
Appeal Decision

Site visit made on 7 October 2024

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 29 October 2024

Appeal Ref: APP/E9505/W/23/333375

Barns at The Street Farm, 18 Hardley Street, Hardley, Norfolk NR14 6BY

- 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 and Mrs R Baldwin against the decision of Broads Authority.
 - The application Ref is BA/2023/0309/FUL.
 - The development proposed is change of use of two agricultural barns into holiday lets.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) Whether the location is suitable for new holiday accommodation;
 - ii) Whether the proposal would be safe for future occupiers, having regard to the risk of flooding; and
 - iii) The effect of the proposal on trees.

Reasons

Whether the location is suitable

3. The appeal relates to 2 single storey barns dating from the 20th century. They are utilitarian in design, forming part of a cluster of barns of varying size, age and construction, all of which are closely spaced to one another with gable ends facing the road. The barns are part of a short ribbon of rural development in the open countryside.
4. Hardley is a small rural settlement lacking in services and facilities. Chedgrave is roughly 2 miles from the appeal site via a single-track road with limited passing places, no footways and no street lighting. It would not be a short or convenient walk and, while it is within cycling distance and it has a bus stop, future occupiers would be unlikely to regularly walk or cycle to Chedgrave. The closest train station is roughly 8 miles away in Reedham. Consequently, the location is not realistically accessible by sustainable transport modes. While local food retailers deliver to the area, taking into account the isolated rural location, future occupiers would be heavily reliant on private car journeys to access tourist attractions, retail, and food and drink establishments.
5. The proposal is not associated with any existing visitor attraction, tourism site, group of holiday dwellings or sailing facilities. Notwithstanding, the Local Plan for the Broads 2015 to 2036 Adopted May 2019 (the LP) makes provision for

- the establishment of tourism accommodation in less accessible locations where the need for the location is demonstrated or it would be farm diversification.
6. The barns are part of a cluster of agricultural buildings associated with Street Farm. The evidence with the appeal refers to livestock, including rare breed sheep, which graze on the farm marshes, pigs, hens, and bees. The appellants sell meat, eggs and honey direct from the property. However, there is little substantive evidence in relation to the land holding or agricultural holding, livestock numbers or agricultural operations. It has not been demonstrated that the appeal barns are part of a viable agricultural enterprise or that the proposal would contribute to the financial viability of a farming business. The proposal would not demonstrably be farm diversification.
 7. There is little evidence of a need for accommodation in this location in association with long distance walking or cycling routes, Hardley windmill, Langley Abbey wedding venue or Hardley Staithe slipway. While there are opportunities for fishing and wildlife watching on the River Yare and local marshes, the appeal site does not appear particularly well located or directly related in this regard.
 8. The appellants propose the barns would be occupied by people attending courses that they hope to run, including beekeeping, livestock husbandry and traditional farming methods. However, no details of the courses or business plan have been provided. It has not been demonstrated that there is a demand for such courses in this location or that they would in any case be multi-day courses that required an overnight stay.
 9. The excerpt of correspondence from Holidaycottages.co.uk suggests the property would be ideally suited to the holiday home market, although it refers to a single barn sleeping 4 persons. There is little evidence in relation to the information provided to this company either about the proposal or in terms of the apparently similar properties which informed the projections. The advice is in any case caveated that there can be no guarantee with holiday lettings.
 10. There is already accommodation to let in the area including Little Lupins, Staithe Farm Cottage and High Barn Abbots. While these may be advertised on Airbnb, there is little evidence in relation to their occupancy or that they are directly comparable to the proposal in terms of their offer or their context. They do not demonstrate a need for further holiday accommodation in the area. Moreover, they are either not within the Broads Authority area or they were permitted as dwellings and not specifically holiday accommodation. The historic planning permission (Ref BA/2003/6814/HISTAP, resubmission of E97/03/0043F) for a residential barn conversion at Westgate Farm was granted by South Norfolk District Council in a different and earlier planning policy context. These do not provide a justification for the proposal.
 11. Therefore, I conclude that the location is not suitable for new holiday accommodation. The proposal would conflict with the rural tourism aims of LP policies SP12, DM29 and DM48. These require, among other things, that proposals should be well located in relation to settlements or existing tourism sites and attractions or, if not, there should be a demonstrable need in the proposed location unless the proposal is a form of farm diversification. There should also be adequate access to services and facilities and proposals should be accessible by a range of transport modes. It would conflict with the aims of the National Planning Policy Framework (the Framework) insofar as it would not

demonstrably be the sustainable growth and expansion of a rural business, the development and diversification of agricultural and other land-based rural businesses, or sustainable rural tourism and leisure development.

Flood risk

12. The appeal site lies within Flood Zone 3a, where there is a high probability of flooding. The proposal would be a residential use, which is classified as 'more vulnerable' in Annex 3: Flood risk vulnerability classification of the Framework.
13. The revised Flood Risk Assessment (FRA) sets out the flood level during a climate change 1 in 200 year flood. Amended plans submitted during the processing of the application illustrate that the floor level of Barn 2 would be above the flood level and there would be safe refuge for the occupiers of Barn 1 in the bedroom. However, the living areas of Barn 1 would be at the level of the flood and would not achieve the required minimum 300mm freeboard above the flood event level.
14. The Planning Practice Guidance sets out that where flood risk cannot be avoided or controlled, flood risk and resilience measures should be used to mitigate residential risks and management measures should be implemented, including flood warnings and providing safe access and escape routes.
15. The FRA sets out flood resilience measures so that, in the event of a flood, the barns could be quickly brought back into use without significant refurbishment, in accordance with Framework paragraph 173. Management measures in the event of a flood are also set out, including the development of a Business Flood Plan to include the appropriate action in response to flood alerts and warnings and evacuation procedures. The FRA considers that holiday makers would be likely to cancel their booking or leave early if there was a risk of flooding. In this regard, the Environment Agency notes that the time to inundation would likely be slow, taking into account the distance from the river. Even so, Barn 1 would be vulnerable to flooding and, in a design flood event, the external water levels would be 'dangerous to most' for over 400m from the barns such that there would be no safe access or egress for future occupiers.
16. Therefore, I conclude that the proposal would not be safe for its lifetime, with particular regard to vulnerable occupiers and safe access and escape routes. Notwithstanding the scheme amendments to minimise the risks, there would be conflict with the aims of LP Policies SP2 and DM5 in relation to minimising and mitigating flood risk. It would also conflict with the relevant aims of the Framework including in relation to the necessity of the development in an area at risk of flooding and its safety for its lifetime.

Trees

17. The barn closest to the side boundary is partly under the canopy of a semi-mature ash tree growing in the neighbour's garden. The roots of the tree are likely to extend up to and beneath Barn 2. Consequently, the parking area to the front and excavations around Barn 2 would be within the root protection area of this tree and thereby have potential to adversely affect it.
18. The Arboricultural Impact Assessment (AIA) submitted with the appeal advises that the proposal would not materially affect the tree provided the parking area uses the existing surface or a no-dig method, services are installed outside of

the root area, and protective fencing and ground protection is implemented during construction.

19. However, the AIA is based on the assumption that no new foundations nor other excavation work would be required, which was not the understanding of the Authority's arboricultural consultee following discussions with the appellants. In this regard, the structural survey report recommends that, as the foundations of Barn 2 are shallow strip foundations of unknown depth, the foundations and ground conditions should be fully investigated. Consequently, there appears to be uncertainty as to the absence of impacts on the tree.
20. The overhanging branches of the ash tree, some of which touch the roof of Barn 2, would need to be cut back. The AIA does not consider this further, on the basis that general maintenance is legally allowed. Nevertheless, tree works in this regard may be more extensive and precautionary in connection with the proposed rather than the existing use. There is little evidence the appellants intend to cut back the neighbours' tree in the absence of the proposal.
21. The Authority notes that a detailed Arboricultural Method Statement would be required prior to the commencement of development. While this could be secured by the imposition of a planning condition, uncertainty remains as to the likely impacts on this tree and the associated need for mitigation or replacement planting. While the ash tree may not be of the highest arboricultural or landscape value, nevertheless it is worthy of retention.
22. Therefore, based on the evidence, I conclude that the proposal would harm the adjacent tree. Accordingly, it would conflict with LP Policy DM16 which requires, among other things, that proposals conserve landscape features that contribute positively to the traditional character of the area and the experiential and visual amenity qualities of the landscape. It would also conflict with the aims of the Framework in relation to the protection of trees, maintaining local character and distinctiveness and contributing to the natural and local environment.

Other Considerations

23. While tourism can benefit local economies, the proposal is in a somewhat isolated rural location. There is little evidence that the proposal would make any meaningful contribution in terms of support for the local church, village hall, Hardley windmill, public open space or shops and services in villages nearby. The limited economic benefits carry little weight in favour of the appeal.
24. The barns could be converted without major rebuilding or substantial extension. Externally, the walls would be finished in black feather edge cladding and there would be new window and door openings to gable end elevations, and rooflights. The high quality design and external materials would enhance the appearance of the barns. However, the barns are currently in use for storage and parking and they are not demonstrably redundant. Moreover, as they are not traditional barns and they are of little architectural merit, their conservation would not be a particular benefit of the scheme.
25. Due to the constraints at the site, vehicle parking to the front of the barns would result in manoeuvring on the highway. However, Hardley Street is not a through road and it is lightly trafficked, such that there would be no harm to highway safety. Further details of matters including vehicular access and parking and visibility splays could be secured by planning condition.

26. Bats use the larger barn for roosting. Consequently, a Bat Mitigation Class Licence would be required in order to avoid offences during works. The bat survey report sets out suitable mitigation measures and it recommends replacement bat roosting boxes and sympathetic lighting to avoid adverse impacts on foraging and commuting bats. The barns also support nesting birds, such that works would need to be timed to avoid the nesting bird season. Replacement and compensatory bird boxes could be attached to the converted barns and suitable trees. These matters could be satisfactorily addressed by the imposition of planning conditions.
27. The appeal site is just over 1km from the Broadland Ramsar Site/ Special Area of Conservation and Special Protection Area (and constituent SSSIs). These are nationally and internationally important sites, designated for birds and habitats. Development in this location would result in recreational pressure on these sites which, in the absence of mitigation, would result in degradation or loss of the interest features of the protected sites. Consequently, in accordance with the Norfolk Recreation Avoidance and Mitigation Strategy, a contribution of £201.84 would be required in order to mitigate the adverse impacts. However, no Unilateral Undertaking has been submitted with the appeal to secure the contribution and there is insufficient information before me to inform a Habitats Regulations assessment. However, as I am dismissing the appeal, there is no need for me to consider this matter further.

Conclusion

28. For the above reasons, I conclude that the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict.
29. Therefore, I conclude that the appeal should be dismissed.

Sarah Manchester

INSPECTOR