



Appeal Decision

Hearing held on 19 September 2023

Site visit made on 19 September 2023

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 10 October 2023

Appeal Ref: APP/Y2620/W/23/3323366

Field and storage barn, Morston Road, Blakeney, Norfolk NR25 7BG

- 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 Broch against the decision of North Norfolk District Council.
 - The application Ref PF/21/1524, registered 2 June 2021, was refused by notice dated 2 December 2022.
 - The development proposed is described as change of use and extension to existing storage barn to form new dwelling and enable rare chalk grassland creation system.
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Decision

1. The appeal is dismissed insofar as it relates to the change of use and extension to existing storage barn to form a new dwelling. The appeal is allowed insofar as it relates to the creation of chalk grassland, and planning permission is granted for the creation of chalk grassland at Field, Morston Road, Blakeney, Norfolk NR25 7BG, in accordance with the terms of the application Ref PF/21/1524, dated 2 June 2021, and subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) Insofar as it is relevant to the development hereby permitted, the development hereby permitted shall be carried out in accordance with the following approved plan: 2631-30-201F Landscape Masterplan.
 - 3) The development hereby permitted shall be carried out in accordance with the submitted Method Statement for Creation of Calcareous Grassland, dated 27 September 2021.

Preliminary Matters

2. The application form was incorrectly dated insofar as the ownership certificate postdates the declaration. I have therefore used the date that the application was registered in the banner heading above.
3. I have modified the address in the banner heading above to include reference to the field within which the 'barn' stands, as the appeal scheme relates to each. For the purposes of my decision above, I have referred to the field only.
4. The barn stands in the southwest corner of the field. The Council considers that the lawful use of both is agricultural. This is consistent with the application form which states that the barn is in use for agricultural storage. It is also consistent with the planning history which shows that the barn has previously been described in a similar way. Whilst the appellant has nonetheless claimed

that the barn is now used for 'general storage', no specific details have been provided. For the purposes of my assessment, I shall therefore treat the site as being in wholly agricultural use. To the extent that it is relevant, it is not therefore previously developed land. It remains open to the appellant to separately seek a certificate of lawful use relating to the barn.

5. At the time of my visit various items of domestic garden furniture had been arranged around the barn, and garden string lights had been attached to the exterior. As these features have no obvious relationship to the agricultural use, I have attached little weight to their presence for the purposes of my assessment. Insofar as I additionally observed a skip and several boats near to the barn, I have treated their presence as temporary.
6. The phrasing used for the description of development lacks clarity in its reference to a 'rare chalk grassland creation system'. As this part of the proposal can be more clearly understood as the 'creation of chalk grassland', I have used this wording in my assessment below, and in my decision above.
7. In the Council's view the creation of chalk grassland would involve agricultural activities that do not require planning permission. The appellant however disputes this on the basis that the scheme should be considered as being primarily a conservation exercise, and that inversion ploughing would involve an engineering operation. It is beyond the scope of this appeal to make a formal determination either way. I shall therefore assess the scheme as set before me.
8. An amended landscape plan and lighting strategy were submitted at appeal. These provide minor modifications to the scheme, but do not result in any fundamental change. Though the Council has raised concerns, I am satisfied that given the nature of the changes it would not be procedurally unfair to any party for me to take this material into account.
9. This appeal follows a previously dismissed 2022 appeal (the previous appeal) relating to a substantially similar scheme. The principal differences between the 2 schemes resides in the design of the dwelling and the landscaping around it.

Main Issue

10. The main issue is whether the site is a suitable location for the proposed development having regard to its effect on the character and appearance of the area, including the North Norfolk Area of Outstanding Natural Beauty (AONB).

Reasons

Location

11. Policy SS1 of the North Norfolk Core Strategy 2008 (the CS) sets out the Council's spatial strategy. This seeks to achieve a sustainable distribution of development focused on a hierarchy of settlements defined by settlement boundaries.
12. The site is located adjacent to, but immediately west of the defined settlement boundary of Blakeney. It thus forms part of the countryside for the purposes of the CS. A ribbon of housing exists to the south, and some further dwellings exist to the west of the site, all also outside the settlement boundary. The site is nonetheless a parcel of agricultural land which provides a substantial break

in the developed frontage, and which provides strong physical and visual links with the broader landscape. That being so, the proximity of the built-up area of the settlement, together with existing outlying housing, does not indicate that the site should be considered as anything other than countryside.

13. Policy SS1 of CS restricts development outside settlement boundaries to that which supports the rural economy, meets affordable housing needs or provides renewable energy. Policy SS2 of the CS sets out a range of more detailed criteria, with the overarching requirement being that development requires a rural location.
14. To the extent that the scheme includes the creation of chalk grassland that would be grazed by cattle, it requires a rural location. Notwithstanding a likely reduction in the agricultural productivity of the land, its use within this context would continue to make a contribution to the rural economy. The creation of chalk grassland would not therefore conflict with Policies SS1 and SS2. This is however less clearly the case in relation to the dwelling.
15. It has been claimed that a conservation grazer would only place cattle in the field if they were supervised. However, though a submitted Unilateral Undertaking (UU) ties occupancy of the dwelling to creation and management of the chalk grassland, it contains no requirement for the occupants themselves to be directly involved. Indeed, neither the creation nor the management of the chalk grassland, including the supervision of cattle, would require any on-site residential presence.
16. Future occupants of the dwelling would be economically active. However, it is likely that this activity would occur in relation to the adjacent defined settlement, rather in relation to the broader rural area, or indeed to any specific rural enterprise.
17. It is claimed that an uplift in value related to the provision of a dwelling would generate financing for, and thus enable creation of chalk grassland. However, I have been provided with no detailed figures or economic rationale. Interested parties have additionally suggested other sources of potential finance for standalone projects of this type within the AONB. In any case, whether or not the creation of chalk grassland is considered desirable, it is not necessary in itself, and cannot therefore be held to necessitate the provision of a dwelling.
18. Whilst no convincing functional or economic link between the 2 components of the scheme has therefore been demonstrated, it is furthermore apparent that the dwelling and chalk grassland are physically severable and capable of separate delivery.
19. For the above reasons, despite the fact that the creation of chalk grassland would be acceptable, considered as a whole, the appeal scheme would conflict with Policies SS1 and SS2. Here the Council's concern is the scheme's effect on the character and appearance of the area.

Character and appearance

(a) Context

20. The site is located within an area of locally designated undeveloped coast, and more importantly lies within the AONB, within which there is a duty to have regard to the purpose of conserving and enhancing natural beauty. Paragraph

176 of the National Planning Policy Framework (the Framework) furthermore states that great weight should be given to conserving and enhancing landscape and scenic beauty within Areas of Outstanding Natural Beauty. I shall assess the scheme accordingly.

21. The field slopes gently northward towards the coastal path, beyond which there lies an extensive band of salt marshes, and then the sea. Both the field and the landscape beyond are predominantly open and flat. This allows for extensive long-ranging views across the site, through the existing access on Morston Road in particular. Whilst the barn stands close to the access, its positioning and scale do not significantly obstruct the view. These views are likely to increase seasonally, and/or when the boundary hedge across the frontage is trimmed. They allow appreciation of the visual quality and character of the coastal landscape to an extent not possible along adjacent sections of Morston Road. They also allow perception of the physical connection between land along the coastal fringe and the more natural landscape beyond, the emptiness of which evokes a sense of remoteness, tranquillity, and wilderness. The latter are important attributes of the wider AONB and are also identified in broader within the Council's landscape character assessment. For the above reasons the site makes a strongly positive contribution to the natural, landscape and scenic beauty of the AONB.
22. The field is partly enclosed by a mix of hedging and recently erected stock fencing and has been used for growing various arable crops in the past. It forms one of a series of fields which are visible from the coastal path. Most lack the same degree of openness or provide the same level of value in visual or landscape terms as the appeal site. Whether or not the latter once contained chalk grassland is open to speculation, and no evidence has been provided. However, its current 'intensive' agricultural use does not diminish its positive contribution to the AONB as identified above.
23. A band of trees and shrubs described as a 'shelterbelt' has recently been planted across the centre of the field. They may or may not eventually obscure the view. However, at present they do little to disturb either it, or the overall openness of the site. Many of the trees otherwise appear to have perished and others are evidently struggling to become established. I therefore place little weight on the presence of this planting for the purposes of my assessment.

(b) Dwelling

24. The proposed dwelling and its surrounding curtilage would be screened by narrow sloping bunds of indeterminate height. These would be covered by planting which would take around a decade to establish. Assuming that it did so successfully, it would apparently reach a maximum height of 7-8 metres, with subsequent management secured by the UU. Its likely density and seasonal effectiveness are difficult to judge based on the evidence before me, and the illustrative CGIs cannot be considered to provide a wholly reliable guide. However, even if the dwelling was effectively screened, the formation of heavily planted bunds would be at odds with the prevailing openness and flatness of the field and adjoining coastal landscape. It would also result in a reduction in the quality and availability of views across the site. In these regards the proposed screening would be incongruous, diminishing the positive contribution that the site currently makes to appreciation of the landscape, natural and scenic beauty of the AONB. The harm caused would be significant.

25. A hedge runs to the west of the barn, and the residential plot beyond contains mature planting, much of which is of domestic character. Unlike the appeal site no views across the adjacent plot exist, and it is not perceived as forming an integral positive component of the broader landscape. Therefore, whilst planting around the proposed dwelling might generally merge to some extent with that adjacent, this would not lessen the harm I have identified above.
26. The proposed dwelling would retain the barn's shed-like appearance with new windows principally located on what is currently the least exposed elevation. Artificial light levels could be subject of some control, and the bund and planting would eventually reduce the extent to which the dwelling and the domesticated space surrounding it would be visible. This would be similarly true of any domestic paraphernalia placed outside, and any parking within the curtilage. This would not however be sufficient to prevent public appreciation of the domestication of this part of the site or of its domestic use. Whilst this would be most apparent during the decade or so the planting took to become established, it would also be permanently manifest through ongoing normal everyday activities. These could include movements to and from the dwelling, deliveries, and waste collection. Domestication and its appreciation would amplify the intrusive nature of this part of the appeal scheme.
27. Policy HO9 of the CS sets out a range of criteria for conversion and reuse of rural buildings, which include worthiness for retention. As the barn exhibits little intrinsic quality, its reuse would conflict with Policy HO9. Policy HO9 however takes a more restrictive approach than the Framework, which broadly supports the 'conversion' of buildings on environmental grounds. Draft policy in the emerging Local Plan is also more permissive, albeit this remains at a relatively early stage having yet to be examined. Nonetheless, given inconsistency with the Framework I attach little weight to the scheme's conflict with Policy HO9. This does not however make any difference to the harm I have identified above.

(c) Chalk grassland

28. The proposal to create chalk grassland has not been presented as providing mitigation for or offsetting the harm that would be caused by the proposed dwelling. However, in the absence of any other necessary linkage between the 2 parts of the appeal scheme, this appears to be the only way in which its provision could be legitimately secured by the UU. An assessment of the overall effect of the scheme on the AONB otherwise requires an overall balance.
29. The proposal is largely the same as was presented within the scheme subject of the previous appeal. In that case the Inspector assessed the effects and related benefits as if permanent, notwithstanding the absence of any mechanism to secure them in perpetuity. In the current case the appellant has sought to address this point through obligations contained within the UU. Whilst I can therefore consider the effects and related benefits as permanent, in practice, this is no different to the approach taken by the previous Inspector. In this regard his finding that the benefits would be 'self-limiting' clearly related to the level of change that would arise, rather than to the 10-year duration of management then proposed. Indeed, whilst the successful creation of chalk grassland would deliver positive change that would enhance the natural beauty of the AONB, the effects would be subtle, and would not substantially alter perception of the visual qualities of the site and its place within the broader

landscape. The local rarity of chalk grassland and its potential biodiversity value if successfully established would not alter this. The magnitude of positive effect on the AONB would be markedly less than the adverse effect of the proposed dwelling. The overall impact of the appeal scheme on the AONB would therefore be negative.

30. The scheme additionally includes a proposal to maintain the whole of the frontage hedge at 1 metre in height to improve views across the site. As trimming is an ordinary feature of hedgerow management, and the hedge itself has evidently been subject of past trimming, it is hard to see what additional benefit this proposal would deliver. As agricultural hedgerows are normally allowed time to grow, there would be some additional risk that the hedge would assume a manicured appearance, more akin to that of a domestic boundary. This proposal would not therefore alter the overall adverse effects of the scheme identified above.
31. Nor would removing a pole mounted substation from the periphery of the field which at present has a negligible visual presence.
32. A number of nearby developments have been brought to my attention. However, insofar as the appeal scheme requires site specific consideration, I have assessed it on its own merits.

(d) Conclusion

33. For the reasons set out above I conclude that the site is an unsuitable location for the proposed development given its overall adverse effect on the character an appearance of the area including the AONB. Aside from the policy conflicts outlined above, the development would additionally conflict with Policy EN3 of the LP, given that it would be significantly detrimental to the existing open coastal character of the area; Policy EN2 of the LP, that seeks to secure development which protects, conserves, and where possible enhances the special qualities and local distinctiveness of the area; and Policy EN4 of the LP, which seeks to restrict development that does not preserve or enhance the character and quality of an area. It nonetheless remains the case that if considered according to its severable component parts, the creation of chalk grassland would not in itself give rise to conflict with any of the above policies.

Other Matters and Considerations

34. The appeal scheme would conflict with the development plan taken as a whole. The Council however lacks a demonstrable 5-year supply of deliverable housing sites (5YHLS), with the supply standing at around 4.9 years. The Framework therefore indicates that for the purposes of decision making the policies most important for determining the application are deemed 'out-of-date'. I have otherwise reached this conclusion in relation to Policy HO9. Even so, to the extent that the policies with which I have identified conflict address protection of the countryside and coast, together with appropriate design, I am satisfied that they broadly reflect similar considerations set out within the Framework. When assessed against the Framework itself, my findings in relation to the AONB provide a clear reason for refusing planning permission.
35. The development would utilise an existing building to provide a single open market dwelling in a location with reasonable access to services. This would make a very limited contribution towards addressing the minor shortfall in the

Council's 5YHLS. Even were I to attach significant weight to the related social, economic and environmental benefits, they would however be incapable of outweighing the harm I have identified above.

36. Planning permission was partly refused on the basis that the development would fail to mitigate likely significant effects on the integrity of nearby habitats sites due to increased recreational use. These effects would arise solely from occupation of the dwelling. During the course of the appeal the appellant paid a contribution in accordance with the Council's mitigation strategy, secured by a Section 111 Agreement. Had I resolved to grant planning permission for the dwelling this would have been a matter requiring further consideration. As I have not, I shall assess this matter no further.
37. My assessment above turns on the adverse effects of the proposed dwelling. I have however established that the creation of chalk grassland would not be unacceptable, and that it exists as a severable part of the scheme. I have therefore considered the merits of issuing a split decision, and having done so resolved to allow the appeal insofar as it relates to the creation of chalk grassland. This is notwithstanding the appellant's indication that this would not occur unless planning permission was also granted for the dwelling. Planning permission ultimately runs with the land. Within this context the obligations contained within the submitted UU are redundant and unnecessary, and so too is the financial contribution made in relation to habitats sites. I have therefore taken neither into account.

Conditions

38. I have imposed standard conditions setting out the time period for commencement of development and identifying the approved plan for sake of certainty. The wording used clarifies the limits of the permission.
39. The parties have provided an agreed list of conditions, but as the majority relate to the dwelling, they are irrelevant. Though a condition has been requested which requires submission of a detailed ecological design strategy relating to the chalk grassland, I am satisfied that a simple requirement for the works to be carried out in accordance with the submitted method statement is sufficient. This will help to ensure that the works are carried out appropriately.

Conclusion

40. For the reasons set out above the effects of the development when considered as a whole would be unacceptable, giving rise to conflict with the development plan. There are no other considerations which alter or outweigh these findings. When considered in its severable component parts I have nonetheless found that creation of chalk grassland would be acceptable. I therefore conclude that the appeal should be dismissed insofar as it relates to the proposed dwelling, and allowed insofar as it relates to the creation of chalk grassland.

Benjamin Webb

INSPECTOR

APPEARANCES

For the Appellant

Philip Atkinson	Lanpro
Charles Banner KC	Keating Chambers
Daniel Broch	Appellant
Ryan Carroll	Lighting Impact and Planning
Charles Judson	Lanpro
Lisa Lipscombe	Partner of Appellant
Daniel Orford	Lanpro
Mark Topping	Lanpro

For the Council

Cathy Batchelar	Senior Landscape Officer
Alison Hutchinson	Hutchinsons Planning

Interested parties

Victoria Holliday	District Councillor
Barry Howes	Local resident
Diana Howes	Local resident
Rosemary Thew	Parish Council
Richard Wheeler	Local resident