

PLANNING COMMITTEE - 25^H July 2016

APPEAL DECISIONS (FOR INFORMATION)

APP/F2605/W/16/3144169: HOCKERING: Barn at Rickwood Farm,; Appeal by Mr David Cooper against the refusal of planning permission of conversion of existing agricultural barn to dwelling. Reference: 3PL/2015/0049/UC

Decision: The Appeal is Dismissed

Summary: The permission granted by Class Q encompasses only those building operations which are reasonably necessary to convert the building. Similarly, whilst paragraph Q.1(i) allows for the installation and replacement of roofs and exterior walls, this is limited to what is reasonably necessary for the building to function as a dwellinghouse. Conversion of a building involves, in essence, enabling what currently exists to function for the purposes of a new use, rather than significant change to the substance of the building. The Government's Planning Practice Guidance states¹ that Class Q assumes that the agricultural building is capable of functioning as a dwelling and that it is not the intention of the permitted development right to include the construction of new structural elements for the building. Taking all of the above matters into account, I conclude that the proposal would involve building operations exceeding those allowed by paragraph Q.1(i), and that this limitation would not be met. The scheme of Class Q is that a proposal must comply with all of the limitations set out in paragraph Q.1. The proposal's failure to comply with paragraph Q.1(i) therefore has the result that the proposal is not permitted development. Consequently, it is development for which an application for planning permission is required. The planning issues raised by such an application would be matters for the Council to consider in the first instance and cannot be addressed under the prior approval provisions set out in the 2015 Order. Accordingly, the appeal is dismissed.

APP/F20605/W/16/3144628: LITTLE DUNHAM:- Land adjacent to Westcliffe House, Barrows Hole Lane; Appeal by The Kilvent Minor Adams Childrens Account against the refusal of the four dwellings with associated access drive, parking area and amenity space. Reference 3PL/2015/0894/F.

Decision: The Appeal is Dismissed.

Summary: The proposal would fail to represent sustainable development in accordance with the Framework as the three dimensions of sustainable development are mutually dependent and I have found that the proposal would not meet the environmental dimension. The Inspector concluded that he found in favour of the development in terms of the effects on the highways network in the vicinity of the site, the effect on the trees at the access point to the site and with regard to the need to make provision for affordable housing. However, the policies in the local plan and the Framework are very clear in their objective to promote good design and to protect the countryside. The permanent and lasting harm that the development would cause to the character of the village and its countryside setting would significantly and demonstrably outweigh the small scale benefits that would result from the proposed development when assessed against the policies in the Framework. Therefore planning permission should be refused. . For the above reasons, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

APP/F2065/W/16/3148954: BRADENHAM: Land adjacent to THE Haven, Daffy Green; Appeal by Mr P Bush against refusal of planning permission for the erection of two single storey dwellings & garages. Reference 3PL/2016/1069/O

Decision: The Appeal is Allowed.

Summary: I have found moderate harm to character and appearance and conflict with policy CP11. The development is also poorly placed for the use of sustainable modes of transport and is not consistent with policy CP14. On the other hand two dwellings would be provided and there is not a five year supply of deliverable housing sites in the area. The Framework emphasizes the need to boost significantly the supply of housing and to deliver a wide choice of high quality homes. In this case, the relevant policy for the supply of housing is out-of-date. Having regard to Framework paragraph 14, I find that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of the development. The overall balance weighs in favour of allowing the appeal. I have had regard to the conditions suggested by the Council, to statutory requirements and to relevant sections of the Planning Practice Guidance. Standard conditions are required with regard to submission of reserved matters and commencement of development. A condition is also required to ensure protection of trees during construction. Full details of the proposed accesses, are not given on drawing 0657/01 and should be required in the interests of highway safety. Closure of the gated access shown on drawing 0657/01 to be blocked up should be required before the houses are occupied. To protect the environment details of foul and surface water drainage should be required. A contaminated land condition is also suggested. However, in the absence of evidence indicating any reasonably likely risk of contamination of the land it has not been shown that such a condition is necessary. A condition requiring details of boundary screening is not required because landscaping is a reserved matter. Having regard to the above and to all other matters raised the appeal should succeed.

APP/F2605/D/16/3150222: FOXLEY: Long Acre, Chapel Road; Appeal by Mr & Mrs G Hoptrough against a refusal of planning permission for the provision of living accommodation annexe with attached garage. Reference 3PL/2016/0002/F.

Decision: The Appeal is Dismissed.

Summary: The proposed annex would be a sizeable building. Its rear wall and roof would exceed the height of the boundary fence between the appeal property and No 5 by some margin. As it would also be positioned relatively close to, and occupy much of the length of No 5's rear garden boundary with the appeal site, I find that the proposed development would be considerably overwhelming, offering little in the way of visual relief. It would have a dominating effect on the living conditions of the occupiers of the neighbouring property whom would have their outlook severely affected. While I have found the proposed annex would be somewhat sizeable, it would not be significantly so large that it would hold parity or compete with the host dwelling. I am satisfied that the proposed annex would be clearly viewed as an ancillary part of the host dwelling and its positioning on the site would prevent it from appearing as a separate dwelling. I find no conflict with Core Strategy policy DC02, which states that proposals for residential annexes will be supported provided the residential accommodation is well-related to the main dwelling and the scale of the annex does not dominate the existing dwelling. However, my finding on this matter

does not outweigh the harm I have identified above in respect to living conditions. For the reasons given above I conclude that the appeal should be dismissed.

APP/F2605/WE/16/3145877: SCARNING, The Woodlands, Rushmeadow Road; Appeal by NR20 Developments, against a refusal of planning permission for two new dwellings. Reference 3PL/2015/1212/F

Decision: The Appeal is Dismissed

Summary: The proposed development provides moderate benefits in terms of its sustainable and accessible location, the provision of two dwellings to the local housing supply and improvements to highway safety. However, I have found significant harm to the character and appearance of the surrounding area. With regards to paragraph 14 of the NPPF, the adverse effects of the proposed development significantly and demonstrably outweigh the benefits. Therefore, on balance and taken as a whole, the proposal does not represent sustainable development. For this reason and having considered all matters raised, I conclude that the appeal should be dismissed.

APP/F2605/W/16/3144448: WORTHING, Home Farm adjoining Meadow Cottage, Swanton Morley Road. Appeal by Mr & Mrs R Crisp against the refusal of planning permission for two new dwellings. Reference 3PL/2015/1242/F.

Decision: The Appeal is Dismissed

Summary: The proposed two family homes would make a readily available contribution to the housing supply shortfall and this has been afforded significant weight in this decision. The development would offer short-term economic benefits through their construction and longer term benefits through expenditure supporting local services within North Elmham and the wider area. However, two dwellings would make only a small contribution to housing supply and the local economic benefits derived would similarly be relatively limited. These benefits would be significantly and demonstrably outweighed by the harm found in housing located outside of the CSDCP settlement boundaries where it would necessitate an over-reliance on private car use to access regularly required services and detract harmfully from the undeveloped rural character of this area. As a consequence, this proposal would not be the sustainable development supported through the Framework and, having taken into account all other matters raised, I must conclude that this appeal should be dismissed.

APP/F2605/W/15/3140922: WATTON: Land West of Saham Road. Appeal by Hopkins Homes Limited against the refusal of planning permission for a residential development comprising the erection of 73 dwellings. Reference 3PL/2015/0219/F.

Decision: The Appeal is Allowed and full costs have been awarded to Hopkins Homes Limited.

Summary: The appeal scheme would bring social benefits through the delivery of housing, including affordable housing. I attach significant weight to these benefits which in my view outweigh any harm arising from additional pressures on local health services. The scheme would also, no doubt, bring economic benefits through

additional spending in the local economy. No significant environmental harm has been identified. Any harm to the wider landscape and the setting of the town would be limited and localised. I conclude that the factors weighing against the appeal are not such as to significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. The appeal scheme should therefore be regarded as a sustainable form of development and the appeal should be allowed.