



Appeal Decision

Site visit made on 28 May 2020

by Matthew Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th June 2020

Appeal Ref: APP/L2630/D/20/3245399

Field House Stud Outbuilding, Field Lane, Hempnall NR15 2PA

- 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 Dan Gray against the decision of South Norfolk District Council.
 - The application Ref 2019/2078, dated 16 October 2019, was refused by notice dated 12 December 2019.
 - The development proposed is refurbishment works including replacement roof, cladding, roof lights and external landscaping to outbuilding to provide games room and gym ancillary to the main dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for refurbishment works including replacement roof, cladding, roof lights and external landscaping to outbuilding to provide games room and gym ancillary to main dwelling at Field House Stud Outbuilding, Field Lane, Hempnall NR15 2PA in accordance with the terms of the application, Ref 2019/2078, dated 16 October 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 plans: 001, 110, 120, 200, 210, 220, 230, 300, 310 320, 321, 002, 003.
 - 3) No construction works shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 4) The development hereby permitted shall not be used other than for purposes ancillary to the use of the dwelling known as Field House Stud.
 - 5) The development hereby permitted shall not at any time be used as overnight living accommodation.
 - 6) No external lighting shall be installed at the site.

Main Issue

2. The main issue is whether or not the appeal site is an appropriate location for the proposal, having regard to development plan policies concerning development in the countryside, and the character and appearance of the area.

Reasons

3. The appeal site lies in the open countryside and outside a defined settlement boundary. The existing outbuilding comprises a blockwork and corrugated sheet construction with a pitched roof. There are lean to elements projecting from two sides of the building. Policy DM3.6 of the South Norfolk Local Plan Development Management Policies 2015 (DMP) supports proposals for the erection of outbuildings in the countryside provided that the resultant development would be compatible with the area's character and appearance, and the original dwelling has a lawful permanent residential use.
4. The appeal building lies some distance from the main dwelling and is appreciably separate from it both visually and functionally. Its use as a games room, gym and lounge with external seating areas would introduce domestic recreational activities which would be at odds with its countryside setting, contrary to Policy 3.6(a) of the DMP. However, the Council recently granted planning permission to convert the outbuilding to provide a games room ancillary to the main dwelling¹ (previous planning permission). Consequently, notwithstanding my observations concerning the appeal site's location relative to the main dwelling and its surroundings, the outbuilding's use in association with the main dwelling has recently been established.
5. The appellant has provided me with a copy of the plans relating to the outbuilding's previous planning permission. In addition to the internal spaces proposed as part of the previously permitted use, the current proposal would incorporate a gym within the existing lean-to 'log store', the external walls of which would be faced in timber cladding and logs. Two small external seating areas would also be provided. Whilst the Council refers to the level of works as a 'rebuild', I am not persuaded that the provision of a new roof, timber cladding and the replacement roof lights would constitute a 'rebuild', particularly as the appellant's structural survey confirms that the existing block work walls, steel frames, concrete floor, and roof structure would be capable of supporting the proposed works, and the veracity of the survey and its overall findings have not been challenged by the Council.
6. The proposal would alter the appearance of the building, but the extent of the changes would be mitigated by the use of rustic materials. Even taking into account the elements of the proposal which would have a more contemporary style and appearance, the resultant building, whilst appearing appreciably more residential and modern than the current rural building, would not appear markedly different nor any more harmful to the surrounding area than the scheme allowed by the previous planning permission.
7. Both main parties have referred to another recently implemented planning permission 'to extend the residential curtilage' of the dwellinghouse², although I am aware that 'curtilage' essentially defines an area of land in relation to a building, and it is not a use of the land for planning purposes. In any event, I

¹ South Norfolk District Council planning permission – 2019/1145

² South Norfolk District Council planning permission – 2018/0302

have not been provided with the specific details of this planning permission. However, the Council affirms in the officer report in relation to the current proposal that the appeal 'building and its more immediate setting was permitted to form part of the residential curtilage of the dwelling at Field House Stud'. Furthermore, the previous planning permission consented a similar ancillary use on the appeal site. Given the similarities between the two schemes, I conclude that an ancillary residential use has been established at the appeal site, and that there is a greater than theoretical possibility that the extant permission would be implemented, such that the fall-back position carries substantial weight in the determination of this appeal.

8. Therefore, I conclude that the proposal taken on its own would harm the character and appearance of the area, in conflict with Policies DM1.3, DM1.4, DM3.6, DM3.8 and DM4.5 of the DMP which seek, amongst other things, to ensure that the rural character of the countryside is not harmed by development. However, the use of the appeal site for ancillary residential purposes has been established and the proposal would be no more harmful to the character and appearance of the area than the previous planning permission. Consequently, this is a material consideration sufficient in this case to outweigh conflict with the development plan.

Conditions

9. The Council have suggested a number of planning conditions which I have considered against the relevant guidance contained within the Planning Practice Guidance (the PPG). I have amended some of them for clarity and in order to meet the PPG, and to avoid repetition.
10. I have imposed the standard '3 year' time limit and approved plans conditions in the interests of certainty. The Council also suggests a condition in order to ensure that the occupation of the appeal building would be ancillary to the residential use of the main dwelling, as was imposed on the previous planning permission. I agree that such a restriction is necessary in order to preserve the character of the area.
11. I find it necessary to impose an additional condition in order to restrict the building's use as sleeping accommodation, as suggested by the Council. This would be in the interests of the rural character and appearance of the area. Furthermore, the Parish Council have raised concerns relating to the impact of light pollution on the local amenity. Consequently, I find it necessary to protect light spill from the site, in the interests of the character and appearance of the countryside and in accordance with paragraph 180 of the National Planning Policy Framework. Therefore, I impose a condition accordingly.

Conclusion

12. For the reasons given above, the appeal is allowed.

Matthew Woodward

INSPECTOR