



Appeal Decision

Site visit made on 10 September 2019

by R Norman BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 October 2019

Appeal Ref: APP/L2630/W/18/3215735

Hay Cart Barn, Brick Kiln Lane, Morningthorpe, Norfolk NR15 2LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Alex Oram against the decision of South Norfolk District Council.
 - The application Ref 2017/2371, dated 12 October 2017, was refused by notice dated 16 August 2018.
 - The application sought planning permission for the conversion including alterations and extension to building to form holiday accommodation without complying with a condition attached to planning permission Ref 2012/0866/F, dated 17 August 2012.
 - The condition in dispute is No 5 which states that: *No person shall occupy any part of the development hereby permitted for a period exceeding SIX WEEKS. Furthermore, no person shall occupy any part of the development hereby permitted within a period of THREE WEEKS following the end of a previous period of occupation by that same person of any part of the development hereby permitted. A register of bookings of the development hereby permitted shall be maintained at all times and shall be made available for inspection to an officer of the local planning authority upon reasonable notification by that officer to inspect the register.*
 - The reason given for the condition is: *To enable the local planning authority to retain control over the development which has been permitted in accordance with Policy TOU7 in respect of a specific use and where the occupation of the development as full-time residential accommodation could result in a sub-standard layout of land, contrary to Policy 2 of the Joint Core Strategy and Policy IMP9 of the South Norfolk Local Plan 2003.*
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the condition is reasonable and necessary in the interests of the retention of an employment use in the countryside.

Reasons

3. The appeal site comprises a modest, single storey building which is undergoing conversion to provide holiday accommodation, permitted under a 2012 planning permission. The original permission included a condition restricting the use of the building for holiday accommodation to a maximum number of weeks. This appeal relates to a subsequent application to remove this condition to allow for unrestricted occupation of the development.

4. The site is located on Brick Kiln Lane which is a narrow, rural road. It is in an area detached from any main settlements and is surrounded by open, agricultural fields. The appeal site is adjacent to a small cluster of rural properties and buildings, with a few other sporadic buildings along the road.
5. Policy DM 2.10 of the South Norfolk Local Plan Development Management Policies Document (2015) (DMP) relates to the criteria for the conversion of rural buildings to employment uses in points a) to d). The second part of the policy relates to the conversion of buildings to residential accommodation in the countryside. Part e) of this policy states that conversions of buildings in the countryside for residential use will only be supported where the building cannot be practically or viably converted for employment uses and part f) requires the building to be a historic and traditionally constructed building worthy of protection and that the proposals will enhance the building and or the setting of other nearby buildings in the countryside.
6. Whilst the development has been found to comply with the requirements of parts a) to d) of Policy DM 2.10, I have been presented with limited information in relation to the viability of the use of the property as a holiday let in accordance with the original permission. I have considerable sympathy with the personal circumstances of the family which have given rise to this appeal and I have given these circumstances substantial weight in my consideration of the appeal proposal. I also note the comments from Norfolk Country Cottages. However, there is a lack of evidence before me in terms of whether or not the building could be sold as a holiday let under the current conditions or to demonstrate whether any commercial use could be run from the property. The Appellant advises that there are vacant commercial units nearby however I do not have sufficient details of these to demonstrate that there would be little demand for the appeal property and that it would therefore be unviable for its original purpose.
7. In relation to part f) of Policy DM 2.10, the Appellant advises that the building was originally a cart shed and has retained its original parapets. Whilst the building is of some historic value in terms of its age, and has been sensitively redeveloped, its overall appearance provides little in the way of historic merit or features which would be sufficient to meet the criteria of this part of the policy.
8. Consequently, based on the level of evidence before me, I am unable to conclude that condition 5 is unreasonable or unnecessary and the removal or variation of the condition would not comply with the requirements of Policies DM 2.10 and DM 1.3 (criteria 2c and 2d) of the DMP which restrict development in the countryside.

Other Matters

9. I understand the Appellant's concerns with the length of time taken to determine the application. However, this is a matter to be addressed with the Council and not a matter for me to comment on.
10. The Appellant has provided letters of support from local residents and I have taken these into account in my consideration of the appeal proposal. However, these do not raise any matters sufficient to outweigh the policy conflict.

Conclusion

11. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

R Norman

INSPECTOR