

Schedule of Planning Applications

Committee Date: 7th September 2022

Application No: 06/22/0197/O - [Click here to see application webpage](#)

Site Location: Mill Barn, Hemsby Road, Martham, Great Yarmouth, NR29 4QQ

Site Location Plan: See Appendix 1

Proposal: **Outline application (with full details of access only) for the demolition of an existing barn and the construction of a new dwelling and new vehicular access/highway improvements.**

Applicant: Mr H Alston, Billockby Hall, Billockby, Great Yarmouth NR29 3BE

Case Officer: Mr R Tate

Parish & Ward: Martham Parish

Date Valid: 28-02-22

Expiry / EOT date: 15-09-22

Committee referral: At the discretion of the Head of Planning Services

RECOMMENDATION: REFUSE

REPORT

1. The Site

- 1.1 The site comprises an unused pasture field with a single structure, a disused agricultural barn, adjacent Hemsby Road at its eastern end. The site measures an area of 0.77ha.
- 1.2 Mill Barn is an early 19th century red brick barn located on the west of Martham Road in Hemsby. The brick barn is situated at the frontage of the site adjacent to the highway edge and immediately abutting a bend in Hemsby Road.
- 1.3 Whilst inside the Parish of Martham, the barn lies outside of the village development limits and is within the open countryside. The site is approximately 1km from the village centre. To the south of the barn is Mill Farm House, and to the north is a small cluster of dwellings with a mix of circa 1930s semidetached dwellings to the west and a smattering of bungalows closer to the barn.

2. The Proposal

- 2.1 The application is an outline application (with full details of access only) for the demolition of the existing barn on the site and for the erection of a new dwelling. The application also proposes to create a new access to the north of the existing barn, to serve the new dwelling, and associated realigning of the carriageway. The existing access to the south of the barn would be used only for access to the existing dwelling neighbour to the south (notwithstanding that there is an existing access serving that dwelling already).
- 2.2 Being an outline application with full details of access only, the details of landscaping, design, scale and layout are not being assessed as part of this application and would remain as reserved matters.

3. Site Constraints

- 3.1 Outside Development Limits as defined by GSP1.
- 3.2 Within the 'Nutrient Neutrality' Catchment Area of the Trinity Broads SAC network.
- 3.3 Within the Orange 400m to 2.5km Indicative Habitat Impact Zone for purposes of GIRAMS.

4. Relevant Planning History

- 4.1 The table below shows the planning history for the barn over the last 16 years:

Application	Description	Decision	Decision Date
06/20/0605/O	Outline application to relocate existing barn conversion with replacement dwelling, set back and including new access	REFUSED	05-03-21
06/15/0777/F	New dwelling with cart style garage	REFUSED DISMISSED ON APPEAL	16-02-16

			18-11-16
06/14/0572/F	Proposed new dwelling	REFUSED	31-12-14
06/11/0495/CD	Conversion of barn to dwelling, relocation of entrance & formation of paddock - Discharge Condition No's: 3,4,5,6&7 PP 06/08/0136/F	Conditions approved	09-08-11
06/08/0136/F	Conversion of barn into a dwelling, relocation of main vehicle entrance and formation of paddock	APPROVED	12-08-08
06/06/0099/F	Change of use of rural building to residential	REFUSED	04-04-06

- 4.2 Planning permission 06/08/0136/F approved the conversion of the existing barn into a single dwelling. All pre-commencement conditions were discharged within the 3 year time limit as part of discharge of conditions application 06/11/0495/CD.
- 4.3 The applicant has made reference to the implementation of the permission for the conversion of the barn (not the demolition and replacement) which was granted on 12 August 2008). The applicant has the opportunity to apply for a Certificate of Lawfulness if he wishes to establish whether this permission has been lawfully implemented. He has not done so and the Authority is not in a position to make comment regarding the implementation of the planning permission. It is considered that the relevance of this previous permission is limited, however, as it related to a conversion (which could still be policy compliant) and not the demolition.
- 4.4 Since the barn conversion was approved in 2008, there have been three applications to demolish the barn and construct a new dwelling on the site. Application 06/15/0777/F was a delegated refusal which was appealed, the appeal was dismissed by the Planning Inspectorate with the Inspector concluding that a new dwelling on the site would have a harmful urbanising impact, more-so than retaining the existing barn or converting it. The Development Plan has changed since that time, although the principle is considered to remain the same.

4.5 The application refused in 2021 (06/20/0605/O) was refused for the below summarised reasons:

1. The barn is not in a habitable condition so the application cannot be considered as a replacement (contrary to saved 2001 local plan policy HOU20 A).
2. The proposal would be for a net new dwelling in the countryside, within an unsustainable location (contrary to saved 2001 local plan policies HOU07 and HOU10 and 2015 Core Strategy policies CS1 (e) and CS2).
3. The loss of the barn would result in the loss of local historic and architectural value and result in the loss of a prominent feature in the landscape (Core Policy CS09 G).
4. It had not been demonstrated that the applicant has control over sufficient land to provide adequate visibility splays at the site access (Contrary to Core Policy CS16).
5. Inadequate information was provided with the application to demonstrate whether or not the development would have an adverse effect on species protected by law, i.e. bats and nesting birds (contrary to Core Policy CS11); and,
6. No Habitat Monitoring and Mitigation Strategy (HMMS) payment was received (Contrary to Core Policy CS11).

4.6 Since then of course the local development plan context has changed through the replacement of the 2001 Local Plan with the Local Plan Part 2, adopted December 2021. The concerns about the principle of development and impact on historic character remain, as will be assessed later in the report.

5. Consultations

Statutory Consultees

Consultee: Local Highways Authority (Norfolk County Council)	Response: no objection subject to conditions
<p>Comments:</p> <p>Subsequent to the previous application (refused), the LHA have discussed highway matters and access with the applicant, the results of which have been encompassed in the current application.</p> <p>The application refers to an extant planning consent for residential use of the barn, although possibly there is a clarification in planning terms as to what actually constitutes residential use. Accordingly, I am minded that in highway terms any trip generation from the barn at present, [would be] ancillary to the main use and unlikely to be akin to full residential use, albeit I have to take into consideration current approved use(s).</p> <p>As I advised the applicant, I do have reservations in terms of not providing visibility fully in accordance with current guidance as clearly it is an important factor in terms of highway safety. However, clearly the visibility to the critical traffic direction (south-east of the proposed access) has been demonstrated in accordance with current guidance.</p> <p>In terms of the visibility to the non-critical direction, I understand there is no possibility of securing a S106 Agreement with the landowner to secure the visibility and that is clearly a matter of fact. However, at present, the absence of any hedge or boundary feature along the field boundary does afford visibility and in the absence of any boundary feature there is a realistic expectation that visibility is achieved and would be maintained..</p> <p>I am also minded that the proposals include highway improvements in terms of the widening of the carriageway and clearly this does provide betterment and will ease a pinch point that could presently lead to conflicts. I also consider that the [existing] road environment does help to constrain vehicle speeds and that the improvements proposed to widen the road are unlikely to significantly alter vehicle speeds due to the gradient and location of the speed limit terminal signs. Therefore, given the critical visibility is achieved, I am prepared (in this case) to consider a relaxation in the non-critical direction.</p> <p>Whilst minded not to offset one highway safety improvement and create another, having regard to the above and the fact that the proposal is for only one property, on balance I consider that the proposals in this case would not have a severe detrimental effect on the highway network or highway safety, and as such it would be difficult to sustain an objection in that respect or to defend an objection at Appeal.</p>	
Officer comment / response:	The Highways Officer's comments are noted.

	<p>The visibility splay cannot be maintained in perpetuity because the land in question falls outside of the applicant's control and no S106 Agreement has been proposed by the applicant (which would require the second land owner's agreement).</p> <p>It is of note that the Appeal Inspector reflected on the suggestion of highway safety in his decision and stated –</p> <p>“there is little substantive evidence before me that the barn has been struck by passing traffic and the Local Highway Authority has not suggested it is essential to demolish the barn in the interests of local highway safety. This is even though such a cause of action may be supported locally given perceived concerns with the bend and the findings of the road safety audit. “</p> <p>The Inspector and the Local Highway Authority appear to agree that the existing barn and the road environment limit speeds and do not cause an unsafe highway environment. There is little to suggest that the visibility splays in either direction outside the site can be secured in perpetuity. Therefore the matter of whether the small extent of widening the carriageway as proposed in this development offers genuine highway safety improvement seems to be very limited although it must be taken to be a material consideration in favour of the proposal, albeit the weight afforded to such a consideration is equally and significantly limited.</p>
Any relevant Condition / Informative note?	Should members wish to approve the application contrary to the Planning Officer recommendation then the conditions suggested by the Highways Officer should be imposed on the grant of any permission.

Consultee: Public Rights of Way	Response: No objection
Comments: Based on the information currently available this application is unlikely to result in an objection as although Martham footpath 20 is in the vicinity, it does not appear to be affected by the proposals.	

Officer comment / response:	n/a
Any relevant Condition / Informative note?	n/a

Consultee: County Ecologist	Response: No objection
<p>Comments:</p> <p>The sHRA (shadow HRA) uses the current GIRAMS fee of £185.93 per dwelling as laid out in Norfolk Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy 2021.</p> <p>sHRA has confirmed that there are no concerns about Nutrient Neutrality as wastewater will be joined to mains that discharge outside of area of concern and that rainwater drainage is absorbed using soakaways.</p> <p>Recommended biodiversity conditions should the application have been recommended for approval</p>	
Officer comment / response:	These issues are explored further in sections 16, 17 and 18 of the committee report
Any relevant Condition / Informative note?	n/a

Internal Consultees

Conservation Officer	Response: OBJECTION
<p>Comments:</p> <p>The current application is supported by a Heritage Statement which concludes that 'Mill Barn is not considered to be of sufficient importance in itself, or to make a level of contribution to the wider historic landscape that would preclude it's demolition to facilitate development of the study site.' (10.3, page 18)</p> <p>The report suggests that by preserving the footprint, scale and massing of the barn, the proposed design would refer to the former use and history of the existing building.</p>	

The barn has a historic and evidential value - its location, positioning, historic materials, and vernacular design contribute to the local character and distinctiveness. The date stone further speaks of the local history referring to former activities and owners. The building has been altered and the original thatched roof has been replaced with corrugated asbestos sheets, however, its traditional architectural features are still evident and refer to the history and vernacular tradition of the area.

The proposed demolition would erase the authentic qualities of the barn and diminish its historic integrity. The Conservation section considers that the contribution this building makes to the local character and history should be taken into account. The barn has distinctive traditional features, and it is recommended that the building is preserved and further enhanced, rather than demolished.

There aren't any substantial construction issues specified in the Heritage Statement and supported by a structural engineer [to suggest conversion should be precluded]. (NPPF, Paragraph 203)

For the reasons mentioned above, Conservation Officers cannot support the proposed demolition. We recommend that other options are reviewed, such as the conversion of the barn and its reuse which would aim to sustain and enhance its historic significance and contribution (NPPF, Paragraph 197) (NPPF, Paragraph 203).

Officer comment / response:

The barn can be considered as a non-designated heritage asset. NPPF Paragraph 203 requires that when determining applications that 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." In agreement with Conservation Officers, it is considered the loss of the barn would result in the loss of a non-designated heritage asset and this harm would not be sufficiently off-set by the very limited nature of the public benefits of the development, which are considered to consist only of the very limited extent and effect of the highway works.

Any relevant Condition / Informative note?

n/a

Strategic Planning

Response: General Comments in relation to Public Open Space

Comments:

Policy H4

This LPP2 policy requires new residential development to make provision for publicly accessible recreational open space where there is an identified deficit in local provision (defined by ward). As the development is under 20 dwellings, such provision will only feasibly be met off-site. An assessment of the current surplus/deficit of each type of open space and an allowance for maintenance in the West Flegg Ward has been carried out based on the Open Spaces Needs Assessment (2013) and Sport, Play and Leisure Strategy (2015) improvements to the provision of the following types of open space are required to support the development:

- Outdoor Sport
- Play space
- Parks and Gardens
- Accessible Natural Greenspace

There are no local deficiencies of informal amenity space and Allotments, therefore improvements to the provision of these spaces are not required to support this development.

Therefore, on the basis of the above the Borough Council would expect a full off-site financial contribution of at least £1,523.10.

Officer comment / response:	The contribution of £1,523.10 has now been paid to address policy H4.
Any relevant Condition / Informative note?	n/a

6. Publicity & Representations received

Consultations undertaken: Letters to neighbours and Site notices

Ward Member – Cllr Andy Grant

Representation	Officer Comment	Relevant Condition /Informative
For the record I and virtually the entire population of Martham are in favour of this so unless its recommended for approval then I'd like it called to the next appropriate development control meeting please.	No planning reasons or justifications have been given by Cllr Grant in support of the application.	n/a

Parish Council

Representation	Officer Comment	Relevant Condition /Informative
No objection	n/a	

Public Representations

At the time of writing, 1 public comment has been received from a neighbouring resident.

Comment / observations:

Representation	Officer Comment	Relevant Condition /Informative
<p>We live in the property adjoining the site.</p> <p>We do not object to the proposal to relocate the barn, subject to satisfactory treatment of the boundary between the site and our property. We would want the existing hedgerow retained. Also, we would want an opportunity to comment on the details of the development before they are considered for approval so that we can avoid overlooking/privacy problems; or access problems.</p> <p>If the barn is to be converted to residential use, then moving it further back into the site seems a sensible proposal as it should improve visibility on the road.</p>	<p>The application is outline with full details of access only, but should it be approved then the statutory consultations would have to be carried out on any reserved matters application(s).</p> <p>The hedge between the barn and the neighbouring property – which is not of high amenity value - does not require removal in order for the visibility splays to be met. The hedge could be retained by virtue of planning condition on any permission granted.</p>	n/a

7. Relevant Planning Policies

The Great Yarmouth Core Strategy (adopted 2015)

- Policy CS1: Focusing on a sustainable future

- Policy CS2: Achieving sustainable growth
- Policy CS9: Encouraging well-designed, distinctive places
- Policy CS10: Safeguarding local heritage assets
- Policy CS11: Enhancing the natural environment
- Policy CS16: Improving accessibility and transport

The Great Yarmouth Local Plan Part 2 (adopted 2021)

- Policy GSP1: Development Limits
- Policy GSP5: National Site Network designated habitat sites and species impact avoidance and mitigation
- Policy GSP8: Planning obligations
- Policy A1: Amenity
- Policy A2: Housing design principles
- Policy H3: Housing density
- Policy H4: Open space provision for new housing development
- Policy H5: Rural worker dwellings
- Policy H8: Replacement dwellings outside of the development limits
- Policy E4: Trees and landscape
- Policy E5: Historic environment and heritage
- Policy E7: Water conservation in new dwellings and holiday accommodation
- Policy I1: Vehicle parking for developments
- Policy I3: Foul Drainage

8. Other Material Planning Considerations

National Planning Policy Framework (July 2021)

- Section 2: Achieving sustainable development
- Section 4: Decision Making
- Section 5: Delivering a sufficient supply of homes
- Section 12: Achieving well-designed places
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment

9. Planning Analysis

1. Legislation dictates how all planning applications must be determined. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that

applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

2. Section 70(2) of the Town and Country Planning Act 1990 (as amended) states: *In dealing with an application for planning permission the authority shall have regard to—*

(a) the provisions of the development plan, so far as material to the application,

(aza) a post-examination draft neighbourhood development plan, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

This is reiterated at paragraphs 2 and 47 of the National Planning Policy Framework.

Main Issues

The main planning issues for consideration include:

- Principle of development
- Landscape Impact
- Heritage
- Highways
- Amenity
- Biodiversity
- Impact on Designated Sites
- Nutrient Neutrality

Assessment:

10. Principle of Development

- 10.1 The application site is located outside of the development limits, and policy GSP1 states that development will not be supported outside of the development limits except where:

- a. it comprises agricultural or forestry development;
 - b. it comprises the provision of utilities and highway infrastructure; or
 - c. specific policies in the Local Plan indicate otherwise.
- 10.2 Core Policy CS02 supports conversions/replacement dwellings/buildings and schemes that help to meet rural needs. Policy H7 expands upon this and identifies when the residential conversion of buildings of heritage or landscape value outside the Development Limits would be supported. As such, the question of whether the 2008 permission is extant is irrelevant as the conversion of the existing barn would likely be supported by current policies in principle. What is not supported, is the demolition of a building of landscape/heritage value and the erection of a new dwelling.
- 10.3 Regardless of whether the proposal is assessed as a 'replacement' dwelling or as a new dwelling it would not be supported by policy. Indeed, this is acknowledged by the applicant's agent, as in the supporting statement they write: "consequently, the applicants acknowledge that the application proposals do not accord with the development plan". Instead, they argue that material considerations – i.e. the highways works – outweigh the conflict with the development plan. This will be assessed in section 11 of this report.
- 10.4 For the avoidance of doubt and for clarity, the principle of both a 'replacement' dwelling and a new dwelling will be assessed below:

Principle of a replacement dwelling

- 10.5 The agent has argued that this application should be considered as a replacement dwelling on the basis that the barn should be considered a current dwelling. As noted earlier on in the report, the LPA has not taken a position on whether the 2008 permission has been implemented / whether permission remains extant for conversion of the barn.
- 10.6 Members are reminded that unless a dwelling has been used for residential occupation, then it cannot be taken to be a dwelling and therefore this application cannot be considered to be a "replacement dwelling", as there is no dwelling to be replaced.

- 10.7 Given the foregoing, Officers do not consider that the application can be considered against the Local Plan Part 2 policy H8 on 'replacement dwellings in the countryside'.

Furthermore, policy H8 from the Local Plan Part 2 only supports replacement dwellings in the countryside where the following strict criteria all apply:

- a. The existing dwelling is not a building of architectural or historical value which makes a positive contribution to the locality;*
- b. The dwelling being replaced has a current lawful permanent residential use and has not been abandoned;*
- c. The replacement dwelling's scale, siting and design, and any extension of its curtilage:*
 - would not harm the character of the surrounding area or any protected landscape, habitat, species or heritage assets; and*
 - would not have a significant adverse effect on the amenities of neighbouring occupiers or the effective operation of nearby businesses; and*
- d. Any increase in bedrooms would not have an adverse impact on road safety or the free movement of traffic on any road of strategic network significance.*

- 10.8 Policy H8 requires all the above criteria (a)-(d) to be satisfied to be compliant in principle with the policy. Notwithstanding Officer's position that policy H8 is not engaged by this proposal, if comparing the application against the policy H8 criteria were necessary, the following commentary may prove helpful:

- The application would not comply with policy criteria H8(a) for reasons discussed later in this report as the barn is of historic value and should be considered a non-designated heritage asset.
- Nor would it not comply with H8(b) because there is no dwelling at the site which would be replaced, and no confirmed lawful residential use at the site. The existing barn is overgrown with vegetation and clearly it is not occupied and nor is it in a state to be occupied.
- Being an outline application with no matters other than access proposed, it cannot be considered to address criteria H8(c).

Notwithstanding the 'neutral' highways authority position in respect of criteria H8(d) it is considered clearly unreasonable to consider this application a 'replacement' dwelling as the barn has not been converted yet and policy H8 cannot be considered to be engaged. Accordingly so, the application must be treated as a net new dwelling.

Principle of a new dwelling

Type of Residential Development

- 10.9 Martham is a well served village and is the largest Primary Village in the Borough. It has seen extensive development in recent years and continues to play an important role in housing supply within the Borough, with Policy MA1: Land north of Hemsby Road, Martham, designating land for approximately 95 homes, for example.
- 10.10 The development limits defined by policy GSP1 have been drawn tightly around the existing settlement and the sites designated for development. This is to ensure that all new dwellings are as sustainably located as possible, with access to shops, services and employment through public transport, and safe and convenient cycle and walking routes.
- 10.11 The site is outside of the defined development limits. Both the Core Strategy and Local Plan Part 2 make it clear that land outside of the defined Development Limits is 'countryside', where development will be limited to conversions, replacement dwellings and schemes that help to meet rural needs (such as those permissible under adopted Local Plan Part 2 policy H5).
- 10.12 This approach to enabling sustainable development whilst maintaining limited but advantageous growth in Countryside locations is set out in Core Strategy policies CS1(a) and CS1(e), CS2 and Local Plan Part 2 policies GSP1 and H5. Policy GSP1 makes clear that new housing growth in inaccessible locations with no facilities is not sustainable nor consistent with Core Strategy policy, and should not be permitted. It states:
- "Development will not be permitted on land outside of Development Limits except where:*
- a. it comprises the use and development of land associated with agriculture or forestry;*
 - b. it comprises the provision of utilities and highway infrastructure; or*
 - c. specific policies in the Local Plan indicate otherwise."*

- 10.13 Those specific policies for the use of land in countryside locations are set out in Local Plan Part 2 policy H5, which states: *"New permanent dwellings outside of the Development Limits for full-time rural workers in agriculture, forestry, or other land-based rural business will be permitted"*. None of these criteria are met by this proposal.
- 10.14 Policy CS2 sets out the principles for the location of new residential development in the Borough so that strategic issues such as infrastructure needs can be considered at an early stage - and provides its definition of the settlement hierarchy and describes its role in supporting text paragraphs 4.2.10 and 4.2.14. No information has been provided to suggest that the proposal should be assessed against policy H5.

Accessibility And Suitability of Location

- 10.15 The nearest footpath is located 145 metres to the north-west of the site. This footpath leads into the village proper although it is not lit. As such, future residents would have to walk for 145 metres along a relatively busy C road. This would likely be unwelcoming and unattractive for pedestrians and likely lead to journeys by car into the village. It should also be noted that apart from the medical centre, most facilities in Martham are located in the village core, as such it is likely that people would have to walk for a kilometre to get to the nearest shop. The nearest bus stop is 600+ metres away, notably further than the recommended maximum distance of 400m.
- 10.16 The LPA does not consider the application site to be isolated in terms of the definition adopted by NPPF paragraph 80, as it is in close proximity to a cluster of other dwellings and buildings. However, it is located within the countryside and is distant to services and inaccessible by means other than the private car.
- 10.17 It is recognised that Paragraph 105 of the NPPF acknowledges that there are differences between sustainable transport options in rural and urban locations; however, the site is distant from key services and facilities and disconnected from those. Further dwellings in this location would not support the aims of CS01 regarding sustainable development.

- 10.18 As such, the principle of a new dwelling in this location would not be supported. Given that, regardless of whether the proposal is viewed as a new dwelling or a replacement, the application is not supported by policy.

Self-Build

- 10.19 The supporting statement claims that “the proposal could provide the benefit of a self-build opportunity” without demonstrating whether the applicant was on the self-building register or any other evidence to indicate that this would indeed be a self-build, nor offering any mechanism to confirm that it would be developed only as a self-build dwelling (such as proposing a section 106 agreement charge on the land for example). Even if this were the case, however, it should be noted that the Borough Council has met its self-build and custom housebuilding needs from the last four years through existing permitted sites. This represents 35 entries on Part 1 of the Register. A further 6 have been entered for year 7 (to date). The Borough Council, therefore, has evidence of a relatively low need for this type of housing and that it can easily satisfy its duty to meet this level of demand. Moreover, appearance on the self-build register does not mean that development should take place in unsustainable locations contrary to the aims of the development plan.
- 10.20 A recent appeal from Threeways, Burgh Castle (APP/U2615/W/20/3253503) is highly relevant to this; at Paragraph 11 the Inspector concluded that *“the benefits of a self-build property do not override the locational concerns.”* The same is considered relevant in this case.

11. Access, Traffic and Highways impacts

- 11.1 The conclusion of the supporting statement agrees with the assessment that the development is contrary to the Development Plan stating “consequently, the applicants acknowledge that the application proposals do not accord with the Development Plan”. As members will be aware, proposals should be assessed against the Development Plan unless material considerations deem otherwise. In this instance, the argument has been put forward by the applicant that the highways works represent a public benefit that would outweigh the conflict with the development plan.

- 11.2 The application is in outline and the only detail herein is for the means of vehicular access (together with local highways improvements). The application includes: visibility improvement works plan; Small Highway Works plan; and a Stage 1 Road Safety Audit-report. These demonstrate that the site/proposed development can be safely accessed, and thus address the previous reason for refusal in 06/20/0605/O.
- 11.3 The Local Highways Authority (Norfolk County Council) whilst raising no objection, did note that they had “reservations in terms on not providing visibility fully in accordance with current guidance” although were happy to allow a relaxation in this case as the road environment does help to constrain vehicle speeds and that the improvements proposed to widen the road are unlikely to significantly alter vehicle speeds due to the gradient and location of the speed limit terminal signs. As such, the proposed positioning of the new access is not considered to be unacceptable.
- 11.4 The primary justification for the demolition of the existing barn is that it would provide a public benefit through removing a pinch point in Hemsby Road, and therefore reduce the potential for vehicle conflict. The proposal also intends to realign the carriageway edge to ‘smooth’ the inside corner.
- 11.5 The Local Highway Authority has not suggested it is essential to demolish the barn in the interests of local highway safety. The Planning Inspectorate also noted the barn does not present a highway safety hazard.
- 11.6 Whilst the realigning of Hemsby Road may provide some minor benefits in reducing the potential for vehicle conflicts by widening the road, the highway officer notes that those benefits may not have any noticeable overall effect, stating: “that the improvements proposed to widen the road are unlikely to significantly alter vehicle speeds”.
- 11.7 A similar justification for demolishing the barn was given in the 2015 application which was then dismissed on appeal (APP/U2615/W/16/3155815). In the Inspector’s decision, he finds that *“Furthermore, there is little substantive evidence before me that the barn has been struck by passing traffic and the Local Highway Authority has not suggested it is essential to demolish the barn in the interests of*

local highway safety. This is even though such a cause of action may be supported locally given perceived concerns with the bend and the findings of the road safety audit” before going on to conclude that “the circumstances advanced by the appellant would not amount to special circumstances that would otherwise justify an isolated dwelling in the countryside.”

- 11.8 There is nothing to justify why the works which the Inspector concluded were not sufficient enough to justify the loss of the barn previously would now outweigh the policy conflict. The highway works proposed through road widening and improved visibility, are not considered to offer significant enough public benefit to justify demolition of the barn and the associated heritage harm that causes, nor is it a material consideration significant enough to justify the conflict with adopted development plan policy vis a vis creating a new dwelling in the countryside.

12. Landscape Impact

- 12.1 Concerns were raised in the previous refused application about the impact that the demolition of the barn would have on the surrounding landscape due to its prominent position in the street scene and appearance in key views. The reason for refusal on 06/20/0605/O referenced that a Landscape Impact Assessment had not been provided as part of the application.
- 12.2 The Barn is located within the Landscape Character Area identified as the East Flegg Settled Farmland. This area occupies the north eastern part of Great Yarmouth Borough, abutting the Broads Authority Executive Area Boundary to the north and to the south. Ormesby Broad and associated carr woodland create the southern backdrop to the character area. The area forms part of the landscape setting of the Broads. The character area includes the settlement of Martham to the west and is contained to the east by Winterton-on Sea. The boundaries of the area are defined primarily by drift geology and by the extent of arable cultivation, with farms associated with former landed estates.
- 12.3 A Landscape Impact Assessment has been provided as part of this application. This summarises that in landscape and visual terms, the barn does not constitute a significant landscape feature, and the proposed development would thus cause no harm to local distinctiveness, nor be detrimental to the character of the area.

- 12.4 This view is noted but is not accepted by Officers. The barn may not be the most prominent feature in the landscape but it does play an important role as a traditional form of building in the landscape that is common for this part of Norfolk. The glimpses and views of the barn from the approach from Hemsby reinforce the rural setting and off-set the creeping urbanisation of Martham in the countryside. The previously-dismissed appeal in 2016 noted that a new dwelling and demolition of the barn would create an increased urbanising effect as well.
- 12.5 The loss of the barn and a new dwelling set back further on the site would remove this vernacular barn from the landscape, increase the intensity of the built environment, and would be contrary to adopted policy CS09 G.

13. Heritage

- 13.1 The barn dates from the early 19th century, most likely constructed between 1812 and 1841, and is built from vernacular materials. Whilst the (most likely) original thatched roof has been replaced by corrugated sheeting and more modern fenestration on the east facing wall, the barn is still of its time and is considered to be a non-designated heritage asset.
- 13.2 The Heritage Statement submitted in support of the application describes the barn as:
- “aligned NNW-SSE with its eastern elevation fronting directly onto Hemsby Road. The barn is of brick construction. Both gable ends of the building utilise English bond brickwork with elements of tumbling in. The western elevation uses a mix of English bond and English garden wall bond (there are two areas, one near the top and one near the base of the wall, where three rows of stretchers are utilised). The original roof covering has been lost and is now covered with corrugated asbestos, however, the original timberwork roof structure appears to survive largely intact with nailed knee braces supporting the tie-beam.”
- 13.3 The barn has a historic and evidential value - its location, positioning, historic materials, and vernacular design contribute to the local character and distinctiveness. The date stone further speaks of the local history referring to former activities and owners. The building has been altered and the (likely) original thatched roof has been replaced with corrugated asbestos sheets, however, its

traditional architectural features are still evident and refer to the history and vernacular tradition of the area. The proposed demolition would erase the authentic qualities of the barn and diminish its historic integrity.

- 13.4 The Heritage Statement concludes that the barn is of limited historic significance, noting “in terms of the values that make up the significance of Mill Barn, the loss of internal arrangements and the loss of fixtures and fittings severely limit the evidential value of the surviving building as, other than basic plan form, there is nothing surviving which makes any contribution to the understanding of the development and function of the building. The building does not display any aesthetic value, either in terms of architectural embellishment, purposeful design or fortuitous experience.”
- 13.5 It is agreed that the barn is not the finest example of a red-brick barn but that is not to say that it does not retain a degree of local historic significance; its historic value need not come only from architectural embellishment but also equally important is the role it played in the local area and the traditional use of materials, forms and techniques. The brick work and timber roof structure are in relatively good condition.
- 13.6 In the Inspector’s decision (Appeal Decision APP/U2615/W/16/3155815) he noted that:

“Nevertheless, the demolition of the barn would harm the historic and architectural significance of this structure as it would be reconstructed in a new location. This would dilute the policies for the effective re-use of rural buildings. Recycling the existing materials and detailing would not mitigate for this inherent failing and there is nothing to suggest the existing building could not be converted with a robust landscaping scheme.”

The application is for outline permission only so the layout, scale and design of the proposed new dwelling is not being assessed as part of this application. The site plans make reference to the barn being of the same footprint and set back 14 metres – but this is not able to be secured by this permission. Regardless, as established by the Inspector in 2016, the loss of the historic fabric would not be mitigated through any potential reuse of existing materials in the new dwelling.

- 13.7 Adopted policy E5 states:

“Proposals which involve the loss of non-listed buildings/structures which either make a positive contribution to the significance of a conservation area or are non-designated heritage assets will only be permitted where:

- a. the building/structure is structurally unsound and beyond feasible and viable repair for reasons other than deliberate damage or neglect; or*
- b. all measures to sustain the existing use or find an alternative use/user have been exhausted and the building risks falling into dereliction.”*

No structural survey has been submitted to demonstrate that the barn is incapable for conversion, either for financial or structural reasons. Moreover, there is no evidence of the applicant attempting to prevent the barn from falling into disrepair, with the only apparent action being repeated applications over the last 8 years to demolish it.

- 13.8 NPPF Paragraph 203 requires that *“when determining applications that 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.”*

In this instance, the proposal would represent the total loss of the heritage asset, which has significance through its traditional features and form.

- 13.9 As such, the application is contrary to policies E5, CS10 and paragraph 203 from the NPPF.

14. Amenity

- 14.1 The supporting statement notes that the existing barn has “not proved as attractive to the market in the intervening period as had been envisaged, principally because of the offputting situation of an otherwise most attractive home being hard against the adjacent road (on a sharp bend), and the constraints presented by the proximity of the adjacent highway.” However, this is not a Planning reason to approve an application.

- 14.2 Adopted policy A1 expands on CS09 F to ensure that no significantly harmful amenity issues occur, including: *overlooking and loss of privacy; loss of light and overshadowing and flickering shadow; building and structures which are overbearing; nuisance, disturbance and loss of tranquillity from waste and clutter,*

intrusive lighting, visual movement, noise, poor air quality (including odours and dust); and vibration. The application is in outline and these matters would be considered at the Reserved Matters stage. However, the proposal has the ability to comply with this policy.

15. Public Open Space

15.1 LPP2 policy H4 requires new residential development to make provision for publicly accessible recreational open space where there is an identified deficit in local provision (defined by ward). As the development is under 20 dwellings, such provision will only feasibly be met off-site. An assessment of the current surplus/deficit of each type of open space and an allowance for maintenance in the West Flegg Ward has been carried out based on the Open Spaces Needs Assessment (2013) and Sport, Play and Leisure Strategy (2015) improvements to the provision of the following types of open space are required to support the development:

- Outdoor Sport
- Play space
- Parks and Gardens
- Accessible Natural Greenspace

There are no local deficiencies of informal amenity space and Allotments, therefore improvements to the provision of these spaces are not required to support this development. Therefore, on the basis of the above the Borough Council would expect a full off-site financial contribution of £1,523.10 to address the public open space requirements and impacts of the development in line with policy H4.

15.2 The applicant has now provided the financial contribution to ensure compliance with policy H4.

16. Habitats Regulations Assessment (HRA)

- 16.1 The application site is within the Orange 400m to 2.5km Indicative Habitat Impact Zone and proposes the introduction of one net new dwelling. As such, a shadow template HRA and a contribution to the Norfolk Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy (GIRAMS) of £185.93 is needed.
- 16.2 The applicant has provided the financial contribution to ensure compliance with policy GSP5, and are able to address the habitat regulations mitigation requirements, in respect of the GIRAMS recreation impacts on designated sites. This is deemed suitable and confirmed as such by the County Ecologist.

17. Ecology and Biodiversity

- 17.1 The barn by the very nature of its condition, age and form is a prime candidate for nesting species. A reason for refusal on the previous outline application was that there was insufficient information submitted with the application to assess the impact of the development on protected species.
- 17.2 An ecology report has been submitted alongside the application. This found that the barn provides several potential roosting features for bats (e.g. gaps and cracks in the external masonry) and behind a water tank inside the barn. An old bird's nest was discovered inside and evidence of recently nesting stock dove were observed. Two nocturnal surveys were carried out during June and July 2021. A day roost of brown long-eared bats was observed during the second survey on 21/07/21 where four bats were observed flying internally within the barn and crawling behind the water tank. The surrounding site was used by low numbers of foraging common pipistrelles and noctule bats.
- 17.3 The report concludes that should the application be approved then the works to demolish Mill Barn will result in the loss of a brown long-eared bat day roost therefore, will need to be completed under an EPS mitigation licence. The biodiversity enhancement for the site should include: the installation of at least two starling boxes. The mitigation provision for bats will be determined as part of the licence. Recommendations have also been made in regards to gapping-up the northern boundary hedgerow with native species to enhance the exiting defunct hedgerow.

- 17.4 As such, the previous reason for refusal has been overcome in that the appropriate protected species reports have been undertaken, and the impacts could be addressed by planning conditions if needs be, and so the previous reason for refusal need not be repeated.

18. Drainage and Nutrient Neutrality

- 18.1 The proposed site is located within the catchment area of the Trinity Broad (Broad SAC). Alongside all other local planning authorities in Norfolk, the Council has received a letter from Natural England on nutrient pollution in the protected habitats of the Broad Special Area of Conservation and Ramsar site. The letter advised that new development comprising overnight accommodation such as new housing development within the catchment of these habitats has the potential to cause adverse impacts with regard to nutrient pollution. The only way to avoid these impacts in Great Yarmouth is to ensure new development connects to the mains sewer system which is connected to Caister pumping station, so an application would have to demonstrate that the site can be linked to the Anglian Water mains sewer and that the sewer does in turn discharge via Caister.
- 18.2 A drainage strategy has been submitted which confirms that there is an Anglian Water (AW) foul water sewer in Hembsy Road just north of the proposed development site. This provides an obvious connection location for the proposed residential dwelling's foul drainage system. The closest manhole to the development is AW MH 5902 which has a cover level of 15.43mAOD (from the topo. survey) and an invert level of 13.57mAOD (from the AW records). The invert level is deep enough to allow a gravity connection into this manhole.
- 18.3 The submitted HRA assesses the impact of the proposal on the nutrient loads of the Broad SAC and concludes that as foul drainage will be via Caister pumping station there will not be a significant adverse effect. This HRA is deemed suitable and has been confirmed as such by the County Ecologist.
- 18.4 If the application were to be considered favourably, any permission would need to be subject to conditions requiring connection to the public sewer to address the possible nutrient neutrality impact.

Local Finance Considerations

- 18.5 Under Section 70(2) of the Town and Country Planning Act 1990 the Council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant such as new homes bonus, or the Community Infrastructure Levy (which is not applicable to the Borough of Great Yarmouth). Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority, for example. There do not appear to be any planning-related local finance considerations linked to this development.

19. The Planning Balance

- 19.1 The removal of the barn and minor widening of the road would open up the corner in the road, reducing the potential for direct vehicle conflict. This would provide a minor public benefit although the Local Highways Authority have not suggested that the removal of the barn is necessary and nor has evidence been provided to suggest that the barn is regularly struck by passing traffic.
- 19.2 The effect of the widening could be very small, and vehicle speeds would be unlikely to be reduced. The proposed highways works are therefore considered a very negligible public benefit.
- 19.3 The loss of the barn would have a harmful effect on the landscape as the barn is a traditional feature and the glimpses offered on the approach from Hemsby play an important role in reiterating the character of the West Flegg countryside.
- 19.4 The loss of the barn would also cause significant harm to the local historic environment given there is value in the existing barn and the loss of historic fabric would be detrimental due to its existing display of traditional materials and building techniques which would not be suitably replaced in the new dwelling.

- 19.5 The proposal does not constitute a replacement dwelling as the existing barn is not in residential use nor is it in a state that is fit for habitation. The proposal represents a new dwelling in an unsustainable, countryside location, with poor accessibility by means other than the private car, being contrary to policies CS01, CS02, and GSP1.

20. Conclusion and Recommendation

- 20.1 Having considered the details provided, the application is considered to fail to comply with policies CS01, CS02, CS09, CS10 and CS11 from the adopted Core Strategy, and policies GSP1, H8, E4 and E5 from the adopted Local Plan Part 2. This is not disputed by the applicant's agent.
- 20.2 The highways works proposed are considered to be negligible and not a public benefit which would be sufficient to outweigh the conflict with policy and harm to the landscape and historic environment. There are no other material considerations to suggest the application should be recommended for approval contrary to the provisions of the adopted development plan and national guidance and the expectations of the national planning policy framework.

RECOMMENDATION:

It is recommended that application 06/22/0197/O should be REFUSED, for the following reasons:

- 1) The application has been submitted as a replacement dwelling. The existing barn has not been converted to a residential dwelling and is not in a habitable condition. As a result, the proposal cannot be considered as a replacement dwelling and thus fails to comply with Policy H8 of the Great Yarmouth Local Plan Part 2 (2021).
- 2) The site is located in an unsustainable location remote from schooling, town centre shopping, health provision, and has restricted employment opportunities with limited scope for improving access by foot and public transport. The distance from service centre provision precludes any realistic opportunity of encouraging a modal shift away from the private car towards public transport. The site has a lack of safe pedestrian access to the local amenities within the

village and therefore it is considered that there would be a reliance on the private car for future occupants of the proposed development. The site is not, therefore located to minimise the need to travel and is not in a sustainable location for new development. As a result, the proposed development is contrary to policy, conflicts with the aims of sustainable development and does not satisfy the requirements of Policies CS1 and CS2 of the Great Yarmouth Local Plan Core Strategy (2015) and Policy GSP1 of the Great Yarmouth Local Plan Part 2 (2021).

- 3) The barn is of local historic and architectural value and is a prominent feature in the landscape; its location, positioning, historic materials, and vernacular design contribute to the local character and distinctiveness, and it can be considered as a non-designated heritage asset. The loss of the barn would contribute to eroding the rural character, and a new dwelling would be out of keeping with the character and appearance of the surrounding rural area, and would represent an unacceptable intrusion of built form in this countryside location. It would not make a positive contribution to the local character and distinctiveness of the area. Its removal therefore would result in the loss of this historic value which would not be mitigated by the recycling of the existing materials in a new dwelling on the site. The minor highways improvements proposed in the application do not outweigh the level of harm cause to the non-designated heritage asset. The proposal is, therefore, contrary to Policies CS9 and CS10 of the Great Yarmouth Local Plan Core Strategy (2015) and Policies E4 and E5 of the Great Yarmouth Local Plan Part 2 (2021).
- 4) The site is located outside of any defined settlement boundary, is not allocated and is not supported by any specific Development Management policy which allows for development outside of the development boundary. As such, the application is contrary to the adopted development plan and the proposal does not offer overriding benefits or other material considerations to suggest that the application should be determined positively contrary to the conflict with the development plan.

Appendix:

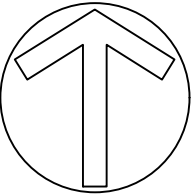
1. Site Location Plan



LEGEND

APPLICATION SITE BOUNDARY

ADDITIONAL LAND OWNED BY APPLICANT



PRELIMINARY DRAWING:
This drawing is for preliminary purposes only and must not be read as a construction issue. the design is not fixed and design changes are likely

P1	01/10/20	ISSUED FOR PLANNING	PW	PP
Rev	Date	Description	By	Check

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Client	BILLOCKBY FARMS LTD.
Project	MILL BARN HEMSBY ROAD MARTHAM
Title	LOCATION PLAN

Scale @ A3 1:1250	Status FOR PLANNING
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Date 28/09/2020	Job Number 0101	By PW	Checked By PP
Drawing No. C-100		Revision P1	