
Appeal Decision

Site visit made on 4 August 2020

by **S Tudhope LLB (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 September 2020

Appeal Ref: APP/V2635/W/20/3251252

Field Barn Cottage, 24 Docking Road, Sedgeford, King's Lynn, Norfolk PE36 5LL

- 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 David Sonter against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 19/0160/F, dated 10 September 2019, was refused by notice dated 6 January 2020.
 - The development proposed is demolition and replacement of existing dwelling house, change of use of existing barn into accommodation ancillary to the dwelling house and new garage.
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This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 17 August 2020.

Decision

1. The appeal is allowed and planning permission is granted for demolition and replacement of existing dwelling house, change of use of existing barn into accommodation ancillary to the dwelling house and new garage at Field Barn Cottage, 24 Docking Road, Sedgeford, King's Lynn, Norfolk PE36 5LL in accordance with the terms of the application, Ref 19/0160/F, dated 10 September 2019, subject to the conditions set out in the Schedule to this decision.

Procedural Matter

2. The address of the site is set out in slightly different ways on the application form, appeal form and the Council's decision notice. I have used the address from the application form as this fully describes the location of the proposed development.

Main Issues

3. The main issues are (i) whether the proposal would result in the loss of a non-designated heritage asset and (ii) the effect of the proposed development on the character and appearance of the area.

Reasons

Heritage

4. The parties disagree as to whether or not the existing dwelling is a non-designated heritage asset (NDHA). The Council does not hold a local list of identified NDHAs and the property has not been identified in a Neighbourhood Plan as a building to be locally listed. The Council's officer report states that the Council's Conservation Team do not consider the building to be a non-designated heritage asset. However, during determination of the planning application the Planning Committee considered that the farmhouse has sufficient historical interest to merit its identification as a NDHA. It reached this conclusion because of the age of the property, together with its relationship to the adjacent barns. The Council acknowledged that some extensions to the dwelling have not been sympathetic to the original building, but also considered that these extensions show morphology which add to its interest.
5. The national Planning Practice Guidance (PPG) advises¹ that a substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage significance to merit identification as NDHA. The PPG states that, in some cases, local planning authorities may identify NDHAs as part of the decision making process on planning applications. As is the case here. However, the PPG further states that irrespective of how they are identified it is important that the decisions to identify them as NDHA are based on sound evidence².
6. Given the advice set out in the PPG, the advice of the Council's professional officers and in the absence of any identified specific historical significance, I do not consider that the age of the house and its locational relationship with the barns amounts to sufficient justification for the building to be considered as a NDHA.
7. Consequently, I conclude that the proposal would not result in the loss of a non-designated heritage asset. Thus, in this respect, it would not conflict with Policies CS01, CS08 and CS12 of the King's Lynn and West Norfolk Borough Council Local Development Framework Core Strategy 2011 (CS) or Policy DM15 of the Site Allocations and Development Management Policies Plan 2016 (DMP), or Section 16 of the Framework, insofar as they seek to preserve or enhance heritage assets.

Character and appearance

8. The appeal site is situated within the countryside. It is a sizeable, roughly square shaped plot, situated on the northern side of Docking Road. Agricultural fields lie to the west and to the other side of the road. Woodland wraps around the rear of the site and along part of the eastern boundary. A pair of cottages are also situated adjacent the eastern boundary, fronting the road. The existing two storey dwelling and the single storey L-shaped barns occupy the north west corner of the site. The rest of the site is mainly set to grass with mature hedgerow forming the front and western boundaries. The main access to the site is positioned centrally within the site's frontage with the road.

¹ Paragraph: 039 Reference ID: 18a-039-20190723

² Paragraph: 040 Reference ID: 18a-040-20190723

9. The proposal would see the erection of a substantial 7-bedroom dwelling positioned partially on the footprint of the existing dwelling which would be demolished. The proposal also seeks to convert the traditional barns to ancillary accommodation. Whilst the footprint of the proposed dwelling would be marginally smaller than that of the existing dwelling, it is clear that the overall scale of the proposed dwelling would be far greater than the existing. The proposed dwelling bears no resemblance to that which it would replace.
10. However, DMP Policy DM5 does not require replacement dwellings to be of a similar scale to the existing property or make any reference to the condition of the building that is to be replaced. Rather it allows for the scale of proposals to be judged by the surroundings in which they would sit. In this instance, the scale of the proposed dwelling, whilst clearly greater overall than that of the original, would nevertheless fit comfortably within its plot. It would be situated in the general area of the original dwelling, thereby maintaining the relationship between a dwelling and the barns. The accommodation proposed in the conversion of the barns, although not insignificant, would be subordinate and ancillary to the proposed dwelling.
11. The proposal would alter the appearance of the site, but the character would remain as residential. The change to the appearance of the area would be localised and minimal. CS Policy CS12 does not require proposals to improve the character or quality of the area, rather development should, amongst other things, protect and conserve landscape setting and where possible, enhance. Whilst the replacement dwelling would be a grand building, with its design influenced by 'Queen Anne' style architecture, it would be of high-quality design, well-proportioned and positioned such that it would not overly impose itself on the surrounding area nor detract from the inherent quality of the environment.
12. Although it would incorporate four floors, from public viewpoints it would present as a two-storey, large property with accommodation in the roof space. The basement level would not be readily apparent from outside of the site. The dwelling would sit well within its plot, away from the roadside, and would be screened by woodland from the north and east. Field boundary hedgerows interrupt views when travelling toward the site from the west, with such views being minimised further by the speed at which vehicles travel along the road. During my visit to the site and the surrounding area I saw other large buildings, such as 'Norfolk Heights', present in the landscape. Therefore, I do not consider that the appeal proposal would appear out of keeping with its surroundings.
13. I find no conflict with the Sedgeford Neighbourhood Development Plan 2019 (NP) Policy H5 requirement to reflect the identified need for two and three bedroom dwellings. This policy relates to new development not replacement dwellings. Further, the proposal would not, in any case, conflict with the policy aim of retaining smaller housing stock, given that the existing house has four bedrooms and does not therefore fit within the category of smaller homes.
14. In addition, I find that NP Policy H6 specifically refers to replacement dwellings within the settlement boundary and does not therefore apply to this proposal. Similarly, NP Policy H8 specifically excludes consideration of replacement dwellings and is also not relevant to the determination of this appeal.

15. CS Policy CS06, where it is concerned with the conversion of agricultural buildings to a residential use, requires, amongst other matters, that the building to be converted should be easily accessible to existing housing, employment and services. It is argued that this is not the case for the appeal barns and therefore the conversion is not acceptable. However, whilst the appeal scheme would result in the re-use of traditional barns, they are situated within land which is already in residential use. In addition, the proposal seeks the conversion for ancillary accommodation to the proposed replacement dwelling, rather than for the creation of a new residence. I consider that the relationship of the site to services and facilities is not therefore relevant in this case. Although the conversion would result in a four-bedroom unit, the scale of accommodation would be clearly subservient to the principal dwelling. I am satisfied that the proposal complies with the aims of CS Policy CS06.
16. Consequently, I conclude that the appeal scheme would not result in harm to the character and appearance of the area. Thus, it complies with CS Policies CS01, CS08 and CS12 and DMP Policies DM5 and DM15 and NP Policy H4.

Other Matters

17. The appellant's Preliminary Ecological Appraisal (PEA), identified some potential impacts relating to protected species. Further surveys revealed three common pipistrelle bats using the barns for day roosting. There is further evidence of barn owls nesting within the barns and of a kestrel roost. The assessment concludes the potential impacts can be adequately mitigated and recommends measures to both maintain and enhance biodiversity. There is nothing to suggest this is not a robust assessment. The PEA sets out several recommendations and mitigation measures that could be undertaken. Existing roost features may be able to be preserved by, for example, when patching up a crack in the wall, a section to be left open for bats to use, or new roosting facilities could be provided.
18. The proposed works would require a European Protected Species (EPS) mitigation licence from Natural England to avoid an offence under the Conservation of Habitats and Species Regulations 2017. There is no requirement for a licence to be provided prior to grant of planning permission, but the decision-maker must be assured that there would be a reasonable prospect of the licence being granted by Natural England.
19. Having regard to the three tests used to establish whether such a licence may be issued, the evidence before me does not suggest any reason in principle why a licence would not be granted. The upgrading of the barns and improvement of the housing stock, along with the employment of contractors and purchasing of materials are public economic and social benefits which outweigh the impacts on the protected species which, subject to the mitigation measures recommended should maintain the species at a favourable conservation status. Based on these considerations, there is a reasonable prospect of Natural England granting a licence. As a consequence, and subject to ensuring all of the mitigation and enhancement measures recommended in the Ecology Report are secured, the development would not have an unacceptable effect on protected species.

Conditions

20. I have considered the planning conditions suggested by the Council and consultees, and the comments of the appellant, in light of paragraph 55 of the Framework and the advice in the Planning Policy Guidance. Where necessary, and in the interests of clarity and precision, I have altered the conditions to better reflect the relevant guidance.
21. In addition to the standard time limit for commencement [1], I have imposed a condition specifying the relevant drawings [2] as this provides certainty. For reasons of highway safety, I have conditioned details of the access including the necessary visibility splays, the closure of any other access and the provision of the on-site access, parking and turning areas [3, 4, 5, 6 & 7].
22. I have included conditions requiring the approval of materials to be used on the exterior surfaces of the development [8], and details of hard and soft landscaping [9 and 10] in the interests of ensuring a satisfactory standard of external appearance and in the interests of the character and appearance of the area. I have removed the references made by the Council, in Condition 9, to refuse and other storage units as there is adequate space within the site for these; I have also removed reference to street furniture, structures and other minor artefacts as these are not relevant. I have also limited the soft landscaping details to boundary hedging and tree planting as I do not consider it necessary to condition other planting details of a private garden.
23. Linked to the biodiversity of the site a specific condition [11] is included to ensure that development proceeds in line with the recommended mitigation, compensation and enhancement measures set out in the Ecology Report. A condition is also imposed to ensure that the barn conversion accommodation remains ancillary to the dwelling [12]. This would be necessary and reasonable to prevent the creation of a separate dwelling. I have amended the Council's suggested wording in the interest of brevity and to ensure the requirements of the condition are relevant to planning.
24. Given the proposed change of use from barns to ancillary residential accommodation, a condition relating to unexpected contamination is also necessary [13].

Conclusion

25. For the reasons given above the appeal is allowed.

S Tudhope

Inspector

Schedule of 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: Location Plan; House Proposed Plans, Sections & Elevations Drawing No SL 100 Rev K; House Proposed Site Layout Drawing No SL 101 Rev F; and Barns Proposed Layouts Drawing No SL-10 Rev E.
3. Prior to the first occupation of the development hereby permitted the vehicular, pedestrian and cyclist access over the verge shall be constructed in accordance with a detailed scheme to be agreed in writing with the local planning authority in accordance with the highways specification (TRAD 2) and thereafter retained at the position shown on the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway.
4. Vehicular, pedestrian and cyclist access to and egress from the adjoining highway shall be limited to the accesses shown on Drawing No SL 101 Rev F only. Any other access or egress shall be permanently closed, and the highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the local planning authority concurrently with the bringing into use of the new access.
5. Any access gates, bollard, chain or other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 5 metres from the near channel edge of the adjacent carriageway. Any sidewalls, fences or hedges adjacent to the access shall be splayed at an angle of 45 degrees from each of the outside gateposts to the front boundary of the site.
6. Prior to the first occupation of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on the approved plan. The splays shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.
7. Prior to the first occupation of the development hereby permitted the proposed on-site access, car parking and turning areas shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
8. No development shall commence on any external surface of the development until a sample panel of the materials to be used in the construction of the external surfaces have been prepared on site for inspection and approved in writing by the local planning authority. The sample panel shall be at least 1 metre x 1 metre and show the proposed materials, mortar type, bond and pointing technique to be used in the development. The development shall be constructed in accordance with the approved sample, which shall not be removed from the site until completion of the development.

9. Notwithstanding details submitted with the application, or shown on the approved plans, prior to the first occupation of the development hereby approved, full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include finished levels or contours, hard surface materials, boundary treatments and tree planting plans, noting species, plant sizes and proposed numbers and densities where appropriate.
10. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the local planning authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the local planning authority gives written approval to any variation.
11. The development hereby permitted shall be carried out in accordance with the mitigation and compensation measures proposed at paragraphs 7.3 and 7.4 and the ecological enhancements proposed at paragraph 8 of the Ecology Report that accompanied the application (undertaken by Wild Frontier Ecology dated October 2018), subject to any changes required at the licencing stage.
12. The barn conversion hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 24 Docking Road, Sedgeford, King's Lynn, Norfolk PE36 5LL.
13. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and an investigation and risk assessment must be undertaken in accordance with current best practice and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development or relevant phase of development is resumed or continued.

END OF SCHEDULE