
Appeal Decision

Site visit made on 15 December 2020

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 January 2021

Appeal Ref: APP/Y2620/W/20/3257669

Glebe Farm, Marsh Road, Potter Heigham, Norfolk NR29 5LN

- 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 Robert Hall against the decision of North Norfolk District Council.
 - The application Ref PF/19/2204, dated 19 December 2019, was refused by notice dated 27 May 2020.
 - The development proposed is conversion of 2 no. agricultural buildings into 4 no. dwellings.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Robert Hall against North Norfolk District Council. This application is the subject of a separate Decision.

Main Issues

3. Whether the scheme is acceptable with regard to (i) local and national policy over residential development provided by converting rural buildings, (ii) the character and appearance of the area, (iii) legislation protecting biodiversity, (iv) flood risk and (v) the provision of affordable housing.

Reasons

(i) Local and national policy over residential development provided by converting rural buildings

4. Glebe Farm comprises a quite recently built farmhouse and an adjacent group of fairly large, modern agricultural buildings. The site lies towards the end of Marsh Road; a narrow country lane which runs out of Potter Heigham village into the Broads marshes. Before reaching Glebe Farm, Marsh Road contains a stretch of frontage housing that is situated mainly to one side. This housing becomes more fragmented near to the appeal site opposite, where the character of the area is very rural and that of countryside. The proposal relates to two of the modern farm buildings within the Glebe Farm complex; one to provide a single dwelling and the larger of the pair to accommodate three residential units.
5. The North Norfolk Core Strategy (CS), with the incorporated development control policies, comprises the development plan for this area. CS Policy SS 1

provides the spatial strategy for the District, which directs most development to the towns and larger villages. Potter Heigham is not identified as a settlement for growth and in policy terms is deemed countryside, where development is restricted to particular types that either support the rural economy, meet affordable housing needs or provide renewable energy.

6. CS Policy SS 2 restricts development in the countryside to that requiring a rural location and for various reasons, including the re-use and adaptation of buildings for appropriate purposes. The particular circumstances which, in the countryside, permit the conversion and re-use of rural buildings as permanent dwellings are set out in Policy HO 9. The appeal site falls in a defined red buffer zone where this would be acceptable in principle, subject to the remaining criteria in Policy HO 9 being met.
7. Neither of these very commonplace, sheet clad portal framed farm buildings are worthy of retention purely on account of their appearance. In both cases, the buildings are utilitarian, rather drab and without beauty. These are not the kinds of traditional rural buildings which contribute positively to the local distinctiveness of North Norfolk, where residential conversions might provide benefits by securing their survival. Not relating to rural buildings worthy of retention due to their appearance or historic, architectural and landscape value, the proposal fails criterion two of Policy HO 9. Furthermore, whilst the buildings are structurally sound, their conversion would depend upon substantial rebuilding, including complete re-cladding around the metal frames and the continuing up of low block walls, failing criterion three. These would not be the minimal alterations found by the Inspector in a recent appeal¹ allowing conversion of an existing outbuilding to form a separate dwelling in another district, which the appellant has provided in support of this scheme.
8. The four dwellings would be in a relatively remote rural location, towards the end of a narrow unlit country lane lacking footpaths, without convenient access to essential services and facilities other than by means of regular and frequent private car journeys. Consequently, this would not amount to a particularly sustainable proposition. In respect of criterion four of Policy HO 9, the scheme is of an inappropriate scale in terms of the four further dwellings proposed, relative to the quite poor accessibility of the location.
9. The final criterion of Policy HO 9 relates to affordable housing provision, which I deal with later on. Nevertheless, the proposal fails most of the criteria which all need to be satisfied. Consequently, it conflicts with Policy HO 9 for allowing the conversion and re-use of rural buildings as dwellings in the countryside. Despite being within one of the red buffers zone shown by the CS to be where the conversion of rural buildings is supported in principle, the housing would be contrary to the locational strategy for residential development provided in CS policies SS 1 and SS 2. These remain broadly consistent with the National Planning Policy Framework (the Framework) in respect of setting an overall strategy for the distribution of sufficient housing and focusing significant amounts in locations which are or can be made sustainable, both limiting the need to travel and offering opportunities to promote sustainable transport modes.

¹ Appeal Ref: APP/X3540/W/19/3232531 dated 25 November 2019, conversion of existing outbuilding to form a separate dwelling allowed at Hill Farm Cottage, Ilketshall St John, Beccles.

10. In respect of rural housing, I see no fundamental conflict between these policies and paragraph 78 of the Framework. This states that they should identify opportunities for villages to grow and thrive, especially where this will support local services, and that where there are groups of smaller settlements, development in one village may support services in a village nearby. The growth focussed in the service villages identified in CS Policy SS 1 helps support those facilities they contain, which are then available to surrounding smaller settlements, like Potter Heigham.
11. The Framework encourages the re-use of existing resources, including the conversion of existing buildings, and an effective use of land, particularly that previously developed. However, in a rural context, this needs to be development in sustainable locations which also recognises the intrinsic character and beauty of the countryside. In this location, with other dwellings nearby, this proposal would not comprise the development of isolated homes in the countryside. Therefore, the exceptions in paragraph 79 of the Framework to when isolated homes should be avoided do not apply, including development that would re-use redundant or disused buildings.
12. For the above reasons, this proposal would not be acceptable when assessed against local and national policy over residential development provided by converting rural buildings.

(ii) Character and appearance

13. The site lies within the Settled Farmland Landscape Type, as defined in the North Norfolk Landscape Character Assessment² (NNLCA). This is described as an open flat landscape dominated by arable land with semi-dispersed settlement. The Glebe Farm complex lies to the side of the road away from other housing, with this flat landscape beyond, comprising the large arable fields that lie just outside the wooded fringes of the Broads. Near the end of a narrow, unlit lane leading to the marshes, the appeal site has a strong rural character. Long, uninterrupted views across fields evoke a sense of isolation and separation from main centres of habitation. As they stand, the utilitarian character and featureless appearance of these farm buildings are entirely relatable to this prevailing landscape setting.
14. However, re-cladding these buildings and introducing windows and rooflights, would transform the rather austere and neutral appearance of these two barns. Along with the normal trappings of residential use, such as gardens, lawns, patios, car parking, fencing, lighting and the usual range of domestic paraphernalia, these changes would appear out of place in this rather remote location on the edge of an empty landscape. Consideration has been given to the Landscape and Visual Appraisal and Landscaping Plan³ supporting the appeal. However, screening the more exposed sides of this development with planted buffers would not avoid the harm caused to the character and appearance of the area or be sufficient to justify new housing in this location.
15. For the above reasons, this proposal would not be of a design sympathetic to the distinctive character of this area, as identified in the NNLCA, and would thereby be in conflict with CS policies EN 2 and EN 4.

²² North Norfolk Landscape Character Assessment (Draft November 2018)

³ Plaice Design Company – July 2020.

(iii) Legislation protecting biodiversity

16. The Preliminary Ecological Appraisal (PEA), as updated with the appeal to cover both barns, found negligible ecological value within the actual site. This satisfies me that development might take place without harm to any European protected species or any other species, protected statutorily or otherwise.
17. The PEA also concluded that the proposal might only indirectly have a likely significant effect upon the adjacent Broads Natura 2000 sites, due to disturbance arising from increased recreational pressure caused in combination with other residential growth. The PEA advises that all other potential likely significant effects can be appropriately screened out and project level assessment under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) would not be necessary.
18. I am not sure the PEA is correct in this regard. From the evidence, there appears to be an emerging recreational avoidance strategic mitigation strategy for this area. The delegated report states that the Council currently requires a developer contribution for residential development where a significant effect on Natura 2000 sites cannot be ruled out, which is to help pay for the delivery of a scheme of monitoring and mitigation.
19. Following a judgment by the Court of Justice of the European Union generally referred to as the 'People over Wind' case⁴, this evidence suggests that a Habitats Regulations assessment of this proposal would be required, based on the mitigation contributions towards a wider strategy that the appellant had, at the application stage, been willing to make. However, given my conclusions on the preceding main issues, I have not found it necessary to explore this matter any further.

(iv) Flood risk

20. The Framework, with supporting Planning Practice Guidance⁵ (PPG), provides Government policy over planning and flood risk, whereby inappropriate development in areas at risk of flooding should be avoided by directing this away from places at highest risk. This includes where necessary applying the sequential and exception tests to steer new development to areas with the lowest probability of flooding.
21. I have had regard to the Flood Risk Assessment⁶ (FRA) prepared for this proposal. This confirms the appeal site as located within Zone 3a, as mapped by the Environment Agency, and having a high probability of flooding. The PPG does not apply the sequential test to changes of use. However, this proposal would not only be a change of use but also requires a substantial amount of operational development in order to create the four dwellings. I consider the proposal would need to be subject to the sequential test with regard to flood risk.
22. Regardless of the conclusions over actual flood risk provided in the FRA, the Zone 3a location would require a proposal for more vulnerable, residential development to pass the sequential test. As it has not been demonstrated that there are no reasonably available sites appropriate for the proposed

⁴ People Over Wind & Peter Sweetman v Coillte Teoranta C-323/17

⁵ Guidance - Flood risk and coastal change <https://www.gov.uk/guidance/flood-risk-and-coastal-change>.

⁶ Flood Risk Assessment Report Ref: 2213/RE/01-19/02 by Evans Rivers and Coastal Ltd November 2019.

development in areas with a lower risk of flooding, this scheme fails the sequential test and the appeal should therefore not be allowed.

23. The proposal would not be acceptable with regard to the level of flood risk in this area and as a consequence conflicts with CS Policy EN 10, the Framework and PPG.

(v) The provision of affordable housing

24. As this proposal is not specifically a scheme for affordable housing within the countryside, CS Policy HO 3 which relates to such proposals, and is referred to in the reason for refusal, seems not to be entirely relevant. I note that, where viable to do so, Policy HO 9 requires conversion schemes resulting in two or more units to include 50% as affordable or an equivalent contribution, in accordance with Policy HO 2. The latter refers to the 50% affordable housing requirement applying to schemes of two or more units or on sites larger than 0.1 hectares in Service Villages and Coastal Service Villages. This proposal appears to be captured by the former, although the delegated report refers to CS Policy HO 2 as having been superseded by the Framework. The appellant had queried the affordable housing requirement on the basis of the above but had not been provided an answer by the Council. The direction of travel in relation to affordable housing provision is shown by the emerging local plan⁷, which might not seek this for schemes of five dwellings or less. This plan has yet to reach a stage to where it can be given any more than a small degree of weight.
25. The proposal is not a major development as defined in the Framework as 10 or more dwellings or sites of at least 0.5 ha, where paragraph 64 sets an expectation that at least 10% of the homes should be available for affordable ownership. Paragraph 63 of the Framework states that the provision of affordable housing should not be sought on schemes not defined as major developments, other than in designated rural areas where policies may set out a lower threshold of five units or fewer. To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.
26. The Council's fifth reason for refusal is based on insufficient information having been submitted with respect to affordable housing provision. This is predicated on the other buildings at Glebe Farm possibly providing for additional housing beyond the four dwellings that are the subject of this particular proposal. The Council's statement refers to conversions at Glebe Farm providing at least five or possibly 10 dwellings.
27. A Court of Appeal ruling⁸ is provided in support of an affordable housing liability based on the wider site yielding further residential development. Whilst Glebe Farm comprises a single complex of buildings in the same ownership, it is a matter of judgement, based on the evidence, as to whether an aggregation of sites for affordable housing should be applied prospectively. The Council's reason for refusal in this respect is inadequately substantiated, particularly as to how this judgement applies to the Council's own development plan policies for affordable housing. There appears little sound basis over insufficient

⁷ Figure 6 - Policy HOU 2 Housing Mix (North Norfolk Local Plan 2016 – 2036) extract

⁸ New Dawn Homes Limited v Secretary of State for Communities and Local Government & Tewksbury Borough Council [2016] EWHC 3314 (Admin)

information having been submitted with respect to affordable housing provision. Therefore, I find this reason for refusal not a determinative issue in this case.

Conclusion

28. In terms of establishing any precedent, I give little weight to the residential conversion of a comparable barn permitted elsewhere in this village at Rose Farm⁹. This was a prior approval case, where the principle was already established under the Town and Country Planning (General Permitted Development) (England) Order 2015. Unlike in this appeal, section 38(6) of the Planning and Compulsory Purchase Act 2004, requiring that the proposal be determined in accordance with the development plan unless material considerations indicated otherwise, would not have applied.
29. The recent appeal decision¹⁰ cited by the appellant, where two dwellings were recently allowed in Hindolveston, lends little support to this proposal. That decision was mine and related to a village which, like Potter Heigham, was deemed countryside for planning policy purposes. However, that case related to a clear rounding off to one edge of the main built-up part of the settlement. In contrast, these buildings are rather remote from the main part of the village, where they would in this case result in a harmful spread of sporadic housing into the countryside.
30. There would be benefits arising from this proposal, in both helping to boost the supply of housing and supporting the local economy through the construction works and additional household expenditure. However, with just four new dwellings, the benefits would be relatively small. These would be insufficient to outweigh the harm arising from the conflict with a plan-led approach towards the location of housing growth, which would not be supportive of the residential conversion of these agricultural buildings, or that in respect of the character and appearance of the countryside and flood risk. Consequently, having taken all other matters raised into account, I conclude that the appeal should be dismissed.

Jonathan Price

Inspector

⁹ Council reference PU/14/1653.

¹⁰ Appeal Ref: APP/Y2620/W/19/3222639 The Mill House, Foulsham Road, Hindolveston, Norfolk NR20 5BY