Decision: DISMISSED</b>	<b>Costs: N/a</b>
<p><b>Summary:</b> The main issues the Inspector considered was:</p> <ul style="list-style-type: none"> <li>The effect of the proposed development on the character and appearance of the area.</li> </ul>	



The property comprised of a traditional detached two-storey cottage with distinctive features, situated in a small rural settlement with fields to the front and rear. The Inspector noted that the cottage was similar in scale to nearby dwellings and in keeping with the pattern of surrounding development and rural landscape.

The Inspector concluded the scheme would detract from the character and appearance of the local rural landscape contrary to Policies HO 8 and EN 2 of the Core Strategy and the aims of Policy EN 4 which requires new development to relate sympathetically to the surrounding area and reinforce local distinctiveness.

Of particular concern was extending the two first floor roofs to create a single pitched roof spanning the valley between the two roofs resulting in the extended ridgeline being significantly higher than the existing ridges. Due to the increased roof height and size and the elevated position of the cottage, the Inspector concluding the single gable ends of the roof would be highly prominent when viewed from the road.

Furthermore, whilst the Inspector considered that the proposed two-storey side extension would span nearly the entire depth of the cottage, its roof would be slightly lower than the extended roof of the host building, with the extension being a similar scale to the extended host building when viewed from the side and its width subservient to the host building. However, the Inspector concluded that it would result in the loss of the distinctive double gabled design which made a positive contribution to the character and appearance of the property.

The Inspector concluded that the cumulative effect of the proposed extensions, along with design elements such the two-storey roofs of the extended property and proposed dormer windows, would result in the dwelling having a bulky appearance and increase its prominence in the local landscape, resulting in a development out of character to the prevailing pattern of development.

The Inspector also highlighted the presumption in favour of sustainable development within the NPPF and that good design is a key aspect of sustainable development and developments should be refused which fail to take opportunities available for improving the character and quality of the area. The Inspector concluded that the proposed scheme would be harmful to the character and appearance of the local area and would not represent sustainable development as sought by the Framework.

**Relevant Core Strategy Policies:**

HO 8 – House Extensions and Replacement Dwellings in the Countryside  
EN 2 – Protection and Enhancement of landscape and Settlement Character  
EN 4 - Design

**Relevant NPPF Sections/Paragraphs:**

N/a

**Learning Points/Actions:**

N/a

<b>Application Number: PF/18/0446</b>	<b>Appeal Reference: APP/Y2620/D/18/3203119</b>
<b>Location: 5 Holt Road, Cromer, NR27 9EB</b>	
<b>Proposal: Erection of single storey side extension to dwelling above existing lower level garage.</b>	
<b>Officer Recommendation: Refuse</b>	<b>Member decision (if applicable): N/a</b>
<b>Appeal Decision: DISMISSED</b>	<b>Costs: N/a</b>
<p><b>Summary:</b> The main issue the Inspector considered was:</p> <ul style="list-style-type: none"> <li>The effect of the proposed development on the character and appearance of the local area and its effect on the significance of the Cromer Conservation Area.</li> </ul> <p>The Inspector noted the appeal property is a two-storey dwelling sited around 3 metres above the ground level of Holt Road. The house, which features hipped roofs, is of a conventional style and conforms to the prevailing character and appearance of nearby residential buildings within the vicinity. A flat roof garage attached to the side of the dwelling is situated below the ground floor level of the house and allows vehicular access onto Holt Road.</p> <p>The Inspector observed that a single-storey extension, with a hipped roof, has recently been constructed above the existing garage and to the side of the house (Planning permission refs: PF/14/1201 and NMA2/14/1201).</p> <p>The appeal proposal constitutes a single storey-extension above the garage which would feature a flat roof with a large and visually prominent glazed roof light. Whilst the proposal would emulate the flat roof of the garage prior to the current hipped roof extension, the Inspector considers it would fail to reflect the appearance of the host dwelling or other surrounding residential properties which have pitched roofs. Given this discordance and the proposal's high visibility afforded by its elevated position and the open view of the garage from the street scene, the inspector considers the flat roof and roof light to be an incongruous feature which would detract from the character and appearance of the local area, in contrast to Policy EN 4 of the Core Strategy (CS).</p> <p>The Inspector acknowledges that whilst there is a mix of building types and styles (e.g. the supermarket and carpark across the road from the appeal site) within the local vicinity which is designated as a Conservation Area, the flat roof and sky light would neither preserve nor enhance the character and appearance of the Heritage Asset and would therefore conflict with the requirement of CS Policy EN 8.</p> <p>The Inspector also highlights the presumption in favour of sustainable development within the NPPF. The Framework indicates that good design is integral to sustainable development and proposals should be refused if they fail to take opportunities to improve the character and quality of the area. The Inspector concluded that the proposed scheme would not represent sustainable development as sought by the Framework because it would be harmful to the character and appearance of the local area and would fail to preserve the character and appearance of the Cromer Conservation Area.</p>	
<p><b>Relevant Core Strategy Policies:</b> EN4 – Design EN8 – Conserving and Enhancing the Historic Environment.</p>	
<p><b>Relevant NPPF Sections/Paragraphs:</b> N/a</p>	

**Learning Points/Actions:**

N/a

**Sources:**

Sarah Ashurst – Development Management Manager