
Appeal Decision

Site visit made on 17 January 2017

by Nick Palmer BA (Hons) BPI MRTPI

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

Decision date: 03 February 2017

Appeal Ref: APP/Y2620/W/16/3162948

Oak Barn, Trunch Road, Mundesley, Norfolk NR11 8JU

- 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 & Mrs Jon Bonham against the decision of North Norfolk District Council.
 - The application Ref PF/16/0077, dated 20 January 2016, was refused by notice dated 12 May 2016.
 - The development proposed is conversion of a vacant building to a single dwelling.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in the appeal is whether the proposal would accord with planning policies for development in the countryside having particular regard to the character and appearance of the area.

Reasons

3. The site is to the rear of frontage development along Trunch Road and was previously used as a small holding. The Council granted permission for a stables and barn building to replace a previous building on the site in 2012. The building is said by the Council and by interested parties to have been constructed in 2015. It is of timber frame construction and faced with timber boarding above a brick plinth with a tiled roof and a number of window and door openings. The site is within the countryside as defined in the North Norfolk Core Strategy (CS) (2008).
 4. The appellants have not disputed that the building was constructed in 2015 and there is no evidence to the contrary before me. The appellants say that the building was used to house a lawn tractor and grass cutting equipment but while such equipment may be used to maintain the land this does not demonstrate agricultural use. Neighbours have stated that the building has not been used for agriculture. The absence of evidence to demonstrate any active agricultural use of the site and the short length of time between construction of the building and submission of the planning application indicate to me that it is unlikely that the building has been used for its approved purposes since its construction. The historic agricultural use of the site does not alter this. On this basis the building is neither agricultural nor redundant.
-

5. The Council advises that the constructed building differs in some respects from the approved plans and is under investigation by its enforcement team. I noted that the building has a raised floor level consistent with a dwelling and that the widths of the openings in the brick plinth to the side wing are restricted to those which would be necessary for the provision of domestic doors. The step up to the floor level combined with the restricted width of openings would constrain the use of the building as stables or as a working barn in terms of access for vehicles, machinery or horses. These aspects of the building reinforce my view that it is unlikely to have been used for the approved purposes.
6. Policy HO9 of the CS allows for the conversion and re-use of rural buildings as dwellings subject to a number of criteria. The Council advises that the site is within an area identified on the Proposals Map where that policy applies. The supporting text to that policy, in paragraph 3.2.24 is clear that any building that has recently been constructed for a purpose other than residential use will not be eligible under the policy. There is no doubt that the building has recently been constructed. Because the approved purpose of the building is for agricultural use and stabling the proposal is excluded from policy HO9.
7. The Council has referred to an appeal concerning conversion of a redundant agricultural building in Happisburgh. The Inspector in that case concluded that the exclusion from policy HO9 of buildings that have been recently constructed for another purpose is of key importance to achieving the objectives of other policies. The construction of a barn followed by its conversion to a dwelling would circumvent other policies which restrict new housing in the countryside. This is an important principle and I concur with the Happisburgh appeal Inspector in this regard. The differing circumstances of the proposal in that appeal do not alter my conclusions on this matter.
8. While I have found that the proposal should be excluded from policy HO9 I shall nevertheless consider whether it would accord with the criteria of that policy. The second criterion of policy HO9 requires that the building is worthy of retention due to its appearance, historic, architectural or landscape value. The appellant states that the building reflects the form scale and construction of traditional timber framed barns. However the building is not of particular architectural or landscape value. For these reasons, irrespective of whether the proposal should be excluded from policy HO9 it would not accord with that policy.
9. Policy SS2 of the CS restricts the types of development that can take place in the countryside. The policy provides for the re-use and adaptation of buildings for appropriate purposes. However I have found it unlikely that the building is agricultural and therefore the proposal would be for the use, rather than re-use of the building. Moreover the proposed use as a dwelling has not been demonstrated to be appropriate. For these reasons the proposal would not accord with policy SS2.
10. The site is designated as Undeveloped Coast in the CS and is adjacent to an Area of Outstanding Natural Beauty. Policy EN3 of the CS only allows for development in the area of Undeveloped Coast that can be demonstrated to require a coastal location. Such development must not be significantly detrimental to the open coastal character. The proposal would include alterations to the building including the insertion of windows and doors and the

formation of a parking area. The creation of a residential curtilage would be likely to change the character of the site through garden structures and ancillary domestic items. Given that the building exists the proposal would be unlikely to be significantly detrimental to the open coastal character. However for the reasons given the proposal would adversely change the open rural character of the site and its surroundings.

11. The appellants have explained that they are active members of the local community having lived in the area all their lives. The site is on the edge of the village and I understand that there is generally good accessibility to local services and facilities. While I take into account the personal circumstances of the appellants there is no overriding need for the proposed dwelling in this location. For the reasons given the proposal would not accord with policy EN3 of the CS.
12. I have taken into account all other matters raised. There are permitted development rights which allow for conversion of agricultural buildings to dwellings but those rights do not apply to the building. The appellants would vacate a flat which they say is affordable but this does not alter my conclusions on the main issues.
13. I conclude that the proposal would not accord with planning policies for development in the countryside and furthermore that it would unacceptably harm the character and appearance of the area.

Conclusion

14. For the reasons given I conclude that the appeal should be dismissed.

Nick Palmer

INSPECTOR