



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: 25 August 2022

Appeal Ref: APP/F2605/W/21/3288272

Marjoram Wood Barn, Church Lane, Little Ellingham, Norwich, NR17 1JN

- 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 Dr Jane Marjoram against the decision of Breckland Council.
 - The application Ref. 3PL/2021/1183/F dated 8 September 2021, was refused by notice dated 10 November 2021.
 - The development proposed is a change of use of former agricultural building to Residential Unit to allow for occasional overnight stays ancillary to the recreational use of the site (Retrospective)
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are: i) the suitability of the building for residential use; ii) whether the location is sustainable; and iii) whether the proposal would provide suitable living conditions of occupiers.

Reasons

3. The appeal site is situated on the edge of the small village of Little Ellingham, which has a Grade II* listed St Peter's church a little way to the north of the site. Little Ellingham is surrounded by farmland and has no defined settlement boundary. The site gains access at a point where Attleborough Road meets Church Lane, forming a 3-way junction where Church Avenue, a post-war residential cul-de-sac, runs off to the south. The access to the site is by way of a public right of way (a bridle way), that runs off this junction, which is also named on the application plans as 'Church Lane', but I suspect that this is an informal name. The junction is surrounded by houses and St Peter's church yard. Bramfield House is immediately to the north of the site, set back somewhat from the junction where the bridleway runs south past the site.
4. The appeal building is described as an agricultural barn, although I am told that the land was originally part of the garden of the Bramfield House to the north, previously owned by the appellant. I am also told that it was built some time prior to 1988. The building is rectangular in plan, has a mono-pitched roof and is clad in profiled sheeting. The entrance to the living accommodation is wooden glazed doors that are set behind the face of the building, behind large profiled metal doors that slide open on rollers. It appears that there have been no alterations to the external appearance of the building.

5. The building now contains 3 bedrooms, a lounge area, a kitchen, a toilet and an open storage bay. There is no bathroom as such, but there is an external 'portaloo' type temporary enclosure that provides a shower facility. The building sits in grassland with a number of fruit trees, with woodland on the southern part of the site. There are well established hedgerows to the east and west, the woodland to the south, and 2m high fencing, hedgerow and trees to the north.
6. The proposal is for a "residential unit to allow for occasional overnight stays ancillary to the recreational use of the site" (my emphasis added). This, on first perusal, is perhaps akin to a holiday unit that is not occupied throughout the year, and it also suggests something that is not a general residential use.
7. The fact is, the proposal is for a residential unit – that is, a dwelling coming within Use Class C3, and therefore the proposal must be regarded as one for general residential use, without restriction. Nothing has been put forward to show how the proposed use could be controlled to a more restricted use, by way of conditions or a legal agreement. I must therefore view the merits of the appeal proposal against policies governing the provision of residential development.
8. Turning to the policies of the development plan, those referred to in the refusal notice are policies HOU12, HOU05 and COM03 of the Breckland Local Plan, Adopted 2019.
9. Policy HOU12 – 'Conversion of Buildings in the Countryside' allows for the conversion of buildings for residential purposes where it has first been demonstrated that a commercial use for the building is not viable and that the building is capable of conversion without significant extension or re-building and is of value to the landscape of the district. Dealing briefly with the material points of this policy applying to this case, I accept that the building is not suitable for a commercial use because of the nature of the building, its relationship with existing dwellings (particularly Bramfield House), and the access by bridle way. However, the statement in the policy that the residential re-use of modern agricultural or industrial buildings considered to be of no aesthetic value, regardless of location, will not be considered appropriate, stands against the proposal. Furthermore, I consider that the building itself, because of the nature of the structure, its shortcomings in terms of facilities, and the matter of the internal floor to ceiling height, is not suitable for use as a dwelling.
10. HOU05 deals with development in smaller villages and hamlets outside defined settlement boundaries. It requires all of its 4 criteria to be satisfied. In my view, criterion 1 is not satisfied. The proposal cannot be regarded as infill, because it does not infill a gap in an otherwise built-up street frontage. Nor is it rounding off, as it is effectively beyond the built-up area, beyond a bridle way that marks the rear of the Church Avenue housing, within the countryside, and is not the completion of a group of buildings. The fact that it is well screened does not counter these points. Furthermore, whilst the site can be accessed from the highway, it does not have a highway frontage.
11. Policy COM03 seeks to protect amenity, especially the residential amenity of neighbouring occupiers. Restricted to a development used for occasional overnight stays, the use of the appeal building would probably not interfere unreasonably with the living conditions of the occupiers of neighbouring

dwellings, but the ramifications of an unrestricted Class C3 dwelling would need careful consideration in the light of whatever might be needed to be carried out to achieve a satisfactory dwelling.

Conclusions

12. I have found that whilst there are elements of the policy that are complied with, the proposed development would be contrary to policy HOU12 when read as a whole. I have concluded that the first criterion of policy HOU05 is not met, and therefore the development should be resisted on this basis alone. As to policy COM03, I have not come to any firm conclusion because of the uncertainty of what might actually be involved in converting/re-using the appeal building as a satisfactory dwelling.
13. My overall conclusion is that, since the proposal is tantamount to and must be judged as a proposal for an unrestricted dwelling, it would be harmful to the intentions of the 2 HOU policies. In particular, the building is unsuitable for residential use, the location is not sustainable as it is within the countryside where no exceptional reason for a dwelling has been put forward, and it would not provide suitable living conditions for occupiers.
14. Set against these matters, there is the personal need that is the underlying reason for the proposal, which is that it would allow the appellant to revisit the location where she has long association with the local community, where she lived with her parents, and where her father planted woodland for future enjoyment. In addition it would enable her daughter and dependants to use the site to get away from their London flat, which would be therapeutic, and of benefit to their well-being and mental and physical health. These are clearly private benefits of very considerable importance, but private matters rarely outweigh matters of public interest, and development will almost always outlive personal circumstances.
15. I have taken account of all the other matters raised, including appeal decisions and the council's decisions on other proposals, but none of these causes me to come to different conclusions. I have noted the reference to the 3 overarching objectives of the planning system set out in paragraph 8 of the National Planning Policy Framework, but I have found that the proposed development is not sustainable and, in any event, the nature of the proposal would not bring any significant benefit to any of the objectives. I also note that the appellant criticises the council for the way that the application was determined. However, this is not a matter for me, and does not affect the merits of the appeal.
16. For the reasons I have given, retrospective planning permission for the development should not be granted and the appeal will be dismissed.

Terrence Kemmann-Lane

INSPECTOR