
Appeal Decision

Site visit made on 8 September 2020

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2020

Appeal Ref: APP/L2630/W/20/3251755

Oak Farm Bungalow, Sawyers Lane, Sutton, Wymondham, Norfolk NR18 9SH

- 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 and Mrs B Seaman against the decision of South Norfolk District Council.
 - The application Ref 2019/1972, dated 27 September 2019, was refused by notice dated 7 January 2020.
 - The development proposed is the removal of an existing outbuilding and the construction of a self-contained annex for use ancillary to the agricultural business on the site.
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Decision

1. The appeal is allowed and planning permission is granted for the removal of an existing outbuilding and the construction of a self-contained annex for use ancillary to the agricultural business on the site at Oak Farm Bungalow, Sawyers Lane, Sutton, Wymondham, Norfolk NR18 9SH in accordance with the terms of the application, Ref 2019/1972, dated 27 September 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: 1:1250 location plan; W0545/001 - elevations as existing and plans existing and proposed; W0545/002 - elevations and sections as proposed.
 - 3) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Oak Farm Bungalow.

Main Issue

2. Whether, in respect of development plan policy, the accommodation proposed would be acceptable as either a self-contained annex, a dwelling to house a full-time agricultural worker or a new dwelling in the countryside.

Reasons

3. The annex sought would enable the appellants' son to live with his partner adjacent to where he keeps cattle and next door to where his parents currently reside at Oak Farm bungalow. The development would be a detached one-

- bedroom unit, with a farm office, that would replace existing garaging. It would be more or less in line with next door Oak Farm bungalow.
4. The cattle buildings are to the rear of the existing bungalow, where associated grazing land is also located. Adjacent is a more extensive area of chicken sheds belonging to the next-door farm. The appeal site is within a small cluster of dwellings fronting either side of this part of Sawyers Lane, which is otherwise surrounded by farm buildings and countryside.
 5. The development plan comprises the South Norfolk Local Plan and includes the Development Management Policies Document¹ (DM) and the Joint Core Strategy². The National Planning Policy Framework (the Framework), revised in February 2019, is also a material consideration to which significant weight is given.
 6. Policy DM 1.3 requires new development be located so that it positively contributes to sustainable development in South Norfolk. This proposal is within the countryside and outside of any defined settlement boundary, where development is limited by Policy DM 1.3 to only where specific policies allow for it. This is unless overriding benefits in terms of economic, social and environment dimensions addressed in Policy (DM) 1.1 are demonstrated.
 7. Policy DM 3.7 applies directly to annex accommodation and supports this where designed as part of the main dwelling and not creating an independent unit. The appellants accept this policy requires a condition restricting occupation to that of an annex to the main dwelling.
 8. The separate location of the proposed annex allows the farm access to be kept in its current position and also reflects a forward siting of a former farmhouse. Parts of the latter remain but it has been largely replaced by farm buildings. These factors, however, do not alter the fact that the detached annex proposed would be of a size and siting that could function as an independent dwelling at some future point. The proposal therefore conflicts with the terms of Policy DM 3.7 which might have allowed an annex where a separate, independent dwelling would otherwise be resisted under Policy DM 1.3.
 9. Policy DM 2.11 provides for full-time agricultural workers' housing needs to be met in the countryside outside of the settlement boundaries defined in the development plan. The existing Oak Farm bungalow is occupied by the appellants, who are not engaged in the livestock business, and so is not available for their son and his partner on whose behalf the proposal is made. The corresponding criterion in Policy DM 2.11 for permitting an agricultural worker's dwelling is thus met.
 10. However, the livestock business, whilst well-established, does not yet provide a full-time occupation, as the son also works as a building contractor. Residing on the holding would, however, better meet animal welfare demands, particularly at calving times. Whilst not essential, I accept that it would clearly be beneficial for the appellants' son to live on the site of the livestock business he runs, particularly with the aim to grow the herd, increasing the time needed to dedicate to the operation. However, the high bar set by the terms of Policy

¹ South Norfolk Local Plan Development Management Policies Document – Adopted Version October 2015.

² Joint Core Strategy for Broadland, Norwich and South Norfolk. Adopted March 2011, amendments adopted January 2014.

DM 2.11, which specify a functional need for a full-time worker to be readily available at all times for the enterprise, are not met in this case.

11. Without the full support deriving from policies which might allow either an annex or a full-time farm worker dwelling in the countryside, the proposal would conflict with Policy DM 1.3, which restricts new dwellings beyond the settlement boundaries defined in the development plan. The accommodation proposed would run counter to the objectives of this policy, and the local plan as a whole, to secure the sustainable location of new development. The personal needs for the proposal would not comprise the overriding benefits in terms of the economic, social and environment dimensions addressed in Policy (DM) 1.1.
12. To conclude on the main issue, the proposal would not fully comply with the terms of development plan policy for permitting either a self-contained annex or accommodation for a full-time agricultural worker and therefore, as a new dwelling in the countryside, would not satisfy Policy DM 1.3.

Planning Balance and Conclusion

13. Planning law requires that this appeal be decided in accordance with the development plan, unless material considerations indicate otherwise. The Framework is a material consideration and reinforces the requirement for the planning system to be genuinely plan-led. I find inherent harm from the conflict with development plan policy arising from this proposal.
14. The scheme gives rise to no harm in respect of the character and appearance of the countryside, as it would be infilling within the small frontage of development along Sawyers Lane. It would not be an isolated home in the countryside that paragraph 79 of the Framework explicitly resists. The only further actual harm found by the Council relates to the poor connectivity to services and facilities. A main reason for steering new housing to main centres and restricting this in the countryside is to reduce the need to travel and encourage use of sustainable transport modes. However, the reasoned justification to Policy DM 3.11, submitted in evidence by the Council, states that the private car will remain an important means of travel in most rural areas in the district.
15. In this case, the son lives in the nearby larger settlement of Wymondham. Were the appeal allowed, the additional car journeys to and from the site to access essential services would be offset by a corresponding reduction in trips currently made to tend to the cattle. In any event, a good range of services are available in centres like Wymondham that are a short car journey from the appeal site. In all, I find very little harm in this particular case in respect of any increase in travel by private car.
16. There would be the small economic benefits from the construction of the building and, of more significance, from facilitating the existing livestock business to grow. There would be the small social benefits in meeting a particular housing need and making available a vacated property. Although not a decisive factor alone, I agree that the replacement of the existing concrete block outbuilding would be a slight visual improvement and the son living on site would offer small social benefits in respect of future older age care.

17. Whilst these benefits are small, they are tangible and sufficient to outweigh what I find to be a limited degree of overall harm arising from this proposal. In this case, therefore, the material considerations exist to indicate this appeal be decided otherwise than in full accordance with the development plan.
18. The Council has recommended conditions be applied should the appeal succeed. Other than the standard three-year timescale for commencement and one specifying the plans approved, a third condition is both reasonable and necessary restricting the accommodation as incidental to the main dwelling and not as a separate unit. I have worded this condition slightly differently for precision. Subject to these conditions, having taken into account all further matters raised, I conclude that the appeal is allowed.

Jonathan Price

Inspector