



Appeal Decision

Site visit made on 7 January 2025

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 16 January 2025

Appeal Ref: APP/Y2620/W/24/3344505

Morston Hall, The Street, Morston , Norfolk, NR25 7AA

- 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 Morston Hall Hotel against the decision of North Norfolk District Council.
 - The application reference is PF/23/1501.
 - The development proposed is erection of timber structure to contain walk-in fridge for kitchen (retrospective).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development provided by the appellants on the application form contained descriptive text which does not relate to development. I have, therefore, used the description of development provided in the Council's Decision Notice as this identifies the development proposal more clearly.
3. The timber structure had already been erected at the time of my site visit and so I was able to observe it in situ.
4. As the proposal is in a conservation area, I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
5. There is no dispute that the site lies within the Norfolk Coast National Landscape (the NL), which is a protected landscape. I have, therefore, had special regard to section 85(A1) of the Countryside and Rights of Way Act 2000 (as amended) (the CRWA) and the duty imposed upon me by the Levelling Up and Regeneration Act 2023 (the LURA) to seek to further the purposes of protected landscapes.
6. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024. Those parts of the Framework most relevant to this appeal have not significantly altered. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Main Issues

7. The main issues in this appeal are: -

- The effect of the proposal on the character and appearance of Morston Hall, which is a locally listed building (LLB) and its setting, and the local area, bearing in mind the special attention that should be paid to the extent to which it would preserve or enhance the character or appearance of the Morston Conservation Area (the CA).
- Whether the proposal would provide acceptable living conditions for neighbours, with particular regard to noise and disturbance from plant.

Reasons

8. The appeal site is a yard fronting Morston Hall (the hall) and lies off The Street at its junction with an unnamed private lane, within the village of Morston. The CA covers the historic core of the village and its significance, in so far as it relates to this appeal, derives from its evidential, historic and aesthetic value found in the authenticity of its rural vernacular architecture. The character and appearance of the CA in this vicinity is of a spacious, rural village street, fronted by buildings of predominantly traditional design often built of flint and brick, with boundaries of the same materials.
9. The hall is a substantial two storey building dating from the eighteenth century of flint and brick, lying within generous landscaped grounds and accommodates a hotel with a restaurant. It has, over time been extended to provide additional space and facilities supporting the business. It is surrounded by a substantial flint wall with brick quoins, pierced by openings for gates. One of these openings faces onto the junction, another lies between the site and the neighbouring property, Morston Hall Barns. The wall contributes positively to the significance of the building, being a reasonably intact period boundary built in locally available materials and reflective of the materials used in the construction of the hall and throughout the CA.
10. The LLB and its surrounding wall are prominent features in the street scene, and their authenticity makes a significant contribution to the character, significance and appearance of the CA.
11. The yard provides a servicing and parking area for the hall and contains a bin store, enclosed within a high timber fence, a timber store and a gas tank, in addition to the timber-panelled enclosure for the fridge.
12. The enclosure lies within the site at the opening between the site and Morston Hall Barns. It is substantially taller than the flint wall and visually fills the opening. The timber of the enclosure is clearly visible from The Street through the opening in the boundary wall between the hall and Morston Hall Barns.
13. The projection of the enclosure above the height of the boundary wall and its appearance, being of timber and, whilst visually blocking the opening, set back behind the flint wall, form a prominent and incongruous feature at the boundary of the property when viewed from The Street.
14. Whilst within private property the additional structure is nonetheless subject to planning controls, and I must consider its effect on the LLB and the CA.

15. Given the above, I find that the proposal would fail to preserve the significance of the CA and the LLB. Consequently, I give this harm considerable importance and weight in the planning balance of this appeal.
16. Paragraph 212 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. Given that the proposal would not result in the loss or destruction of any buildings that make a positive contribution to the character or appearance of the CA, but relates to the way in which the CA and LLB within it are experienced, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
17. Under such circumstances, paragraph 215 of the Framework advises that this harm to the CA should be weighed against the public benefits of the proposal. The Framework goes on to advise, at paragraph 216, that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application and that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
18. The proposal would provide a refrigerator for the restaurant which forms part of the hotel business, and this provides public benefits to the local economy and there is no dispute between the parties that such a facility is necessary for the continuation of the business. However, the grounds of the LLB are extensive and an alternative design of enclosure may be possible that would reduce the harm to the CA and the LLB. Thus, this is a public benefit to which I give moderate weight.
19. Given the above and in the absence of any significant public benefit, I conclude that, on balance, the proposal would fail to preserve the special historic interest of the LLB and the character or appearance of the CA. This would fail to satisfy the requirements of the Act, paragraph 213 of the Framework and conflict with policies EN4 and EN8 of the North Norfolk Core Strategy (2008) (the CS) that seek, among other things, to ensure that new development preserves or enhances the character and appearance of designated assets and other important historic buildings, including LLBs, and is suitably designed for the context within which they are set. As a result, the proposal would not be in accordance with the development plan.

Living conditions of neighbours

20. During my site visit I observed the operation of the cooling unit. Throughout the period of my visit the unit emitted a low hum. However, on moving away from the unit I found that the audibility of the hum decreased rapidly with distance, or the interposing of structures, particularly when there was other background noise present, such as passing traffic.
21. Whilst I was able to enter the hall, and did not experience intrusive noise disturbance therein, the window that was accessible to me was further away

from the fridge than the nearest window on the neighbouring property in Morston Hall Barns.

22. This notwithstanding the Council's Environmental Health Officer (EHO) has identified that, in relation to residential amenity the sound emitted from the fridge is above the World Health Organization (WHO) noise limit for the nearest dwelling. The EHO also identified that the fridge would comply with the WHO guidelines if it were to be moved by approximately one metre or, alternatively, if a noise barrier is erected.
23. The appellant has not proposed either relocation of the fridge, or the provision of a noise barrier. In the absence of further information regarding the practicality or effectiveness of a noise barrier it has not been demonstrated that such a measure would be effective, and so control of this aspect of development through an appropriately worded planning condition to require such provision would be inappropriate. On the basis of the evidence before me it has not been demonstrated that noise disturbance associated with the fridge would be within acceptable levels for neighbours.
24. I therefore conclude that the development has a harmful effect on the living conditions of neighbours, with particular regard to noise and disturbance from plant. It is, therefore, contrary to policies EN4 and EN13 of the CS in as much as these seek to ensure that new development does not have a significantly detrimental effect on the residential amenity of nearby occupiers and minimises, and where possible reduces, all emissions and other forms of pollution, including noise pollution.

Other Matters

25. Section 85(A1) of the CRWA places a statutory duty upon me to have regard to the purpose of conserving and enhancing the natural beauty of the NL. However, the visual impact of the fridge and its enclosure would be limited mainly to within the site and the immediate vicinity. None of the proposed changes would be strident or intrusive within the wider landscape and would, therefore, not harm the landscape and scenic beauty of the NL. In so doing they would conserve its scenic beauty.
26. It will be seen above that I have found that the public benefits of the proposal would not outweigh the harm that I have found to heritage assets. Whilst, in addition, I have found harm to the living conditions of neighbours, no additional public benefits have been identified.

Conclusion

27. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Accordingly, the appeal is dismissed.

I A Dyer

INSPECTOR