



Appeal Decision

Site visit made on 18 April 2023

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 19 June 2023

Appeal Ref: APP/Y2620/W/22/3305879

Morley Grange, 14 Cremers Drift, Sheringham, Norfolk NR26 8HY

- 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 Stephen Pigott against North Norfolk District Council.
 - The application Ref PF/22/0443, is dated 14 February 2022.
 - The development proposed is to build a potting shed and greenhouse.
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Decision

1. The appeal is allowed and planning permission is granted for the potting shed and greenhouse at Morley Grange, 14 Cremers Drift, Sheringham, Norfolk NR26 8HY in accordance with the terms of the application, Ref PF/22/0443, dated 14 February 2022, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan and Topographical Survey received by the Local Planning Authority on 25 March 2022; Proposed Site Plan and Proposed Floor Plan received by the Local Planning Authority on 3 March 2022; and West Elevation, East Elevation, North Elevation, South Elevation received on 20 February 2022.
 - 2) The materials to be used on the external surfaces of the development hereby permitted shall be in accordance with the details as indicated on the approved plans.
 - 3) Prior to the installation of any external lighting, details shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall then be installed and thereafter retained in accordance with the approved details.

Preliminary Matters

2. The Council recommended one reason for refusal in its Officer Report dated the 25 July 2022 relating to the Open Land Area. However, in the Council's appeal statement a second indicative reason for refusal relating to landscape impact was introduced. I note that the appellant has responded in their statement to both indicative reasons and on that basis I consider that neither of the main parties would be prejudiced by taking both into consideration.
3. During the site visit I noted that some groundworks had already taken place. This is reflected in the Council's description in its officer report which notes that the proposal is part retrospective. Section 73A of the Town and Country Planning Act 1990 makes allowance for the submission of a planning application for development which has been carried out before the date of the

application for development and consequently I have considered the appeal on this basis.

4. The majority of the submitted plans are titled with a drawing name, however the proposed site plan and proposed floor plan are not titled on the drawings. It is clear from the evidence before me that they are the proposed site plan and proposed floor plan and therefore I have included them as such. I have included the date that the drawings were received by the Council for clarity as some were submitted during the processing of the application.

Background and Main Issues

5. The appeal follows the failure of the Council to determine the planning application within the prescribed period. The Council has indicated that had it determined the application, it would have refused it. Having regard to the evidence submitted by all parties, including local residents, I consider that the main issues are:
 - whether the proposal would enhance the open character or recreational use of the land; and
 - the effect of the proposal on landscape character.

Reasons

6. The appeal site comprises an area of undeveloped land laid to grass to the south of 14 Cremers Drift which forms garden land. To the west is an area of woodland and the eastern boundary is formed of vegetation and trees. To the north is the host dwelling and beyond the appeal site to the south and east are neighbouring dwellings. The appeal site is located within the Norfolk Coast Area of Outstanding Natural Beauty (AONB). Within the appeal site is a small outbuilding, located in close proximity to a larger outbuilding which is attached to the host dwelling. The proposal would result in the provision of additional built development in the form of a single storey outbuilding to be used incidentally by the occupiers of No 14 as a greenhouse and potting shed.

Open Land Area

7. The appeal site is located within a designated Open Land Area as identified on the proposals map of the North Norfolk Local Development Framework Core Strategy Incorporating Development Control Policies September 2008 (CS). Policy CT 1 of the CS refers to Open Space Designations, and of particular relevance to this appeal, Open Land Areas. The policy states that development will not be permitted except where it enhances the open character or recreational use of the land. The reasoning behind the policy states that important open spaces within settlements have been designated to protect their current use and the visual and amenity contribution they make.
8. The appropriate test in this case is therefore whether the proposed development would enhance the open character or recreational use of the land. The proposal would extend built form further south into the area that is currently undeveloped garden land. Whilst it would be set back from the site boundaries, would be partially screened by existing vegetation and trees, the proposed footprint would be a relatively small proportion of the overall appeal site and the building would be limited in height, I acknowledge that it would introduce additional development into an area which is currently undeveloped

and would not enhance the open character of the appeal site. However, Policy CT 1 only requires development to either enhance open character or the recreational use of the land, proposals are not required to comply with both criteria.

9. The proposal would provide a greenhouse and potting shed facility for the occupiers of the host dwelling. The proposed building would sit adjacent to existing outbuildings that are also incidental to the use of the host dwelling. Whilst I understand that the proposed size of the building is larger than the dimensions of some more standard domestic greenhouse/potting sheds, it would not constitute a commercial scale or design. There is no definition before me as to what is meant by recreation or informal recreation. In my view, the proposal could reasonably be described as enhancing the recreational use of the land for those who are able to access and use it and the proposed use of the building would protect the current use of the site as garden land.
10. I note that there is planning history on and near to the appeal site relating to previous proposals for residential development, including an appeal decision¹ on a nearby site from 2007 that was dismissed. However, this proposal is for an outbuilding that would be incidental to the host dwelling and would not constitute the development of a new dwelling and is not therefore comparable. I have considered the appeal on this basis.
11. The Council have identified that there is a draft North Norfolk Local Plan (DLP) which in its current version, retains the Open Area Land but that the wording of the relevant policy differs to the currently adopted Policy CT 1. I have not been provided with the full text of the draft policy or the draft proposals map, presumably due to the early stage of preparation of the DLP. The Council attributed limited weight to this and based on the evidence before me I have no reason to disagree with its approach in this regard.
12. I therefore find that the proposal would enhance the recreational use of the land and would therefore comply with Policy CT 1 of the CS, which seeks, amongst other things, to only permit development on Open Land Areas where it would enhance the open character or recreational use of the land.

Landscape character

13. Policy EN2 of the CS seeks to protect and enhance landscape and settlement character. The appeal site is located within the Coastal Shelf Landscape Type as classified in the North Norfolk Landscape Character Assessment 2021. The Morley Hill Open Land Area provides an area of undeveloped land in an otherwise built up area and this contributes to the layout and character of the settlement. However, the proposal would not have wider landscape effects such as reducing a gap between settlements or harming the landscape setting of Sheringham, given the appeal site location within the town.
14. Looking at the local landscape character, the appeal site itself is garden land that is associated with the host dwelling. It is a relatively flat grassed area which appears visually contained, given the presence of built form to the south, north and east and the dense tree planting that sits on higher ground to the west. Whilst the proposal would introduce built form, it would be sited adjacent to an existing building, would be single storey in height and would use

¹ APP/Y2620/A/06/2021930

materials in keeping with the character and appearance of the host dwelling and existing outbuildings. Furthermore, I note that no specific harm to landscape character was identified in the Council's officer report and I concur with this approach.

15. The appeal site is located within the Norfolk Coast AONB. Paragraph 176 of the National Planning Policy Framework (the Framework) states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The scale, design and siting of the proposal means that it would not have a significant effect on landscape character and so would conserve the AONB.
16. Concerns have been raised about the provision of external lighting and the effect that this may have on the character of the area. Whilst it is noted that the proposal sits opposite and alongside existing development providing an existing built form context, it would result in built form extending out into an area which is currently undeveloped. The Council have suggested a condition which would require external lighting details to be agreed, prior to installation. I concur that this approach would help to minimise any harm from light pollution.
17. The Council refer to the close boarded fence that runs across the northern part of the appeal site. I did note the presence of this fence during my site visit however, this does not form part of the appeal proposal before me.
18. I therefore find that the proposal would not be harmful to landscape character and would therefore comply with policy EN 2 of the CS, which seeks, amongst other things, to protect and enhance landscape and settlement character.

Other Matters

19. The appeal site falls within a number of Zones of Influence² related to protected European Sites designated under the Conservation of Habitats and Species Regulations 2017 (the Regulations). This matter was not raised by the Council or the appellant, however, as the competent authority I have a responsibility to consider this in line with the Regulations. Further information was requested from the Council about this matter and in response the Zones of Influences that the site is located within were confirmed and the Norfolk Green Infrastructure and Recreational impact Avoidance Mitigation Strategy March 2021 (GIRAMS) was submitted. The GIRAMS has been developed in consultation with Natural England in response to the pressures on various European sites from residential and tourism growth across Norfolk.
20. Given the limited scale and ancillary nature of the proposal it would not result in additional people moving to or visiting the area. Therefore, the proposal would not be likely to have a significant effect on the internationally important interest features of these European designated sites, alone or in combination with other plans and projects.

² North Norfolk Coast Ramsar, North Norfolk Coast Special Area of Conservation, North Norfolk Coast Special Protection Area, Norfolk Valley Fens Special Area of Conservation, The Wash Ramsar, The Wash Special Protection Area, The Wash & North Norfolk Coast Special Area of Conservation, Broadland Ramsar, Broadland Special Area of Conservation, Broadland Special Protection Area.

21. With regard to the effect on the living conditions of the occupiers of neighbouring dwellings and the flow of traffic along the road as a result of additional vehicular movements during the construction phase, these impacts would only be temporary and are unlikely to be significant or prolonged given the nature and scale of the proposal.

Conditions

22. The Council have suggested conditions in the event the appeal was allowed. The standard commencement condition has not been applied in this case given that the groundworks of the development have already commenced. Given the early stage that the works are at, I have applied a condition to ensure that the development is completed in accordance with the approved plans.
23. A condition requiring that the development is built in accordance with the materials detailed on the plans is necessary to ensure that the development respects the character and appearance of the area. A condition is also necessary requiring the details of external lighting to be submitted and approved prior to installation and retained in accordance with the approved details to minimise the harm of light pollution on the character of the area.

Conclusion

24. For the reasons given above and having had regard to the development plan as a whole, I conclude that the appeal is allowed and planning permission is granted subject to the attached conditions.

G Dring

INSPECTOR