
Appeal Decision

Site visit made on 5 August 2022

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 24 August 2022

Appeal Ref: APP/L2630/W/22/3294700

Walcot House, Walcot Green, Diss, IP22 5SR

- 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 Derek Fiske against the decision of South Norfolk District Council.
 - The application Ref. 2021/1800 dated 5 August 2021, was refused by notice dated 20 October 2021.
 - The development proposed is conversion and extension of existing stable block to holiday accommodation (as previously approved under 2020/1952) with creation of new access.
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Decision

1. The appeal is allowed and planning permission is granted for conversion and extension of existing stable block to holiday accommodation (as previously approved under 2020/1952) with creation of new access at Walcot House, Walcot Green, Diss, IP22 5SR in accordance with the terms of the application, Ref 2021/1800, dated 5 August 2021, subject to the conditions set out in the schedule at the end of this decision.

Preliminary matters

2. I have amended the description of the development to make clear that it is the conversion and extension of the existing stable block that was previously approved.

Main Issue

3. The main issue in this case is the effect of the position of the access on the character and appearance of the area.

Reasons

4. Walcot House is a large detached dwelling in substantial grounds, one of a number of such houses in Walcot Green that are set in verdant surroundings within an agricultural countryside a short distance from the built-up area of Diss. The appeal building stands to the rear of the dwelling when viewed from the road. It has permission for conversion to a holiday let, with an extension to provide additional accommodation. Under that permission, the access to the holiday let was via the existing access to Walcot House.
5. The proposed new access is sited approximately 70m to the east of the existing driveway. It is proposed to be provided with a gravel finish to give a soft appearance with timber edge gravel boards and winds its way through an

- underused area of garden between existing trees. There are no objections on the basis of highway safety.
6. The existing permission was granted under Policy DM2.10 'Conversion and re-use of buildings in the countryside for non-agricultural use' of South Norfolk Local Plan Development Management Policies (LPDMP). Under criterion (c) the policy requires the development to be sympathetic to its setting including the consideration of associated use of external space and change of use of land, the aim being to allow reuse of existing buildings with the minimum impact on the surrounding area.
 7. Other policies mentioned in the refusal notice are Policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (JCS) adopted in 2011 with amendments adopted in 2014, and Policies DM1.4 and DM3.8 (1) and (4) of the LPDMP. Policy 2: 'Promoting good design' seeks the highest possible standards of design, with respect to the landscape setting of settlements including the urban/rural transition and the treatment of 'gateways' – which I take to mean entrances to urban areas, rather than entrances to individual properties. Policy DM1.4 deals with 'Environmental quality and local distinctiveness' and DM3.8 sets out 'Design Principles applying to all development'. In the latter, (1) seeks to protect and enhance the environment and existing locally distinctive character, and (4) requires development to be designed to respect, among other things, adjoining routes and local landscape. Within DM3.8 (4), criterion (e) is of note since it deals with "*visually attractive frontages and hard and soft boundary treatments are created to adjoining streets ...*".
 8. The highway edge of Walcot Green in the vicinity of the appeal site is marked by substantial roadside trees, and hedges, that provide a visually very satisfying sylvan character to an area that is essentially a small enclave of low-density housing. Walcot House and the adjoining Walcot Barn in particular are situated on large plots with wide frontages, but the generality of houses have more modest frontages. The hedgerows lining the road are variously tall and untrimmed or are neatly trimmed to various heights: those that are trimmed to perhaps a metre or so providing views of the dwellings and their curtilage features. One or two properties have open frontages, and there are a number that have brick walls or paling fencing at their frontage. Walcot House has, for the most part, low hedges at the back of the highway which have the appearance of being trimmed from time to time, but are not carefully kept with straight sides and tops as are some. In places, the hedge along the Walcot House frontage is rather sparse, particularly so in the length where the new entrance is proposed.
 9. There are, of course, as many entrances as there are individual properties. Taking this fact, and the description that I have given above, I consider that the council's view of the impact of an additional entrance, one that is not imposing, is somewhat exaggerated. I say 'not imposing' because the development that it would serve is modest and would not be apparent from the entrance. Furthermore, the location of the proposed entrance is at a point where the curve of the highway makes the provision of adequate sightlines to see oncoming traffic rather simple and not requiring much setback from the carriageway. In addition, any gates could be required to be set well back, both to make them less obvious and more importantly to allow vehicles to get off the highway before having to stop for gate opening, etc. This could be achieved

with a condition (as sought by the highway authority), together with landscaping on either side of the new drive away from the highway.

10. I appreciate that the existing permission provides for the holiday accommodation to be accessed by the existing, entrance to Walcot House, but I can see that mixing domestic access for the house and that for holidaying visitors is not ideal from the point of view of the appellant. I have concluded that, for the reasons given above, and with appropriate conditions, the position of new access would not have a harmful effect on the character and appearance of the area, and would not be contrary to policy 2 of the JCS, or policies DM1.4 and DM3.8 (1) and (4) of the LPDMP. Therefore I will allow the appeal.

Conditions

11. The Council has suggested a number of conditions in the event that the appeal is upheld. I have considered these in the light of Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG I have amended some of the text. In particular I have amended the text of condition 13 to remove the requirement for sidewalls/fences/hedges adjacent to the access to be splayed at an angle of 45 degrees from each of the outside gateposts to the front boundary of the site because the physical nature of the site does not require or lend itself to such layout.
12. I consider that the conditions should be imposed for the following reasons: condition 2 is required for certainty and avoidance of doubt as to the development permitted; condition 3 is to ensure that the use can be controlled in the way intended in accordance with Policy DM2.10 in respect of a specific use and where the occupation of the development as full-time residential accommodation would conflict with criteria (f) of that policy; condition 4 is to safeguard the safety and convenience of users of the highway; conditions 5 and 6 are to minimise the risk of flooding and ensure appropriate disposal of foul water; condition 7 is to ensure the conversion of the building does not have an adverse impact on protected species and to provide enhanced biodiversity; condition 8 is to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors; condition 9 is to ensure that the trees and hedges are retained in the interests of the visual amenities of the area and the satisfactory appearance of the development; condition 10 is to ensure satisfactory appearance of the development that complements and enhances the surroundings; conditions 11 – 13 are to safeguard the safety and convenience of users of the highway.

Terrence Kemmann-Lane

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development shall be carried out in accordance with the following drawings: 6093 22A Site Plan and Location Plan 6093 05 Proposed Elevations and Floor Plan
- 3) The accommodation unit shall be for holiday use only and shall not be used as the sole or main residence of the occupiers. No person shall occupy any part of the accommodation for a period exceeding six weeks. Furthermore, no person shall occupy the accommodation within a period of two weeks following the end of a previous period of occupation by that same person. The owners/operators of the holiday accommodation shall maintain an up-to-date register of the names and main home addresses of the individual holiday makers and shall make this information available for inspection at all reasonable times to the Local Planning Authority following prior written notification.
- 4) Prior to the first occupation of the development hereby permitted the proposed on-site car parking and turning area shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 5) No means of foul water disposal shall be used other than the sealed system or private treatment plant indicated on the application details. The foul water disposal shall be implemented prior to the first occupation and retained as such thereafter.
- 6) No development place other than the works required for the laying of foundations shall being until full details of the means of sustainable surface water drainage have been submitted to and agreed in writing with the local planning authority. The details should include the results from percolation tests if appropriate and incorporate installation of water efficiency and water saving devices such as rain saver systems. The development shall be carried out in accordance with the agreed details prior to being brought into use and shall be retained as such thereafter.
- 7) The development shall be carried out in accordance with the mitigation and enhancement measures as set out in section 5 of the Nocturnal Bat Survey Report prepared by Greenlight and sections 3 and 4 of the original Ecology Report both submitted on 5 August 2021. All enhancement measures shall be implemented prior to the first occupation as a holiday let and retained in perpetuity.
- 8) In the event that contamination that was not previously identified is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. All development shall cease and shall not recommence until:
 - 1) a report has been submitted to and agreed in writing by the Local Planning Authority which includes results of an investigation and risk assessment together with proposed remediation scheme to deal with the risk identified and
 - 2) the agreed remediation scheme has been carried out and a validation

report demonstrating its effectiveness has been approved in writing by the Local Planning Authority.

- 9) No trees or hedges shall be cut down, uprooted, destroyed, lopped or topped, other than in accordance with the approved plans and particulars, without the previous written approval of the planning authority. Any trees or hedges removed without consent shall be replaced during the next planting season November/March with trees of such size and species as agreed in writing with the local planning authority.
- 10) Development shall not begin until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate:
 - 1) the species, number, size and position of new trees and shrubs at the time of their planting
 - 2) all existing trees and hedgerows on the land, with details of any to be retained (which shall include details of species and canopy spread, root protection areas).
 - 3) specification of materials for fences, walls and hard surfaces
 - 4) details of any proposed alterations in existing ground levels and of the position of any proposed excavation or deposited materials
 - 5) details of the location of all service trenches
 - 6) Boundary treatmentThe scheme as approved shall be carried out not later than the next available planting season following the commencement of development or such further period as the Local Planning Authority may allow in writing. If within a period of 10 years from the date of planting any tree or plant or any tree or plant planted in replacement for it, is removed, uprooted or is destroyed or dies, or becomes in the opinion of the Local Planning Authority, seriously damaged or defective another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 11) Prior to the first occupation of the development hereby permitted, visibility splays measuring 2.4 metres x 43 metres shall be provided on each side of the access where it meets the near edge of the adjacent highway carriageway. 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.
- 12) Prior to the first occupation of the development hereby permitted the vehicular crossing over the verge shall be constructed in accordance with the highways specification (TRAD5) and thereafter retained at the position shown on the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway.
- 13) Any access gates/bollard/chain/other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of five metres from the near channel edge of the adjacent carriageway.