
Appeal Decision

Site visit made on 18 January 2022

by Martin Chandler BSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2022

Appeal Ref: APP/Y2620/W/21/3267614

Storage Barn, Morston Road, Blakeney NR25 7BG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr D Broch against the decision of North Norfolk District Council.
 - The application Ref PF/20/1109, is dated 8 July 2020.
 - The development proposed is Change of use and extension to existing storage barn to form new dwelling and enable rare chalk grassland creation scheme.
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Decision

1. The appeal is dismissed, and planning permission is refused.

Application for costs

2. An application for costs was made by Mr D Broch against North Norfolk District Council. This is the subject of a separate decision.

Preliminary Matters

3. The appeal is the result of the Council failing to determine the original application within the prescribed period of time. However, despite this, a decision notice was issued shortly after the appeal was lodged, and based on the evidence before me, I am satisfied that this suitably articulates the main issues. Consequently, although the decision notice does not represent a refusal of planning permission, I have assessed the appeal on the basis of the suggested refusal reasons.

Main Issues

4. The main issues are:
 - i) whether the location of the proposed dwelling would be suitable, having regard to the requirements of local and national policy; and
 - ii) the effect of the proposal on the character and appearance of the area.

Reasons

Location

5. The appeal site is located outside of the settlement boundary for Blakeney. Accordingly, for the purposes of the North Norfolk Local Development Framework, Core Strategy (2008) (CS), the appeal site is located within the countryside. Policy SS2 of the CS establishes a restrictive approach to development within the countryside and states specific criteria for such

development. The proposal would fail to comply with any of these requirements and as a consequence, the proposal would be in conflict with this Policy.

6. Despite this location, the site is situated close to other buildings. A collection of houses are located opposite the appeal site, and development is also apparent to the left of the site when viewed from the highway. In addition, services and facilities are also located near to the site. Accordingly, I am satisfied that the location of the appeal site is not isolated in the truest sense, and I note that on this matter the Council have concluded similarly. Instead, the site is experienced amongst other development, albeit with a degree of physical and visual separation. Within the evidence, I note reference to the requirements of the National Planning Policy Framework (the Framework) at revised Paragraph 80, but because the proposal would not result in the development of an isolated home in the countryside, in my judgement, this section of the Framework is not relevant to my assessment of the appeal.
7. Policy HO9 of the CS relates to the conversion and re-use of rural buildings as dwellings. As with the above policy, it also adopts a restrictive approach to controlling development and establishes specific criteria. The Council accept that the locational controls of the Policy are superseded by the Framework. This is because although the proposal would not be in an isolated location, the Framework can allow for the re-use of redundant or disused buildings in isolated locations. Consequently, this specific criteria of the Policy carries very little weight.
8. Despite this, the policy also requires compliance with other considerations, one of which relates to whether the building is worthy of retention due to its appearance, historic, architectural or landscape value. Against this criteria, the existing building is a typical barn structure. It is unremarkable in appearance and based on the evidence before me, it does not have any specific historic, architectural or landscape value. However, when considering conversions in more remote locations, the Framework does not place any particular requirement on this matter. Accordingly, I find the weight to be attached to this matter is limited.
9. The Policy also establishes a requirement around the structural capabilities of the existing building and whether it would be suitable for conversion without substantial rebuilding or extension. I note the Council's reservations regarding the structural survey that has been provided. However, in my judgement, the evidence demonstrates that much of the existing building would be retained and that therefore, it is structurally sound and suitable for conversion without substantial rebuilding or extension.
10. Having regard to the above therefore, the proposal would be located beyond the settlement boundary and therefore in the countryside. However, its location would be experienced in close proximity to existing development, and it would therefore not result in an isolated dwelling within the countryside. I also find that Policy HO9 of the CS is not entirely consistent with the requirements of the Framework. Despite the reduced weight that I give to this policy, the location of the appeal site would be in direct conflict with the locational requirements of the CS. Consequently, I conclude that having regard to local policy, the location of the site would not be suitable for the development proposed. It would therefore fail to accord with Policies SS2 and HO9 of the CS, the requirements of which are set out above.

11. Despite this conclusion, due to the tension with the Framework and the relationship with other development, the locational shortcomings of the proposal only attract moderate weight against the proposal.

Character and Appearance

12. The appeal site is located within the Norfolk Coast Area of Outstanding Natural Beauty (AONB). Accordingly, Paragraph 176 of the Framework confirms that great weight should be given to conserving and enhancing its landscape and scenic beauty.
13. Based on the evidence before me, the AONB has a rich mix of unusual and rare coastal features, and provides wide, open and unsettled areas of land which provide a sense of remoteness, tranquillity and wilderness.
14. The appeal site is currently occupied by an existing barn which represents a small building set on a large parcel of open and undeveloped arable land. Due to the scale of the building and the openness of the site, expansive views are afforded across the site to the coast beyond. These views demonstrate the tranquil qualities identified above; they hint at the remote nature of the environment and wilderness which bounds it. The scale of the building ensures that it sits quietly on the site, subservient to the important views of the landscape beyond. Accordingly, in its current form, the appeal site positively contributes to, and is entirely consistent with, the prevailing characteristics of the AONB.
15. The proposal would introduce a residential use on to the site. Associated with this would be parking provision and private and enclosed amenity space. This would introduce a substantial and obvious domestic appearance to the site which would be in distinct contrast to the form and appearance of the site in its current form. Such domestication would introduce enclosures that would detract from the open and expansive views, and due to the proposed alterations to the building, its presence within such views would increase. As a consequence, the proposal would detract from the characteristics identified above which would cause substantial harm to the AONB.
16. Coupled with the proposed conversion would be the creation of a chalk grassland to the parcel of land adjacent to the existing barn. The aim of this alteration would be to create a biodiversity enhancement as well as to introduce an enhancement to the local landscape. Based on the evidence before me, the Council accepts that the landscape proposals would bring some benefit to the site, both ecological and to the landscape. Accordingly, they should be weighed against the harm identified above.
17. The proposed benefits would be secured by way of a planning condition, instead of a legal agreement. This would not secure the management of the landscaping in perpetuity, but the 10 year period suggested would ensure that it would become well-established. As a consequence, I am satisfied that the benefits could be considered as permanent. However, although beneficial, in my judgement the benefits to the landscape would be subtle and would not substantially alter the expansive views that are already afforded by the site. Nevertheless, this element of the proposal would enhance landscape and scenic beauty and therefore, in accordance with the Framework, great weight should be afforded to it. Despite this, the benefits are self-limiting, and therefore on a

spectrum of great weight, I find that the landscaping proposals would be towards the lower end.

18. In contrast, I find that the proposed conversion and the domestication of a section of the appeal site would cause substantial harm to the AONB as identified above. Giving great weight to this matter, I find that it demonstrably outweighs the benefits set out above. Accordingly, when balancing the two aspects of the proposal, I find that overall, the proposal would cause substantial harm to the AONB.
19. As a consequence, I conclude that the proposal would harm the character and appearance of the surrounding area. It would therefore fail to comply with Policies EN1, EN2 and EN3 of the CS. Taken together, these seek amongst other things, to prevent development which would have an adverse effect on the AONB and the Undeveloped Coast.

Other Matters

20. Due to the date of the CS and the elements of inconsistency with the Framework, as well as suggested concerns with the Council's housing land supply position, it is the appellant's view that the presumption in favour of sustainable development, as described in Paragraph 11 of the Framework should be engaged. This states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless one of two criteria apply. In this instance, due to the location of the site within the AONB, I am entirely satisfied that the application of policies within the Framework that protect areas of particular importance provide a clear reason for refusing the development proposed.
21. Consequently, the inconsistency of Policy HO9 with the Framework and housing supply matters are not determinative issues, and therefore they do not alter or outweigh my findings regarding the presumption in favour of sustainable development.

Conclusion

22. For the reasons identified above, the appeal should be dismissed, and planning permission should be refused.

Martin Chandler

INSPECTOR