



Appeal Decision

Site visit made on 7 March 2023

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 March 2023

Appeal Ref: APP/Y2620/W/21/3289452

Heath Farm, Norwich Road, Roughton NR11 8ND

- 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 Ms Amy Zelos against the decision of North Norfolk District Council.
 - The application Ref PF/21/0693, dated 10 March 2021, was refused by notice dated 7 July 2021.
 - The development proposed is demolition of existing stable block and replacement with a self-build dwelling
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has referred to draft Policy SD3 of 'the emerging local plan'. However, the evidence before me indicates that this policy has since been replaced by draft Policy SS1. The appellant has not addressed Policy SS1 in her evidence. In any case, I have no substantive evidence before me of the status of the emerging plan, nor evidence to demonstrate whether there are any unresolved objections to the policy. Furthermore, neither party has provided me with a copy of the policy. For these reasons, and given that I must determine this appeal on the evidence before me, I do not afford it any significant weight in the consideration of this appeal.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the area and in particular its effect on the Norfolk Coast Area of Outstanding Natural Beauty (AONB).
 - Whether the site is suitable for the proposed development with particular regard to the Council's strategy for the location of residential development.
 - The effect of the proposed development on the living conditions of the occupiers of Heath Farmhouse, with particular regard to privacy.
 - Whether the proposed development would provide a suitable standard of living accommodation with particular regard to its location in relation to the existing access track.

Reasons

Character and Appearance

4. The proposed development includes the replacement of an existing single storey stable block with a detached dwelling which would have a one and a half storey appearance. The existing stable block is located towards the edge of an existing cluster of buildings at Heath Farm. Despite its location close to this group of more prominent buildings, it has a modest, simple and rural appearance which assimilates well with the rural character of the surrounding area.
5. The appeal site is relatively well screened from public views by trees, hedgerows and existing buildings to the north, east and west. However, the site is partially visible from the existing buildings and land at Heath Farm as well as from various units on the boundary of the adjacent caravan park to the south-east. Furthermore, there is no significant screening to the south-west and the land to this side of the appeal site is very open, comprising paddocks with long views towards the wider countryside.
6. The appeal site is wholly within the Norfolk Coast AONB. Under section 85(1) of the Countryside and Rights of Way Act 2000 (as amended) I am required to have regard to the purpose of conserving and enhancing the natural beauty of the AONB.
7. The evidence before me indicates that the Norfolk Coast AONB comprises a valuable mixture of landscape types which are primarily influenced by their coastal location but also cultural land use characteristics and settlement patterns. Indeed, rural farmland forms a key element of the AONB and makes a positive contribution, with a varied patchwork of agricultural character infusing the landscape towards the coast. The appeal site is located within the Tributary Farmland Landscape Character Type which typically comprises of open and gently rolling farmland. In this regard, the aforementioned rural characteristics of the existing stable building are valuable and they assist in assimilating the wider cluster of development with the surrounding rolling rural landscape to the south-west.
8. The proposed development would be in a similar location to the stable block and it would also be of a similar scale and footprint. Nonetheless, the design of the building is notably residential, particularly when taking into account the chimney stack, dormer windows, brickwork, porch and rooflights. These are all features which have a far more residential character than the existing building. In addition, there would inevitably be additional residential paraphernalia within the garden and grounds of the proposed dwelling. Given the open nature of the appeal site and land to the south-west, this would further serve to erode the rural character of the appeal site.
9. For these reasons, the role of the building and appeal site in assimilating the cluster of existing development with the wider farmland character would be significantly diminished. There would be significant harm in this regard which would be appreciable from the existing land and buildings at Heath Farm and from some of the adjacent caravan units to the south-east.
10. For these reasons, the proposed development would neither conserve nor enhance the landscape and scenic beauty of the AONB. It would therefore

conflict with Core Strategy Policies EN1 and EN2 which seek to protect the distinctive character of the AONB and other landscapes, respectively.

11. The proposal is also contrary to Framework Paragraph 174a which seeks to protect valued landscapes in a manner commensurate with their statutory status.

Location of Development

12. The Appeal Site is not located within any settlement as defined within the Council's development plan. As such, it is in the countryside for the purposes of planning policy. Core Strategy¹ Policy SS1 seeks to focus residential development within settlements in accordance with the settlement hierarchy set out under the policy. In the countryside it states that development will be limited to certain types. Core Strategy Policy SS2 expands on this and lists the types of development that will be considered to be acceptable in principle in countryside locations. The proposal does not fall within any of these categories of development. It is therefore contrary to the Council's strategy for the location of residential development and conflicts with Core Strategy Policies SS1 and SS2.

Living Conditions

13. The proposed dwelling would be located a relatively significant distance from the neighbouring dwelling at Heath Farmhouse, with the front elevation facing the rear element of the neighbouring property's existing rear garden. Despite the fact that some of the garden would be overlooked, the vast majority would not be affected. Indeed, the garden is large and the primary garden space located closest to Heath Farmhouse would not be overlooked given the oblique angle between it and the proposed ground and first floor windows. As such, the proposed development would not result in any significant loss of privacy to the occupiers of this neighbouring dwelling and the proposal would accord with Core Strategy Policy EN4, which seeks in part to protect the living conditions of existing occupiers. The proposal would also comply with Framework Paragraph 130 insofar as it seeks to achieve the same.

Standard of accommodation

14. Contrary to the Council's assertion, there is no evidence to indicate that the access track would give rise to any significant noise or disturbance to future occupiers of the proposed development despite its proximity. Indeed, the evidence before me indicates that the land served by the access track is not used intensively and comprises paddocks. Occasional vehicular movements associated with such a use would not be of a level which would be incompatible with the use of the site for residential purposes. Indeed, there are already various residential uses nearby. For these reasons, the proposal would provide an acceptable standard of living accommodation for future occupiers. It would therefore comply with Core Strategy Policy EN4 which seeks in part to ensure acceptable standards of accommodation for future occupiers. The proposal would also comply with Framework Paragraph 130 insofar as it seeks to achieve the same.

¹ North Norfolk Local Development Framework Core Strategy (September 2008)

Other Matters

15. The Council has also referred to the effect of the proposed dwelling on the River Wensum Special Area of Conservation (SAC) and the Broads SAC and Ramsar sites. The alleged effects relate to increase recreational pressure and nutrient neutrality. However, given that I am dismissing this appeal on other grounds it is not necessary for me to consider these matters any further, nor undertake an appropriate assessment.

Planning Balance

16. The appellant asserts that the Council's policies for the protection of the countryside are not consistent with the less restrictive approach taken in the Framework. The Appellant has also referred to an appeal decision made in November 2021², where the Inspector concluded that the Council could only demonstrate a Housing Land Supply (HLS) of between 4 and 5 years and that the most important policies in that case were out of date. Notably, the Council has not provided a more recent position but does nonetheless maintain that it can demonstrate a HLS in excess of 5 years.
17. Even if I were to accept that Framework Paragraph 11d is engaged for the reasons cited by the appellant, Framework Paragraph 11d)i nullifies the presumption in favour of permission at 11d where policies in the Framework provide a clear reason for refusing the proposed development. I have concluded that the proposal would not conserve the natural beauty of the AONB. The proposal is therefore contrary to Framework Paragraph 174a which seeks to protect valued landscapes in a manner commensurate with their statutory status. The Framework therefore provides a clear reason for refusing the development and presumption in favour of granting permission at Framework Paragraph 11d does not apply.
18. The appellant asserts that the proposal would be a self-build dwelling which she would occupy. Under the Self-build and Custom Housebuilding Act 2015 (as amended) relevant authorities are required to keep a register of individuals seeking self-build plots within the authority's area. Relevant authorities are also required to grant sufficient permissions to meet the demand for self-build and custom housebuilding in their area.
19. However, the appellant has not provided any substantive evidence to demonstrate that the Council is not meeting its obligations in this regard. Furthermore, there is no sufficiently robust mechanism before me to ensure that the dwelling would be a self-build unit. As such, I only attribute minimal weight to the self-build nature of the proposal as a material consideration.
20. There would be social and economic benefits associated with the proposal. These would include the provision of a dwelling (potentially delivered within 1-2 years) which would add to the housing stock. There would also be a limited increase in the local population and an associated increase in support for local services and facilities. There would also be some temporary benefits from support for construction jobs. There is also the possibility of securing a net gain in biodiversity. However, given that only one dwelling is proposed, the scale of the benefits would be limited and for that reason I only afford them moderate weight. Even if I were to accept that the appeal site comprised previously

² PINS Ref: APP/Y2620/W/20/3256225

developed land (the use of which is encourage within the Framework), given the small scale of the area of land, this too only attracts moderate weight as a benefit of the proposal.

21. In contrast, Framework Paragraph 176 states that great weight should be given to conserving and enhancing landscape and scenic beauty of an AONB. Within this context, even if I accept that there is a HLS shortfall in the order of that highlighted by the appellant, the moderate weight to be afforded to the benefits of the proposal would not outweigh the great weight which I afford to the harm to the AONB.
22. The conflict with the Council's strategy for the location of residential development (Core Strategy Policies SS1 and SS2) can be afforded less weight in the context of a HLS shortfall but it nonetheless adds some additional weight to the overall balance, given the emphasis within the Framework on planning being genuinely plan-led. For the avoidance of doubt, even if no weight were attached to this conflict, given the statutory importance of conserving the natural beauty of the AONB the conflict with Core Strategy Policies EN1 and EN2 would not be outweighed by the modest benefits of the proposal.

Conclusion

23. The proposed development would not be harmful to the living conditions of neighbouring occupiers. Neither would it result in substandard living accommodation. Despite this, the proposal would fail to conserve the natural beauty of the AONB and would conflict with the Council's strategy for the location of residential development. It would therefore conflict with the development plan taken as a whole. There are no material considerations raised of sufficient weight which would outweigh this conflict. The appeal is therefore dismissed.

Luke Simpson

INSPECTOR