



Appeal Decision

Site visit made on 13 December 2024

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 02 January 2025

Appeal Ref: APP/L2630/D/24/3350915

Church Farm House, Howe Green, Howe, NR15 1HD

- 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 Mrs C Magrath against the decision of South Norfolk District Council.
 - The application Ref is 2024/1041.
 - The development proposed is ground floor and first floor extensions with associated alterations of existing garage/office building to form annex accommodation and extension with associated alterations at first floor level of existing barn.
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Decision

1. The appeal is allowed and planning permission is granted for ground floor and first floor extensions with associated alterations of existing garage/office building to form annex accommodation and extension with associated alterations at first floor level of existing barn at Church Farm House, Howe Green, Howe, NR15 1HD in accordance with the terms of the application, Ref 2024/1041, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the approved plans.
 - 4) The living accommodation hereby approved shall be ancillary to the use of the main dwelling known as Church Farm House and shall not be occupied as a separate unit of accommodation that is not ancillary to Church Farm House.

Main Issues

2. The main issues in this case are i) whether the proposed development would be likely to lead to later demand for permission as a separate dwelling; and ii) the effect of the proposed development on Church Farm House and the character and appearance of Howe conservation area.

Reasons

3. The appeal property is a substantial country house with significant existing outbuildings, including the barn used as a garage/office, in sizeable grounds. The intended use of the proposal is to provide assisted living accommodation in an annexe to the main house for the appellant's elderly father. The accommodation would consist of two bedrooms, the second bedroom would be for a live-in carer, together with supporting amenity space.

Whether the proposed development would be likely to lead to later demand for permission as a separate dwelling

4. The most relevant policy in respect of this issue is Policy DM3.7 Residential Annexes of the Development Management Policies DPD, and paragraph 3.49 of the supporting text. Policy DM 3.7 states *"Proposals for residential annexe accommodation will be considered favourably provided that it is designed so that it can continue to be used as part of the main dwelling, without creating an independent dwelling unit, in future. Planning conditions will be imposed to restrict occupation of the annexe to persons related or similarly linked to the occupants of the main dwelling"*.
5. Paragraph 3.47 states; *"Residential annexes should therefore be designed so that the dwelling unit as a whole provides genuinely flexible accommodation that can be adapted and re-adapted to meet the changing needs of an extended family over time. This should include the option of absorbing the annexe back into the main dwelling accommodation if necessary, by the same or future occupiers"*.
6. The council accepts that whilst the proposed annexe would not be attached to the main dwelling, it would be within close proximity to it such that it would share the garden and driveway. Therefore, the proposed annexe has a close spatial relationship with the existing dwelling, in compliance with Policy DM3.7.
7. The proposed accommodation, if no longer required for the intended purpose by a family member of the present householder, or of a future household, could be incorporated into the use of the main house for other domestic uses. The nature of this house and its environment is such that occupiers are likely to expect generous spaces and have a variety of needs for commodious and attractive floorspace.
8. Furthermore, the close spatial relationship of the appeal building with the main house and the similarly close relationship with a further outbuilding to the east, and the intertwined use of the open spaces between would, in practical terms, clearly make a proposal for separation unlikely. The proposed conversion is 6m from the back door of the host house, the gable end of the proposed building is only 1.9m away from a substantial wing of the house. The space between the proposal and the house is the only access to the back door to the house and the small court yard to the rear of the proposal is the designated seating area for the house, so separation would be impractical.
9. Of course, a permission for the appeal proposal would necessarily require a condition limiting the use of the building to one incidental to the main house and for no separation to take place. That, it seems to me, would be likely to be effective in securing the aims of Policy DM3.7.

The effect of the proposed development on Church Farm House and the character and appearance of the Howe Conservation Area

10. Church Farm House is not a listed building but is a historic building of significance, with original parts being post medieval and possibly medieval, and is within Howe Conservation Area. Section 72 of the Listed Buildings Act 1990, and Policy DM4.10 of the local development management policies, require that special attention be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
11. The specific criticisms that lay behind this refusal reason are that the scale of the proposed development with raised ridge line and eaves and central gables, would be a dominant feature within the site and as a result of its size, scale and form, would significantly detract from the architectural features and quality of Church Farm House and its historic plan form. In addition the new flintwork above the facing brick at first floor level is criticised on the basis that flint is typically used for churches and in farmsteads for walls or walls of a barn.
12. Church Farm House is a substantial and imposing dwelling, as can be seen once inside the curtilage, but from the public highway, or any other public viewpoint, it is only part of the first floor and roof of the house that can be viewed, because of the extensive hedges and trees that line the highway. Furthermore, the appeal building and other outbuildings are at the rear of Church Farm House, and their form makes no impact on the character and appearance of the conservation area from the public domain. This is not to say that the impact of any development on Church Farm House is of no consequence, but it should not be regarded with the same level of concern as if the house were a listed building. I also note that the house and the outbuildings have seen substantial alterations over the years.
13. Whilst the appeal proposal represents a distinct enlargement of the existing barn, it would remain as a secondary building, subordinate to the house, and would not detract from its architectural form or quality. The proposed central gables, one at the front and one at the rear, would reflect the 2-storey porch on the house itself, but the repetition of the feature would only be seen in the immediate vicinity at the rear of the house in the enclosed area around the subject building. They would not impinge on the architectural quality or standing of the house as the principal feature of the curtilage.
14. As for the use of flint, the existing barn includes elements of the elevations that well predate more recent elements. These older parts incorporate panels of flint on more than one elevation. In addition the existing outbuilding consists of red brick walls and part render, and brick quoin features and a pantile roof. The proposed conversion would retain these materials and where additions to the fabric are propose, would make use of the same materials as the fabric of the existing building. As I have already noted, the council states that flint is typically used for churches and used in farmsteads for walls or walls of a barn which, it seems to me, make it a suitable material to incorporate in this enlargement of a barn.

Conclusions

15. For the reasons set out above I conclude that, subject to a condition, the proposal would be in accord with Policy DM3.7 of the Development Management Policies

DPD and that the proposed extensions and alterations would not have any harmful effect on Church Farm House. The proposed development would preserve or enhance the character or appearance of Howe Conservation Area. Therefore the appeal will be allowed.

Conditions

16. 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.
17. The conditions suggested include the one that I refer to in paragraph 9 above that is necessary to enable the local planning authority to retain control over the development which has been permitted in accordance with Policy DM 3.7, to meet a specific personal need, where the occupation of the annexe as a separate dwelling would be in conflict with the settlement policy. Such separation would also result in a sub-standard layout detrimental to the amenities of occupiers of the annexe and of neighbouring occupiers.
18. The other 2 conditions suggested are that the materials shall match those used in the existing building, and that the development be carried out in accordance with the approved plans. I will adopt both of these for clarity as to the details of the approved development, for the avoidance of doubt.

Terrence Kemmann-Lane

INSPECTOR