



Appeal Decision

Site Visit made on 21 September 2021

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2021

Appeal Ref: APP/F2605/W/21/3270300

The Barns, Attleborough Road, Caston NR17 1DJ

- 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 Philip Crosthwaite (Cowen Consulting Ltd) against the decision of Breckland Council.
 - The application Ref 3PL/2020/1000/F, dated 10 September 2020, was refused by notice dated 26 January 2021.
 - The development proposed is described as 'The conversion of an existing single storey barn use for general storage associated with the adjacent dwelling known as The Barns to form a two bedroomed single storey self contained dwelling with associated external garden space and on site car parking'
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of an existing single storey barn used for general storage associated with the adjacent dwelling known as The Barns to form a two bedroomed single storey self contained dwelling with associated external garden space and on site car parking at The Barns, Attleborough Road, Caston, NR17 1DJ, in accordance with the terms of the application, Ref 3PL/2020/1000/F, dated 10 September 2020, subject to the conditions in the attached schedule.

Preliminary Matters

2. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). Accordingly, both parties were invited to provide representations in relation to the revised Framework. I have taken these representations into account and had regard to the revised Framework in considering this appeal.

Main Issues

3. The main issues are as follow:
 - Whether the proposed development would provide satisfactory living conditions for future occupiers of the proposed dwelling, with particular regard to privacy.
 - Whether the proposed development would provide a satisfactory standard of accommodation for future occupiers, with particular regard to whether sufficient private outside space would be provided.

Reasons

Living Conditions

4. The appeal site comprises an existing building used for storage. This building is currently ancillary to The Barns, which is a part two storey, part single storey dwelling. The plans submitted to the Council show two dwellings to the south of the appeal site, which the Council suggests have been granted permission under application reference 3PL/2019/0518/F. Neither of these dwellings have been completed. Although, during my site visit I noted that construction has commenced on the dwelling closest to the highway. No plans have been provided of these dwellings. Nonetheless, the Council does not allege any loss of privacy in relation to these approved dwellings.
5. The south-eastern elevation of the barns includes windows which face the appeal site. However, the orientation of the proposed dwelling is off-set from this neighbouring property, such that direct views into the proposed windows would not be possible from the upper floors. Furthermore, the neighbouring upper floor windows are all small and obscure glazed. As such, there would be no significant overlooking impacts from these neighbouring windows.
6. At ground floor level the neighbouring dwelling comprises various windows which face the appeal site. However, again, these are offset slightly, such that the views towards the proposed windows would primarily be from oblique angles. Furthermore, the plans submitted by the appellant show that a close-boarded fence is proposed to the north and west of the proposed dwelling. This fence would further mitigate any overlooking impacts from neighbouring ground floor windows. A planning condition could be imposed to ensure that this boundary treatment is erected prior to first-occupation.
7. For these reasons, the proposed development would provide satisfactory living conditions to future occupiers and there would be no significant overlooking impacts associated with the adjacent dwelling at The Barns. The proposed development would therefore comply with Local Plan¹ Policy COM03, which requires in part that new development provides adequate living conditions for future occupiers, with specific regard to overlooking impacts.
8. The proposed development would also comply with Framework Paragraph 130, which requires in part that new development provides 'a high standard of amenity' for future users.

Standard of Accommodation

9. The proposed dwelling would include outside space to the north, east and west. The appellant indicates that 177sqm of outside space would be provided. There is no evidence before me to suggest that these figures are not accurate. Given the small size of the proposed dwelling, this level of outside space is considered to be more than adequate. However, it is also necessary to consider whether the outside space would be sufficiently private to ensure acceptable living conditions for future occupiers.
10. A large proportion of the outside space would be private. Taking into account my conclusions in relation to the first main issue, the areas to the north and west of the dwelling would not be overlooked. The area to the east of the

¹ Breckland Local Plan (November 2019)

proposed dwelling would also be private, given that it would be screened from view by the proposed dwelling. The area to the south would not be suitable as private outside space, given that it is proposed as a parking area. On balance, taking into account the small size of the proposed dwelling, a sufficient proportion of the proposed outside space would be private. As such the proposed development would provide an adequate standard of accommodation for future occupiers.

11. For these reasons, the proposed development would comply with Local Plan Policy COM03, which requires in part that new development provides adequate areas of usable and secluded private outside space for future occupiers.

Conditions

12. Suggested conditions have been considered in light of advice contained in the Planning Practice Guidance and the tests within the Framework. As a result, I have amended some of the conditions so that they are enforceable, precise, necessary, relevant and reasonable in all other respects.
13. Conditions relating to timeliness [1] and the identification of plans [2] are necessary to provide certainty.
14. In the interest of preserving the character and appearance of the surrounding area, conditions requiring details in relation to boundary treatments [3] and to specify the construction materials [9] are both necessary.
15. A condition requiring details to be provided and approved to achieve a net gain for biodiversity [4] is necessary, in the interest of biodiversity and to ensure compliance with Local Plan Policy ENV02.
16. In the interests of highway safety, conditions requiring that the access and parking areas (including visibility splays) are laid out prior to occupation are necessary [5, 6, 7]. A Grampian condition requiring the reinstatement of the highway verge [8] is also necessary for the same reasons.
17. A condition requiring the reporting and remediation of any unidentified contamination [10] is necessary to ensure that there are no unacceptable risks, arising from potential contamination, to future users of the site or adjoining land.
18. The Council has suggested that permitted development rights should be removed by condition. The explanations given relate to the appearance of the development and living conditions of neighbouring occupiers. Framework Paragraph 54 states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. In this case, the rationale provided by the Council does not provide a clear justification, given that it does not refer to specific potential impacts arising. I do not consider that there is a clear justification in this case. As such, a condition to this effect would be unnecessary and unreasonable.

Conclusion

19. The proposed development complies with the development plan taken as a whole. There are no material considerations which indicate that a decision should be made other than in accordance with the development plan. As such, the appeal is allowed, subject to conditions.

Luke Simpson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Dwg No.2200/001 Rev.B, Dwg No.2200/002 Rev.B.
- 3) Prior to first occupation of the development hereby approved, a plan indicating the positions, design, materials, type and height of boundary treatment/screening to be erected shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the boundary treatment shown on approved plan reference 2200/002 Rev.B. The boundary treatment/screening shall be constructed in accordance with the approved details prior to first occupation of the development hereby approved and shall thereafter be retained in accordance with the approved details.
- 4) Prior to first occupation of the dwelling hereby approved, a scheme demonstrating how net gains for biodiversity are being secured as part of the development, shall be submitted to and approved in writing by the Local Planning Authority. This could include bird/bat boxes, swift bricks and hedgehog holes for example. The development hereby approved shall be carried out and retained in accordance with the approved details.
- 5) Prior to the first occupation of the development hereby approved, visibility splays measuring 2.4. metres x 59 metres shall be provided to each side of the access where it meets the highway. The splays shall thereafter be maintained at all times free from any obstruction exceeding 1.05 metres above the level of the adjacent highway carriageway.
- 6) Prior to the first occupation of the development hereby approved, the approved access, parking and communal turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with approved plan reference 2200/002 Rev.B and shall be retained thereafter available for that specific use.
- 7) The access shall have a minimum width of 4.8m for the first 10m as measured from the nearside carriageway edge and arrangements shall be made for surface water to be intercepted and disposed of so that it does not discharge from or onto the highway.
- 8) Vehicular/pedestrian/cyclist access to and egress from the adjoining highway shall be from the access shown on approved Drawing No. 2200/002 Rev B only. Prior to first occupation of the dwelling hereby approved, any other access or egress from the highway shall be permanently closed and the highway verge reinstated, concurrently with bringing into use the new access, in accordance with a detailed scheme to be agreed in writing with the Local Planning Authority. The development shall thereafter be carried out and retained in accordance with the approved details.

- 9) The development hereby permitted shall be constructed in accordance with the materials specified on the planning application form.
- 10) 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 a risk assessment carried out 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 is resumed.