



Appeal Decision

Site visit made on 8 March 2023

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th April 2023

Appeal Ref: APP/E9505/W/22/3291822

Marshmans Cottage, Main Road A1064, Billockby, Fleggburgh, NR13 3AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Paul Young against the decision of the Broads Authority.
 - The application Ref BA/2021/0253/COND, dated 29 June 2021, was approved on 7 December 2021 and planning permission was granted subject to conditions.
 - The development permitted is 'Revised width of building and change use of loft space, variation of conditions 2 and 7 of permission BA/2020/0083/HOUSEH'
 - The condition in dispute is No 2 which states that: The development hereby permitted shall be carried out in accordance with the application form and submitted plans under planning reference BA/2020/0083/HOUSEH (drawing numbers RS/4380/20/01 D received by the Local Planning Authority on 18 September 2020 and RS/4380/20/02 D received by the Local Planning Authority on 02 October 2020).
 - The reason given for the condition is: For the avoidance of doubt and to ensure the satisfactory development of the site in accordance with the specified approved plans.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Planning permission was granted by the Council under reference BA/2020/0083/HOUSEH for a '3 bay garage with storage at first floor' (the original planning permission). The appellant subsequently submitted a planning application (the subject of this appeal) to vary conditions 2 and 7 of the original planning permission. The purposes of the application was to revise the width of the approved building, add 3 dormer windows, and to confirm use of the 1st floor of the building for home office and storage purposes.
3. The Council, in granting planning permission, concluded that the use of the first floor as a home office was acceptable but that the revised design would result in a development which would be out of keeping with surrounding character and would have a 'detrimental impact' on a listed heritage asset. The heritage asset referred to is Clippesby Mill, which is a grade II listed building directly to the north of the appeal site.
4. The Council's decision notice and evidence do not quantify (in the terms of the National Planning Policy Framework) the harm which is alleged to the heritage asset. On that basis, and given the absence of reference to development plan or national policies in this regard, the appellant considers that no harm is alleged. However, it is clear from the Council's evidence that there is harm alleged despite the lack of reference to policies. The appellant has had sufficient opportunity, through the appeal process, to make representations in

this respect. Furthermore, I have a statutory duty, under section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to have special regard to the desirability of preserving the listed building, its setting and any features of special architectural or historic interest.

5. As such, on the basis of the evidence before me, the main issue is whether condition 2 is necessary and reasonable having regard to the effect of the proposed development on the character and appearance of the area, including its effect on the nearby listed building.

Reasons

6. Marshmans cottage is a relatively large two storey building set within a spacious plot. The character of the surrounding landscape is rural and open, albeit there are various trees within and adjacent to the appeal site. There are two existing outbuildings on the appeal site which are both roughly rectangular in shape. One of these buildings - an existing flat roofed timber outbuilding - would be demolished and replaced with the proposed development.
7. The evidence before me indicates that the neighbouring grade II listed mill primarily derives its significance from its historic function as a 19th Century drainage wind pump as well as its prominence within the wider flat and open landscape. The buildings surrounding the mill, including within the appeal site, do not detract from its prominence given the separation distances and their more limited scale. The river Bure also makes a positive contribution to the significance of the listed building given that it is directly associated with the historic function of the mill.
8. The proposed development would be visible in conjunction with the mill when viewed from the public right of way, adjacent to the river, to the southwest of the appeal site. Whilst the increased width of the building might not be easily discernible, the dormer windows would increase the prominence of the building approved under the previous permission. The dormers would alter the appearance to an extent that the building would be more akin to a single storey dwelling than an ancillary building, despite that fact it would be smaller scale than Marshmans. For this reason, and given the relatively close proximity of the proposal to the listed building, it would detract from the prominence of mill, thereby diminishing the significance of the listed building.
9. I accept that there is an existing building in the location of the proposal. However, the proposed development would be materially more harmful than this building given the proposed increase in scale. Similarly, as a result of the three dormer windows the proposed development would be materially more harmful than the development approved under the previous permission, which represents a fallback position in this case. Whilst the appeal site is partially screened and new planting is and could be proposed, glimpsed views of the development (including dormers) would very likely be possible in the summer months and more prominent views would be attainable during winter months. Furthermore, any planting would likely take time to become established.
10. For these reasons the proposed revisions to the design of the building would be out of keeping with the character of the area and harmful to the setting of the listed mill. The harm to the heritage asset would be less than substantial within the meaning of Framework Paragraph 202. The Framework requires that this harm is weighed against the public benefits of a proposal. In this case, the

public benefits would be limited to the very small temporary economic benefit associated with support for construction jobs during the construction of the development. Conversely, the harm to the listed building should be afforded 'great weight' in accordance with Framework Paragraph 199. Therefore, the public benefits would not outweigh the harm.

11. The appeal site is also located within the Broads and the evidence before me indicates that it lies within Landscape Character Area 31: Thurne and Bure East Marshes, as defined within the Broads Landscape Character Assessment. The evidence indicates that drainage mills are an important aspect of the LCA. Indeed, with this in mind, and given that the proposal would detract from the prominence of the mill, it would also fail to conserve the landscape and scenic beauty of the Broads for the same reasons. Even if that were not the case, the heritage harm alone provides sufficient justification for the imposition of condition 2.
12. As such, condition 2 is considered necessary and reasonable in order to ensure that the character and appearance of the area is maintained and that the setting of the nearby heritage asset is preserved, in accordance with Local Plan¹ Policies DM16 and DM43 which relate to landscape and design respectively.
13. The condition is also necessary to ensure compliance with the relevant provisions of the Framework in relation to heritage assets and the requirements of Framework Paragraph 176 which, amongst other things, pertains to the landscape and scenic beauty of the Broads.

Other Matters

14. An interested party has raised concerns that the proposal could be used as living accommodation (beyond the office use allowed under condition 7). However, I consider that the wording of condition 7 is sufficient to ensure that the first floor of the building could not be used for any other purposes than prescribed. On that basis, I do not consider it necessary to modify Condition 7.

Conclusion

15. For the reasons given, the appeal is dismissed.

Luke Simpson

INSPECTOR

¹ Local Plan for the Broads – Plan period 2015-2036 (May 2019)