



Appeal Decision

Site visit made on 3 May 2023

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2023

Appeal Ref: APP/L2630/W/22/3300582

10 Lion Lane, Thurton, Norfolk NR14 6HL

- 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 & Mrs D Hayes against the decision of South Norfolk Council.
 - The application Ref 2022/0626, dated 23 March 2022, was refused by notice dated 17 May 2022.
 - The development proposed is described as “the change of use to outbuilding/store to form a dwelling, extension to existing stable block”.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) Whether the location would be suitable for housing having regard to local planning policies on residential conversions in the countryside; and
 - ii) The effect of the proposed development on the character and appearance of the surrounding area.

Reasons

Whether the location would be suitable for housing

3. The proposal is for a one-bedroom house which would provide for a small unit of accommodation. Located to the south-east of 9 and 10 Lion Lane, and adjacent to fields, are two single storey detached buildings with an area of hardstanding between the two buildings. The appeal site is located within close proximity of the highway, with the buildings themselves visible from Lion Lane. To the south of the buildings mature landscaping forms the boundaries to both the east and west. The site is located outside of any defined settlement boundary and is therefore within the countryside for planning policy purposes.
4. Policy DM2.10 of the South Norfolk Local Plan: Development Management Policies Document (DMPD) establishes the Council’s approach to the conversion or re-use of buildings in the countryside. For residential use, this requires development to be supported by compelling evidence that the existing buildings cannot be practically or viably converted for employment uses.
5. No substantive evidence has been provided by the appellant that clearly demonstrates the building cannot be converted for employment uses. This

includes any marketing evidence which the Council considers necessary to justify such uses are not viable.

6. I therefore conclude that the development is in conflict with Policy DM2.10 of the DMPD which seeks to control the conversion of buildings to residential uses in the countryside.

Character and appearance

7. The residential use of the building would inevitably result in a change to the character of the site as a whole. A sizeable area of land, which projects beyond the proposed dwelling and the rear extent of the neighbouring properties, into the field would be private amenity space. The use of this area of land would likely result in some domestic paraphernalia. A condition could be imposed for the removal of rights to extend or alter the property. However, planting and other domestication of the plot, which do not require the benefit of planning permission, could give rise to a suburban appearance contrary to the character and appearance of the site and open countryside. In addition, I consider the area of land to be disproportionate to the size of the dwelling proposed. As such the proposed development would not be sympathetic to its setting, including the associated use of external space.
8. I am of the view that the encroachment into the field, beyond the established pattern of development, would be discordant with the pattern of built form in the locality, and despite the presence of existing landscaping this area would be visible from public viewpoints along Lion Lane. Accordingly, the proposed development would not enhance the immediate setting of the converted building. As such, the proposal would not meet the exceptions listed in Policy DM2.10 of the DMPD.
9. No extensions are proposed to the building to be converted to a dwelling. In addition, the limited alterations proposed to facilitate the conversion, namely the addition of a single window and glazing to an existing door opening, would not materially alter the appearance of the building. As such the proposed works to the building would be sympathetic to the character and appearance of the existing building, and its impact would be negligible. This, however, is a neutral factor and does not outweigh the adverse impacts I have identified to the immediate setting of the converted building.
10. The site benefits from an existing vehicular access and an area of hardstanding where vehicles park clear of the highway. The plans indicate this land for the parking of vehicles for the proposed dwelling and as such, the visual impact of the proposed parking area on the wider area would be negligible having regard to the current arrangements. This is also a neutral matter.
11. The development would therefore cause unacceptable harm to the character and appearance of the surrounding area. This would conflict with Policies DM1.4, DM2.10 c) and f) and DM3.8 of the DMPD and Policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk. Amongst other matters these policies require development proposals to respect local distinctiveness, including landscape. I would also conflict with the National Planning Policy Framework (the Framework) insofar as the proposed development would cause harm to the intrinsic character and beauty of the countryside.

Other Matters

12. The dwelling would be accessed via an established vehicular access point onto Lion Lane and would have limited effect on the number of vehicles accessing the site. Consequently, there are no highway safety concerns. I am satisfied that the proposed dwelling is sited sufficiently far away from the neighbouring properties such that it would not harm the living conditions of the occupiers of the adjacent properties. However, a lack of harm in these respects are neutral factors in the determination of this appeal.
13. Details of the materials of construction, hard and soft landscaping (including tree protection and boundary treatments), could be conditioned if I were to allow the appeal. However, this does not change my position on the main issues.
14. I note the evolution of the proposal from a previously refused scheme. However, I have considered the appeal proposal on its own merits based on the evidence before me.
15. The Council raises no concerns regarding the proposed extension to the stable. Based on the evidence before me and the plans submitted, I see no reason to disagree with that assessment. However, this does not change my position on the main issues.
16. The appellant has drawn my attention to the judgement in *Cornwall Council v Corbett* [2020] EWCA Civ 508. I recognise the proposed development accords with some elements of development plan policies. Nevertheless, there is also conflict with the plan, and I must consider the consistency with the development plan as a whole.
17. The appellant specifically refers to Policy DM2.10 of the DMPD and its perceived inconsistencies with the Framework with regard to the need for marketing information. Noting that the Framework supports the re-use of brownfield sites and under-utilised buildings such as this, the Framework also supports a prosperous rural economy. Subject to consideration of the criteria of this policy, overall, it is supportive of the re-use of buildings in the countryside. I therefore consider this DMPD policy to be consistent with the overall aims of the Framework and carries the full weight of the development plan.
18. I note the benefits of the re-use of this under-utilised building for residential purposes in making a positive contribution towards the supply of housing. I also acknowledge that the Framework is supportive of small and medium sized sites, such as this site, which can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly. The development would also give rise to some economic benefits during the construction phase and provide limited support to local services. Whilst these elements weigh in favour of the proposal, given the small scale of the development proposed, these benefits are limited.
19. Both local and national policy is supportive of the re-use of existing buildings in principle, and I have given limited weight to making efficient use of previously developed land. However, as set out above, the development would be inconsistent with specific local plan policies governing such conversions, which weighs significantly against it. The appellant has drawn my attention to paragraph 80 of the Framework. This relates specifically to isolated dwellings in

the countryside only. Even if I considered it as such, criterion c) also requires enhancement to the immediate setting of redundant or disused buildings. For the reasons given above, the development would not meet this requirement. Therefore, this paragraph provides no additional support for the proposal.

20. The appellant disputes whether the Council can demonstrate a five-year supply of deliverable housing sites. Even if I were to accept this position, the adverse impacts of the development would significantly and demonstrably outweigh the limited benefits when assessed against the policies in the Framework when taken as a whole.
21. Further to the above, and having regard to paragraph 11 of the Framework, the development would not therefore benefit from the presumption in favour of sustainable development in any event.

Conclusion

22. I have identified that the proposal would not be in a location suitable for housing having regard to local planning policies on residential conversions in the countryside and would harm the character and appearance of the surrounding area which would conflict with the policies of the development plan and the Framework. Although the proposal may comply with other policies, it would conflict with the development plan as a whole. There are no other considerations, including the Framework, that outweigh this conflict. For the reasons given above, I conclude that the appeal should be dismissed.

R Gee

INSPECTOR