



Appeal Decision

Site visit made on 9 April 2025

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3RD June 2025

Appeal Ref: APP/Y2620/W/24/3346505

The Muster, The Street, Itteringham, Norfolk NR11 7AX

- 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 Eric and Penelope Goodman and Blake against the decision of North Norfolk District Council.
 - The application Ref is PF/23/2299.
 - The development proposed is the change of use of the building known as 'The Muster' and 'Willow Barn' office/studio and associated outbuildings to a residential dwelling (C3).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development as set out above from the planning application form but have omitted the text 'Full planning application for' as it is not a description of development.
3. The main parties have been given the opportunity to comment on the revised National Planning Policy Framework (the Framework) published in December 2024 and in reaching my decision I have taken account of any responses received. For the avoidance of doubt, where reference is made to the Framework, the paragraph numbers quoted are those that appear in the latest version.
4. My attention has been drawn to previous appeals on the site¹. Whilst I have considered the present appeal on the merits of the case, I have had regard to the other Inspectors' findings insofar as they are relevant to the matters in dispute.

Main Issues

5. The main issues are:
 - The effect of the proposed development on the integrity of European habitat sites with particular regard to nutrient pollution and recreational pressure; and
 - Whether the site is a suitable location for the proposed development having regard to local and national policy.

¹ APP/Y2620/C/19/3241718, APP/Y2620/C/19/3241719, APP/Y2620/C/19/3241773 & APP/Y2620/C/21/3271593

Reasons

Integrity of European habitat sites

6. Based on the evidence before me, the appeal site lies within the Nutrient Neutrality Zone (NNZ) of the Broads Special Area of Conservation (SAC) and Ramsar site and is within the Zone of Influence of multiple other European designated habitat sites.
7. Natural England (NE) has provided advice² (the NE advice) relating to development which has the potential to affect water quality and result in adverse impacts on habitats sites. Such impacts arise due to the discharge of nutrients from development which can cause the rapid growth of certain plants through eutrophication, leading to a loss of biodiversity. To avoid this, the NE advice states that development should achieve nutrient neutrality.
8. The advice provides a list of habitat sites that are in unfavourable condition, including the SAC. Given that the appeal site is within the NNZ, there would be a pathway between the proposed development and the SAC.
9. The appellants' position is that the proposed three-bedroom dwelling would not introduce additional overnight accommodation and would, therefore, achieve nutrient neutrality. This is based on the lawful use of The Muster being a three-bedroom unit of holiday accommodation in accordance with a 2016 planning permission³ (2016 permission) for a change of use from a residential annexe (The Muster) to one unit of holiday accommodation. The Council, however, consider that the 2016 permission was not implemented.
10. It appears that following the 2016 permission, the appellants have at times occupied The Muster and that this occupation may have been in accordance with the limitations imposed by condition 4 of the 2016 permission and commenced within the five-year period specified in condition 1. Nonetheless, the evidence suggests that the appellants occupied The Muster as their main residence, contrary to condition 3, and not as holiday accommodation and there is nothing before me to suggest that it has ever been occupied for that purpose. Consequently, I find that the appellants' occupation of The Muster did not amount to a commencement of the change of use granted by the 2016 permission.
11. Whilst the appellants refer to material operations carried out to the property, in the absence of evidence indicating that such works were expressly granted approval by the 2016 permission, they cannot reasonably be considered to amount to a commencement of the approved development. I note that a condition of the permission required the provision of an area for the parking of two cars in accordance with details to be agreed. However, although parking spaces have been provided, there is nothing within the appeal documents that suggests that the required approval of the details was obtained and that the terms of the condition have been fully met.
12. For the foregoing reasons, and based on the evidence before me, it does not appear that the holiday accommodation authorised under the 2016 permission was lawfully commenced. As such the 2016 permission appears to have now lapsed. Furthermore, there is no compelling evidence to suggest that The Muster could be

² Letter dated 16 March 2022

³ Application reference PF/16/0057

lawfully used as an independent dwelling. As such, I find that the proposed development would introduce additional overnight accommodation.

13. The appellants consider that the conditions set out in Annex F of the NE advice are met by the proposed development and, therefore, that the effects of the associated phosphorus discharge should be considered insignificant. One such condition, g), requires that the proposed discharge to ground should be at least 200 metres (m) from any other discharge to ground to ensure that there is no significant in combination effect. In this case, due to the proximity of Robin Farmhouse the required 200m separation distance from another discharge to ground would not be achieved. Condition g) is, therefore, not met even though the proposed development would use an existing septic tank and drainage field. Consequently, irrespective of whether the other Annex F conditions are met, the NE advice does not support the conclusion that the proposed development would be a low risk as regards phosphorus discharges to ground as claimed by the appellants.
14. Accordingly, based on the evidence before me, the proposed development would introduce overnight accommodation, thereby increasing the use of the existing septic tank above that arising from the other buildings within the appeal site (Willow Barn), and any discharge could not be considered as insignificant. The effect of one additional dwelling would be small, nonetheless the evidence points to it having a likely significant effect on the SAC. No mitigation is proposed to achieve nutrient neutrality.
15. With regard to recreational pressures arising from the proposed development, local authorities within Norfolk have jointly adopted the Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS). GIRAMS seeks to ensure that the effect of qualifying development on the integrity of habitat sites due to increased recreational disturbance is suitably mitigated through the securing of financial contributions towards access management schemes and monitoring proposals. Given that I have found that the proposed development would be likely to create new overnight accommodation it is qualifying development.
16. The Council has confirmed that it has received the correct sum in accordance with GIRAMS. On that basis, I am satisfied that an appropriate financial contribution has been received by the Council, for the purposes of contributing to the strategic mitigation measures described above. Accordingly, having regard to the GIRAM mitigation payment, on which I place weight, I am satisfied that the proposed development would not cause recreational harm to the ecological value of the relevant European designated habitat sites.
17. In conclusion, following an appropriate assessment, the proposed development would result in an adverse effect on the integrity of the Broads SAC and Ramsar site due to the discharge of additional nutrients from the development. It would, thus, be contrary to Core Strategy September 2008 (CS) policies SS 4 and EN 9 which seek to protect the natural environment and habitats sites. It would also be contrary to the Conservation of Habitats and Species Regulations 2017 (as amended).

Suitable location

18. CS Policy SS 1 sets out a Spatial Strategy for North Norfolk. It seeks to direct the majority of new development to towns and larger villages, dependent on their local housing needs, with a small amount of new development focussed on a number of designated Service Villages and Coastal Service Villages. The rest of North Norfolk is designated as countryside where development is restricted to particular types to support the rural economy, meet affordable housing needs and provide renewable energy. CS Policy SS 2 clarifies that development in the countryside will be limited to that which requires a rural location and is for one or more of the listed types of development.
19. The appeal site lies outside of towns, larger villages and the specified Service Villages and, as such, it is not in the areas identified for rural housing. Therefore, as the appeal scheme does not fall within types of development which require a rural location, it is not supported by CS policies SS 1 or SS 2.
20. The site is close to the village of Itteringham which has facilities and services that can be safely accessed on foot. Nevertheless, the nearest larger settlements where schools and employment opportunities can be found, as well as more extensive facilities and services, are some distance away and would be accessed in part along roads that are subject to the national speed limit, are unlit and have no footway. As a result, it is unlikely that the occupants of the proposed development would walk to such larger settlements, particularly during times of darkness and inclement weather. The speed of vehicles along the route would also be likely to be off-putting for all but the most competent and confident cyclists. Furthermore, whilst there is a bus stop in Itteringham, there is no evidence before me that the occupants of the site would have access to a frequent bus service, thereby providing a realistic alternative mode of transport. Consequently, the future occupants of the proposed development would be highly dependent on the use of private cars for most of their day-to-day needs.
21. The appellants have highlighted that a proposal which would re-use a building is one of the circumstances where the Framework states that development of isolated homes in the countryside need not be avoided. However, even if I were to conclude that the appeal buildings are redundant or disused, the proposed development would have a neutral impact on its surroundings as no external alterations or landscape works are proposed. Consequently, it would not enhance its immediate setting as required by paragraph 84 c).
22. The appellants have referred to Policy HOU 7 of the emerging North Norfolk Local Plan 2016-2036 (emerging LP), which addresses the re-use of rural buildings in the countryside. Upon request I have been provided with a copy of that policy, the examining Inspector's post-hearing letter, and a document identifying proposed minor modifications to the emerging LP.
23. The examining Inspector has identified issues of soundness with the emerging LP, including a shortfall in housing provision, and it would appear is yet to advise the local planning authority about the main modifications that are needed to make the plan sound. Accordingly, whilst the emerging LP is at an advanced stage, the weight that can be given to Policy HOU 7 in the determination of this appeal is limited. Furthermore, one of the requirements of Policy HOU 7 as currently worded is that it must be demonstrated that the proposed development has no adverse

impacts on protected species. This has not been achieved in this case given that, for the reasons set out above, I have found that the proposal will affect the integrity of a designated habitats site that supports protected species. Accordingly, even if I were to consider that greater weight can be given to Policy HOU 7 of the emerging LP, the proposed development would conflict with it.

24. Accordingly, I find that the appeal site is not a suitable location for the proposed development having regard to local and national policy. The proposed development would therefore be contrary to CS policies SS 1 and SS 2 as well as the Framework.
25. CS Policy SS 4 has also been referenced in the first reason for refusal. However, as this policy relates to the environment without mention of the location of development it is not relevant to this main issue.

Other Considerations

26. Whilst the extent of the shortfall is not specified, the Council has confirmed that it cannot currently demonstrate a five-year housing land supply. Nevertheless, the Framework indicates that the presumption in favour of sustainable development set out at paragraph 11(d) does not apply where the application of policies that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Footnote 7 of the Framework confirms that such policies include those relating to irreplaceable habitats, which include those contained within the SAC.
27. Therefore, the adverse effect on the integrity of the Broads SAC provides a clear reason for refusing the development. Accordingly, the proposed development does not benefit from the paragraph 11 d) presumption in favour of sustainable development.
28. The appellants are currently living in a non-permanent residence and the refusal of permission for the proposed dwelling would mean that The Muster would not provide them with a permanent home. However, whilst noting the circumstances of the appellants, it has not been shown that the proposed dwelling is the only option available to them to secure a suitable and permanent home. Consequently, I can only attach moderate weight to the appellants needs for a home as a consideration in favour of a grant of permission.

Other Matters

29. The site is partially within the Manningham and Wolterton Conservation Area (CA). The CA covers an extensive area that includes wide expanses of countryside and several settlements, including Ilteringham. The significance of the CA, insofar as it relates to this appeal, derives from the historic evidence of the settlements and their landscape settings.
30. I have found that the proposed development will have a neutral visual impact on the existing buildings and their surroundings. I therefore agree with the Council that it will not harm the character and appearance of the CA.
31. I acknowledge the appellants' concerns regarding the Council's handling of complaints relating to alleged breaches of planning control at Bure Valley Community Centre and Robin Farmhouse and the apparent inconsistency with the approach taken in respect of the appeal site. I also note the representations

received from the appellants' son regarding his ownership of the land adjoining the community centre, the subject of the complaint, and concerns raised about the potential bias of Itteringham Parish Council when submitting representations on the appeal proposal. However, such matters are not relevant to my findings on the planning merits of the scheme and, therefore, fall outside of the remit of this decision.

Planning Balance

32. The proposed development would harm the integrity of the SAC, a designated habitats site, which weighs significantly against it. In addition, the adverse impacts arising from the unsuitable location of the development due to the identified conflict with the spatial strategy carries moderate weight.
33. The proposed development would provide a permanent home for the appellants. It would also contribute towards the Government's aims of boosting the supply of housing and provide economic and social benefits from the occupation of the dwelling. Such benefits carry moderate weight.
34. Overall, I consider that the benefits of the proposed development do not present material considerations that are sufficient to outweigh the identified harm and the associated conflict with the development plan and the Framework.
35. I have had due regard to the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010. The harm that would be caused by the proposed development outweighs its benefits in terms of eliminating discrimination against persons with the protected characteristics of age, advancing equality of opportunity for those persons and fostering good relations between them and others.

Conclusion

36. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
37. I conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR