



Appeal Decision

Site visit made on 21 May 2024

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th June 2024

Appeal Ref: APP/U2615/W/23/3335419

Tarn House, Yarmouth Road, Ormesby St Margaret W Scratby, Norfolk NR29 3QG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Bryan Leky against the decision of Great Yarmouth Borough Council.
 - The application Ref is 06/23/0481/F.
 - The development proposed is a 3 bedroom detached self-build house.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A new version of the National Planning Policy Framework (the Framework) was published on 19 December 2023 and therefore I have referred to that revised document in my determination of this appeal. I am satisfied that the parts of the Framework most relevant to this appeal have not substantively changed from the previous iteration.

Main Issues

3. The main issues are:
 - (i) Whether the occupants of the proposed development would have reasonable access to shops and services
 - (ii) The effect of the proposal on the character and appearance of the area
 - (iii) Whether the proposal would retain acceptable living conditions with regard to the occupiers of Tarn House
 - (iv) The effect of the proposal on the grade II listed Grange Hotel, Boarded Barn Farmhouse and the Barn 25 Metres North of Boarded Barn Farmhouse
 - (v) The effect of the proposed development on protected species and designated habitat sites and whether the proposal makes adequate provision for any additional need for open space arising from the development

Reasons

Shops and services

4. The appeal site lies outside of the development limits of both Caister-on Sea and Ormesby St Margaret and thus is located within the countryside. It is, as a result contrary to Policy CS2 of the Core Strategy 2015 (CS) and Policy GSP1 of the Local Plan Part 2 2021 (LP). The appellant makes reference to the availability of public transport and to shops being a twenty-minute walk from the site, however no specific details of either have been provided. It is not therefore possible to reach a reasoned judgement as to how often it may be that forms of transport other than private motor car might be utilised to travel to the shops and services needed for day-to-day living. Whilst there is an established cluster of dwellings along and around this part of Yarmouth Road, I have not been made aware of any specific services in the immediate vicinity other than the nearby public house.
5. Policy GSP3 of the LP seeks to maintain strategic gaps between settlements, including between Caister-on-Sea and Ormesby St Margaret. The appeal site is located between the main built up areas of those two settlements, albeit along a part of Yarmouth Road that has already been subject to much development. Furthermore, four new dwellings have been approved¹ in what was formerly the car park of the adjacent former First and Last Public House and these would be positioned between the appeal site and the retained pub building. In its existing context, but in particular if the approved adjacent scheme is built out, the appeal site makes no contribution to maintaining a strategic gap between the two settlements. Consequently, there is no conflict with Policy GSP3 of the LP.
6. The appellant refers to an appeal decision at 35 Yarmouth Road² where the appointed Inspector found that despite the location outside of the development limits of Ormesby St Margaret, there would not be any undermining of the Council's settlement strategy or the purpose of the policies which are seeking to protect rural character and avoid urban/suburban sprawl. However, the development plan also seeks to ensure easy access for everyone to jobs, shops and community facilities by walking, cycling and public transport. As I have highlighted, it has not been demonstrated that this could be provided from the appeal site. Reference is also made to an application for 6 dwellings at 37 Yarmouth Road³, however it would appear that a different local planning policy framework was in place at that time, including an Interim Housing Land Supply Policy.
7. In conclusion, the proposal would not compromise the aims of Policy GSP3 of the LP. However, the appeal site is substantially distant from the development limit of Ormesby St Margaret and although closer to the development limit of Caistor-on-Sea, it still would not represent development close to or on the edge of that settlement. As development within the countryside, it would fail to accord with Policy CS2 of the CS and Policy GSP1 of the LP. I have insufficient information before me to ascribe anything other than limited weight to the sustainability credentials of the site in terms of any shops and services that could be reached by means other than a private car.

¹ 06/20/0278/F

² APP/U2615/W/21/3274278

³ 06/18/0499/F

Character and appearance

8. There are a mix of dwelling styles and ages in the vicinity of the appeal site. These range from the nearby listed properties which are of a traditional design and appearance to dwellings similar to that which exists on the appeal site, which is of a more modern design and appearance. The prevailing external facing material palette is brick, render and painted brickwork. The proposed dwelling would sit closer to Old Yarmouth Road but would also appear in the street scene views along Yarmouth Road.
9. The proposed dwelling would have a considerably larger footprint than the existing dwelling at Tarn House which it would sit adjacent to but forward of. This would mean that its massing in relation to the existing dwelling would be significant and because of this and its forward positioning it would visually dominate both that property and the Old Yarmouth Road Street scene, in which it would appear along with the dwelling known as Corner House. The impact would be accentuated notably by the proposed use of materials which would contrast with the brick of those two existing dwellings. The scale of the development and the contrasting use of materials would also be apparent when viewed from Yarmouth Road and too would cause visual harm, resulting in what would be an incongruous development. Collectively, this would cause significant harm to the character and appearance of the area.
10. The land area of the appeal site is relatively large and what is proposed would not represent an overdevelopment in the sense of the amount of building coverage that would take place. Neither Tarn House or Corner House have doors on their elevations facing Old Yarmouth Road, and therefore the proposal would not be out of keeping in that regard. Therefore, I do not share the concerns that the Council has raised in either of those respects.
11. The existing garage at the appeal property is visible from Yarmouth Road. Although single storey with a flat roof, it is higher than the boundary fence and extends to a considerable width. It is a building that is partially enclosed by fencing and, overall, it does not contribute positively to the character and appearance of the street scene. Whilst there would be some visual benefit in its removal, it would be replaced with a new dwelling that would cause significant harm to the character and appearance of the area. The fact that the garage would be removed does not therefore justify the appeal development.
12. For these reasons, I find that there would be significant harm to the character and appearance of the area as a result of the proposed development. Consequently, the proposal fails to accord with Policy CS9 of the CS and Policy A2 of the LP where they seek to protect character and appearance. There would also be a conflict with the Framework where it seeks to achieve well-designed and beautiful places.

Living conditions

13. The proposal would consume much of the garden area currently available to Tarn House. However, there would still be space around the existing dwelling for residents to sit out, along with the conservatory which extends into the garden area. On balance, this would retain an adequate provision of amenity space for the occupiers of Tarn House. Although limited in size I do not consider that this would be an oppressive space and it would also be possible to utilise part of the remaining garden to the west of the existing dwelling

which would receive sunlight and not be subject to any particular sense of enclosure.

14. For these reasons there would be no conflict with the aims of Policies CS9 of the CS or Policies A1 and A2 of the LP where they seek to safeguard living conditions. There would also be no conflict with the aims of the Great Yarmouth Design Code Supplementary Planning Document 2024 and the Framework in the same regard.

Listed buildings

15. Of the three listed buildings identified, the Boarded Barn Farmhouse is the closest. That property is still not in the immediate vicinity of the appeal site and is located on the opposite side of Yarmouth Road, although there are some views along Yarmouth Road where both the appeal site and the Boarded Barn Farmhouse can be seen together. However, owing to the separation distance, the positioning of the former First and Last Public House, the fact that new dwellings have been permitted within the confines of the pub site, the curve of the road and that the appeal dwelling would be set away from the boundary with Yarmouth Road closer to Old Yarmouth Road, there would be no harm caused to the setting of the Boarded Barn Farmhouse.
16. Both the Grange Hotel and the Barn 25 Metres North of Boarded Barn Farmhouse are further away from the appeal site and there is much more intervening built form to the point that they would not appear together in the same views. A compelling case cannot as a result be made that the appeal proposal would fall within their setting and thus no harm would arise in that respect.
17. There is also reference to the former First and Last Public House as being a non-designated heritage asset (NDHA). However, I have noted that planning permission for new development has been granted at that site. Whilst the Council has highlighted the specific planning considerations that were weighed in the balance and led to the conclusion that the development could be permitted at the public house, it remains that the approved development would be sited between the NDHA and the appeal site. That being the case, the presence of the appeal dwelling would not result in any harm to the setting of the NDHA.
18. In conclusion, the proposed development would not cause harm to the setting of the Boarded Barn Farmhouse and would not appear within the setting of either the Grange Hotel or the Barn 25 Metres North of Boarded Barn Farmhouse. There would be no harm caused to the public house as a NDHA. Consequently, there would be no conflict with Policies CS9 and CS10 of the CS or Policy E5 of the LP, where they seek to safeguard heritage assets. There would also be no conflict with the aims of the Framework in these regards, or with the statutory duty set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Protected species, designated habitat sites and open space

19. It is not entirely clear whether the Ecology Officer required the submission of an ecological assessment or further details in order to establish whether one might be required, but in either instance this matter has not satisfactorily been addressed and it cannot be concluded that the proposal would accord with

Policy CS11 of the CS where it seeks to avoid a harmful impact on biodiversity. That the garage on the site could potentially be removed without needing planning permission does not negate the need to address the ecological consideration that has been raised in response to the planning submission.

20. It is stated that a Shadow Habitats Regulation Assessment was provided however the Council consider this to be inadequate because it incorrectly concludes that a lower contribution set out in the Green Infrastructure and Recreational Avoidance and Mitigation Strategy would be payable than would be necessary. Notwithstanding this, the Council accepts that the correct amount was in fact paid. That being the case, it would seem that the appellant has in substance at least met the requirements in terms of mitigating any impacts that would arise upon designated habitat sites.
21. The appellant advises that they have attempted to pay the open space contribution but that the Council will not accept the payment. They do not dispute that the requirement to pay this sum meets the tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and there would have been other mechanisms such as a planning obligation which could have secured it as part of the proposal. Without the payment or commitment to pay this sum, the proposal fails to accord with Policies CS14 and CS15 of the CS, Policies GSP8 and H4 of the LP and the SPD where they seek to make provision for publicly accessible recreational open space.

Other Considerations

22. The Self-Build and Custom Housebuilding Act 2015 (The Act) requires local planning authorities to establish and publicise a local register of custom builders who wish to acquire suitable land to build their own home. The Housing and Planning Act of 2016 added a duty to grant planning permission subject to exemptions at S2A. This provides that authorities must give suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area arising in each base period.
23. It is stated that the proposal would be a self-build dwelling and that the appellant's son is on the self-build register. The appellant suggests that there is currently a shortfall in self-build provision numbering 23 dwellings, but they have provided no evidence in support of this assertion. In response, the Council has not sought to evidence that it is meeting its statutory duty under The Act. If it were not meeting this duty as the appellant suggests, the provision of a self-build dwelling is a consideration which would carry significant weight in favour of the proposed development.
24. The proposal would deliver one new dwelling, which would make a contribution to the Government's objective of significantly boosting the supply of homes which is set out in the Framework. It would do so on a small-site and the appellant considers that the scheme would be deliverable. There would be some economic and social benefits arising including during construction and from the spend of future occupants in the economy. Given that only one new dwelling would be provided, these considerations carry moderate weight in support of the proposal.

Planning Balance & Conclusion

25. The proposal would fail to accord with strategic Policies CS2 of the CS and GSP1 of the LP, and with Policy CS9 of the CS and Policy A2 of the LP where they seek to protect character and appearance. It has also not been demonstrated that Policies CS11, CS14 and C15 of the CS and Policies GSP8 and H4 of the LP and the SPD would be met where they refer to protected species and to the provision of open space. This means that the proposal would fail to accord with the development plan taken as a whole.
26. On the basis of the information provided I afford only limited weight to the potential for shops and services to be accessed other than by private motor vehicle. In the event that the proposed dwelling was delivered as self-build and the Council was found not to be meeting its statutory duty this would be a consideration carrying significant weight. The delivery of one new dwelling and the associated benefits attract moderate weight. That there would be no harm to the living conditions of the occupiers of Tarn House or to the nearby listed buildings are neutral considerations in the planning balance.
27. The harm to the character and appearance of the area would be significant and would result in a dwelling which would appear dominant and incongruous in its surroundings and in relation to adjacent existing dwellings. The proposal would further conflict with the strategic aims of the development plan where these relate to the location of new housing in the countryside. Ecological and open space considerations have also not been addressed. This collective harm would not be outweighed by the other considerations outlined above, even if that included significant weight being afforded to the self-build consideration. Therefore, the appeal should be dismissed.

Graham Wraight

INSPECTOR