



Appeal Decision

Site visit made on 25 May 2023

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2023

Appeal Ref: APP/Y2620/W/22/3298602

The Hayloft, Staithe Road, Ludham NR29 5NP

- 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 Vernon Enever against the decision of North Norfolk District Council.
 - The application Ref PF/21/2851, dated 24 October 2021, was refused by notice dated 21 December 2021.
 - The development proposed is conversion of garages into 2 bedroom dwelling. Setting out parking and installation of electric car charging points.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of garages into 2 bedroom dwelling. Setting out parking and installation of electric car charging points at The Hayloft, Staithe Road, Ludham NR29 5NP in accordance with the terms of the application, Ref PF/21/2851, dated 24 October 2021, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issue

3. The main issue is whether the appeal site is a suitable location for the proposed development having regard to local and national planning policy for the re-use of rural buildings as residential dwellings.

Reasons

4. There is no dispute between the main parties that the appeal site is situated in the countryside outside any defined settlement boundary.
5. The North Norfolk Core Strategy (CS), with the incorporated development control policies, comprises the development plan for this area. Policy SS 2 of the CS allows certain types of development within the countryside. However, it is restrictive of open market dwellings in such a location in order to prevent the dispersal of residential uses that may otherwise result in a dependency on travel by car to reach basic services, to ensure more sustainable patterns of development, and to protect the quality and character of the countryside.

6. The accompanying text to Policy SS 2 notes that, while some development is restricted in the Countryside, particular other uses will be permitted in order to support the rural economy, meet local housing needs and provide for particular uses such as renewable energy and community uses. The appeal scheme does not include affordable housing, nor is it for renewable energy or community use.
7. Given the proximity of other dwellings, I do not consider that the appeal site would be 'isolated' for the purposes of the National Planning Policy Framework (the Framework), since it cannot be said that it would be far away from other places, buildings or people. Additionally, the Framework¹ advises that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
8. The appeal site is located within easy walking distance from the settlement of Ludham. Access to Ludham is taken by a narrow road (Staithe Road) which has no dedicated footway and no street lighting. Nevertheless, the surrounding boundary treatments, low levels of traffic and long open road allow for high levels of visibility. There are also numerous passing places for pedestrians, including those with limited mobility and other vehicles along the road, such that using the road would not deter pedestrians. Having walked the short distance into the centre of Ludham, I observed a number of shops and services, including a doctors surgery, primary school/nursery, butchers, food/retail shop, public house and petrol station, amongst other businesses. A bus stop was also evident.
9. On the basis of the above, I find that the occupiers of the proposed dwelling would not be dependent on a car to access basic level services. The proposal would, therefore, represent sustainable development in the sense of ready accessibility to a range of essential services and facilities. Additionally, the future occupiers would, albeit to a limited degree, support the rural economy of Ludham. I find that the re-use of the appeal building would not result in car-dependent travel and would enhance the rural economy. As such, the re-use of the appeal building would be appropriate in accordance with the aims of Policy SS 2 of the CS.
10. In addition to Policy SS 2, CS Policy HO 9 also deals with the conversion and re-use of rural buildings as dwellings. Policy HO 9 sets out the criteria by which such schemes will be considered. Amongst other things, it states that the building is worthy of retention due to its appearance, historic, architectural or landscape value, and it is structurally sound and suitable for conversion to a residential use without substantial rebuilding or extension and that the alterations protect the character of the building and its setting.
11. Criteria 1.,4. and 5. of Policy HO 9 are not disputed by the Council, in regard to criterion 2. I note that consent was granted for an extension² to an existing garage on site. That permission has resulted in a modest, simple building with a rural appearance which assimilates well with the rural character of the surrounding area. Furthermore, there is also a wide variety of housing styles of varying ages within the surrounding area such that the appeal building does not look out of place given its timber construction and red tiled roof. As the

¹ Paragraph 79

² Ref: PF/16/1026

appearance of the building is in keeping with its surroundings, I find no reason to conclude it is not worthy of retention.

12. Whilst I have not been provided with a structural survey, there is no substantial evidence before me to conclude that the appeal building is not structurally sound. Based on the submitted plans, there would be some external alterations required to the appeal building to allow for the insertion of doors, windows and solar panels. Based on these minor alterations, which would not fundamentally alter the appearance of the building, I find there would be no harm to the character of the host building or its setting.
13. I acknowledge the Council's comments in relation to the accompanying text associated with CS Policy HO 9. As I have established above, the appeal building does have some architectural value through its modest rural appearance, and the appeal scheme would not require significant extension or alterations. Furthermore, whilst part of the building can be considered to be recently constructed, that cannot be said for the whole of the building. Additionally, as the original building was a garage and the application approved in 2016 was for an extension, it was not constructed for another purpose.
14. For the reasons set out above, I conclude that it has been shown that the appeal site is a suitable location for the proposed development, having regard to local and national planning policies for the re-use of a rural building to a dwelling. The proposal would not conflict with CS Policies SS 2 or HO 9. The proposal would also comply with requirements within the Framework, which seeks to avoid isolated dwellings within the countryside and the need for development to be sympathetic to local character.

Other Matters

15. The appeal site is located within the Ludham Conservation Area (CA). As such, I have had regard to the duty to pay special attention to the desirability of preserving or enhancing its character or appearance.
16. The significance of this part of the CA lies largely in the form, scale, detailing and materials of its historical buildings of different ages and styles. Closer to the village centre of Ludham, buildings are more densely packed together. Moving away from the village toward the appeal site, the character changes to dispersed detached dwellings again of varying style and age that are widely spaced out with well-sized gardens.
17. For the purposes of the Framework, the CA is a designated heritage asset. The re-use of the building to a dwelling would include the introduction of domestic paraphernalia into the garden and other domestic features. These would nonetheless be seen within the context of other nearby dwellings and their gardens. Within the overall context, I consider that the proposal would, given the limited alterations proposed, preserve the character and appearance of the CA and buildings close to the appeal site within it. Additionally, there would be no conflict with CS Policies EN 2 or EN 8, which amongst other things, seek to protect heritage assets.
18. Interested parties have raised concerns that should the appeal be allowed, this would set a precedent for future infill development in the CA. The appeal scheme involves a conversion of an existing building and would not be an infill development. Nevertheless, each application is determined on its own merits

and should a future application be submitted within the CA, it would be for the Council to determine whether or not any harm would be caused to the heritage asset.

19. An objection has been received from an interested party about potential impacts on biodiversity. However, there is no substantive evidence before me to conclude that the proposed scheme would have a negative effect on wildlife within the surrounding area given the limited alterations proposed.
20. In finding the appeal scheme acceptable with regard to being in a suitable location for the reasons set out above, there is no need for me to consider matters related to affordable housing or other matters related to other routes available for home ownership. Additionally, matters related to the Land Registry are not relevant to the appeal. Having considered the application form and appeal form, I am satisfied that they are procedurally correct, and there is no substantive evidence before me to conclude otherwise.

Conditions

21. The Council has suggested six conditions should the appeal be allowed. I have had regard to these in light of the advice contained within the Framework and the Planning Practice Guidance.
22. For clarity and precision, and to ensure compliance with the PPG, I have undertaken some minor editing of the suggested conditions where necessary.
23. In addition to the standard time limit condition, I have imposed one requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty.
24. To protect the character and appearance of the area, a condition relating to external materials is imposed.
25. For highway safety reasons and to ensure adequate parking is provided, conditions are required in relation to the access and the provision of parking for the dwelling. However, as insufficient detail to demonstrate that 3 cars can be parked on-site and can also enter and exit in forward gear, these details will need to be agreed upon before the occupation of the dwelling by the Council.
26. A condition is imposed in relation to flood risk to ensure the safety of future occupiers.

Conclusion

27. For the reasons set out above, the appeal is allowed.

A Hickey

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: C439/LO/01 and C439/PL/04.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no C439/PL/04 and as stated in the planning application form.
- 4) Any access gates, bollards, chains or other means of obstruction shall be hung to open inwards, set back, and thereafter retain a minimum distance of 5 metres from the near channel edge of the adjacent carriageway.
- 5) The dwelling shall not be occupied until a parking plan which provides for the parking of three cars with sufficient space to enter and exit the site in forward gear has been submitted to and approved in writing by the local planning authority, and the dwelling shall not be occupied until that parking plan has been constructed in accordance with the approved details. The parking spaces shall thereafter be retained.
- 6) The development hereby approved shall be occupied in accordance with the Flood Risk mitigation and evacuation measures as set out in Section 6 of the Flood Risk assessment (ref: 2835/RE/11-21/01) prepared by Evans Rivers and Coastal dated November 2021. This shall include the preparation of a Family Flood Plan to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The approved Family Flood Plan shall thereafter be implemented in accordance with the agreed details.

END OF SCHEDULE