



Appeal Decision

Site visit made on 11 January 2022

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th February 2022

Appeal Ref: APP/Y2620/W/21/3271593

The Muster, The Street, Itteringham NR11 7AX

- 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 Joff Goodman against the decision of North Norfolk District Council.
 - The application Ref PF/20/1715, dated 25 September 2020, was refused by notice dated 24 February 2021.
 - The development proposed is described as the "change of use from the building known as 'The Muster' to one unit of residential C3".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the submission of the appellant's appeal, the revised National Planning Policy Framework (the Framework) was published on 20 July 2021. In light of this I sought the views of the main parties in writing and I have taken any subsequent responses into account in reaching my decision.

Main Issue

3. The main issue in this appeal is whether the location of the development is appropriate having regard to the development plan.

Reasons

4. The appeal site forms part of a small cluster of timber clad buildings that are accessed via a narrow track. To the immediate north of the site is a single detached dwelling known as Robin Farmhouse. The remainder of the land surrounding the site is rural in character, consisting of open fields and agricultural land.
5. Policy SS 1 of the North Norfolk Core Strategy 2008 (CS) sets out the spatial strategy for North Norfolk and identifies principal settlements, secondary settlements, service villages and coastal service villages. Itteringham is not identified as any of these areas and thus, is designated as countryside where development is restricted to certain types and for certain purposes to support the rural economy, meet affordable housing needs and provide renewable energy.
6. Policy SS 2 of the CS states that in areas designated as countryside, development will be limited to that which requires a rural location. In this instance, the change of use of the property to a dwelling does not meet any of

the criterion listed therein and thus, the proposal would be in conflict with Policy SS 2 of the CS.

7. The track leading to the site is unmade and does not benefit from lighting or a pavement. Therefore, although walking or cycling to Itteringham is possible, those with low mobility, those with small children or indeed those carrying shopping are likely to drive to those services that do exist. Moreover, the lack of reliable public transport options, the weather and seasonal changes are also likely to affect one's choice of travel. Additionally, although there are facilities in Itteringham, the site is far removed from the surrounding larger villages where one can access a range of other services such as employment, medical services, education, and amenities such as larger shops.
8. Furthermore, notwithstanding that public rights of way may allow access to Aylsham, it would still require walking some 5 miles for a return journey and a high reliance on the private car is inevitable. Although I note that electric cars may be used, they do not promote the healthy benefits that can be gained from walking and cycling. Moreover, whilst I acknowledge paragraph 79 of the Framework, given its position in the countryside and beyond the village of Itteringham, there is nothing substantive before me to demonstrate that the appeal site is within a village and would lend support to another village. In any event, the support for services from a single dwelling would be very limited.
9. I therefore conclude that the appeal location would result in a significant reliance on the use of the private car and so has limitations overall as a sustainable location for the proposal. Thus, the proposed change of use would be contrary to Policies SS 1 and SS 2 of the CS which seek to promote a sustainable pattern of development in North Norfolk, and to carefully manage development in the countryside to those requiring a rural location. Locationally, the appeal proposal would also conflict with paragraph 79 of the Framework in terms of securing sustainable housing development in rural areas.

Other Matters

10. The appellant places an emphasis on Policy HO 9 of the Core Strategy which supports developments that propose the conversion and re-use of rural buildings as dwellings, subject to several qualifying criteria. Outside of locations identified on the proposals map, residential uses will not be permitted unless the building is of exceptional historic, architectural or landscape value. It is evident that the building does not meet this criteria and thus, would not comply with the requirements of Policy HO 9.
11. Furthermore, any support lent to the development via paragraph 80 c) of the Framework requires the building to be disused or redundant. Whilst there may be a disagreement between the parties over its use, as it is currently being lived in, one cannot consider the building to be disused or redundant. Moreover, although the appellant argues that the building itself is lawful through the passage of time, this is not a matter that is before me as other mechanisms exist to resolve this particular issue.
12. I acknowledge that the occupiers of the building have a great interest in ecology, and the personal health issues cited by the appellant. I also note the sustainable methods used to construct the building, that the development is unlikely to impact on the living conditions of surrounding occupiers, and that the Council did not refuse permission on the grounds that the development

would have a harmful effect on the character and appearance of the area. However, neither these nor any other material consideration that have been advanced, outweighs the harm that I have identified above.

13. I have also carefully considered the implications that would follow should this appeal fail, and that the appellant argues that there is a lack of suitable or available housing in Itteringham. However, although I have a great deal of sympathy for the appellant, and the challenges that the Covid-19 pandemic has caused, my decision is based primarily on land use rather than personal circumstances and considerations. Moreover, the rights conveyed under the European Convention of Human Rights are qualified and interference with them may be justified where lawful and in the public interest.
14. The appellant refers to the change of use of a building from a holiday let to a dwelling at Belle Vue Farms¹. However, it is evident from the Council's delegated report that the building subject of the decision was considered "*worthy of retention*". That is not the case before me. Additionally, although I note the complaint made by the appellant to the council regarding the parish council, this is not determinative to the proposal before me which I considered on its own merits and in light of the evidence submitted.
15. I acknowledge that there would be benefits arising from this proposal for a single dwelling. However, those benefits by way of helping to meet the Framework's aim of generally boosting housing supply would be very limited. I also accept that the harm relates to only a single dwelling being in conflict in principle with development plan policy. Nevertheless, in the context of a statutory plan-led system, which the Framework recognises, a clear conflict with development plan policy means such harm remains a weighty matter.
16. The Council states that it is able to demonstrate a five year housing land supply. The appellant challenges this on the basis that its housing supply figure has reduced since 2020 and is likely to further reduce as a result of the Covid-19 pandemic. However, even if there was to be a shortfall in achieving a five-year housing land supply, the adverse impacts of allowing the appeal would still significantly and demonstrably outweigh the rather modest and mainly personal benefits provided.
17. The proposal would therefore not benefit from the presumption in favour of sustainable development provided by the Framework. As a material consideration, this would therefore not indicate the appeal be decided other than in accordance with the development plan, with which I find conflict as a whole.
18. Thus, for the reasons as set out above, the appeal is dismissed.

Graham Wyatt

INSPECTOR

¹ PF/20/1942