
Appeal Decision

Site visit made on 11 July 2017

by L Fleming BSc (Hons) MRTPI

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

Decision date: 2 August 2017

Appeal Ref: APP/V2635/W/17/3170387

Playters Farm, Greatmans Way, Stoke Ferry, Norfolk PE33 9SZ

- 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 John Kelly against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 16/01130/F, dated 15 June 2016, was refused by notice dated 7 September 2016.
 - The development proposed is conversion of stables to single residence.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. At the time of my site visit, the proposed development had commenced with walls plastered and external windows and doors installed. However, the proposed dwelling was some way from completion, thus I have determined the appeal on the basis of the development applied for.

Main Issues

3. The main issues are:
 - the safety of future occupiers with regard to flood risk;
 - whether the proposal would amount to sustainable development having regard to the development plan.

Reasons

Flood risk

4. The proposed dwelling would be within Flood Zone 2 as identified on the Environment Agency's Flood Zone Maps. The appeal site therefore has a medium probability of flooding.
5. Paragraph 100 of the National Planning Policy Framework (the Framework) states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. The Planning Practice Guidance¹ (PPG) notes a change in use may involve an increase in flood risk if the vulnerability classification of the development is

¹ Paragraph: 048 Reference ID: 7-048-20140306

changed. It states that the applicant will need to show in their Flood Risk Assessment (FRA) that future users of the development will not be placed in danger from flood hazards throughout its lifetime. Moreover, it states it is for the applicant to show that the change of use meets the objectives of the Framework's policy on flood risk.

6. Buildings used for dwelling houses are defined in the Technical Guidance on Flood Risk² as a more vulnerable use whereas land and buildings used for agriculture is defined as a less vulnerable use. Thus, the proposal would result in a more vulnerable use in Flood Zone 2.
7. I acknowledge the comments in the appellant's statement with regard to the provision of a safe refuge area in the proposed roof space. I note this would be accessed via a drop down ladder, served by battery operated lighting, the occupiers would be provided with a beacon and access onto the roof could be provided by a roof light. However, specific details such as the size of the space and the means of entrance and exit are not shown on the plans.
8. In my view, even with the other mitigation measures set out in the FRA in place, ground floor accommodation, particularly rooms where people would sleep would pose a significant risk to the safety of future occupiers in the event of a flood.
9. That said, I am unable to determine whether the proposed safe refuge area would appropriately mitigate this risk. For the same reasons I am unable to conclude it could also be used by the occupants of the existing dwelling on Playters Farm.
10. In the absence of such details I must take a precautionary approach and conclude that the safety of future occupants would be at risk with regard to flood risk. The proposal would therefore conflict with the aims of Policies CS01 and CS08 of the Kings Lynn and West Norfolk Borough Council Core Strategy (2011) (CS) and the Framework, which taken together seek to avoid the risks associated with flooding and ensure it is appropriately assessed and mitigated.

Sustainable development

11. The appeal site is located within the open countryside in a sporadic row of development fronting a narrow rural lane. It is some distance from local services or public transport connections.
12. The appeal site forms part of a wider agricultural holding. Policy CS06 of the CS supports farm diversification, but states the conversion of existing buildings to residential use will only be considered where the existing building makes a positive contribution to the landscape, a non-residential use is proven to be unviable, the accommodation to be provided is commensurate to the sites relationship to the settlement patterns and the building is easily accessible to existing housing, employment and services.
13. Even though the appeal building was originally a traditional stable building I did not observe any significant features of architectural quality. Furthermore, it is mainly concealed in the landscape by surrounding structures and vegetation. Whilst I acknowledge that the original pine cladding and corrugated roof has been replaced with oak cladding and reclaimed tiles, Policy CS06 of the CS is

² Technical Guidance to the National Planning Policy Framework, DCLG, March 2012

seeking to secure the retention of existing buildings which make a positive contribution to the landscape. In effect it is seeking to balance any harm arising from development in the open countryside against the benefit of retaining buildings of merit. This does not apply to this case as I find the appeal building to be of limited merit. Furthermore, it makes a neutral contribution to the landscape.

14. I note the appellants were not made aware of the need to demonstrate a non-residential use is unviable. However, this is clearly set out in Policy CS06 of the CS. I acknowledge the stables were originally used for horses, horses are no longer kept and the farming enterprise is now focussed towards rearing sheep leaving insufficient grazing space for horses. However, these matters do not demonstrate that the building can no longer be used in connection with the wider agricultural holding or any other non-residential use is unviable. On this basis, with the absence of any substantive evidence to the contrary I am not satisfied that a non-residential use for the appeal building would not be viable.
15. I acknowledge that the proposal would result in the removal of a static caravan which would be of visual benefit. However, even if I were to accept this was lawfully used as residential accommodation the proposal would involve the creation of a new self-contained dwelling with a much larger living space capable of accommodating more occupants.
16. I note the economic benefits associated with construction and new customers for local businesses. I also note there have been no objections to the proposed development from residents living nearby, the positive questionnaire results and that the proposed dwelling would be occupied by an individual on a low income who works locally.
17. However, these matters and all of the benefits combined are outweighed by the significant environmental harm I have identified as a result of flood risk and lengthy journeys to access services and employment and the dependence on the private car for those journeys given the location of the proposed dwelling in the countryside.
18. Consequently, the proposal would not amount to sustainable development and would be in conflict with the development plan and the Framework. It would specifically conflict with Policy CS06 of the CS which seeks to encourage appropriate farm diversification in order to achieve a sustainable pattern of development.

Other Matters

19. I have noted the Council's concerns and the appellant's evidence relating to highway safety and contamination and whether or not off site highway improvement works or site investigations would be necessary to safeguard against the effects of such. However, I would be satisfied that such matters could be dealt with through the imposition of appropriate planning conditions. Therefore as I am dismissing the appeal for other reasons I have not considered these matters any further.
20. I acknowledge the comments with regard to the Council's handling of the planning application particularly engaging on amendments prior to the Council's decision and thereafter engaging on a revised scheme. However, I have determined the appeal on its planning merits.

21. I have also considered the examples of development nearby. However, the full details of those cases, particularly any FRA supporting those proposals are not before me and I have determined the appeal on its merits with regard to the bespoke circumstances of the case.

Conclusion

22. For the reasons given above, having had regard to all other matters raised, I conclude that the proposal would not accord with the development plan and thus the appeal should be dismissed.

L Fleming

INSPECTOR