



Appeal Decision

Site visit made on 19 May 2020

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th May 2020

Appeal Ref: APP/F2605/W/19/3243311

Magpie Yard, Traps Lane, East Tuddenham, Norfolk NR20 3JN

- 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 Taylor against the decision of Breckland District Council.
 - The application Ref 3PL/2019/1019/F, dated 16 August 2019, was refused by notice dated 11 October 2019.
 - The development proposed is described as a "rear extension to provide additional storage".
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Decision

1. The appeal is allowed and planning permission is granted for a rear extension to provide additional storage at Magpie Yard, Traps Lane, East Tuddenham, Norfolk NR20 3JN in accordance with the terms of the application, Ref 3PL/2019/1019/F, dated 16 August 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 3318.0819BK Sheet 1, Rev B.

Preliminary Matters

2. Since the Council made its decision, the Breckland District Council Local Plan 2019 (the Local Plan) was adopted. The policies from the Breckland District Council Adopted Core Strategy and Development Control Policies Development Plan Document 2009, cited within the Council's decision notice, have thus been superseded by the Local Plan.
3. The appellant has provided an amended drawing¹ which alters the door on the south elevation. I have considered this drawing under the principles established by the Courts in Wheatcroft² and I am satisfied that the drawing does not change the development to such a degree that to consider it would deprive those who should have been consulted on the change, the opportunity of such consultation. I have therefore determined the appeal on the basis of the amended drawing.

Main Issue

4. The main issue is the location of the development outside of any general employment area and its effect on the character and appearance of the area.

¹ Drawing 3318.0819BK Sheet 1, Rev B

² Bernard Wheatcroft Ltd v SSE & Harborough DC [1982] P&CR 233

Reasons

5. The appeal site is a roughly rectangular parcel of land that contains a single storey building close to the entrance that is constructed of red brick under a pantile roof. To the rear of the site is other land in the appellant's ownership which contains another building. This land is used in connection with the business undertaken at the appeal site. The proposal seeks to extend the existing single storey building to create an additional area to be used as a storeroom.
6. Policy EC 04 of the Local Plan seeks to restrict development outside of general employment areas, such as the appeal site. However, Policy EC 04 states that employment uses outside of employment areas and allocated sites will be permitted if there are particular reasons for a development not being located on an established or allocated employment site, such as the expansion of an existing business. Therefore, as the site contains an existing business, it would be in compliance with criterion b.1 of Policy EC 04 of the Local Plan. I find this to be consistent with paragraph 83 of the National Planning Policy Framework (the Framework) which states that planning policies should enable the sustainable growth and expansion of all types of businesses in rural areas.
7. The site lies within a rural location and although there are a group of dwellings close to the site on Church Lane, the site is largely surrounded by open countryside. The proposal would create an 'L' shaped building which would follow the same form as the existing development with a pitched roof at the same height and using complementary materials. This would result in a well-designed new building and although it would increase its size, the proposal would still represent a modest sized development considering the totality of land associated with the proposed building and the business use at the site. Therefore, I do not consider that the proposed development would negatively impact on the rural character of the area.
8. The development would also enable the sustainable growth and expansion of the business, which is consistent with the findings of the previous inspector³ that considered the initial building at the site. Furthermore, I find the relocation of the main business office and paperwork into the building, a reasonable justification for the proposed development.
9. Thus, the proposal would represent the sustainable growth of the business that would not have a detrimental impact on the character and appearance of the area. It would not be in conflict with Policy EC 04 of the Local Plan, the requirements of which are specified above. It would also not be in conflict with Policies GEN 02, COM 01 and COM 03 of the Local Plan which seek, amongst other things, to protect, complement and enhance landscape character, appearance and amenities of the area.

Conditions

10. The Council has suggested a number of conditions that I have considered in accordance with the Framework and the national Planning Practice Guidance. Along with the standard time condition, the approved plans should also be specified to provide certainty. As the submitted plans indicate the materials to

³ APP/F2605/A/13/2192084 dated 14 May 2013

be used for the development, there is no requirement for an additional condition regarding this matter.

11. The Council has suggested a further condition to cover any requirements raised by Norfolk County Council as Local Highway Authority, and Highways England. However, neither consultee has suggested any additional conditions.

12. **Conclusion**

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

Graham Wyatt

INSPECTOR