
Appeal Decision

Site visit made on 14 November 2016

by Graham Chamberlain BA (Hons) MSc MRTPI

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

Decision date: 18th November 2016

Appeal Ref: APP/U2615/W/16/3155815

Mill Barn, Adjacent to and North of No. 20 Hemsby Road, Martham, Great Yarmouth NR29 4QQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Henry Alston against the decision of Great Yarmouth Borough Council.
 - The application Ref 06/15/0777/F, dated 8 December 2015, was refused by notice dated 16 February 2016.
 - The development proposed is described as 'a new dwelling to supersede extant planning permission for change of use of existing barn to a dwelling'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Both the Council and appellant were afforded an opportunity to provide further submissions in respect of the comments made by Natural England and the Local Highway Authority. I have taken all additional submissions into account in my assessment. I have taken the site address from the appeal form as this is more comprehensive.

Main Issue

3. The main issue in this appeal whether the proposed development would constitute a suitable site for housing with particular reference to local and national rural housing policy including the effect of the proposed development on the character and appearance of the countryside.

Reasons

4. Policy CS1 of the Local Plan Core Strategy 2015 requires new development to be located where it contributes towards sustainable growth. It is common ground between the appellant and the Council that the appeal site is located within the countryside. Saved Policy HOU10 of the Great Yarmouth Borough Wide Local Plan 2001 (LP) states that new housing in the countryside will only be permitted if it would be required in connection with agriculture, forestry organised recreation or the expansion of existing institutions.
5. As a new dwelling in the countryside unconnected with the exceptions listed above, the scheme would be contrary to saved Policy HOU10 and would undermine the broad strategy for housing and the protection of the countryside

contained in the Development Plan. There is nothing before me to suggest the Council are unable to demonstrate a five year housing land supply as required by the National Planning Policy Framework (the Framework), which could otherwise render saved Policy HOU10 as out of date.

6. Nevertheless, saved Policy HOU10 is narrower in scope than the Framework, which permits a wider range of circumstances where houses in the countryside could be granted. Saved Policy HOU10 is thus only partially consistent with the Framework and therefore an assessment against the Framework is necessary.
7. Paragraph 55 of the Framework specifically addresses the provision of housing in rural areas. It states that housing should be located where it will enhance and maintain the vitality of rural communities by avoiding isolated homes unless there are special circumstances. The Framework does not define or limit the meaning of 'isolated'. In my experience, and having regard to the aims of the Framework, there are two main aspects to be assessed when considering 'isolation', these being the site's physical relationship with a settlement and its functional connectivity to services.
8. The appeal site encompasses a brick built barn located immediately adjacent to the road. The remainder of the appeal site is made up of a grass field enclosed by hedging and has an open and rural character. There are open agricultural fields to the north, east and west of the appeal site and these separate it from any discernable settlement. As such, the new dwelling would inherently urbanise the appeal site and would have the appearance of being an isolated and sporadic incursion into the countryside. This would harm the open and rural character of the appeal site and its environs. This would conflict with the Framework's aims of avoiding isolated homes in the countryside and recognising its intrinsic character and beauty.
9. The nearest settlement to the appeal site is Martham. This is a reasonably large village which offers a number of local services and facilities. The Council suggest the appeal site is located about 500m from the edge of the settlement. There is a pavement linking the small cluster of houses to the north of the appeal site with Martham. Whilst future occupants of the appeal property would need to traverse a short section of the road to reach this footpath, the appeal site is nevertheless within a comfortable walk of facilities. It would also be feasible to cycle into the village. I am therefore satisfied the proposed dwelling would not be isolated from services and facilities. However, the absence of harm in this respect would not overcome the appeal scheme's shortcomings regarding what would be an isolated appearance from a settlement with the harm to the countryside this would entail.
10. In considering any special circumstances that would justify the isolated appearance of the appeal scheme. The appellant has suggested that the proposed dwelling would become the family home for an agricultural worker employed by Billockby Farm. But as this is not necessary to make the development acceptable, and cannot be compelled, it is a matter of very limited weight. Furthermore, the appellant suggests that a Passivhaus standard would not be sufficiently innovative to justify the appeal scheme as a special circumstance. As such, I do not have substantive evidence before me to suggest that the examples of special circumstances listed in Paragraph 55 of the Framework are met.

11. However, the list in Paragraph 55 of the Framework is not exhaustive and the appellant has suggested that there are other special circumstances that indicate the proposed dwelling should be permitted. Including benefits to highway safety, the visual amenity of the site and the living conditions of future occupants when compared to the conversion that has been approved.
12. Nevertheless, the demolition of the barn would harm the historic and architectural significance of this structure as it would be reconstructed in a new location. This would dilute the policies for the effective re-use of rural buildings. Recycling the existing materials and detailing would not mitigate for this inherent failing and there is nothing to suggest the existing building could not be converted with a robust landscaping scheme.
13. Significantly, the proposed dwelling would be subject to a large rear 'extension' which would not echo the form and appearance or the existing barn. This, along with the more central siting of the proposed dwelling within the appeal site, and the proposed cart lodge, would have a greater urbanising impact on the countryside than the existing barn or the approved conversion. Additionally, the approved plans for application 06/08/0136/F demonstrate a solution for the crudely infilled section of the barn's eastern elevation. The appeal scheme is not necessary to remedy this existing limitation.
14. Furthermore, there is little substantive evidence before me that the barn has been struck by passing traffic and the Local Highway Authority has not suggested it is essential to demolish the barn in the interests of local highway safety. This is even though such a cause of action may be supported locally given perceived concerns with the bend and the findings of the road safety audit. Any benefits to visibility on exiting the site would only accrue because the appeal scheme is seeking to intensify the use of the existing access. This is rather than implement the apparently safer highway access approved as part of application 06/08/0136/F. The need for this change is unclear and thus the benefits to visibility are not determinative.
15. There is no substantive evidence before me to suggest that road noise within the existing barn could not be mitigated by sound insulation or that it must be replaced and enlarged, rather than converted, so as to provide a safe and viable home at the appeal site.
16. I therefore conclude that as an isolated dwelling outside of a settlement the appeal scheme would present a conflict with the development plan as well as the Framework (Paragraphs 17 and 55 in particular). The circumstances advanced by the appellant would not amount to special circumstances that would otherwise justify an isolated dwelling in the countryside. The appeal site is not therefore a suitable location for a new dwelling as it would harm the character and appearance of the countryside.

Other Matters

17. I note the comments of Natural England but as there is an extant permission for the conversion of the existing barn to a dwelling I do not consider the appeal scheme would have an impact on protected sites over and above that permitted. As such, further mitigation in this respect is not required.
18. The appeal scheme would intensify the use of the existing site access shared with 20 Hemsby Road. The previous approval incorporated a different access

point. The Local Highway Authority has suggested that a planning obligation is necessary to ensure adequate visibility splays at the existing access. However, an obligation is not before me. I would need to see further evidence before I was satisfied whether an obligation is necessary or not. However, given my findings on the main issue it has not been necessary to consider this further.

19. Reference has been made to saved Policy HOU20 of the LP, but as this relates to replacement dwellings it is not relevant to my considerations as there is not an existing dwelling within the appeal site. Nor do I consider the permitted development rights¹ referred to by the appellant are relevant as they do not form a material fall-back position that would have a bearing on the erection of a new dwelling.

Conclusion

20. For the reasons given above, and having regard to all other matters raised, I conclude the appeal should be dismissed.

Graham Chamberlain
INSPECTOR

¹ Part 3, Class Q of the Town and Country Planning (general permitted Development) (England) Order 2015 as amended