
Appeal Decision

Site visit made on 14 February 2017

by Nick Palmer BA (Hons) BPI MRTPI

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

Decision date: 14 March 2017

Appeal Ref: APP/Y2620/W/16/3163694

Three Owls Farm, Saxlingham Road, Blakeney, Holt NR25 7PD

- 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 Mrs K Cargill against the decision of North Norfolk District Council.
 - The application Ref PF/16/1254, dated 1 September 2016, was refused by notice dated 17 November 2016.
 - The development proposed is demolition of existing dwelling and construction of a replacement dwelling.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr K Schilling against North Norfolk District Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue in the appeal is the effect of the proposal on the character and appearance of the area, including its effect on the Glaven Valley Conservation Area and the Norfolk Coast Area of Outstanding Natural Beauty (AONB).

Reasons

4. The appeal site includes an existing bungalow, two barns and a building which is divided into three units of holiday accommodation. Those buildings are in the north-western corner of the appellant's land holding adjacent to Saxlingham Road. To the rear of this group is an area of grass land which is fenced off with post and wire fencing. The site is within the countryside for planning policy purposes. It is also within the Glaven Valley Conservation Area and the AONB.
5. There have been a number of previous applications and two appeals for a replacement dwelling on the site. Initially a proposal for a three storey house some 76 metres east of the existing bungalow was dismissed on appeal¹. Following this the Council approved a proposal for a replacement two storey dwelling in a similar position to the existing bungalow. A further proposal for a house about 40 metres east of the existing bungalow but within its curtilage was dismissed on appeal on the basis that no planning obligation had been

¹ APP/Y2620/A/14/2228878

provided². An obligation would have been necessary to prevent the construction of both the approved dwelling and the appealed dwelling. Following on from this, the Council approved the scheme proposed in the second appeal following completion of a planning obligation.

6. The proposed dwelling would be substantially similar to the last approved dwelling with the exception that the central gabled roofs would be 300mm higher than previously approved. The Council has no objection to this change to the design and I see no reason to disagree on the basis that it would not alter the overall size and bulk of the building.
7. The proposed dwelling would be sited 15 metres further to the east than the last approved proposal or 55 metres away from the existing bungalow. It would extend outside the area that is fenced in association with the existing dwelling. The main parties have each provided aerial photographs of the land. The earlier photograph provided by the Council indicates that the land to the rear of the fence appeared to be agricultural in 1988. The later photograph provided by the appellant dates from 2006 and appears to show that the land was grassed at that time but this does not mean that the land to the rear of the fence is part of the residential curtilage.
8. One of the reasons for the dismissal of the first appeal was that the proposal in that case would have represented a significant shift of built form eastwards. In the position proposed in that case, the Inspector found that the proposed dwelling would have had a substantial form which would have been in an exposed position, visible across the Glaven Valley from surrounding viewpoints. The proposed siting would be very close to that which was found to be unacceptable by the Inspector. Although reduced in size in comparison with that scheme the appeal proposal would still be a large house which would be visible across the open landscape.
9. I noted on my visit that the proposal would be visible from a number of viewpoints along Saxlingham Road including sections where there is no boundary hedge and where the hedge height is limited. From those viewpoints the amended siting would be particularly apparent. The three poplar trees which are to be retained would provide some visual screening but the dwelling would still be seen from that road particularly when the trees are not in leaf. The proposal would also be seen from the right of way to the west of Saxlingham Road, from the road to the south-east and in the distance from Bridgefoot Lane. Thus the proposal would be visible from a number of public viewpoints including in long distance views across the Glaven Valley. While I accept that some views may be momentary and that new planting would be provided to help assimilate the dwelling into its setting, the landscape is sensitive and for this reason the siting further to the east would be intrusive in the context of the open landscape. The proposed siting further away from the existing holiday cottages would also make the dwelling stand out as an isolated house in the countryside.
10. The Conservation Area covers a wide area of open countryside to the east of Saxlingham Road including the Glaven Valley and nearby settlements. Because the proposal would be widely visible and intrusive in the open landscape it would not preserve or enhance the character or appearance of the

² APP/Y2620/W/15/3087216

Conservation Area. The harm to the Conservation Area would however be less than substantial because the proposal would replace existing buildings.

11. The removal of the existing barns and other structures would be of some benefit in opening up the site but this benefit would be localised as the existing buildings are sited in a group adjacent to the road frontage. For this reason that benefit would be limited and I give limited weight to this.
12. The appellant proposes to carry out landscape improvements to her land holding. Heath land would be established on the former nursery land to the south of the dwelling. Species-rich meadow would be introduced and there would be tree and hedge planting to restore a historic pattern of field boundaries. These measures would be of significant benefit to the landscape and to biodiversity. I give significant weight to those benefits. However I give great weight to the harm to the character and appearance of the Conservation Area that I have identified. The significant and limited weights that I have given to the public benefits are not sufficient to outweigh that great weight.
13. Policy HO8 of the Core Strategy³ allows for replacement dwellings in the countryside which would not result in a disproportionate increase in the height or scale of the original dwelling and would not materially increase the impact of the dwelling on the surrounding countryside. The height and scale of the proposal would be significantly greater than the existing dwelling but this would be compensated for by the removal of the existing barns. However for the reasons given the proposal would not accord with the second criterion of policy HO8.
14. I note that the first appeal Inspector took the view that the effect on the AONB in that case would be localised but nonetheless the proposal would be visible from two local roads, a right of way and in distant views across the valley. For these reasons I find that the proposal would materially detract from the special qualities of the AONB. Policy EN1 of the Core Strategy resists proposals that have such an adverse effect unless it can be demonstrated that they cannot be located on alternative sites that would cause less harm. This is clearly not the case as permission has been granted for a similar proposal on an alternative site which would be grouped more closely with the existing holiday cottages.
15. Policy EN2 of the Core Strategy requires proposals to protect, conserve and where possible enhance the special qualities and local distinctiveness of the area. The landscape type as defined in the Landscape Guidance for the AONB⁴ is Rolling Heath and Arable. The landscape is open and undeveloped with a wild and remote character and long uninterrupted views. For the reasons given the proposal would not accord with policy EN2 and would be harmful to the character and appearance of the area.
16. A planning obligation would be necessary to prevent implementation of the other approved scheme in association with this proposal. No obligation has been provided but my decision does not rest on this matter for the reasons given.
17. The appellant has drawn my attention to a nearby approval for an extension of residential garden land into the countryside. However that development differs from the appeal proposal and is not relevant to my decision.

³ North Norfolk Core Strategy (2008)

⁴ Norfolk Coast AONB – Integrated Landscape Guidance, AONB Partnership (2008)

Conclusion

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

Nick Palmer

INSPECTOR