
Appeal Decision

Site visit made on 17 July 2017

by Richard Schofield BA(Hons) MA MRTPI

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

Decision date: 3 August 2017

Appeal Ref: APP/E9505/W/17/3170595

The Workshop, Yarmouth Road, Ludham NR29 5QF

- 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 Dr Rupert Gabriel against the decision of The Broads Planning Authority.
 - The application Ref BA/2016/0343/FUL, dated 26 September 2016, was refused by notice dated 20 January 2017.
 - The development proposed is change of use of outbuilding (MT Shed) to residential dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development complies with development plan policy for the conversion of buildings in the countryside, having particular regard to its status as a non-designated heritage asset.

Reasons

3. The Broads Authority Site Specific Policies DPD (SSP DPD) defines development boundaries for a range of settlements, in order to facilitate the operation of policies contained within the Broads Authority Core Strategy (the Core Strategy) and the Broads Authority Development Management Policies DPD (DM DPD).
4. Ludham does not have a development boundary. It is, therefore, treated as countryside for planning purposes and, as such, proposals for development at Ludham are subject to DM DPD policies DP21, DP23, DP24 and DP26. Most relevant to the appeal proposal is DP21, relating to the conversion of buildings in the countryside.
5. In addition, it is common ground that the building is a non-designated heritage asset. Its historic significance derives from its association with Ludham's role in the defence of Great Britain during the Second World War. Its strong cultural association and acknowledged rarity as a surviving example of a utilitarian wartime building, used in this case for vehicle repair, make it an important example of its kind. Based on all that I have read and seen, I have no reason to depart from the view that it has value as a non-designated heritage asset.

6. Thus, the appeal proposal also needs to meet the requirements of DM DPD policies DP5 and DP6.
7. The criteria set out in DP6 largely repeat those of DP21 and, as such, I have conflated the two in the interests of concision. I address each criterion in turn.
8. Criterion a) of both policies requires that a structural survey demonstrates the building to be structurally sound and capable of conversion without major rebuilding or substantial extension. Substantial extension is not proposed and so the focus is on the matter of major rebuilding.
9. It was apparent from my site visit, which included entry to the building, that it is in poor condition. Its function, and the materials from which it was constructed many years ago, are indicative of an expectation that it would be a temporary structure. It is perhaps unsurprising, therefore, that the corrugated metal cladding has rusted through in many places and numerous panels are clearly in need of replacement. Indeed, it appeared that many have been replaced in the past. The rainwater goods need repair and I have no reason to doubt that some of the windows leak.
10. Thus, even if conversion of the building was not proposed, it is clear that works to it would be required in order to prevent its further disintegration. This would mean that most of the original metal sheeting, where it exists, and most if not all of the windows, would need replacement. The amount of original external fabric that could be retained would be minimal. I am sympathetic, therefore, to the appellant's argument that little weight should be given to any harm arising from replacement of the building's current metal sheet cladding.
11. The structural survey provided by the appellant concludes that, "*...we can see no reason why this building would be structurally suitable for conversion to a domestic residence...*". On the basis of the assessment that precedes it, one assumes there to be a "*not*" missing from this sentence.
12. Nonetheless, this conclusion does not appear to be entirely supported by the survey. This is light touch, caveated and somewhat ambiguous. The steel frame is noted as being in only "*...reasonable sound condition structurally*" and "*...generally satisfactory...*". It is also suggested that some, albeit "*little*", enhancement (which is undefined) would be required "*...to prove the present members suitable for supporting a replacement cladding ... roofing system.*"
13. Although the main columns appeared to me to be superficially sound, they and the other steel members will need cleaning down. It is reasonable to consider, given the apparent lack of any detailed investigation, that faults may well be hidden under what appeared to be a not inconsiderable amount of rust covering many of the purlins and smaller cross members. The survey does not appear to assess this and, indeed, the photographic evidence would suggest that no attempt was made to climb up to examine the structure in detail.
14. Finally, the conclusions in relation to the ability of the structure to support even a lightweight replacement roof cladding are "*... subject to a detailed arithmetical check.*" That may be standard phrasing, but it provides little reassurance.
15. In short, although I have no reason to doubt the professional expertise of the surveyor responsible, the lack of any substantive detail and the degree of circumspection within the report leads me to conclude that a precautionary

approach is warranted. Thus, I am not persuaded, on the basis of the evidence before me, that it has been adequately demonstrated that the building is structurally sound and capable of conversion without major rebuilding.

16. Criterion b) of DP21 requires the building to be redeveloped without adverse effect upon the character of the Broads landscape or its setting. The building is set back from Yarmouth Road behind two hedges, mature trees and a footway. It is barely discernible to passing road users. It is more apparent from the footway, but even here its colour coupled with its positioning behind mature vegetation means that it is not readily apparent. The appeal proposal would retain the building's form and the same style and colour of the external cladding. The currently blocked rear windows would be reinstated, but overall there would be little change to the current situation. As such, I consider that there would be no adverse impact upon the character of the Broads landscape or its setting.
17. In addition, the building is located within the Ludham Conservation Area. This is very substantial, typically characterised by the historic vernacular dwellings that form the village's core and by the surrounding Broads landscape to the south. The appeal building has little impact upon the Conservation Area, and given its situation and the minimal impact of the proposals upon general character and appearance (noted above), I am satisfied that the scheme would preserve the character and appearance of the Ludham Conservation Area.
18. There is no dispute, in relation to criterion c) of DP21, that the building is of sufficient quality, by virtue of its status as a non-designated heritage asset, to make it worthy of retention.
19. Turning to criterion d) of DP21 and criterion b) of DP6, the fact that the scheme would retain the form of the building is a positive, and there can be no significant objection to the reinstatement of what appear to be original window and roof openings.
20. Although the building is of no great architectural merit in its own right, its range of full height, lattice work doors to the frontage are integral to an understanding of its function and, thus, historic significance. They are its most obvious defining feature. Their removal, with replacement by glass panels, would make any understanding of the building's past use and functionality almost impossible. This treatment would result in an extreme and uncharacteristic permeability to the frontage, with the loss of the sense of verticality afforded by the tall, narrow doors, which are set within three clearly defined bays. The sense of proportion and symmetry of each door, defined by the latticework frames, even if arising perhaps by serendipity rather than design, would be completely erased.
21. There may be no policy imperative for conversions to result in a building that looks exactly the same but, as proposed, the alleged aesthetic improvements would completely erase the building's most interesting and interpretable historic and character features, rendering it as an open fronted, corrugated barn.
22. Large opening garage doors may not be conducive to some living or working practices, but that is not true of all and it is far from unusual for building conversions to retain historic frontage features in some form. The appellant has suggested that revised frontage details could be required by condition. There

can be no certainty, however, that any revisions would not have implications for the internal layout and, arguably, may be sufficiently different that they should warrant further public consultation. Thus, I do not consider that such a condition could be considered reasonable.

23. I conclude that the proposal would not be of a high quality design, retaining the external features that contribute positively to the character of the building, nor would the proposal be achieved in a way that preserve's the structure's historic, cultural and architectural features and its character.
24. There would be a change to the nature of the use of the building. It is situated, however, within a village and there are residential uses within the locality. The proposal would not be at odds with this. The nature, scale and intensity of the proposed use would be compatible with the requirements of criterion e) of DP21 and criterion c) of DP6.
25. Notwithstanding the planning definition of Ludham, in practical terms the dwelling is not in the open countryside. It is located clearly within the built form of the village, which has a, albeit limited, range of services and facilities. There is no objection to the proposal on highways grounds and there is no technical evidence before me that would lead me to question this. This being so, I do not depart from the view of the Authority that the site is well located both in relation to the village and in terms of it having adequate access to basic services and facilities, and that the highway network could accommodate the demands arising from the appeal proposal. To this end, it accords with criterion f) and the final paragraph of DP21.
26. The ecological data submitted with the application does not indicate any harm to biodiversity, and mitigation measures for the proposed arboricultural works are proposed. These could be secured by condition. Criterion g) of DP21 and criterion d) of DP6 are, therefore, satisfied.
27. Finally, both policies require evidence to demonstrate that employment, recreation, tourism and community uses are unviable, before residential is considered to be acceptable. Policy DP6 requires that, wherever, possible, the building should remain in the use for which it was originally designed, in this case a vehicle workshop.
28. The building was marketed for a period of six months. From the particulars, it appears that this was on the basis of a B1 use, although the current lawful use of the building does not appear to have been established with the local planning authority. I have no reason to doubt that there were no expressions of interest in leasing the building.
29. Six months is, however, a very brief marketing period and fails to take account of the annual peaks and troughs in the market. In addition, the stated B1 use may well have resulted in disinterest from other potential lessees; there is no evidence that the price of £1800 is a reasonable market figure given the condition, location and stated use of the building; and it is not clear where and how the building was marketed. It is also notable that the building was not offered for sale.
30. My attention was drawn to advice in the Planning Practice Guidance¹ (the Guidance) in relation to the viable use of heritage assets, notably that,

¹ 015 Reference ID: 18a-015-20140306

"If there is only one viable use [for a heritage asset], that use is the optimum viable use".

Nonetheless, it goes on to state that,

"if there is a range of alternative viable uses, the optimum use is the one likely to cause the least harm to the significance of the asset".

31. The National Planning Policy Framework (the Framework) also states that it is desirable for heritage assets to be put to viable uses, *"consistent with their conservation"*.²
32. In this context, the submitted viability study takes a very narrow approach, looking only at residential conversion and a high specification commercial conversion, both featuring major works to the building. It concludes, unsurprisingly, that residential conversion is the only viable option. No reason appears to have been given, however, as to why basic repairs to the building, to facilitate its ongoing use as, for example, a storage unit, or a lighter touch, lower spec conversion for use as a workshop, are not feasible.
33. It is alleged that the Authority raised no concerns with regard to the marketing period for the building to the south of the appeal site. That may be so, but that is an entirely different type of structure for which the approach taken may have been felt to be appropriate at that time. I do not see it as setting any kind of rigid precedent for the time or means of marketing of the appeal building.
34. This being so, I do not consider that it has been demonstrated that employment, recreation, tourism and community uses are unviable, before a residential conversion is considered to be acceptable.
35. Overall, I conclude that the proposed development fails to comply with development plan policy for the conversion of buildings in the countryside, having particular regard to the building's status as a non-designated heritage asset. It would conflict with key criteria of DM DPD policies DP6 and DP21, which are set out above. In addition, it would conflict with DM DPD policy DP5, which seeks to ensure that new development protects, preserves or enhances the fabric and setting of historic, cultural and architectural assets that give the Broads its distinctive character.
36. Finally, it would conflict with Core Strategy policy CS5, which seeks to ensure that key buildings that contribute to the Broads' character and distinctiveness are protected from inappropriate development. Specifically, it would conflict with criterion iii) of that policy, which seeks to ensure that repair and re-use of buildings of historic and cultural value is not detrimental to them.
37. The Framework requires, at paragraph 135, that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining that application. My assessment of the building's significance, and the harm that would be caused to it, is addressed above. This is a matter to be weighed in the planning balance.

² Paragraph 131

Other Matters

38. Some works to the appeal building, outwith the appeal proposal, would be covered by reference to s55(2)(a) of the Town and Country Planning Act 1990. This states that:

"the carrying out for the maintenance, improvement or other alteration of any building of works which (i) affect only the interior of the building, or (ii) do not materially affect the external appearance of the building"

does not constitute development.

39. Thus, it might be, depending on what was proposed and how it could be achieved, that the insertion of a secondary steel frame within the building, for additional structural support, could be undertaken without planning permission. Nonetheless, the appellant is explicit that he does not intend to undertake such works and, as such, I place very little weight upon this proposition as a fallback position or as justification for the appeal proposal. Furthermore, were such a feature to come forward as part of any conversion proposal it could not fail to go beyond that which could reasonably be considered as a conversion.
40. It is suggested that there is no financial incentive for the owner to invest in the building and, thus, secure its future. In light of this, I am mindful of advice in the Guidance³ that:

"where there is evidence of deliberate damage to or neglect of a heritage asset in the hope of making consent or permission easier to gain the local planning authority should disregard the deteriorated state of the asset (National Planning Policy Framework paragraph 130). Local planning authorities may need to consider exercising their repair and compulsory purchase powers to remedy deliberate neglect or damage".

Conclusion

41. I have found that the appeal proposal would conflict with key development plan policies for the conversion of rural buildings and heritage assets. It would, in my judgment, conflict with the development plan when taken as a whole. Harm would clearly arise to the building's historic significance and this harm would, in my judgment, be high.
42. It has not been demonstrated that all reasonable alternatives have been considered and, even if they have, the appeal proposal is of insufficient design quality to outweigh the potential benefit of the building's repair.
43. Thus, for the reasons given above, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Richard Schofield

INSPECTOR

³ Paragraph: 014 Reference ID: 18a-014-20140306