
Appeal Decision

Site visit made on 6 August 2019

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 August 2019

Appeal Ref: APP/Y2620/W/19/3229508

Glebe Farm, Marsh Road, Potter Heigham, Norfolk NR29 5LN

- 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 Robert Hall against the decision of North Norfolk District Council.
- The application Ref PF/18/1298, dated 11 July 2018, was refused by notice dated 8 November 2018.
- The development proposed is change of use from redundant agricultural building to a fitness studio business.

This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 15 August 2019.

Decision

1. The appeal is allowed and planning permission is granted for change of use from redundant agricultural building to a fitness studio business at Glebe Farm, Marsh Road, Potter Heigham, Norfolk NR29 5LN in accordance with the terms of the application, Ref PF/18/1298, dated 11 July 2018, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 7956 02 site location plan; 7956 03 elevations and plans.
 - 2) The building subject of this approval shall be used as a fitness studio only and for no other purpose and shall not be open to customers outside the following times: 0615 – 1930 Mondays to Fridays.

Preliminary Matter

2. I have taken the description of the proposal used in the banner headline and the decision from the application form. This was altered in the Council's decision to refer to the external alterations and the proposal being retrospective. My decision has taken account of this and that the fitness studio is in place and operational, as evident from my site visit.

Main Issue

3. Whether the proposal is acceptable in relation to need, location and road safety, taking into account development plan policy and any other material considerations.

Reasons

4. A small fitness studio has been established within a cubicle structure installed inside part of a farm building complex and near to a farmworker's dwelling. The farm buildings occupy a large concrete apron and are not currently in use for agriculture. The size of the studio is not likely to generate large numbers of visitor vehicles and there is ample on-site space to accommodate the parking for these. I am advised that the fitness studio offers one to one personal training sessions and small instructor-led classes between Monday and Friday, with session times ranging between 0615 and 1930 and is managed by a self-employed member of staff. It has been operating since early 2017, catering to a local client base.
5. Glebe Farm is towards the end of a quite narrow country lane which ends at the marshes and serves farmland and a length of ribbon housing development running along one side. The site is a reasonably short distance beyond the main village of Potter Heigham. The evidence is that this is a settlement of about one thousand inhabitants, with a small range of scattered services. The quite narrow width of Marsh Lane would moderate traffic speeds and, although it is unlit and without footpaths, it is subject to a 30mph speed restriction and reasonably straight, with informal opportunities for cars to pass each other.
6. The road is quite typical of a lane serving existing housing and farm businesses in a countryside location. Some degree of conflict would already exist between vehicles and non-motorised users due to the narrow width and lack of pedestrian refuges and footways. However, the amount of additional traffic that this small fitness studio is likely to generate would not support a conclusion that this use is unacceptable on highway safety grounds.
7. Policy SS2 of the Council's Core Strategy¹ (CS) limits development in areas deemed countryside, a designation which washes over all of Potter Heigham village, to specific categories requiring a rural location. This includes the re-use and adaptation of buildings for appropriate purposes and community services and facilities meeting a proven local need. Whilst not exclusively for residents of Potter Heigham it seems reasonable to assume, based on the evidence and letters of support, that the studio meets a local need and reduces car journeys to facilities further afield that might otherwise be required to address this. Accordingly, I find no conflict with CS Policy SS2 or with CS Policy CT 3, which permits community facilities or services in the countryside where they meet the identified needs of the local community.
8. The studio has the Marsh Lane dwellings in quite close proximity and is about 900 metres from the main built up part of Potter Heigham. Although Glebe Farm is slightly outside the main village, I note that paragraph 84 of the National Planning Policy Framework (the Framework) advises my decision should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements.
9. Taking into account development plan policy, and any other material considerations which include the health and well-being benefits the studio provides, I conclude the proposal to be acceptable in relation to meeting a need in this rural community.

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

Other Matters

10. Consideration has been given to the additional matters raised by interested parties to the original application and to the appeal. The removal of a boundary hedge and the formation of a driveway to Glebe Farm is not the subject of this particular proposal. That the business is operational is not grounds for a finding of harm. The appeal has been decided on the merits of the particular use for which permission is sought and not in relation to any original approvals, including those for livestock farming and a farm worker's residence. The small fitness studio is not considered to cause harm as over-development within the site as a whole. In this case the high flood risk category of this area does not provide sufficient grounds for dismissing the appeal.

Conditions

11. Consideration has been given to the conditions suggested by the Council in the light of the advice in paragraph 55 of the Framework. This is that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
12. In the interests of certainty, a condition is necessary which specifies the plans approved. A further condition is necessary which limits the consent to a fitness studio only and establishes the operating hours, as my decision is based on the acceptability of this particular use and for these times.
13. The scale of the use does not necessitate a condition requiring agreement to a flood warning and evacuation plan. The site is sufficiently away from any neighbouring dwelling not to require agreement over any external lighting. There is ample space for visitor car parking and so a condition requiring agreement to this is not justified. The level of additional vehicular traffic generated by the proposal would not provide adequate grounds for a condition requiring the creation of two off-site passing places along Marsh Road.

Conclusion

14. For the reasons given I conclude that the appeal should be allowed, subject to the conditions set out.

Jonathan Price

Inspector