



Appeal Decision

Site visit made on 19 June 2017

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 29 June 2017

Appeal Ref: APP/V2635/W/17/3166689

The Mill, Station Road, Snettisham, King's Lynn PE31 7QW

- 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 Mike Saunders against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 16/01409/F, dated 22 June 2016, was refused by notice dated 27 September 2016.
 - The development proposed is described as the 'use of The Mill as a dwelling (use Class C3). (Current use is understood to be Class C3 with a planning condition restricting the use to holiday lets)'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the application that is the subject of this appeal was decided, the Council have adopted their Site Allocations Plan¹. Both parties have had the opportunity to comment on this change to the development plan in their submissions.

Main Issue

3. The main issue in this case is whether the proposal would preserve the special architectural and historical interest of the Grade II* listed building.

Reasons

4. Snettisham Mill is a Grade II* listed watermill with attached later granary. The Watermill is dated 1800, with the granary stated in the listing to date from the mid-19th century. The attractive building is largely constructed in carstone with brick dressings and quoins with two pantiled hipped roofs. The western façade of the building has a boarded stable door and three shuttered windows to the Mill, with the lower windows and doors having soldier arches over. The Granary has three wide cart entrances beneath segmental brick arches and a boarded door to upper level with railing. A plaque set in the middle of the Mill façade notes how the Mill was erected by voluntary subscriptions for the benefit of the neighbourhood at a time of scarcity.

¹ Borough Council of King's Lynn & West Norfolk Site Allocations and Development Management Plan, September 2016.

5. The listing notes that the Mill retains all its machinery, is in full working order and is a remarkable survival. To the rear of the site lies the Mill pond, with a green wooded area on its south side. A public footpath heads past the Mill towards the south; a thick belt of trees separates a stream from the open fields and countryside beyond. The special interest of the building is largely defined by the simple architectural quality and materials of the building, its peaceful setting on the southern edge of the village, the stated Mill workings, and the historical interest in the manner of its creation through public subscription for the benefit of the whole parish.
6. Policies CS08 and CS12 of the Core Strategy² and Policy DM15 of the Site Allocations Plan together state that all development should protect and enhance the historic environment. The Planning (Listed Building and Conservation Areas) Act 1990 requires special interest to be given to the desirability of preserving a listed building and any features or architectural interest it possesses.
7. The granary element of the building was converted for use as a holiday let sometime around 2009, a use which continues to this day. Plans show that the building has an open plan kitchen/lounge/diner on the ground floor and 3 bedrooms above. An outdoor garden area for the holiday let is provided in a small area to the north east adjoining the Mill pond, with a wooden footbridge providing access to a further area to the south of the Mill. This area is grassed with woodland and has an existing small ivy covered wooden garage structure. A Section 106 legal Agreement was signed around the time of the consent for conversion to allow access for visits to the Mill during 'designated days' via the Parish Council.
8. The use of the Mill as a full time dwelling would involve the building being occupied virtually all year round. I have limited information on the percentage of the year that the Mill is let out but the information I have appears to show that the holiday let has been busiest during the summer months and school holidays, as would be expected. The intensification of the use of the Mill as a full time dwelling would lead to certain pressures increasing, including the need for further domestic paraphernalia in addition to that already existing, such as sheds, children's play equipment and so on.
9. There is dispute between the parties over whether the land to the south of the Mill requires a change of use to ancillary residential land or whether it is effectively already in use in such a way. However, given the restricted space available at the northern end of the building, any paraphernalia would likely materialise on the southern area of amenity space and would cause harm to this peaceful setting, which although having an maintained air appears as a largely informal area merging into the adjoining woodland to the south, with the ivy covered garage blending into the landscape. I consider that the intensification of the use of this land, such as would be likely to occur due to the proposal, would harm the setting of the listed building.
10. It is suggested that conditions or a legal agreement could be imposed or offered to restrict domestic paraphernalia. However, on this point I agree with the Council that it would not be reasonable to restrict the activities of the full time residents of the Mill in such a way. Whilst the appellants may be

² King's Lynn and West Norfolk Borough Council Local Development Framework- Core Strategy, July 2011

amendable to such conditions, any future owners may not be so. Such conditions would also be difficult to enforce.

11. It is also suggested that the ancillary land could be restricted to the northern area. However, I am not convinced that this land would be of a suitable size for private garden space for a 3 bedroom dwelling; whilst I accept that this area is quite tranquil and note that the plans state that this area is around 171m², due to the proximity of the pond and the required existing thick landscaping around the northern and eastern edge of the land the usable space available appears smaller than this. Furthermore, more intensive use of this land would also harm the setting of the building.
12. The National Planning Policy Framework (the Framework) makes it clear that when considering the impact of a proposed development on the significance of a listed building, great weight should be given to its conservation. Significance can be harmed or lost through alteration of the heritage asset or development within its setting, and as they are irreplaceable, any harm should require clear and convincing justification. For the reasons given above, I consider the proposal would result in harm being caused to the significance of this listed building. However, and particularly as the proposal would not affect the fabric of the building, I am satisfied in this case that the degree of harm caused would be less than substantial.
13. In such situations this harm should be weighed against the public benefits of a proposal, including securing the asset's optimum use. Public benefits are cited in terms of the appellants being able to maintain the Mill, protecting the building from damage and vandalism, and ensuring that the pond and river remains at stable levels. I understand in this respect that some previous holidaying residents have altered the Mill workings and have flooded downstream gardens and emptied the pool. I also note that the proposal would in effect provide one additional dwelling, and the significant investment the appellants have made to the building, including to the workings of the Mill, as well as their arrangements and cooperation in opening up the building to the public. I place moderate weight on such benefits.
14. Public benefit is also currently provided through the S106 agreement provisions and the wide variety of people able to view the Mill and Granary through this and through the use of the holiday let. However, there is no guarantee with the appeal that the Mill would continue to be opened to the public as a result of the proposal. Whilst I note and do not doubt the appellants statements that they are willing to prepare a new legal agreement, including provision to increase visit days, there is no such agreement for me to consider. Furthermore conditions to ensure similar results would also not be reasonable and may not be desirable to future owners. Given that the historic interest of the building partially flows from its creation effectively as a public building, paid for by local residents for the common good of the parish this is a significant factor.
15. The Mill is also seemingly in use at present, appearing well maintained and in good repair, and it has not been shown that its continued use is in anyway dependent on the proposal. Less than substantial harm does not equate to a less than substantial objection, and when taken together, I do not consider that the identified public benefits are sufficient to outweigh the harm caused.

16. I am referred to an appeal in Derbyshire where an Inspector found that the change of use from 3 holiday cottages to permanent dwellings would be acceptable as he considered the intensity of use would be similar under both circumstances. I have limited information on this appeal; however, I note that the schemes appear to differ as the cottages are described as outward facing with amenity space outside of the courtyard between the cottages and the listed farm house, and that consequently that their creation had not harmed the setting of the listed building. Both parties are also stated to agree that the proposal would not harm the listed building in that case. Moreover, each case must be considered on its own merits.

Conclusion

17. To summarise I consider that the proposal would cause less than substantial harm to the significance of this Grade II* listed building, and would not preserve its special architectural or historic interest. I do not consider that the identified public benefits would outweigh this harm, and the proposal would conflict with the Framework and policies CS08 and CS12 of the Core Strategy and Policy DM15 of the Site Allocations Plan. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should fail.

Jon Hockley

INSPECTOR