

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

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

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

Character and Appearance:

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

Relevant Core Strategy Policies:

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

Relevant NPPF Sections/Paragraphs:

N/a

Learning Points/Actions:

N/a.

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

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

Suitability of location:

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

Other matters:

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

Relevant Core Strategy Policies:

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

Relevant NPPF Sections/Paragraphs:

N/a

Learning Points/Actions:

N/a.

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

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

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

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

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

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

Relevant Core Strategy Policies:

SS1 – Spatial Strategy for North Norfolk

SS2 – Development in the Countryside

Relevant NPPF Sections/Paragraphs:

78 – Supporting rural communities

Learning Points/Actions:

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

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

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

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

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

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

Parking provision:

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

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

Costs decision

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

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

Relevant Core Strategy Policies:

EN 4 - Design

Relevant NPPF Sections/Paragraphs:

N/a

Learning Points/Actions:

N/a

Sources:

Sarah Ashurst – Development Management Manager