



Appeal Decision

Site visit made on 22 March 2021

by E Brownless BA (Hons) Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: Thursday, 17 June 2021

Appeal Ref: APP/V2635/W/20/3255737

Agricultural land to the west of 'Homefields', Low Lane, Terrington St Clement, PE34 4NW

- 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 Alex Tokaji against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref: 19/02154/F, dated 13 December 2019, was refused by notice dated 24 April 2020.
 - The development proposed is the construction of traditional brick and tile barn.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:-
 - i) Whether the appeal site is an appropriate location for development having regard to the development plan and national policy; and
 - ii) the effect of the proposed development on the setting and significance of heritage assets.

Reasons

Location

3. The appeal site is a parcel of vacant agricultural land positioned outside of the development boundary for Terrington St Clement. For the purposes of applying planning policy, it is located within the countryside.
4. Policy DM2 of the Borough Council of King's Lynn and West Norfolk Site Allocations and Development Management Policies Plan (2016)(SADMPP) sets out that new development within the countryside will be more restricted and will be limited to that identified as suitable in rural areas by other policies of the local plan. Policy CS06 of the King's Lynn and West Norfolk Borough Council Local Development Framework Core Strategy (2011)(CS) seeks to resist the development of greenfield sites, however, it is permissive of development that is essential for agriculture or forestry needs.
5. It is the appellant's case that the appeal site will be retained as an independent parcel of agricultural land separate from the dwelling of Homefields, a residential dwelling, and that the proposed building will service the agricultural use. However, there is little detailed evidence to justify the proposal in relation

- to an agricultural or forestry use. Reference to the proposed building being used for 'crop type and or diversification according to the economic or environmental climate' lends support to the proposed use being speculative and fails to justify why a building of the scale and size proposed is required. The evidence is contradictory in relation to the purpose of the building. Albeit it is referred to as being a 'general agricultural shed', it is also stated to be for 'storage/work space'. There is little explanation as to what would be stored within the building, nor what would be undertaken within the workspace.
6. On the basis of the evidence before me, I have been given inadequate detail of the appellant's agricultural or forestry enterprise and I find there is no evidence to show how the building would be related to agricultural or forestry land.
 7. The National Planning Policy Framework (the Framework) emphasises the importance of good design and that decisions should aim to ensure that developments will function well and add to the overall quality of the area. The appellant claims that the building would be constructed for agricultural purposes. The proposed barn would be significant in size and height and yet it would purportedly serve only a modest area of land. The door openings on the side elevation are of a domestic scale and size and their positioning close to the shared boundary with Homefields would not easily accommodate access by agricultural machinery. Reference to use of these side doors by personnel and small equipment is vague and in the absence of any specific identified use of the land, the need for three entrances is unexpected.
 8. Furthermore, a number of velux window openings would be inserted into the roof structure and it is not clear to me why this would be necessary for the suggested agricultural use. The resultant building would have an appearance of a residential property rather than a functional agricultural building and I share the Council's concerns that the building does not appear to have been designed with an agricultural use in mind.
 9. Consequently, I find that the proposal lacks justification in agricultural or forestry terms and in the absence of the proposal being treated as any of the other forms of development that are indicated within SADMP Policy DM2 as being acceptable within the countryside, consequently, the proposal would conflict with this policy and Policy CS06 of the CS and the overall strategy for development.

Heritage

10. Emorsgate Farmhouse (the Farmhouse) is a Grade II listed building with origins from the 17th century. It is a substantial farmhouse constructed of brick with a mostly slate roof. It is the principal dwelling which occupies a prominent position together with a number of Grade II listed barn buildings constructed of brick with pan tile roofs. The barns are positioned in close proximity to the Farmhouse, some being attached to it, and overall, I find the listed buildings form a cohesive group. In my view, the significance of these listed buildings is not only derived from their architectural quality but also from the longstanding presence of a farmstead and agricultural buildings within a spacious open setting.
11. I have taken into account that the proposed building would be reflective of a traditional design of barn building and whilst it would be positioned close to the eastern boundary it would nevertheless encroach onto land which makes a

positive contribution to the open and undeveloped agricultural setting of the listed buildings. The presence of the highway, mature trees, walls, hedges and clusters of buildings are all noted, but they do not lead me to reach a different view.

12. As a result, the proposal would have a negative impact on the setting and significance of the designated heritage assets. It would conflict with Policy CS08 of the CS and Policy DM15 of the SADMPP insofar as these policies seek to protect and enhance the historic environment.
13. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires the decision maker in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
14. The Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
15. The harm identified would amount to "less than substantial harm". The appellant suggests that the harm arising from the proposed scheme should be considered as 'insubstantial or insignificant'. However, Paragraph 193 of the Framework states that great weight should be given to the conservation of a designated heritage asset, irrespective of the level of harm. Furthermore, paragraph 194 of the Framework states that any harm should require clear and convincing justification.
16. Accordingly, paragraph 196 provides for a balancing exercise to be undertaken between "less than substantial harm" to the designated heritage asset and the public benefits of the proposal. The appellant states that the introduction of the proposed building would mitigate the presence of Homefields, however, it would be positioned a considerable way back from the front build line of Homefields and would do very little to screen the dwelling. As such I do not share the appellant's view. Overall, I find that there would be no public benefits of the scheme.
17. Therefore, in addition to the conflict with the development plan identified above, the proposal would also be contrary to the aims of the Framework to conserve and enhance the historic environment.

Other Matters

18. The appeal scheme would not result in any adverse impact on the living conditions of neighbouring occupiers with particular regard to outlook and shadowing. However, the absence of harm is a neutral matter that weighs neither for nor against a proposal.
19. I have had regard to the correspondence between the Council and the appellant. In addition, I note the appellant's comments regarding the Council's use of a delegated procedure to determine the application. However, these are not matters that I need to have regard to in reaching my decision.
20. The appellant's desire to provide secure storage attracts limited weight in the overall planning balance.

Conclusion

21. On the basis of the evidence before me, I conclude that the proposal would conflict with CS Policies CS06, CS08 and CS12 and Policy DM15 of the SADMPP and there are no material considerations that justify a decision otherwise than in accordance with the development plan.
22. Accordingly, for the reasons given above, the appeal is dismissed.

E Brownless

INSPECTOR