
Appeal Decision

Site visit made on 9 February 2017

by L Fleming BSc (Hons) MRTPI

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

Decision date: 20 February 2017

Appeal Ref: APP/E9505/W/16/3163088

39 Slad Lane, Woodbastwick, Norwich NR13 6HQ

- 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 Woodbastwick Estate against the decision of The Broads Planning Authority.
 - The application Ref BA/2016/0260/CU, dated 11 July 2016, was refused by notice dated 17 October 2016.
 - The development proposed is change of use of ground floor cottage to a tea room (use class C3 to A3).
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Decision

1. The appeal is allowed and planning permission is granted for change of use of ground floor cottage to a tea room (use class C3 to A3) at 39 Slad Lane, Woodbastwick, Norwich NR13 6HQ in accordance with the terms of the application, Ref BA/2016/0260/CU, dated 11 July 2016, subject to the conditions set out in the attached schedule.

Procedural Matters

2. I have taken the site address from the appeal form as this more accurately describes the location of the appeal site.

Main Issues

3. The main issues are:
 - Whether the proposed tourism development is in an appropriate location having regard to national and local policies;
 - The effect of the proposed development on highway safety with particular regard to parking.

Reasons

Tourism development

4. The appeal site is a relatively large detached dwelling set in a large plot. The appeal proposal would involve the conversion of the ground floor of the dwelling to a tea room falling within Class A3 of the Town and Country Planning (Use Classes) Order 1987 as amended (UCO).
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5. Policy DP14 of the Broads Authority Development Management Policies 2011-2021 Development Plan Document (2011) (DMPDPD) states that new tourism developments should be located within or adjacent to defined development boundaries or where there is a close association with an existing tourism site, group of holiday dwellings, boatyard or established sailing or similar club. Insofar as Policy DP14 of the DMPDPD seeks to promote a strong rural economy and support sustainable rural tourism, I find it is consistent with paragraph 28 of the National planning Policy Framework (the Framework).
6. The appeal site is next to a car park and a public footpath which leads to Salhouse Broad. Even though it is necessary to walk some distance along the footpath before reaching Salhouse Broad, the footpath winds through pleasant woodland and is part of the wider network of walking and cycling routes leading to and around Salhouse Broad. Salhouse Broad also has boat moorings, canoe hire, picnic areas and a ferry stop. On this basis, I am satisfied that the appeal site is closely associated with Salhouse Broad and I am content that Salhouse Broad is a location which would be used by and would attract tourists.
7. Even though the appeal site is outside of a defined development boundary, I find the proposed development would have a close association with an existing tourism site. Thus, the proposed development does not need to be within or adjacent to a defined settlement boundary and is not isolated in the open countryside. Therefore, the tests set out in Policy DP14 of the DMPDPD relating to tourism development in the open countryside are not applicable in this case.
8. That said, I find the proposed tourism development would be in an appropriate location and the proposal would therefore accord with Policy DP14 of the DMPDPD which seeks to ensure new tourism development is closely associated with an existing tourism site.

Highway safety

9. The appeal proposal would include the provision of 13 parking spaces one of which would be for disabled use. This would meet the requirements of the Highway Authority who have no objections to the development proposal.
10. I acknowledge that there may be times when the demand for parking to serve the appeal development would exceed the number of spaces available. However, the proposed parking provision is significant and meets the Council's parking standards, such that I find these circumstances would not be frequent.
11. Furthermore, given the relationship of the proposed tea room with Salhouse Broad and walking and cycling routes nearby customers would be highly likely to walk or cycle to the appeal premises, thus reducing the demand for parking.
12. Overall for the reasons given, I find the proposed development would include sufficient off- street parking for there to be no risk to highway safety in the area as a result of vehicles parked inappropriately.
13. The proposal would therefore comply with Policy DP11 of the DMPDPD which seeks to ensure new development provides appropriate parking in accordance with adopted standards and does not harm highway safety in the area.

Other Matters

14. The appeal site is within the Salhouse Conservation Area. In accordance with the statutory duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990; I am required to have special regard to the effect of the development on the character and appearance of the area. The alterations to the appearance of the appeal site are relatively modest such that the development would have a neutral impact and therefore the character and appearance of the conservation area would be preserved.
15. I have also considered Policy DP27 of the DMPDPD which states applications for the change of use or redevelopment of an existing community, visitor or recreational facility or service that meets a local need or contributes to the network of facilities will only be permitted subject to a number of criteria. However, the proposed development would be in place of residential floor space and not a community facility, thus there is no direct conflict with this policy.
16. Furthermore, I have noted the other community facilities in Salhouse and nearby and the concerns with regard to the impact of the proposed development on the viability of those facilities. However, there is no substantive evidence before me which demonstrates that the viability of community facilities nearby would be compromised should the proposed development be allowed. In any event, the planning system seeks to encourage a competitive economy.
17. I have also considered the safety implications of the access to the appeal site. Although the proposal would intensify the use of the existing access there is no substantive evidence before me which suggests the proposed access would be unsafe. However, as recommended by the Highway Authority I have imposed a planning condition which requires the access to be upgraded.

Conditions

18. The conditions imposed are those which have been suggested by the Council adjusted following the advice contained within the Framework and the Planning Practice Guidance.
19. In addition to the standard timescale condition, I have imposed a condition specifying the relevant drawings as this provides certainty. As suggested by the Council I have also imposed conditions to ensure the premises are used only for the purposes applied for and not for any other use in the interests of ensuring the use of the building remains appropriate in its location. I have also imposed a condition to limit opening hours in the interests of safeguarding the tranquillity of the area.
20. Conditions are also necessary to ensure the access is upgraded; parking is put place and signage erected prior to the commencement of the approved use all in the interests of ensuring highway safety.
21. Finally, I also agree that given the trees on site and their proximity to the proposed parking areas an Arboricultural Method Statement should be agreed to ensure the proposed development does not have any unacceptable harmful effect on trees.

Conclusion

22. For the reasons given above, the proposed development would accord with the development plan. Thus having had regard to all other matters raised I conclude that the appeal should be allowed.

L Fleming

INSPECTOR

SCHEDULE

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans and statements: Proposed Floor Plans & Elevations Drawing No 6510-P01 Rev C, Existing Floor Plans & Elevations Drawing No 6510-S01, Existing Site Layout, Section A-A & Site Location Plan Drawing No 6510-S02, Proposed Site Layout Site Sections Drawing No 6510-SL01 Rev D, Planning Statement and Heritage Statement received by the Local Planning Authority on 3 August 2016, amended Design and Access Statement received by the local planning authority on 22 August 2016.
- 3) The use of the ground floor of the building hereby permitted shall be limited to those types of uses specified within Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Order revoking, amending or re-enacting that Order).
- 4) The use of the first floor of the building hereby permitted shall be limited to those types of uses specified within Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Order revoking, amending or re-enacting that Order).
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking, amending or re-enacting that Order), the building shall only be used for Classes A3 and C3 (in accordance with the conditions above) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any provision equivalent to that Class in any other statutory instrument revoking, amending or re-enacting that Order) and for no other purpose unless planning permission has first been granted.
- 6) The premises subject to this permission shall only be open to the public between the hours of 0800 and 1900 on any day.
- 7) Prior to the commencement of the use hereby permitted the vehicular access (indicated for improvement on Drawing No 6510-SL01 Rev D) shall be upgraded to its full width in accordance with the Norfolk County Council residential access construction specification for the first 5 metres as measured back from the near channel edge of the adjacent carriageway. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge onto the highway.
- 8) Prior to the commencement of the use hereby permitted the proposed access works and on-site car parking area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 9) Prior to the commencement of the use hereby permitted a sign shall be erected at the site entrance (off highway) indicating that on-site parking is available. The details of the sign shall be agreed in writing with the local planning authority in consultation with the Highway Authority and shall be retained thereafter.
- 10) Prior to the commencement of the development a revised Arboricultural Method Statement shall be submitted to and agreed in writing with the local planning authority. The development shall then be completed in accordance

with the Arboricultural Method Statement as shall be agreed to the satisfaction of the local planning authority.

END OF SCHEDULE