



Appeal Decision

Site visit made on 28 February 2024

By Terrence Kemmann-Lane JP DipTP FRTPI MCMi

an Inspector appointed by the Secretary of State

Decision date: 12th March 2024

Appeal Ref: APP/F2605/D/23/3330155

Walnut Cottage, South Green, Mattishall, NR20 3JZ

- 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 Paul Adrian Snowie against the decision of Breckland Council.
 - The application Ref 3PL/2023/0515/HOU, dated 16 May 2023, was refused by notice dated 10 July 2023.
 - The development proposed is a two bay cart shed.
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Decision

1. The appeal is allowed and planning permission is granted for a two bay cart shed at Walnut Cottage, South Green, Mattishall, NR20 3JZ in accordance with the terms of the application, Ref 3PL/2023/0515/HOU, dated 16 May 2023, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) No development hereby permitted shall be commenced, including any removal of soils, until the tree protection works and any pre-emptive tree works required by the approved Arboricultural Impact Assessment, Tree Protection Plan (TPP) and Arboricultural Method Statement prepared by AT Coombes Associates have been carried out and all tree protection barriers are in place as indicated on the TPP, and written confirmation has been obtained from the appointed arboriculturist to confirm that tree protection is in place as specified. The protective fencing shall be retained in a good and effective condition for the duration of the construction of the development and shall not be moved or removed, temporarily or otherwise, until all site works have been completed and all equipment, machinery and surplus materials removed from site, unless the prior written approval of the Local Planning Authority has been sought and obtained.

Main Issue

2. The main issue in this case is the effect of the proposed cart shed on the character of the street scene.

Reasons

3. Walnut Cottage is a 2-storey dwelling that sits on a shallow plot, since a cottage (Garden Cottage) has been built on land to the rear. The appeal cottage has a small rear garden between it and Garden Cottage. At the front of

Walnut Cottage there is a paved area and a short length of grass verge which fronts the highway. Beyond this grass verge, there is a fairly thick hedge and tree. The proposed cart shed would be located in the area, beyond the cottage and behind this hedge. The paved area rises from the point of entry to the site so that, at the point proposed for the shed, there is a bank about 1m high along the highway edge which elevates the proposed location of the shed above the road.

4. Just to the south of the site is an Anglian Water depot, whilst to the north the next house is Wisteria Cottage. This 2-storey dwelling sits back from the road behind its front garden. The next dwelling to the north is Victory Bungalow, a single storey dwelling that sits close to the road behind a shallow gravelled front garden. This is followed by Jenna, a bungalow with a substantial front garden; beyond this is Orchard House. Orchard House has a substantial brick and pantiled shed structure, that from its appearance might be getting on for 100 years old, side on and next to the highway boundary. A little further along, the 2-storey house, Endways, a long established house, lives up to its name by being sited at 90° to the highway, the flank wall being within a metre or so of the carriageway edge. This description is sufficient to give the variety of development in the vicinity and its relationship to the highway.
5. The appeal site is about 1km from Mattishall village and outside the settlement boundary and therefore it is the policies for the protection of the countryside that apply. Policies COM01 and GEN02 of the Breckland Local Plan (Adopted 2019) seek to ensure the highest standards of design are achieved in all new development and requires new development to respect and be sensitive to the character of the surrounding area. I have been supplied with a draft copy of the Mattishall Neighbourhood Plan, which does not appear to have been made, and none of its emerging content is mentioned by the council.
6. There is no criticism of the design of the proposed cart shed, which would have the appearance of a traditional rural building with timber cladding and a pantiled pitch roof. With regard to its siting, as described in paragraph 3 above, the shed would sit on slightly raised land, relative to the highway, and behind a substantial hedge. It would therefore not be prominent from the public domain. As the description of the locality given in paragraph 4 shows, frontage development within about 250m or so includes existing development close to the highway boundary, or effectively on it.
7. My conclusion follows from these observations: the proposed cart shed would not be a prominent form of development, nor out of keeping in character or detrimental to the street scene in this location. For these reasons I consider that the proposal is not contrary to the development plan policies mentioned. Therefore, the appeal will be allowed.

Conditions

8. The statutory condition that provides a time limit on the start of development must be imposed. In addition, the council has suggested 3 conditions in the event that the appeal is upheld. I have considered these in the light of Planning Practice Guidance.
9. The first condition ensures that the development should be carried out in accordance with the plans. I agree that this is necessary for certainty and avoidance of doubt as to the development permitted (and can be incorporated

into the wording of the decision). The second condition suggested that the materials match those used in the existing building. However, the walls of Walnut Cottage are constructed of bricks, whereas the proposed cart shed is shown on the drawing and on the application form as having walls of horizontal larch-lap cladding on a brick plinth. Therefore this condition is inappropriate, and the matter of materials can be dealt with by the first condition.

10. The third suggested condition is to ensure the protection of trees during the development, which I consider is necessary from the outset of the development to maintain the screening of the development and for the sake of ecology. This is a pre-commencement condition. Such conditions need to be in this form because the matter they deal with could be compromised by any works that take place as part of the development.
11. In accordance with Section 100ZA(5) of the Town and Country Planning Act 1990, if the decision maker is minded to grant planning permission subject to pre-commencement condition(s) he/she may only do so with the written agreement of the appellant to the terms of the condition(s). In this case the appellant has clearly stated that this condition is acceptable.

Terrence Kemmann-Lane

INSPECTOR