

Appeal Decision

Site visit made on 15 April 2024

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 May 2024.

Appeal Ref: APP/Y2620/D/23/3335606

The Old Workshop, Sloley Road, Sloley, Norfolk NR12 8HA

- 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 and Mrs Harper-Gray against the decision of North Norfolk District Council.
 - The application Ref PF/23/1717, dated 7 August 2023, was refused by notice dated 16 October 2023.
 - The development proposed is erection of garden room and fence (retrospective).
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Decision

1. The appeal is dismissed insofar as it relates to the garden room, but is allowed insofar as it relates to the fence. Accordingly, planning permission is granted for erection of fence (retrospective) at The Old Workshop, Sloley Road, Sloley, Norfolk NR12 8HA. The permission is granted in accordance with the terms of the application Ref PF/23/1717, dated 7 August 2023.

Procedural Matters

2. The appellants indicate that the original description of development has changed. Therefore, the above description reflects the amended description shown on the appeal form.
3. Reference is made by the appellants to the proposal involving retention of the existing fence with alterations to the material used for the timber panels. However, the description of development does not reflect this and I am unaware that any alterations are shown on the submitted drawings or were considered by the Council. Consequently, I have considered the proposal as built.
4. An application for costs was made by Mr and Mrs Harper-Gray against North Norfolk District Council. That application is the subject of a separate decision.

Main Issue

5. The main issue is the effect of the garden room and fence on the setting of the Grade II listed former agricultural buildings on the eastern side of the historic complex of buildings associated with Sloley Old Hall, a Grade II listed building; and the effect on the character and appearance of the surrounding area. Given

that these issues formed a single reason for refusal, I have considered them together rather than separately.

Reasons

6. The Old Workshop is one of a number of former agricultural buildings associated with Sloley Old Hall, some of which are Grade II listed for their group value. The Hayloft is the closest building to the appeal property, situated directly to the north and west. The surrounding area is rural in character.
7. Policy EN2 of the North Norfolk Core Strategy (2008) requires that development proposals should be informed by, and be sympathetic to, the distinctive character areas identified in the North Norfolk Landscape Character Assessment. Policy EN4 requires that all development will be designed to a high quality, reinforcing local distinctiveness. Policy EN8 states that development proposals should preserve or enhance the character and appearance of designated heritage assets and their settings through high quality, sensitive design. Also, I am mindful of the statutory requirement for decision makers to have special regard to the desirability of preserving the setting of a listed building¹.
8. My attention is drawn to a recent successful appeal involving retrospective permission for a detached garage at the appeal property². Given that this involved the same main issue as in the current appeal I have had regard to this recent decision.
9. In the previous appeal the Inspector found that the conversion of the former barns to dwellings has led to a domestication of the buildings and their immediate curtilages, with delineated residential boundaries and formal garden areas. In addition, there are other detached outbuildings within the complex. Based on my own inspection, I agree with this finding. Nonetheless, despite these changes, the historic layout and physical relationship between buildings remains readily apparent. To the east of the group, this is particularly so due to the close proximity between the appeal property and The Hayloft, which while not a 'principal' listed building has significance due to its group value listing within the historic complex of buildings.
10. The National Planning Policy Framework (the Framework) defines the setting of a heritage asset as the surroundings in which the asset is experienced. In this respect, the garden room and fence close to the main eastern gable and single storey element of The Hayloft are within its setting. While the detached garden room is built of traditional materials, in terms of size it is not an insubstantial building, of similar height to the single storey element next to it. As such, its close proximity to The Hayloft combined with its overall size gives it an undue presence that detracts from the setting of the neighbouring building. Moreover, its position results in it obscuring the junction between the principal built form of The Hayloft and its single storey wing.
11. I have had regard to the appellants' arguments concerning the lack of visibility of the outbuilding, that it does not obscure the eastern gable of The Hayloft,

¹ Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

² APP/Y2620/D/23/3330703 dated 14 February 2024.

which in any case is not specified in the list description and which has new openings, and has largely been rebuilt. However, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building or any of their curtilage structures can be gained. Moreover, the building as a whole is a designated heritage asset recognised for its group value within the historic complex and subsequent alterations have not changed this fact. The stepped brickwork that has been added to the junction between The Hayloft's two storey and single storey elements is limited and not comparable to the much larger outbuilding.

12. I am mindful that the detached garage in the earlier appeal was approved and that appeal decisions should be consistent. However, due its position to the east of the appeal property the Inspector found that it would not impinge upon the other buildings within the complex. For the reasons given above, the same cannot be said of the garden room.
13. Turning to the fence, this structure is materially smaller than the garden room, of more limited height and solidity. Consequently, its overall size and substance lends it a much more limited presence within the setting of the neighbouring building. Furthermore, the materials are not so unusual or uncharacteristic that they fail to preserve the setting. I note the appellants' detailed arguments concerning the history of the alterations to the east gable of The Hayloft, the status of the willow boundary fence that has been erected and concerns about overlooking and loss of privacy. However, given the above findings with regard to the main issue, that the fence would not have a materially harmful effect on the setting of the heritage asset, I have not considered these matters further.
14. The same point is made with regard to the garden room, that it helps to prevent overlooking from the openings in the east side of The Hayloft. However, any such views from openings in the east gable in the direction of the appeal property and its patio would be indirect. Similarly, due to their elevated position the rooflights in the single storey element next to the garden room would not provide direct views towards the appeal property or its garden. As such, this matter does not outweigh the harm resulting from the garden room.
15. Therefore, the garden room would fail to preserve the setting of the listed buildings, although the fence would preserve the setting. The Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation³. Based on the above findings, I consider the harm to be less than substantial in this instance, but nevertheless of considerable importance and weight.
16. Under such circumstances, the Framework advises that this harm should be weighed against the public benefits of the proposal⁴. The appellants contend that this requirement is not statutory or reflected in the development plan. However, the policies in the Framework are material considerations, which should be taken into account in dealing with applications⁵.

³ Paragraph 205.

⁴ Paragraph 208.

⁵ Paragraphs 2 and 224.

17. I have had full regard to the benefits suggested by the appellants and acknowledge that the additional space provided by the garden room supports the long-term residential use of the host dwelling. However, the harm to the setting of the designated assets is of considerable weight and, therefore, the proposal would not provide sufficient public benefits that would outweigh the harm that has been found.
18. With regard to the effect on the landscape character and appearance of the surrounding area, I am particularly mindful of the findings of the Inspector in the earlier appeal. These include that at the eastern end of the complex where the Old Workshop is sited, the post and rail fencing and hedges/shrubbery clearly delineate the extent of the domestic use of the buildings and their gardens such that they do not appear as part of the surrounding countryside. There is no reasonable basis in the current appeal for me to take a different view and, therefore, the two structures do not result in unacceptable harm to the character and appearance of the surrounding area.
19. As the existing fence is independent of and physically separate from the garden room, it is possible in this case to make a split decision with regard to the different elements.
20. Accordingly, for the above reasons, I conclude that the garden room would not preserve the setting of the listed buildings. Consequently, this element of the overall proposal is contrary to Policies EN4 and EN8 of the North Norfolk Core Strategy, as described. The appellants contend that the Council has not clarified which parts of the relevant policies it considers the proposal is contrary to. However, the officer report specifies the particular policy or policies against each issue and includes the relevant parts of the policy. The compliance of the garden room with Policy HO9 concerning barn conversions, suggested by the appellants, does not overcome the conflict with the policies relied upon by the Council.
21. The fence would preserve the setting and therefore, there is no conflict with the relevant development plan policies. Neither element of the proposal would result in material harm to the character and appearance of the surrounding area and, therefore, there is no conflict with Policy EN2 of the Core Strategy.

Conclusion

22. For the above reasons, the appeal succeeds in respect of the fence, but fails in respect of the garden room. The proposal is for retrospective permission and I am not otherwise aware that the Council has suggested any conditions. Consequently, conditions have not been imposed.

J Bell-Williamson

INSPECTOR