
Appeal Decision

Site visit made on 14 August 2017

by Jonathan Price BA(Hons) DMS DipTP MRTPI

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

Decision date: 21st August 2017

Appeal Ref: APP/Y2620/W/17/3169352

Brick Kiln Farm, Sustead Road, Lower Gresham, Norfolk NR11 8RE

- 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 Dean Knowles against the decision of North Norfolk District Council.
 - The application Ref PF/16/0725, dated 23 May 2016, was refused by notice dated 25 November 2016.
 - The development proposed is construction of dwelling and continued light industrial and office use.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - Whether the proposal would accord with local and national planning policy for rural development.
 - The effect of the proposal on the character and appearance of the area.
 - The suitability of the accommodation for the continued use sought.

Reasons

Location of development

3. The proposal relates to an irregularly shaped parcel of land of some two acres. Access is from the Sustead Road and runs alongside a grassed area at the front of the site towards a rear part where, beyond some trees, there is a static caravan used as an office, an asbestos-clad workshop used for the appellant's wood and wood burner business and a sheet clad ancillary storage building. Adjacent to these buildings is a further undeveloped grassed area where a dwelling is proposed.
4. The dwelling would be within open countryside beyond the existing frontage development along Sustead Road in Lower Gresham. This is one of the small villages and hamlets in North Norfolk not given settlement status in the Council's Core Strategy¹ (CS) and is designated as countryside.

¹ North Norfolk Local Development Framework – Core Strategy incorporating Development Control Policies September 2008

5. Under CS Policy SS 2 development in the countryside is limited to that requiring a rural location, with examples given. This policy is aimed at protecting and where possible enhancing the rural character of North Norfolk and preventing dispersed housing leading to a dependency on car use to reach basic services, thereby ensuring a more sustainable pattern of development.
6. CS Policy SS 2 is consistent with Government policy as set out in the National Planning Policy Framework (the Framework) and so is afforded significant weight. Policy SS 2 reflects the core principles of the Framework that planning should take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and actively managing patterns of growth to make the fullest use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
7. The dwelling proposed has not been demonstrated as essential to the secure operation of the business at Brick Kiln Farm or necessary to improve the efficiency of the rural wood and wood burner operation, to allow this to expand and to materially reduce vehicle movements.
8. The site's planning history would not be so unique as to provide any material support for the dwelling sought. Whilst consent for the existing uses would provide certainty over their planning status this would lend no material weight to the case made for a dwelling on a part of the site which is clearly not previously developed land.
9. The proposed dwelling would be contrary to paragraph 55 of the Framework whereby to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and new isolated homes in the countryside be avoided unless there are special circumstances, such as the essential need for a rural worker to live permanently at or near their place of work.
10. Whilst the dwelling might not be isolated from the existing development in Lower Gresham it would be remote from local services and, as there would be no essential need demonstrated, this proposal would clearly conflict with the aims of CS Policy SS 2 and of the Framework.

Character and appearance

11. Although the appellant is amenable to negotiation over further amendments to the design of the dwelling this cannot be progressed through the appeal or addressed by a condition. The proposed design is not entirely unacceptable and at a single storey, well-screened and in a backland location would not be prominent in the street scene.
12. Although not visually prominent from the road, the backland position of the dwelling would contrast harmfully with the prevailing pattern of mainly frontage development in the village. The dwelling proposed would not be in keeping with the existing pattern of development and fail to preserve or enhance the quality of this village in clear conflict with the aims of CS Policy EN 4.

Suitability of the accommodation for the continued use sought

13. Whilst there would be limited conflict with the aims of CS Policy EC 2 in the use of the storage building for the existing wood and wood burner business I find little rationale for the removal of the workshop building in supporting this rural operation. However, this decision turns on the issue of the dwelling and the resolution of the planning status of site could be appropriately addressed through a separate planning application excluding this.

Other Matters

14. The evidence is that the Council is able to demonstrate a five year supply of housing land and so this factor lends little weight to permitting a dwelling in the countryside. I am not persuaded that the change of use of the workshop as a former agricultural building to a dwelling would in fact be permitted under the General Permitted Development Order. This possibility is not relevant to the case made for the dwelling.
15. That there might be the fall-back option of a less environmentally-friendly use taking place lawfully on this site would not provide a strong justification for the development sought. The criticism of the Council having not worked proactively and positively with the applicant over this proposal can have little bearing on this decision.

Conclusion

16. The Framework supports a prosperous rural economy and paragraph 28 seeks that planning policies support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. However, the dwelling has not been shown essential to support the business uses at Brick Kiln Farm. The rural economic benefits of this proposal would be outweighed by the harm caused to the character and appearance of the village and the countryside and from permitting a dwelling where access to basic services would encourage additional dependency on private car use.
17. This proposal would not be sustainable rural development and, having taken into consideration all other matters raised, I conclude that the appeal should be dismissed.

Jonathan Price

INSPECTOR