



Appeal Decision

Site visit made on 23 July 2019

by Stephen Brown MA(Cantab) DipArch RIBA

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

Decision date: 02 September 2019

Appeal Ref: APP/L2630/C/18/3209420

Land at Woodside Stables, Wood Lane, Starston IP20 9PW

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is by Vincenzo Marino against an enforcement notice issued by South Norfolk District Council.
 - The enforcement notice, ref. 2017/8237, was issued on 20 July 2018.
 - The breach of planning control alleged in the notice is the change of use of land and stable building to residential use.
 - The requirements of the notice are to:
 - a) Cease the residential use of the land and stable building.
 - b) Remove all domestic only fixtures and fittings and other domestic only items from the land and stable building in their entirety.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended fall to be considered
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Decision

1. I direct that the enforcement notice be varied by:

OMISSION of the words '*Policies 4 of the National Planning Policy Framework, Policy 1, 2 and 6*' from paragraph 4 of the notice; and,

SUBSTITUTION of the words '*Policies 1,2, 4, and 6*'.

Subject to that variation, the appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary matters

2. I note that an appeal originally made by Mrs Marino – ref. APP/L2630/C/18/3209421 – has been withdrawn.
3. The Reasons for Issuing at paragraph 4 of the enforcement notice include reference to Policy 4 of the National Planning Policy Framework (NPPF). However, the NPPF is set out in sections rather than policies. Section 4 of the 2012 NPPF (as revised in July 2018) relates to promotion of sustainable transport, and Section 4 of the 2019 NPPF relates to decision making. The appellant suggests this reference should be to Policy 4 of the Greater Norwich

Development Partnership Joint Core Strategy (JCS)¹ – concerning housing delivery. In the context of this case, it appears to me this is a likely explanation. I will vary the notice accordingly, and do not consider any party would be significantly prejudiced by this change.

Background matters

4. The appeal site is an approximately rectangular piece of land of about 0.42 of a hectare lying on the northern side of Wood Lane. The stable building stands near the north-eastern corner of the site. It is an L-shaped weather-boarded building with a tiled roof.
5. The site is generally open, with mown grass, and a surfaced drive leading from the lane to the building. The site boundaries have post-and-rail fencing with hedging and trees. There is a timber shed close to the building, partly concealed by a fence. Also on the site were a table and chairs, a trampoline and other items of play equipment.
6. I saw that the western leg of the L-shaped building remains essentially as a stable, with a stable door, concrete floor and ply-clad walls - although there was no particular evidence of such use. There is a half-height partition separating this space from a living/dining room with banquette seating, dining table and chairs and a dresser. An island unit separates this from the kitchen area, which is equipped with a sink, oven, hob with extract hood, storage cupboards, worktops, a fridge/freezer, free-standing chopping block, and another dresser. There is a utility space with washing machine and dryer in a recess at the eastern end. In the southern leg of the L is a bedroom with double bed, chest of drawers and two wardrobes. Between the bedroom and utility space is a bathroom with bath, wash-basin and WC. It is clear that the building has all the facilities necessary for everyday life and is in use as a dwelling.
7. Wood Lane is a narrow lane within open countryside about 2 kilometres to the north of the small village of Starston, and 3 kilometres to the north of Harlestone, where there is a range of services and facilities. There are a few cottages, Park Farm and its farm buildings, and a few other dwellings nearby. Otherwise the surroundings are open agricultural fields, and the character of the area is highly rural, with some sporadic development.
8. Planning permission for a change of use of the appeal site for keeping horses and erection of a stable block for private owner's use was granted in 2014². The stable block was built in 2016, but to a different design than that approved. Retrospective planning permission was granted for the design as built in 2016³. I note that planning permission was refused for conversion of the stables to a dwelling in 2018⁴. Enforcement action was taken subsequent to that refusal.

¹ The Greater Norwich Development Partnership Joint Core Strategy for Broadland, Norwich and South Norfolk, of March 2011 and amended in 2014.

² Decision notice ref. 2013/2164/F, dated 23 January 2014.

³ Decision notice ref. 2016/1750.

⁴ Decision notice ref. 2018/0636, dated 15 May 2018.

The appeal on ground (a) and the deemed planning application

9. This ground is that planning permission should be granted for the matters stated in the notice.
10. From my inspection of the site and all that I have read I consider the main issue in this appeal is whether the development can be considered as sustainable in the light of development plan policy and the advice of the National Planning Policy Framework (the NPPF).
11. Development plan policy before me is from the Greater Norwich Development Partnership Joint Core Strategy (JCS), and the South Norfolk Local Plan Development Management Policies Document of 2015 (DMPD).
12. The Council accept that the housing requirement set out in the JCS is several years old, and that the evidence on which the requirement was based has been superseded. An up-dated Strategic Housing Market Assessment (SHMA) for Central Norfolk was published in June 2017 indicating a significantly greater Objectively Assessed Need (OAN) for housing than the annual requirement set out in the JCS. This results in a housing land supply of 4.38 years. This weighs in favour of approval of housing applications in this rural policy area.
13. In April 2019 the Council published an Interim Greater Norwich Area Housing Land Supply Assessment of the position at 1 April 2018 for the period from 1 April 2018 to 31 March 2024 and demonstrates a housing land supply of 6.63 years. This assessment has not been formally endorsed by all three Local Planning Authorities party to the JCS and is not the final statement that will be published in the Annual Monitoring Report of the Council's Core Strategy. However, it is based upon detailed knowledge of sites, and discussions and correspondence with developers and site promoters. The Council consider the forecast to be to be fully justified; a credible assessment of housing land supply in Greater Norwich, and carried out in a manner consistent with the guidelines of the NPPF and the Planning Practice Guidance. I note that the assessed housing land supply for the South Norfolk District is 6.04 years.
14. It appears to me that this document does provide a credible assessment of the up-to-date situation of housing land supply. However, it has not been formally endorsed, and does not yet provide the Council's adopted position. However, it is a matter to which I shall give weight in my determination.
15. In the situation where the policies most important for determining a case are out of date – such as where a local planning authority cannot demonstrate a 5-year supply of deliverable housing sites - NPPF paragraph 11(d) advises that permission should be granted. This is unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework policies taken as a whole.
16. NPPF paragraph 8(a) sets out the economic objective of sustainability, which is to help build a strong, responsive and competitive economy by ensuring that sufficient land of the right types is available in the right places and the right time to support growth, innovation and improved productivity.
17. This site is relatively distant from, for instance, medical services, potential workplaces, and facilities such as shops and entertainment. I understand there is a bus stop in Starston, and a good range of services in Harleston. However, access is via unlit roads with no footways, and travel to these facilities would

almost inevitably be by private motor vehicle. I cannot accept that this piece of land, in such a rural location is of the right type or in the right place to make any significant contribution to the economy.

18. Regarding the social objective of sustainability, NPPF paragraph 8(b) advises the aims are to support strong, vibrant and healthy communities by ensuring a sufficient number and range of homes can be provided to meet the needs of present and future generations, and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being. It is clear that this development would make a contribution to the number of homes available, although access to services is limited, and there is little support for the communities' health or cultural well-being.
19. Regarding the environmental objective of sustainability, in a situation such as this, a development should contribute to protecting and enhancing the natural environment, including making effective use of land. The land was previously in an equestrian use – if in fact the stable block had been used as such, which is not clear to me – or possibly in agricultural use. In this case the building already exists and change to a residential use would be neither more or less effective as to the use of the land.
20. This development provides one additional one-bedroom dwelling, and therefore makes a modest contribution to the number of homes available, and to the objective of social sustainability. However, I do not consider it makes any realistic contribution in terms of economic or environmental sustainability. This is particularly so with regard to turning an area of countryside over to residential use, changing its character from rural to domestic. I consider this does not promote the aim expressed in NPPF Paragraph 170(b) - that in order to contribute to and enhance the natural environment the intrinsic character and beauty of the countryside should be recognised. Although the site may be screened from significant public view by boundary treatments, this does not mean its intrinsic character is unaffected.
21. Overall, I consider use of the stable block as a dwelling is unsustainable in terms of its poor access to services and facilities other than by private motor vehicle, and that the harmful effects of the development demonstrably outweigh the modest benefits. I conclude on the main issue that the development cannot be considered as sustainable in the light of development plan policy and the advice of the National Planning Policy Framework. The development does not accord with the development plan, particularly with respect to JCS Policy 6, which includes aims to concentrate development close to essential services and facilities. Nor with respect to DMPD Policy DM 3.10 which seeks to ensure all development supports sustainable transport and development objectives, and DMPD Policy DM 1.3, which seeks to promote sustainable transport, and ensure new development is on sites within development boundaries, and demonstrates overriding benefits in terms of economic, social and environment dimensions.
22. The appellant argues that the development would not result in loss of a farm building, that it is suitable for residential use without significant changes to its appearance and is sympathetic to its setting. Furthermore, it is not suitable for any employment use. It is therefore justifiable in terms of the aims of DMPD Policy DM 2.10. However, these arguments do not outweigh the harm I have

found in terms of unsustainability. Furthermore, no documentary evidence has been provided about the process of building the stables and I can give little weight to the value of the development in terms of its contribution to self-building initiatives.

Conclusions

23. For the reasons given above and having regard to all other matters raised I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed planning application.

Stephen Brown

INSPECTOR