

Melton Constable - PF/23/0775 Conversion of barn to dwelling, including associated external alterations at Barn at Greens Farm, Hindolveston Road, Melton Constable Norfolk.

Minor Development

Target Date: 30.05.2023

Extension of Time: 09.05.2025

Case Officer: Jamie Smith

Full Planning Permission

RELEVANT SITE CONSTRAINTS

The site is in a countryside location in policy terms

The site lies within the Tributary Farmland (TF1) landscape type for the purposes of the North Norfolk Landscape Character Assessment

The site lies within an area susceptible to groundwater flooding

The site lies within the Nutrient Neutrality catchment area

The site lies within the Zones of Influence of a number of European sites

RELEVANT PLANNING HISTORY

PU/22/0781 - Change of use of agricultural building to one larger dwelling house and associated building operations - Permission not required – permitted development.

CD/23/0966 - Regulation 77 application to determine whether the following proposal is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects): PU/22/0781 (Change of use of agricultural building to one larger dwelling house and associated building operations) – Pending.

THE SITE

The site is located on the east side of Hindolveston Road in Melton Constable. There is an existing complex of brick barns to the southwest which have been converted to dwellings. To the north and east of the site are open fields. The site is accessed from the east side of Hindolveston Road.

THE APPLICATION

Proposes the conversion and external alterations of an existing barn into one dwelling.

The site has an extant prior approval for a change of use of the existing agricultural building into a dwelling under Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (Ref: PU/22/0781).

The determination of the current application has been delayed due to the nutrient neutrality issue. With credits to provide the required mitigation now available, the nutrient neutrality issue can now be satisfactorily resolved, subject to confirmation that the necessary credits have been purchased and further consultation with Natural England taking place.

REASONS FOR REFERRAL TO COMMITTEE

In the interests of transparency as the agent for the application is a close relation to a member of the council's Planning team.

HUMAN RIGHTS IMPLICATIONS

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

CRIME AND DISORDER

The application raises no significant crime and disorder issues.

EQUALITY AND DIVERSITY ISSUES

The application raises no significant equality and diversity issues.

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.

REPRESENTATIONS

None received.

CONSULTATIONS

Parish/Town Council: **No response received**

Environmental Health: **No objection** – condition requested

Landscape (NNDC): **No objection**

County Council Highways **No objection** – conditions requested

RELEVANT POLICIES

North Norfolk Core Strategy (2008)

SS 1 - Spatial Strategy for North Norfolk
SS 2 - Development in the Countryside
SS 4 - Environment
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 9 - Biodiversity and geology
EN 13 - Pollution and hazard prevention and minimisation
CT 5 - The transport impact of new development
CT 6 - Parking provision

Material Considerations

Supplementary Planning Documents and Guidance:

Design Guide Supplementary Planning Document (December 2008)
North Norfolk Landscape Character Assessment (January 2021)
North Norfolk Landscape Sensitivity Assessment (January 2021)

National Planning Policy Framework (2025):

Section 2 – Achieving sustainable development
Section 4 – Decision-making
Section 5 – Delivering a sufficient supply of homes
Section 11 – Making effective use of land
Section 12 - Achieving well-designed places
Section 15 - Conserving and enhancing the natural environment

Others

Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy - Habitats Regulations Assessment Strategy Document (2021)
Natural England's letter to local authorities relating to development proposals with the potential to affect water quality resulting in adverse nutrient impacts on habitats sites (March 2022)

OFFICER ASSESSMENT

Main Issues for consideration:

1. Principle of development
2. Impact on character of the area and design
3. Amenity
4. Ecology
5. Highways and parking

Dealing with each of the above 5 in turn:

1. Principle

In accordance with Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004, planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The site is within the Countryside for the purposes of the spatial strategy for the District as set out in Policy SS 1 of the Core Strategy (CS). Core Strategy Policy SS 2 lists the types of development that can be acceptable in principle within the Countryside provided they require a rural location. These include the re-use and adaptation of existing buildings for appropriate purposes. New market housing either through new build or conversion is restricted.

Core Strategy Policy HO 9 however, allows for the conversion and re-use of buildings in the Countryside for permanent residential purposes provided the following criteria are met:

- “1. the building is located within an area identified on the Proposals Map for that purpose*
- 2. the building is worthy of retention due to its appearance, historic, architectural or landscape value*
- 3. 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*
- 4. the scheme is of an appropriate scale in terms of the number of dwellings proposed for the location*
- 5. where it is viable to do so, on all schemes resulting in two or more units, not less than 50% of the total number of dwellings proposed are affordable, or an equivalent contribution is made in accordance with the requirements of Policy HO 2.”*

The proposal conflicts with criterion 2 as the building is a relatively modern agricultural building with no architectural, historic or landscape value. The building has a metal frame and is structurally sound. This element would be retained and reclad in timber with renewed roofing.

The NPPF is a material consideration and paragraph 84 states that planning decisions should avoid the development of isolated homes in the countryside, unless certain specified circumstances apply. These include where *‘the development would re-use redundant or disused buildings and enhance its immediate setting’*. It is considered that the re-cladding of the building including renewed roofing would enhance the appearance of the building and its immediate setting. Furthermore, the permitted development rights for agricultural buildings allows the conversion of such buildings to dwellings under Class Q, again without a need for them to be *‘worthy of retention’* – they only need to be capable of being converted.

The site has an extant prior approval for the change of use of the existing agricultural building to a dwelling under Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015 (as amended). Case law has established that Class Q consents can be a legitimate fallback position when considering alternative proposals for development at the same site. In summary, if there is a demonstrable and realistic prospect of a permitted development scheme being implemented, and where an alternative proposal would normally conflict with the development plan insofar as it being an unsustainable location for housing, the potential for the fallback position to outweigh that conflict must be considered by the local authority. In this case, it is considered that the significant weight should be attached to the fallback.

2. Impact on character of the area and design

Paragraph 131 of the NPPF states that the creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Core Strategy Policy SS 4 requires all development proposals to contribute to the delivery of sustainable development, ensuring protection and enhancement of natural and built environmental assets and geodiversity.

Core Strategy Policy EN 4 also requires all development to be designed to a high quality, reinforcing local distinctiveness. Innovative and energy efficient design will be particularly encouraged. Design which fails to have regard to local context and does not preserve or enhance the character and quality of an area will not be acceptable.

The consideration of the effect of the proposed development in this respect centres on whether or not it would have the same, or less impact than the fall-back development. With the use of corrugated roof sheeting, similar to that of existing and timber cladding for the walls it is considered that the proposed development would deliver some improvements to the appearance of the building and its wider site and would complement the form and character of the adjacent group of traditional barns.

In order to preserve the character of the and setting of the adjacent barns, it is considered that there is sufficient justification, as is required by paragraph 55 of the NPPF, to remove certain national permitted development rights. A condition to secure this is recommended.

It is considered that – in relation to this second area of assessment - the proposed development would accord with the relevant Core Strategy Policies.

3. Amenity

Core Strategy Policy EN 4 states that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers. Paragraph 135 of the NPPF states that developments should create places with a high standard of amenity for existing and future users.

Paragraph 3.3.10 of the North Norfolk Design Guide (NNDG) states that residents have the right to adequate privacy levels, nor should new development lead to any overbearing impacts upon existing dwellings. Existing residents should also be kept free from excessive noise and unwanted social contact.

Given the single storey nature of the proposed dwelling along with its position on site and relationship to the converted adjacent barns, it is not considered that the development would result in unacceptable level of overlooking, overbearing or over shadowing impacts.

The area of amenity space to serve the dwelling would be commensurate with its footprint and as such complies with the NNDG in this respect.

It is considered that – in relation to this third area of assessment - the proposed development would accord with the relevant Core Strategy Policy.

4. Ecology

The Council has a duty under the Natural Environment and Rural Communities Act 2006 to have full regard to the purpose of conserving biodiversity which extends to being mindful of the legislation that considers protected species and their habitats and to the impact of the development upon sites designated for their ecological interest.

Core Strategy Policy SS 4 states that areas of biodiversity interest will be protected from harm, and the restoration, enhancement, expansion and linking of these areas to create green networks will be encouraged. Policy EN 2 states that development should protect, conserve and, where possible, enhance distinctive landscape features, such as woodland, trees and field boundaries, and their function as ecological corridors for dispersal of wildlife.

Core Strategy Policy EN 9 includes the following text:

“All development should have all the following:

- *protect the biodiversity value of land and buildings and minimise the fragmentation of habitats*

And

- *maximise opportunities for restoration, enhancement and connection of natural habitats and incorporate beneficial biodiversity conservation features where appropriate.*

Development proposals that would cause a direct or indirect adverse effect to nationally designated sites or other designated areas, or protected species, will not be permitted unless:

- *they cannot be located on alternative sites that would cause less or no harm;*
- *the benefits of the development clearly outweigh the impacts on the features of the site and the wider network of natural habitats and prevention, mitigation and compensation measures are provided.*

Development proposals that would be significantly detrimental to the nature conservation interests of nationally designated sites will not be permitted.”

NPPF paragraph 187 states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity

value, minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

NPPF paragraph 193 states that when determining planning applications, significant harm to biodiversity should be avoided, adequately mitigated, or, as a last resort, compensated for. Should this not be possible, then permission should be refused.

The application has been supported by confirmation that the barn is considered to contain low or negligible roost potential, and where bat roosting use has never been observed. This finding is in line with the conclusions drawn during the ecology considerations of the planning applications at the adjacent site to convert the traditional barns. The Council's Ecology Officer has considered the proposed development and raises no objection in respect to on-site ecological impacts. Conditions are required to secure the mitigation and enhancement measures.

Nutrient neutrality

The site is within the foul and surface water catchments of The Broads Special Area of Conservation (SAC) and Ramsar Site which is covered by the advice issued by Natural England in March 2022 about nutrient pollution in this protected habitat and also the River Wensum SAC. The March 2022 letter advised that new development (including new dwellings) within the catchment of these habitats comprising overnight accommodation can cause adverse impacts on nutrient pollution affecting the integrity of these habitats. Mitigation is therefore required to ensure the development would not have an adverse effect on the integrity of The Broads SAC and Broadland Ramsar and or damage or destroy the interest features for which they have been notified.

The applicant has submitted a Norfolk Nutrient Budget Calculator. The total Phosphorus and Nitrogen budgets for the development requiring mitigation has been checked by officers and is accepted. The majority of the mitigation will be provided through the replacement of the existing package treatment plant (which serves the existing converted barns), with a biological package treatment plant (which in this case can be secured by a condition), and the purchase of credits from the Norfolk Environmental Credits (NEC) strategic scheme to make up the remainder. The agent has confirmed that the applicant has been offered credits to purchase from NEC and this is currently progressing. Once the Credit Certificate has been provided to the local planning authority alongside NEC's Septic Tank Upgrade Strategic Framework and a Shadow Strategic Appropriate Assessment, Natural England will need to be consulted on Shadow Strategic Appropriate Assessment to ensure the soundness of the document can be relied on by the local planning authorities as part of its Appropriate Assessment to conclude that the development would be nutrient neutral.

This Appropriate Assessment will then fulfil the Council's duties as competent authority in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended). The proposal would therefore also comply with the Core Strategy Policy EN 9

Recreation impacts on European sites

Norfolk local planning authorities (LPAs) have worked collaboratively to adopt and deliver a Green Infrastructure and Recreational Impact Avoidance and Mitigation (GIRAM) Strategy to ensure that the cumulative impacts of additional visitors, arising from new developments of housing and tourism to European sites, will not result in any likely significant effects which

cannot be mitigated. The application site is within the Zone of Influence of a number of such sites with regards to potential recreational impacts.

The required GIRAMs contribution has been received and is sufficient to enable the Council to conclude that the project will not have an adverse effect on the integrity of the above identified European sites from recreational disturbance, when considered alone or 'in combination' with other development. As such the proposal complies with Core Strategy Policy EN 9.

Biodiversity Net Gain (BNG)

The proposed development is exempt in this case as the application was submitted before statutory BNG came into force.

5. Highways and parking

Core Strategy Policy CT 5 requires that:

- *“the proposal provide safe and convenient access on foot, cycle, public and private transport inclusive of those with a disability*
- *the proposals is capable of being served via a safe highway network with detriment to the character or amenity of the locality*
- *outside designated settlement boundaries the proposal does not involve direct access on to a principal route, unless the type of development requires a principal route*
- *the expected nature and volume of traffic generated by the proposal should be accommodated by the existing road network without detriment to the amenity or character of the surrounding area or highway safety.”*

Core Strategy Policy CT 6 requires that *“adequate vehicle parking facilities will be provided by the developer to serve the needs of the proposed development. Development proposals should make provision for vehicle and cycle parking in accordance with the Council's parking standards, including provision for parking for people with disabilities.”* Annex C of the Core Strategy sets out the current adopted parking standards.

The Highway Authority have raised no objection to highways safety and parking provision. Officers concur that there would be no materially harmful effect on the surrounding road network or on road safety. Parking provision would comply with the adopted standards. Subject to the imposition of relevant conditions, it is considered that the proposed development accords with Core Strategy Policies CT 5 and CT 6.

Planning Balance and Conclusion

In accordance with Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004, planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The proposed development is considered to be acceptable in terms of amenity, highways safety and ecological impacts subject to appropriate conditions. It is however, not wholly in accordance with CS Policy HO 9 because the building is of no particular merit.

The proposal would also deliver benefits to the appearance of the site compared to the fall-back development. On balance however, it is considered that on their own, these benefits would not outweigh the harm to the aims of achieving sustainable patterns of development that would result from a dwelling within the Countryside. Nevertheless, it is considered that with the extant permission under Class Q representing a legitimate fall-back which should be given significant weight as material consideration, the proposed development is acceptable outweighing the conflict with the development plan.

It is considered that these material considerations outweigh the conflict with the Core Strategy with regards to Policy HO 9.

In addition, and as an additional element in favour of the application, Paragraph 11(d) of the NPPF requires that planning decisions should apply the presumption in favour of sustainable development. Because the Council cannot currently demonstrate a five-year supply of deliverable housing sites, the development plan policies which are most relevant for determining the application are considered to be out of date. In such circumstances paragraph 11d) indicates that planning permission should be granted unless

- “i. the application of policies in (the NPPF) that protect areas or assets of particular importance (which includes designated heritage assets) provides a strong reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”*

As a single dwelling, the proposal would only make a very limited contribution to the Council's housing land supply. It is, however, a development that would be likely to be delivered within a short timescale given the correspondence with the agent with regards to commencement of development. There would also be social benefits accrued from the development along with economic benefits during the construction stage, employment and spending and, expenditure on goods and services by future occupiers of the dwellings.

However, having regard to all the considerations set out in the above assessment it is not considered that this application would merit refusal when set against the provisos within paragraph 11(d) above.

RECOMMENDATION(S)

Delegate APPROVAL to the Assistant Director - Planning subject to

1. Receipt of an appropriate Credit Certificate from Norfolk Environmental Credits and thereafter there being no objection raised from Natural England following further consultation.
2. The imposition of conditions to cover the matters listed below:
 1. Time limit
 2. Development in accordance with approved plans
 3. Replacement of existing package treatment plant with a biological package treatment plant
 4. Water usage (110 litres per day)
 5. External materials (and timber stain) to be agreed.
 6. Joinery details
 7. Hard and soft landscaping
 8. Ecology mitigation and enhancement
 9. Contamination
 10. On-site car parking
 11. External lighting
 12. Removal of certain permitted development rights

Final wording of conditions and any others considered necessary to be delegated to the Assistant Director – Planning