



Appeal Decision

Site visit made on 2 December 2019

by Graham Wyatt, BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th January 2020

Appeal Ref: APP/Y2620/W/19/3236424

Westgate Barn, Warham Road, Binham, Fakenham, NR21 0DQ

- 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 & Mrs John Bruce against the decision of North Norfolk District Council.
 - The application Ref: PF/18/1524 dated 10 August 2018, was refused by notice dated 6 June 2019.
 - The development proposed is described as the "change of use, conversion of an agricultural barn to a dwelling – current application permission PF/18/0921".
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Decision

1. The appeal is allowed and planning permission is granted for the change of use, conversion of an agricultural barn to a dwelling – current application permission PF/18/0921 at Westgate Barn, Warham Road, Binham, Fakenham, NR21 0DQ in accordance with application Ref: PF/18/1524 dated 10 August 2018, subject to the conditions on the attached schedule.

Application for Costs

2. An application for costs was made by Mr & Mrs John Bruce against North Norfolk District Council. This application is the subject of a separate decision.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area and the host property, including the setting of the Binham Conservation Area.

Reasons

4. The appeal site forms an existing mainly timber clad barn under a pantile roof which is laid out in a 'U' shape. The building sits behind properties that are arranged in a linear manner along Warham Road and is accessed via an unmade track. The area is generally rural in character with the appeal site forming part of a wider agricultural field.
5. The access and rear of the site lie within the Binham Conservation Area (CA). As the site lies within the CA, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in making decisions on planning applications and appeals within a Conservation Area, special attention is paid to the desirability of preserving or enhancing the character and appearance of the area. Therefore, in undertaking this duty, I have based my assessment on the evidence presented before me and the observations I made during my site visit.

6. The appeal site was originally granted planning permission in 2016¹ for the conversion of the barn into a single dwelling. This permission was varied in 2018² to allow for various changes to the external appearance of the building. Both of these permissions retained a courtyard area within the 'U' shape of the existing building. The development that is the subject of this appeal sought to create a roof over the courtyard area to enable additional living space within the building, along with a detached double garage and store.
7. However, in 2019 the Council approved a third planning application³ (the third application) to convert the barn into a single dwelling that contains additional development so that the previously open courtyard area, approved under application PF/15/1748, would be brought into residential use through the introduction of a roof with lantern above and a further connecting roof between the east and west wings. This creates a square shaped building with a larger mass than the original barn and is a material consideration to the development before me. Moreover, in the absence of any evidence that the development approved under the third application would not be carried out, it is a fallback position to which I afford significant weight.
8. Consequently, the remaining element before me is the introduction of a double garage with a store under a pitched roof that would be erected to the rear of the converted barn. The siting of the garage would be between the converted barn and the dwellings sited along Warham Road. Although the garage and store would be distinct and separate from the main barn, it would nonetheless be seen as an outbuilding that would be used in association with the domestic use of the site. Moreover, it is not uncommon to see such buildings in rural settings and given its proposed location behind the converted barn, I am satisfied that it would be read against the existing building and would not result in a particularly prominent building within the landscape.
9. Although I acknowledge that the garage would be taller than the converted barn, it would nonetheless be sited to its rear and constructed of similar materials. While the garage would be the first building to be seen when entering the site, I am not persuaded that it would be harmful to the character or appearance of the CA given its design which is typical of such developments and would be similar to other timber garages in the CA, such as that at Westgate Old Farmhouse, and would be sympathetic to the main barn. I therefore find that the size, bulk, siting and design of the garage building would have a neutral effect on, and would preserve the character and appearance of, the CA.
10. Thus, the would not result in significant harm to the character and appearance of the rural area or the CA. It would be in compliance with Policies HO9, EN4 and EN8 of the North Norfolk District Council Core Strategy 2008 and the North Norfolk Design Guide Supplementary Planning Document 2008 which seek, amongst other things, to ensure that developments enhance their immediate setting, are of a high quality and reinforce local distinctiveness and preserve or enhance the character and appearance of designated assets.

Conditions

11. I have considered the Council's suggested conditions in accordance with the advice contained within the Planning Practice Guidance (the Guidance) and the Framework. I have reworded them where necessary in the interest of concision

¹ PF/15/1748 dated 1 February 2016

² PF18/0921 dated 12 July 2018

³ PF/19/1062 dated 12 September 2019

- and enforceability. In addition to the standard time condition (1), it is necessary for certainty to define the plans with which the scheme should accord (2).
12. In the interest of the visual amenities of the area, it is necessary to ensure that any demolition and rebuilding work is carried out in accordance with appellants Consultant Engineers survey (12) and that boundary details (13) are submitted to the Council for its consideration. In order to ensure the satisfactory appearance of the development, it must also be carried out using the materials as stated on the application forms and approved plans (15) and the hard and soft landscaping scheme implemented (6).
 13. To ensure that trees are protected during the construction, the development must be carried out in accordance with the submitted Arboricultural Impact Assessment (5). To enhance and mitigate biodiversity, the development must also be carried out in accordance with the submitted protected species survey (4).
 14. In the interest of highway safety, the access and parking areas (7) must be provided and retained for use. To ensure satisfactory drainage, the development must also ensure proper surface water (10) and foul drainage (11) of the site. In the interest of sustainability, the development must also be heated via a Ground Source heat pump or an alternative sustainable heating system (14), to be agreed with the Council.
 15. In order to protect the future occupiers of the dwelling, during the course of development if any contamination (8) is found this must be reported to the Council for consideration. Likewise, any asbestos (9) must be removed in accordance with the relevant advice produced by the Health and Safety Executive.
 16. The Guidance advises that the removal of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances⁴ and precisely defined by reference to the relevant provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015. In this particular case, given the nature of the development as the conversion of a rural building and its relationship to the CA, it would be reasonable to remove permitted development rights (3) for extensions and additional buildings within the curtilage of the dwelling. However, given the form of the building would not be altered through the introduction of further windows or rooflights, I do not consider it necessary to remove these particular elements.

Conclusion

17. For the reasons given above, and having regard to the development plan when read as a whole, the appeal is allowed.

Graham Wyatt

INSPECTOR

⁴ Paragraph: 017 Reference ID: 21a-017-20140306 Revision date 06 07 2019

Schedule of Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
2. The development to which this permission relates shall be undertaken in strict accordance with the submitted and approved plans, drawings and specifications - Plan numbers: Location Plan 01-JJB-05-2019, Landscape Plan – Whole Site 518/18/LD01 Rev B and Proposed Plans and Elevations 02rr/JJB/14/2019.
3. Notwithstanding the provisions of Schedule 2, Part 1, Class A and E of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking, amending or re-enacting that Order with or without modification) no enlargement of or alteration to the dwelling hereby permitted shall be undertaken and no building, structure or means of enclosure within the curtilage of the dwelling shall be erected unless planning permission has been first granted by the Local Planning Authority.
4. The development hereby approved shall be carried out in strict accordance with the protected species mitigation and enhancement measures outlined in the Protected Species Survey prepared by Finnemore Associates dated August 2018.
5. The development hereby approved shall be carried out in strict accordance with the tree protection measures detailed in the Arboricultural Impact Assessment, prepared by AT Coombes Associates dated 13 September 2018, and received by the Local Planning Authority on 10 July 2019.
6. Prior to the first occupation of the development hereby permitted, the hard and soft landscaping proposals shown on plan number 518/18/LD01 Rev B shall have been implemented in full.
7. Prior to the first occupation of the development hereby permitted the proposed access/on-site car parking and turning area shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
8. In the event of any contamination becoming evident (from storage of oil/fuel/agrochemicals, disposal pits etc.) the applicant/developer is advised to halt works and seek advice from the District Council's Environmental Protection Team (telephone 01263 516085).
9. Any removal of asbestos from the site should be in accordance with the Control of Asbestos Regulations 2006, under which the applicant/agent has a duty of care. Holders of this duty must prevent escape of the waste whilst it is under their control. For further help and advice in respect of asbestos removal the applicant/agent is advised to contact the Health and Safety Executive (HSE) on 0845 345 0055 (www.hse.gov.uk/asbestos).
10. All proposed surface water disposal from the proposed dwelling hereby permitted shall be to soakaways. The development shall thereafter be carried out in full accordance with the approved details and retained thereafter.

11. All Foul Water shall be disposed of to the existing mains sewer, unless alternative details have been previously submitted to and approved in writing by the Local Planning Authority.
12. No demolition or rebuilding work other than that detailed in the HA Consulting Engineers Survey (dated 17/11/15 & 30/8/18) shall commence on site without the prior written notification to, and agreement of, the Local Planning Authority.
13. Prior to first occupancy, precise details of proposed boundary treatment, including entrance gates shall be submitted and approved by the Local Planning Authority. The agreed details shall then be implemented within 28 days of first occupancy and retained thereafter.
14. The proposed dwelling shall be heated via a Ground Source Heat Pump or alternative Sustainable Heating System to be agreed in writing by the Local Planning Authority prior to first occupancy. The approved system shall be retained thereafter.
15. The external materials to be used on the development hereby permitted shall be in full accordance with the details submitted in the planning application.

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