



Appeal Decision

Site visit made on 21 July 2025

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 September 2025

Appeal Ref: APP/V2635/W/24/3345299

Barns north of Thornham Road, Holme Next The Sea, Norfolk PE36 6LR

- 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 Lyn Garrett against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref is 23/00580/F.
 - The development proposed is described as conversion of existing agricultural barns including change of use (C3) to a private detached dwelling and associated works at Barns North of Thornham Road Holme next The Sea Norfolk.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal property is in the Norfolk Coastal Area of Outstanding Natural Beauty (AONB). On the 22 November 2023, all designated AONBs in England and Wales became National Landscapes (NL).
3. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework). The parts of the Framework most relevant to the appeal have not substantively changed from the previous version.

Main Issues

4. The main issues are:
 - i) whether the appeal site is a suitable location for residential development with regards to the development plan policies, having particular regard to access to services and facilities;
 - ii) the effect of the proposal upon the character and appearance of the area, including the Norfolk Coastal National Landscape (NL); and
 - iii) whether the scheme is acceptable in respect of flood risk.

Reasons

Location

5. Policies CS01 and CS02 of the King's Lynn and West Norfolk Local Development Framework Core Strategy (CS) seeks to direct development to sustainable

locations. It sets out a settlement hierarchy for the area, along with a strategy to focus new development into those settlements best placed to support it. CS Policy CS06 sets out a strategy for development in rural areas to promote sustainable communities and patterns of development. This includes, beyond villages and in the countryside, that the strategy will be to protect the countryside for its intrinsic character and beauty, and the diversity of its landscapes, heritage and wildlife. It also sets out that employment, housing, services and other facilities should be provided in close proximity.

6. The main parties do not dispute that the appeal site is in the countryside for planning policy purposes. Similarly, it is not disputed that the proposal would not comprise infill development for the purposes of King's Lynn and West Norfolk Site Allocations and Development Management Policies Plan ('SADMPP'). As the proposal is not promoted as being related to agricultural activities, for the purposes of Policy HNTS5 of the Holme-Next-the-Sea Neighbourhood Plan (NP), the provision of a new dwelling in this location has not been justified.
7. The Framework encourages the re-use of existing buildings, and an effective use of land. However, in a rural context this needs to be development in sustainable locations. This is echoed in Policy CS06 of the CS, which amongst other things, supports the conversion of buildings to residential use where the building is easily accessible to existing housing, employment and services.
8. The appellant submits that the appeal site is proximate to residential dwellings. However, I observed the appeal site, that is accessed via a narrow unlit single-track lane, to be significantly detached from built form, including existing properties which front Thornham Road.
9. There is a lack of local services and facilities in the vicinity of the appeal site. This would, therefore, necessitate the need for future occupants to travel for day-to-day services in the nearest settlements of Thornham and Holme-Next—The-Sea, or beyond to other settlements.
10. Thornham Road, in the vicinity of the appeal site, is an unlit road with no pavement that subject to the national speed limit. This would discourage pedestrians, including older people, those with mobility issues or with young children and cyclists from using it to access settlements, particularly during the hours of darkness and during inclement weather.
11. The information before me indicates that there is a regular bus service that traverses the A149. However, I did not observe a bus stop proximate to the appeal site.
12. My attention has been drawn to the nearby services at Drove Orchard which, amongst others, includes a farm shop and restaurants. Furthermore, I note that a local landowner would be willing to allow the appellant pedestrian access across their land to enable them to reach the bus stop at Drove Orchard, as well as the shops and facilities there, without the need to walk along the A149. Nevertheless, given the distance involved between the appeal site and these facilities the everyday essential needs of future occupants would be unlikely to be fulfilled by the services currently on offer.
13. Having regard to the location of the appeal site outside of a settlement, combined with the limitations of local roads and footpaths, it is therefore likely that the future

occupiers of the dwellings would be dependent on a private motor vehicle to access these services. Even when accepting that the site is in a rural location the proposed development would not provide the opportunity to maximise the use of sustainable transport facilities.

14. It is recognised that the Framework supports the effective use of land and gives substantial weight to the value of using suitable brownfield land within settlements. Furthermore, the Framework provides support for the development of windfall sites, giving great weight to the benefits of using suitable sites within existing settlements for homes. However, as set out above, the appeal site lies outside of a defined settlement and therefore these paragraphs provide no additional support for the proposal. The development would be inconsistent with specific local plan policies governing development within the countryside, which weigh significantly against it.
15. Whilst the proposal would re-use redundant or disused buildings, including that of a non-designated heritage asset (NDHA), having regard to existing development nearby the proposal would not comprise the development of an isolated home in the countryside and therefore the exceptions in paragraph 84 of the Framework do not apply.
16. For the above reasons, I therefore conclude that the proposal would not be an appropriate location having regard to the development plan policies, and in particular access to services and facilities. Accordingly, conflict arises with CS Policies CS01, CS02 and CS06, Policies DM1, DM2, DM3 and DM15 of the SADMPP and Policies HNTS 1, 5 and 7 of the NP. Collectively, amongst other things sets out a strategy for development in rural areas to promote sustainable communities and patterns of development. There would also be conflict with the Framework which seeks to locate housing where it will enhance or maintain the vitality of rural communities and promote sustainable transport modes.

National Landscape

17. The site lies within the Norfolk Coast NL. A statutory duty under section 85 of the Countryside and Rights of Way (CROW) Act 2000 requires me to seek to further the purpose of conserving and enhancing the natural beauty of the NL. This duty is also reflected in the Framework that states great weight should be given to conserving and enhancing the landscape and scenic beauty of the NL.
18. The special qualities of the Norfolk Coast NL include landscape views and scenic beauty, a sense of remoteness, peace and tranquillity, and dark night skies. The wider landscape surrounding the appeal site is predominately characterised by salt marshes, open fields bound by a network of drains, arable land uses and scattered settlement patterns.
19. The existing structures on site are relatively modest in size and have a functional and agricultural appearance. Although the appeal site includes utilitarian structures, in a dilapidated state, overall, the site contributes to the character of the predominantly open landscape.
20. Whilst the main parties agree that the appeal building is a NDHA the Parish Council take a contrary view. I recognise the building is limited in terms of its surviving historic fabric, with a later pole barn addition. Nevertheless, the evidence before me indicates that the surviving historic walls are a remnant of a bothy/cattle shed and that these structures are an important vestige of the former rural way of life in the

locality. Accordingly, the appeal building's significance as a NDHA is, in part, derived from its traditional agricultural character, materials and its relationship with a historic farmstead. In the absence of substantive evidence to the contrary, in reaching my decision, I have treated it as an NDHA.

21. The buildings would be converted and extended to form a dwelling. The building would retain some of the form of the former building at the site and remain single storey. However, overall, the extent of the alterations to facilitate the proposal would be substantial, including an increase in height as a result of the proposed Dove-cote extension to provide a safe refuge from flooding. Consequently, the proposal would have a greater degree of prominence than what is currently *in situ*.
22. The appeal site has a strong rural character with long, uninterrupted views across fields. As they currently stand, the small-scale utilitarian appearance of the farm buildings are appropriate features in the prevailing landscape setting. The domestication of the site would substantially change its character. This would be exacerbated by external paraphernalia associated with the proposed residential use of the building, such as parking and garden furniture that would result in an increased urbanisation of this rural location. This change in character would undermine the contribution the site makes to the open rural landscape.
23. The appellant submits that a landscaping scheme would enhance the surrounding landscape and that there would be no impact on important views in and out of the site. However, there appears to be little room for any meaningful landscaping, and in any event, I cannot be satisfied that such landscaping would not be incongruous within the otherwise open landscape.
24. The contemporary design approach, although a contrast to other buildings nearby, would not, in itself, be harmful, with the dwelling representing a modern intervention. The appellant suggests the use of tinted glazing to the large expanses of glazed elevations to minimise the impact of the proposal on the landscape, in particular having regard to dark skies. Whilst such measures, along with a lighting scheme, could be secured by condition, this would not overcome the harms identified.
25. The appellant refers to the Framework insofar as it states that great weight should be given to the conservation of a designated heritage asset. However, I have had regard to Paragraph 216 of the Framework which states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. Although the development is argued as the solution to conserving a NDHA, this remains a small element of the overall development proposal. Moreover, I am not satisfied that the appeal proposal is the only means of achieving this.
26. Whilst the intended users of the proposed development would undoubtedly benefit from being in a quiet location, there is no substantive evidence before me to demonstrate that it is a use which requires to be located within the countryside.
27. For the reasons stated above, I conclude that the proposal would fail to conserve and enhance the natural beauty of the Norfolk Coast NL. This draws the proposal into conflict with CS Policies CS06, CS07 and Policies HNTS5 and HNTS20 of the NP. Collectively, and amongst other things, these policies seek development to be based on high standards of design, that reflect local character and distinctiveness and in terms of both physical scale and intensity of use, should be compatible with

its particular purpose and sympathetic to the rural setting. In addition, the proposal conflicts with the Framework insofar as it seeks to conserve and enhance the scenic beauty and special qualities of the national landscape.

Flood risk

28. The evidence indicates that the appeal site lies within tidal flood Zone 3a¹ and has a high probability of flooding. As a proposal for residential development the appeal scheme would be classed as 'more vulnerable development'².
29. Policy CS08 of the CS and Policies 1, 5 and 7 of the NP also require a sequential approach to development and states that most new development should be located in Flood Zone 1. It goes on to state that new development in Flood Risk Zones 2 and 3a will be restricted to a limited range of categories. Although minor development is identified as such a category, the definition of this within the footnote to this policy does not include the creation of new dwellings.
30. The Framework, with supporting Planning Practice Guide (PPG) provides Government policy in respect of planning and flood risk, whereby inappropriate development in areas at risk of flooding should be avoided by directing development away from places at highest risk. This includes, where necessary, the applying of the sequential and exception tests to steer new development to areas with the lowest probability of flooding.
31. The appellant has not provided a sequential test as they rely on Paragraph 176 of the Framework which provides an exemption for the application of the sequential and exception tests in the case of minor development or changes of use. The appellant also advances that as the site-specific proposal is linked to the preservation of a NDHA the sequential test is passed. However, as stated above, I am not satisfied that the appeal scheme is the only means of securing the long-term future of the NDHA.
32. There is no policy requirement to apply the exception test if the sequential test is not met. However, even if I were to accept the appellant's argument and find that an exemption applies, the Framework makes clear that for all development in Flood Zones 2 and 3, a Site-Specific Flood Risk Assessment should be provided, and the development should be made safe for its lifetime without increasing flood risk elsewhere.
33. Having regard to the submitted flood risk assessment the Environment Agency notes that there is no safe emergency access, with reliance on an emergency plan for evacuation and that with the proposed extension to provide for a refuge being fall-back mitigation it is important that the building is structurally resilient to withstand pressure and forces associated with flood water. The structural report does not provide sufficient level of information to assess the structural integrity of the building, insofar as it relates to withstanding floodwaters. Consequently, the Council recommend the imposition of a planning condition requiring the submission of such detail.
34. In this case the barns *in situ* are predominantly open and new walls would enclose the footprint of the existing cattle shed. Whilst the proposal includes an element of conversion the converted parts provide for a gym and a store rather than habitable

¹ as defined by the Environment Agency's Flood Map

² Annex 3: Flood risk vulnerability classification, The National Planning Policy Framework

accommodation. The evidence indicates that even with the proposed resilience and resistance measures this would not prevent the flooding of the vast majority of the dwelling in the event of a flood. Accordingly, based on the information before me I am not satisfied that the development could be deemed safe for its lifetime.

Moreover, having regard to the second part of the exceptions test, I do not consider that wider sustainability benefits to the community would outweigh the flood risk in this particular case.

35. Accordingly, for the reasons stated, I am unable to conclude that the proposal would be acceptable in flood risk terms. Conflict therefore arises with Policy CS08 of the CS, Policies HNTS1, HNTS5 and HNTS7 of the NP and the Framework. Collectively, these seek to steer new development away from areas as the highest risk of flooding and ensure that vulnerable development is adequately protected.

Other Matters

36. The appellant has referred to what they consider to be a comparable planning application that has been approved by Kings Lynn & West Norfolk Council for the conversion of redundant agricultural buildings into residential use at Marsh Farm Barns. The barns are located to the east of the appeal site, separated by fields. I have limited information before me as to the circumstances of the permission. Nevertheless, from the information before me I am satisfied that the description of development and the location differs from the appeal proposal before me and thus the proposals are not directly comparable. Similarly, in respect of the planning appeal³ at the nearby Waxwings, Thornham Road, whilst there is some similarity in terms of the main issues, from the limited information before me, this related to a different description of development and its locational context differed. In any event the appeal was dismissed, and I have determined this appeal on its own merits.
37. The evidence indicates that the Council can demonstrate a Framework compliant housing land supply. Nevertheless, this is not a ceiling and as such I recognise that the proposal would help boost the supply of housing.
38. I note the various benefits identified by the appellant in supporting the local economy through the construction works and additional household expenditure. However, as the scheme relates to one additional dwelling these benefits are limited. Furthermore, while I note the appellant's commitment to utilising renewable resources, carbon reduction, and the support for this provided by the development plan, the resultant benefits are modest and do not overcome the conflict with the development plan identified above.
39. Local support for the appeal proposal is noted. However, this is a neutral matter which does not overcome the harm identified.
40. I understand that the appeal site lies within the zone of influence of one or more European designated sites. The Conservation of Species and Habitat Regulations 2017 require the Competent Authority to consider whether or not the proposal could adversely affect the integrity of the protected sites, either alone, or in combination with other plans and projects. Natural England has indicated that certain types of new development in this area are likely to have a significant effect on the sensitive interest features of these European designated sites, through increased recreational pressure. Therefore, had I been minded to allow the appeal, it would

³ APP/V2635/W/23/3333351 issued 3 October 2024

have been necessary to carry out an appropriate assessment in order to establish whether or not the proposal would be likely to affect the protected sites. However, as I have found that the proposal would be otherwise unacceptable, this has not been necessary.

Planning Balance and Conclusion

41. I have found that the proposal would be unacceptable in respect of location and flood risk. Furthermore, being mindful of my duty to further the purpose of conserving and enhancing the natural and scenic beauty of the NL, I afford significant weight to the harm that I have found in these respects and do not consider that the benefits, including the conservation of a NDHA and contribution towards housing land supply, would outweigh the harms.
42. Notwithstanding the above, given my conclusions above, having regard to footnote 7 of paragraph 11 d i) of the Framework, the identified harm to the NL and flood risk provides a clear reason for refusing planning permission.
43. Accordingly, the proposal would conflict with the development plan as a whole and there are no material considerations of sufficient weight, including the provisions of the Framework, to indicate that the development should be determined other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

R Gee

INSPECTOR