Planning Inspectorate

Appeal Decision

Site visit made on 5 November 2026

by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th November 2026

Appeal Ref: APP/L2630/C/24/3348428
Black Hall Farm Traice Road, Fundenhall, NORWICH, NR16 1HQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Andrew Dring against an enforcement notice issued by South Norfolk District Council.
- The notice was issued on 19 June 2024.
- The breach of planning control as alleged in the notice is: Without planning permission, the material change of use from a use ancillary to the residential dwelling to a use as an office for rental purposes.
- The requirements of the notice are to: Cease the use of the storage and utility space as an office and remove all items used to facilitate this office use.
- The period for compliance with the requirements is 4 months from the date the notice takes effect.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the material change of use from a use ancillary to the residential dwelling to a use as an office for rental purposes at Black Hall Farm Traice Road, Fundenhall, NORWICH, NR16 1HQ , as shown on the plan attached to the notice.

The Appeal on Ground (a)

2. The appeal was submitted on ground (a) alone. The main issue in respect of the appeal is whether the appeal site is a suitable location for the office use, having regard to likely travel patterns and the related aims of local and national planning policy with regard to development in the countryside.

3. The appeal site relates to a small building which was formerly in use ancillary to the farmhouse associated with Black Hall Farm, a working farm situated in a rural setting, some distance from the closest settlements. The single storey structure is physically attached to the dwelling via a linked canopy and is modest in scale, comprising a single room which contains the office and a small bathroom containing a toilet and washbasin. It has been used by a small accountancy business with a maximum of two staff on site at any one time and is used for 3 days a week. From the information provided, the firm provides services to a number of local businesses.

4. The parties dispute the distance of the site from Ashwellthorpe. The Council contend it is approximately 3km whereas the appellant maintains it is half that

distance. That may be dependent upon whether one measures to the edge or the centre of the village and upon which route one takes to get there. The villages of Bunwell, Tacloneston and Fornsett End are a broadly similar distance to the south and south east. The larger settlement of Wymondham is situated a few kilometres to the north.

5. It is clear that the site is some distance from those settlements and the likelihood is that those working or visiting the site will do so predominantly using a private car. However, that is not unusual in the context of a highly rural area where public transport provision is likely to be sporadic. The question is whether that reliance upon the car is such that permission should be refused.

6. The Council has referred to Policy DM2.1(7) of the South Norfolk Local Plan (2015)(the Local Plan) which states that "*Positive consideration will be given to proposals that re-use redundant buildings and hard standings; and/or are located on sites well related to rural towns and villages and it is demonstrated that there are no sequentially preferable sites available; and/or create accessible jobs or business opportunities in the rural area."*

7. The use of and/or is seemingly deliberate so if a development met any one of the three criteria it would seemingly meet the terms of the policy and attract "positive consideration". Sub paragraph (8) of the policy makes clear that a sequential assessment is not necessary in relation to new offices of less than 200sqm which is the case in this instance.

8. Moreover, the preamble to the policy at paragraph 2.9 states that *"In line with paragraph 25 of the National Planning Policy Framework, a sequential test is not required for small scale rural offices or other small scale rural development. Development of this nature is therefore an exception to criterion (7) of the policy".*

9. In other words, small-scale offices are exempt from the requirements of "criterion (7)". That would appear to relate "criterion (7)" in its totality, given the way the paragraph is worded. Therefore, the Council's reliance upon that criterion would appear to go against the intentions of the policy and the Local Plan in respect of small scale rural offices.

10. Looked at in the round, it seems to me that the policy is seeking to ensure that development of any notable scale, which would be likely to generate significant associated travel, should be located in line with the sequential approach. However, there is recognition that small scale rural offices of the kind in question need not follow that sequential approach.

11. Moreover, even if criterion 7 was applied it seems to me that the development relate to the re-use of a redundant building. The policy does not require a building to be derelict or disused, simply redundant. The appellant has explained that it was not being used and was no longer needed for storage purposes in association with the house, which was its original function. That is why he sought an alternative use. I have no reason to doubt that position.

12. Thus, even if the policy was applied, the change of use to an office would meet the first of the three criteria. Given the way the policy uses and/or in between each of the 3 criteria, it is only necessary to comply with one element to gain support from the policy. Accordingly, I find no conflict with the aims of Policy DM2.1 of the Local Plan.

13. Moreover, the policy is broadly in line with the current policies of the National Planning Policy Framework (the Framework). In particular, Policy S5(c) allows for the re-use, extension, alteration or replacement of buildings outside settlements, providing that the building is of permanent and substantial construction, as is the case in this instance.

14. "Re-use" would appear to encompass a material change of use judging by the way the text is worded. The policy specifies that any replacement building must be in the same use as the previous structure. The fact that the policy clarifies that point would indicate that proposals to re-use existing buildings, not involving a replacement structure, need not fall within the same use. In fact, the term "re-use" is the same phrase used within Policy DM2.1(7).

15. In addition, Policy S5(d) allows for the redevelopment of previously developed land, including a material change of use. In relation to rural business development, Policy E4(2) recognises that development proposals to meet business needs in rural areas may need to be located outside settlements, and in locations that are not well served by public transport. Sub-sections (a) and (b) of that policy state that in such situations development proposals should take opportunities, where they exist, to use previously developed land, and sites that are physically well-related to existing development; and that the siting and design of development should be appropriate having regard to the character of its surroundings.

16. In this case, the office relates well to the existing development at the farm and the farmhouse in physical terms and has no impact on the character of the surroundings, given the absence of any external alterations.

17. It is the case that Policy DM3.10 of the Local Plan states that all development should support sustainable transport and development objectives and utilise all opportunities to integrate with local sustainable transport networks, be designed to reduce the need to travel and maximise sustainable forms of travel, appropriate to the location. It cannot be said that the development in this case has supported sustainable transport objectives or that it integrates with sustainable transport networks given that there is no realistic alternative to the car.

18. Nonetheless, the tail end of the policy refers to such matters being "appropriate to the location". As set out above, in this particular location and even in surrounding villages, alternatives to the car are likely to be extremely limited. Even if the development was located in a village that would not guarantee that employees would reside there and there would be potential for car based trips, as there are at present. Whilst there is some conflict with the wording of Policy DM3.10 the extent of any harm is extremely limited, given the small nature of the operation and low level of vehicular trips that will arise.

19. Policy TR3 of the Framework places a similar emphasis on sustainable travel options to Policy DM3.10 of the Local Plan. However when assessed against the various criteria, the development does not generate a significant amount of movement, nor does it have a significant impact on the transport network or create notable environmental harm. The opportunity to maximise public transport use or walking and cycling is limited but not unusually so given the rural nature of the location.

20. I note reference to Policy 1 of the Greater Norwich Local Plan (2024) (the GNLP). However, that policy is a broad strategic policy which sets the settlement hierarchy

for housing and employment growth and identifies the broad quantum of development that will be delivered and identifies the strategic locations where that development will be directed. Whilst the policy identifies the principal locations for future growth there is nothing explicit within it to preclude small scale development of the kind before me from coming forward. It is of such a small scale as to be inconsequential to the overall strategic growth plans identified.

21. When viewed in the round the policies of the Local Plan and the Framework do not seek to preclude proposals for the re-use of buildings for small scale office use, notwithstanding that alternative options to the private car are limited. In effect, it is an extremely modest development with minimal impact in terms of travel patterns and no impact in terms of the character of the area. Whilst a separate business to the working farm, the building is still within the ownership of the wider estate and I have no doubt that the rental income is beneficial to the farming business which is operated by the appellant.

22. In that sense, there is a clear link to the existing business. Although modest, the business has generated rural employment through the re-use of an existing building which is consistent with the broad thrust of Policy DM2.1 and Policies S5 and E4 of the Framework. I recognise that the policies of the Framework have been revised since the enforcement notice was issued but the recognition that travel options will vary between urban and rural areas remains, as does the support for the conversion of buildings for rural development.

23. In view of all of those matters I am satisfied that the location of the site is not unsuitable having regard to the small-scale nature of the office use, the limited amount of travel that will arise and the local and national planning policy context. Whilst there is some conflict with Policy DM3.10, the reality is that sustainable transport options are limited in the rural area the business serves. Moreover, I am satisfied that the use complies with the terms of Policy DM2.1 for the reasons set out. When viewed in the round, I am satisfied that the development does not conflict with the aims of the development plan, read as a whole. In addition, I find that the development does not conflict with the aims of the relevant policies of the Framework, as identified above and that the modest economic benefit is a matter that weighs in favour of an approval.

24. Neither party has suggested any conditions in the event that the appeal is allowed and I am satisfied that none are necessary to make the development acceptable in planning terms, given the absence of any harm.

25. Having regard to the presumption in favour of the development plan, the compliance with the relevant policies of the Framework, the economic benefits and the absence of any harm arising I conclude that the appeal on ground (a) should succeed. Therefore, I shall grant planning permission for the material change of use from a use ancillary to the residential dwelling to a use as an office for rental purposes and the enforcement notice will be quashed.

Chris Preston

INSPECTOR