



Appeal Decision

Site visit made on 26 April 2021

by J Whitfield BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2021

Appeal Ref: APP/L2630/C/20/3265500

Thickthorn Farm, Norwich Road, Hethersett NR9 3AU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Martin Kemp against an enforcement notice issued by South Norfolk District Council.
- The enforcement notice was issued on 17 November 2020.
- The breach of planning control as alleged in the notice is without planning permission, the erection of, two steel framed buildings.
- The requirements of the notice are: remove the two steel framed buildings from the land in their entirety.
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary of Decision: The appeal is dismissed, and the enforcement notice is upheld.

The appeal on ground (a)

Main Issues

1. The main issue is the effect of the development on the character and appearance of the area including whether the development is necessary for the purpose of agriculture.

Reasons

Character and Appearance

2. The appeal site comprises a rectangular field situated in an area largely characterised by flat and open agricultural fields between Hethersett to the west and the edges of the urban area of Norwich to the east. Built form is generally confined to isolated farmsteads or scattered collections of rural dwellings of traditional design. The buildings of Thickthorn Farm sit to the east.
3. The buildings subject of the notice are steel framed structures with concrete bases. At the time of my site visit the buildings contained no external walls or roof coverings. The evidence suggests this was the case at the date the notice was issued.
4. I note the buildings are designed and sited to allow easy access from Thickthorn Farm and to be functional for agricultural purposes. However, they

are substantial in height, measuring around 13m to the ridge. Moreover, they have a considerable footprint which is indicated to be around 35.75m in width and 61.1m in length.

5. Furthermore, the steel frame construction and blue coated finish gives the buildings a distinctly industrial appearance, in stark contrast to the prevailing agricultural vernacular within the surrounding landscape. Whilst the tree belt to the east and south partially obscure views of the buildings, views from the north and west are much more apparent due to the open nature of the landscape. As a consequence, the buildings appear as dominant and incongruous features within the landscape.
6. I note that the buildings sit close to the buildings of Thickthorn Farm which include the farmhouse, and an adjacent car dealership and a nursery. However, the intervening tree belt on the eastern boundary of the appeal site makes a clear demarcation between the two sites, such that there is very little appreciation of the two together. Indeed, in visual terms the development feels very much separate from Thickthorn Farm.
7. I conclude, therefore, that the development will have a harmful effect on the character and appearance of the area. This is in conflict with DMPD Policy DM 2.7 of the South Norfolk Local Plan Development Management Policies Document 2015 (DMPD) which requires agricultural buildings to be appropriate in terms of design and scale. There is also conflict with DMPD Policy DM 3.8 which seeks to achieve high quality design and Policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2011, with amendments 2014) which states that all development will be designed to the highest possible standards.
8. The enforcement notice refers to Policy DM 3.13 of the DMPD, however, that policy relates to the amenity, noise and quality of life rather than character and appearance. Thus, it has little relevant to my considerations here.
9. The Council's reasons for issuing the notice state that it has not been shown that the buildings are necessary for the purposes of agriculture. Policy DM 2.7 of the DMPD states that agriculture and forestry development will be permitted where, amongst other things, the development is necessary for the purpose of agriculture and forestry.
10. However, Policy DM 2.7 also requires the development to be appropriate to the location in terms of use, design and scale. As a result, even were I to agree with the appellant that the development is necessary for the purposes of agriculture, in light of my findings in respect of the effect of the development on the character and appearance of the area, the development would still conflict with Policy DM 2.7. Indeed, any demonstration of agricultural need for the buildings would not outweigh the harm to the character and appearance of the area. As a result, I conclude that it conflicts with Policy DM 2.7 overall.

Other Matters

11. I note the lack of harm in respect of any effects on the living conditions of neighbouring residents. However, any lack of harm in relation to living conditions does not outweigh the harm I have identified to the character and appearance of the area.

12. I also note that agricultural buildings can be erected on the land under planning permission granted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). However, the appellant indicates that the appeal buildings are larger than any buildings that would be granted permission under the GPDO. On that basis, any buildings constructed under the GPDO would likely be less harmful to the character and appearance of the area than those subject of this appeal. On that basis, I afford this matter very little weight.
13. It is also indicated that planning permission was granted in 1987 and 1990 for agricultural buildings at Thickthorn Farm. However, it is clear from the evidence of the appellant that the buildings were of a different design and were sited in different locations than those before me here. Moreover, the planning permissions were never implemented. As a result, I afford little weight to the appellant's claim that the appeal buildings are suitable replacements for two buildings which were never constructed.

Conclusion

14. For the reasons given above, and having considered all matters raised, I conclude that the appeal on ground (a) should not succeed and the deemed planning application should be refused.

The appeal on ground (g)

15. An appeal on ground (g) is made on the basis that the time for compliance with the notice falls short of what should reasonably be allowed.
16. The appellant indicates that the three month period for compliance in the notice does not allow sufficient time for the dismantling and removal of the buildings. Whilst I appreciate substantial work and the use of large equipment may be needed, the buildings comprise steel frames bolted together and fixed to the concrete pads on which they sit which on the face of it should be relatively straightforward to dismantle. Moreover, given the number of large vehicles which use the access from Norwich Road through Thickthorn Farm, it seems to me that larger vehicles or equipment could easily reach the site. As a result, in the absence of evidence from the appellant to the contrary, I see no reason why the buildings could not be removed within a period of three months.
17. The appeal on ground (g) therefore fails.

Formal Decision

18. The appeal is dismissed, and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

J Whitfield

INSPECTOR