
Appeal Decision

Site visit made on 17 October 2016

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20th October 2016

Appeal Ref: APP/F2605/W/16/3155235

The Old Bell Annexe, High Street, Whissonsett, Norfolk NR20 5AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Tim Ulph against the decision of Breckland District Council.
 - The application Ref 3PL/2015/0834/F, dated 9 July 2015, was refused by notice dated 30 March 2016.
 - The development proposed is the change of use of the existing residential annex to a holiday let with private rear amenity space.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of the existing residential annex to a holiday let with private rear amenity space at The Old Bell Annexe, High Street, Whissonsett, Norfolk NR20 5AP, in accordance with the terms of the application, Ref: 3PL/2015/0834/F, dated 9 July 2015, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal has been submitted with drawing P_154 15 002, which proposes a layby along the site frontage. From reading the appellant's submissions it is apparent that the layby is no longer part of the proposal. I have considered the appeal accordingly.
3. The appellant has submitted a tourism report with his appeal by Destination Research Ltd titled 'Site Development Assessment'. This did not form part of the original application considered by the Council. Nevertheless, I have considered it as part of my assessment as it has not altered the appeal scheme and all of the interested parties would have had an opportunity to study and comment upon its contents.

Main Issues

4. The main issues in this appeal are 1) The effect of the proposal on highway safety with particular reference to visibility; and 2) Whether there is a need for a holiday let.

Reasons

The effect on highway safety

5. The appeal property currently encompasses a large detached dwelling set back from the road behind a front garden delineated from the highway by a hedge.

To the east of the house is a large detached outbuilding which has recently been converted into a domestic annex. To the west of The Old Bell is a gravel access drive which leads to the properties parking area.

6. Visibility at the junction between the access drive and the High Street is very limited in both directions. This is due to the presence of a hedge in the front garden of the property to the immediate west. To the east visibility is limited by the curve in the road and the hedge along the front of the appeal site. The works proposed as part of the appeal scheme would not improve visibility to the point where it would meet applicable standards¹. Nevertheless, I have seen nothing that would suggest the access is anything but long standing and authorised and that it has functioned without any apparent incidents.
7. The appeal scheme is for the change of use of the existing annex to a separate dwelling. The dwelling would be used as a holiday let. Two off road parking spaces would be available for the occupants of the holiday let and these would be positioned in the existing parking area to the rear of The Old Bell.
8. The appellant suggests that the proposed change of use would result in a material reduction in the use of the existing access. This, he opines, is because an annex with the potential for independent occupation could generate something in the order of six highway movements a day, whereas a holiday let would likely generate something in the region of two to three daily movements. The Local Highway Authority (LHA) have suggested that six movements is unlikely as the annex is required, through a planning condition², to be occupied for purposes ancillary to the main house and that the approved drawings relating to the annex did not show any bedrooms.
9. Whilst I am not persuaded the level of vehicular activity would be similar to a separate dwelling house, an ancillary use, such as accommodation for elderly parents, could generate some daily vehicular movements in addition to the occupation of the main house. I have not been presented with substantive evidence to suggest the planning condition referred to by the LHA would prohibit this. I consider these modest additional movements could be akin to the building being occupied as a holiday let.
10. This is because occupation as a holiday let is unlikely to result in daily trips for employment, education and healthcare or result in deliveries. Movements associated with a self-catering holiday use are likely to be low level, being related predominately to recreation. They are unlikely to involve more than one to two cars or be all year round due to anticipated occupancy rates, which could be as low as 50%. As such, I am not satisfied the proposed change of use to a holiday let, which could be controlled through a planning condition, would result in a material intensification in the use of the existing access.
11. As a consequence, the appeal scheme would retain the *status quo*, in that the overall level of movements from the existing access would remain broadly constant and in line with current usage. Consequently, the appeal scheme would not have a material effect on the users of the High Street, including heavy vehicles and pedestrians. As such, it would be disproportionate to dismiss the appeal for such a reason. It would also be unnecessary to compel the appellant to improve visibility at the access through a planning condition.

¹ Manual for Streets – Page 93 Figure 7.18

² Attached to the planning permission granting the annex – Reference 3PL/2009/0916/F

12. In reaching this view I note that the parking area is a reasonable distance from the proposed holiday let and therefore future occupants could be tempted to park within the highway or in the space directly outside the front of the holiday let. Given the low traffic speeds along the High Street in the vicinity of the appeal site, and the generous width of the road, I am not persuaded on street parking in a broad sense would materially harm highway safety. However, parking on the forecourt of the holiday let, or along the frontage of the Old Bell, would. This is due to the proximity of the sharp bend in the road to the immediate east and the lack of off-road turning space, which could result in cars reversing off the forecourt. However, a planning condition could be attached that would prevent this from occurring, by requiring the forecourt and frontage of The Old Bell to be landscaped in a way that would thwart parking in these area.
13. I therefore conclude that the appeal scheme would not result in the material intensification in the use of an access with inadequate visibility and the position of the proposed parking spaces would not cause an increased danger and inconvenience to users of the public highway, subject to the imposition of planning conditions. As such, the use of the existing access would not result in a material increase in the risk to highway users and would thus be suitable. The proposal would therefore adhere to Paragraph 32 of the National Planning Policy Framework (The Framework).

Whether there is a need for a holiday let

14. The need or demand for a particular development is seldom a determinative matter when considering the acceptability of a proposal. However, in this instance Policy DC8 of the Core Strategy and Development Control Policies Development Plan Document 2009 (DPD) requires the need for the proposed holiday let to be justified. The rationale behind this is set out, in part, in Paragraphs 4.39 and 4.40 of the DPD, which states that a need must be demonstrated so as to protect the countryside and ensure the scale of tourism development in the district is controlled to that genuinely needed.
15. The tourism report submitted by the appellant suggests the proposal would assist the rural tourism economy. In particular, the increased occupancy rates and 'bednight' stays suggest that the demand, and thus need, for self-catering tourism accommodation in the area is increasing.
16. The Council have not provided evidence that there is an over provision of holiday accommodation in the area or that a holiday let at the appeal site would not contribute to the tourism objectives of countryside strategies in Breckland. Moreover, the Council have not identified any specific failings in the level of information providing in the report prepared by Destination Research Ltd when compared to that outlined in Paragraph 4.40 of the DPD. As such, there is nothing before me that would suggest the report is inadequate or inaccurate. Consequently there is no substantive reason why I should not afford the report, and its findings, significant weight.
17. I therefore conclude, in the absence of information to the contrary, and based on the findings of the report submitted, that the appellant has adequately demonstrated a need for the proposed holiday let. The proposal would therefore adhere to Policy DC8 of the DPD, which seeks to secure an appropriate level of tourism development in the district. An objective that is consistent with Paragraph 28 of the Framework.

Other Matters

18. I share the Parish Council's concerns that the loss of the existing hedge along the frontage of the site would erode the quality of the street scene. However, given my findings above, it is not necessary for the appellant to remove the hedge. Pedestrian access to the holiday let could be achieved through the front garden of The Old Bell. The hedge can therefore be safeguard through a planning condition that requires a landscaping scheme to be submitted to and approved in writing by the Council, which would include details of existing trees and plants to be retained.
19. I share the view of the Council that the position of the holiday let and the anticipated level of activity would be such that the effect on neighbours, including from noise, would not be harmful.

Conditions

20. I have had regard to the advice in the Planning Practice Guide and the conditions suggested by the Council and Local Highway Authority. In addition to the standard commencement period, it is necessary in the interests of precision, living conditions and highway safety to add a condition requiring implementation in accordance with the approved drawings. Although a separate condition will require an alteration to the approved drawings, with a revised design to the site frontage.
21. As I have found that the impact of the proposal on the highway would be negligible, it is not necessary to attach the conditions suggested by the Local Highway Authority. However, to ensure there is not a material intensification in the use of the existing access, which currently has inadequate visibility, it is necessary to restrict the occupation of the appeal building to a holiday let. This would also ensure the holiday let is not occupied on a permanent basis, which could otherwise result in inadequate living conditions. For a similar reason, it is necessary to require the erection of a boundary fence between the holiday let and The Old Bell.
22. Furthermore, in the interests of highway safety it is necessary to prevent parking on the forecourt in front of the holiday let. As such, a landscaping scheme for this area must be submitted to and approved in writing by the Council. The submission of the landscaping scheme is also necessary in the interests of safeguarding the existing hedge and thus the character and appearance of the area.

Conclusion

23. For the reasons given above, and having regard to all other matters raised, I conclude the appeal should be allowed.

Graham Chamberlain
INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall commence before the expiration of three years from the date of this decision.
- 2) The development hereby approved shall be carried out strictly in accordance with the details shown on the following approved drawings (or any approved non material amendment to the drawings or any drawings submitted pursuant to a condition attached to this planning permission):
 - Site Location Plan – Drawing Number 101 A
 - Proposed Site Plan - Drawing No 201 Rev A, subject to the amendments required in Condition 3
- 3) Notwithstanding the drawings listed in Condition 2, prior to the first occupation of the hereby approved holiday let, a hard and soft landscaping scheme for the front garden of The Old Bell and the forecourt of the hereby approved holiday let shall be submitted to and approved in writing by the Local Planning Authority.

The details submitted for approval shall include:

 - A plan detailing all of the existing trees and hedgerows within the front garden of The Old Bell, which shall also identifies those to be retained;
 - A specification of all new tree, hedge and shrub planting, which shall include details of species and planting density and the size at time of planting; and
 - A specification of all hard landscaping to include hard surfaces and boundary treatment.

The approved hard and soft landscaping works shall be carried out before the first occupation of any part of the development and thereafter retained.

If any new or existing trees and plants specified within the approved landscaping scheme for retention are removed, uprooted or destroyed, become seriously damaged or diseased or die within a period of five years from the completion of development they shall be replaced in the next planting season (October – March) with trees and plants of a similar species and size.
- 4) Notwithstanding Classes C2, C2A, C3 and C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), the development hereby approved shall be restricted as follows:
 - (a) The use shall be to provide holiday accommodation only and shall not be used as permanent unrestricted accommodation or as a sole or primary place of residence.
 - (b) No individual(s) Families or Groups shall occupy the holiday accommodation for more than one calendar month consecutively and shall not return within the following calendar month.
 - (c) A register of lettings, occupation and advertising shall be maintained at all times and shall be made available for inspection by the Local Planning Authority following a reasonable request to do so.
- 5) The boundary treatment shown on the approved drawings shall be constructed in the manner shown and completed before the use hereby permitted is commenced or in accordance with a timetable approved in writing by the Local Planning Authority.