
Appeal Decision

Site visit made on 6 June 2017

by Jonathan Price BA(Hons) DMS DipTP MRTPI

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

Decision date: 7th June 2017

Appeal Ref: APP/E9505/W/17/3169091

Violet Cottage, Irstead Road, Neatishead, Norfolk NR12 8BJ

- 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 Simon Ciappara against the decision of The Broads Authority.
 - The application Ref BA/2016/0284/CU, dated 28 July 2016, was refused by notice dated 3 October 2016.
 - The development proposed is retrospective application to use former annex building as a single unit of holiday accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for the use of the former annex building as a single unit of holiday accommodation at Violet Cottage, Irstead Road, Neatishead, Norfolk NR12 8BJ in accordance with the terms of the application, Ref BA/2016/0284/CU, dated 28 July 2016, subject to the conditions set out in the Schedule attached to the decision.

Main Issue

2. Whether this is an appropriate location for the proposed holiday accommodation with regard to local and national planning policy.

Reasons

3. The appeal relates to a small timber chalet, providing one bedroom accommodation, situated immediately to the rear of Violet Cottage and which was granted planning permission in 2006 as a residential annex. The proposal seeks its continued use as holiday accommodation.
4. Neatishead is a small village with a more consolidated centre at its western end, where there is a village shop and public house. There is linear development of a varied character along Irstead Road and Hall Road running east from the centre. Here the properties generally have long curtilages stretching down towards Limekiln Dyke; the channel which leads onto Barton Broad to the east. Violet Cottage fronts onto Irstead Road where it forms part of a continuous frontage of houses and is a short distance from the village centre to the west and Neatishead Staithe to the east.
5. The Authority had refused planning permission on policy grounds rather than in regard to any intrinsic harm caused to the local environment. The reasons are two-fold, relating to the lack of a clear and demonstrable need for the accommodation within an unsustainable location and this undermining the viability of holiday development in more sustainable locations. The decision

refers to policies in the development plan, which in this case comprises the Core Strategy¹ (CS) and Development Management Policies² (DP), and to the National Planning Policy Framework (the Framework).

6. Policy CS9 seeks to support, widen and strengthen the Broads' tourism base in a sustainable way. To this end Policy CS11 directs tourism to appropriate locations with the supporting infrastructure and facilities. Policy CS12 provides for additional holiday accommodation situated in sustainable locations in the Broads to achieve a variety of types, supporting long distance walking/cycling/boating routes, continuing income to local businesses and protecting the special features and character of the area.
7. This proposal would provide accommodation within an existing residential annex for visitors wishing to enjoy this particular part of the Broads without resulting in harm to its character or natural environment. Facilities sought by visitors to this location, such as the public house, shop, waterway access via the village staithe and the Barton Boardwalk, would all be accessible within walking distance. The location would be within a geographical destination sought by holiday makers which would moderate the requirement for private car use. Occupation would support local services, such as the shop and public house and other facilities, such as schools and medical centres, would not be a necessity for people on holiday. This modest proposal for a one double bedroom unit of holiday accommodation would, on balance, be sustainable and not conflict materially with any of these strategic CS policies.
8. Policy DP14 provides more detail regarding the general location of sustainable tourism development and where it might be allowed. This permits such new development within or adjacent to defined development boundaries or where associated with an existing tourism site and restricts it in open countryside unless there is a clear and demonstrable need where specific criteria are met.
9. Although Neatishead does not have a defined development boundary the proposal is nonetheless clearly within the built-up part of the village and not in open countryside. The supporting text to this policy, in paragraph 4.19, states that due to the potential impact on the openness and special character of the landscape, facilities in the open countryside will only be permitted where the scale of built development would not have an adverse impact on the character of the local area and special qualities of the landscape.
10. This supporting text suggests that the aim of the policy is mainly to protect the undeveloped open countryside rather than sites within villages which, due to not falling within a defined development boundary, might be the subject of countryside policies. The proposal would make use of existing accommodation to provide for visitors wishing to stay in this less commercialised part of the Broads. The location near to what is offered to visitors, by way of the shop, pub, Barton Broad and nearby walks, would in this case be the close association to an existing tourism site required to satisfy Policy DP14.
11. Because the proposal is not judged to be within open countryside there would not be the requirement for approval to depend upon a clear and demonstrable need. In any event this modest proposal would meet the criteria for this in Policy DP14, including not being of a scale that would compromise existing

¹ Broads Authority Core Strategy 2007 – 2011 – adopted September 2007.

² Development Management Policies 2011- 2021 – adopted November 2011.

tourism facilities elsewhere. This proposal would be generally compliant with the aims of the Framework including where, in paragraph 28, this supports sustainable rural tourism which respects the character of the countryside and promotes the retention of local services, such as local shops and public houses.

12. Regarding the Authority's concerns over this proposal establishing a precedent, the evidence is that this building was permitted partly on the basis that there had been an existing potato storage building on this site. I am not persuaded that this proposal, which makes use of the approved annex building in situ, would be setting a more generally applicable precedent and neither should this decision be construed as doing so.

Conditions

13. The conditions recommended by the Authority have been considered and where necessary amended for conciseness. In addition to the standard time limit for commencement it is necessary, in the interests of certainty, that a condition specifies the plans to which this decision relates. The decision is based on the proposal being for holiday accommodation and so a condition restricting occupation to such is needed. In the interests of the character and appearance of the area a condition is required to remove normal permitted development rights for means of enclosure around the building and extensions and other external alterations to it.

Conclusion

14. For the reasons given, and having taken into account all other matters raised, I conclude that the appeal should be allowed subject to the conditions specified.

Jonathan Price

INSPECTOR

Schedule of Conditions
Appeal Ref: APP/E9505/W/17/3169091
Violet Cottage, Irstead Road, Neatishead, Norfolk NR12 8BJ

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing job number 4963/A, design access statement and letter of 28 July 2016 received by the local planning authority on 1 August 2016 and Heritage Statement and Promap location plan received by the local planning authority on 8 August 2016.
- 3) The accommodation shall be for holiday use only, and shall not be used as a second home or for the sole or main residence of the occupiers. No person shall occupy the development for a period exceeding six weeks. Furthermore, no person shall occupy development within a period of three weeks following the end of their previous period of occupation. A register of bookings of the accommodation shall be maintained at all times and be made available for inspection on written request by the local planning authority.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extensions or other external alterations shall be made to the holiday accommodation allowed or any fence, wall or other means of enclosure be erected within or around the boundaries of the appeal site other than expressly authorised by this permission.

---End of Conditions---