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## Appeal Decision

Site visit made on 6 August 2019

**by Jonathan Price BA(Hons) DMS DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15 August 2019**

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**Appeal Ref: APP/F2605/W/19/3229479**

**Brick Kiln Farm, road leading from Larling to Watton, Great Hockham, Norfolk NR17 1ED**

- 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 G Shipman against the decision of Breckland Council.
  - The application Ref 3PL/2018/1528/F, dated 7 December 2018, was refused by notice dated 26 February 2019.
  - The development proposed is construction of holiday cottage.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. These are:
  - Whether the proposal meets development plan requirements for new tourist accommodation
  - The effect on the character and appearance of the area
  - The effect on trees and on any ecological value within the site.

### Reasons

#### *Development plan requirements for new tourist accommodation*

3. Brick Kiln Farm is a quite isolated smallholding situated in largely open countryside and well-separated from any defined settlement. It comprises long-established buildings including a farmhouse sited alongside the main road and attached outbuildings to its rear, forming a U-shape around a central courtyard. There is also a detached garage sited the other side of the main entrance. The smallholding extends beyond these buildings to an area where various agricultural structures had once stood and which is now more open and used partly for horticulture, with some greenhouses and a poly-tunnel.
4. It is within part of this open area, set away from the farmhouse and outbuildings, that an L-shaped single-storey holiday dwelling is proposed to be sited. At the request of the local highway authority the entire site is to have a new access at a point further along the road, with safer levels of visibility. This roadside boundary is thickly vegetated, as are other sides of the site, which would screen the proposed holiday dwelling from external views.

5. Policy CP14 of the Council's Core Strategy and Development Control Policies<sup>1</sup> (CSDCP) lends general support to sustainable rural communities. This policy promotes employment in the countryside by supporting the diversification of existing rural enterprises where such a location is either environmentally or operationally justified, provided there are no significant detrimental impacts.
6. CSDCP Policy DC8 deals specifically with tourism related development and is generally less prohibitive of holiday dwellings in the countryside than those policies governing housing generally. Nevertheless, this policy establishes that a need for a countryside location be demonstrated and that the development forms part of a rural diversification scheme or is for the expansion of an existing attraction. The accommodation should further be well related to an existing settlement and facilities and occupation restricted to tourist use solely and not permanent residential use. The policy seeks further justification in the case of new build tourist accommodation in respect of the sustainability advantages, the particular countryside attraction this will support and the absence of suitable existing buildings in the vicinity.
7. The supporting text refers to proposals which are either allied to an existing and established tourist attraction or form part of a well-conceived and sustainable rural diversification scheme being supported, subject to other planning policies. To control the scale of tourism development to that genuinely needed, this supporting text also sets out the basis for a need assessment including a market supply analysis.
8. The existing outbuildings are used for the storage of vintage/classic Triumph cars, associated with the running of a related Car Club and the organising of rallies, and provide workshop space for a floristry business and flower arranging classes linked to the horticultural use of the wider site. The holiday let would clearly provide an income stream to support these existing activities. However, the nature and scale of the existing operations do not amount to the level of tourist attraction which provide sufficient support for the need for a new build, on-site holiday dwelling. There is no compelling evidence over a lack of market supply for the kind of accommodation proposed which would justify a new build dwelling in the countryside, in a location not well related to an existing settlement and facilities and where there is the potential to convert existing outbuildings.
9. The appellant is amenable to a planning condition restricting the occupation of the new dwelling to ensure a tourist use solely and not permanent residential accommodation. However, there is not an adequate need shown for a new holiday dwelling in the countryside linked to the expansion of an existing tourism attraction for this proposal to fully satisfy CSDCP Policy DC8.

#### *Character and appearance of the area*

10. Set well apart from the existing buildings, the proposal would appear unrelated to the intimately-grouped arrangement of more historic buildings on this holding. The design and materials proposed seek to replicate the appearance of a traditional farm building and the siting away from the farmhouse would help preserve mutual levels of privacy. Whilst weight is given to these factors, and also that the dwelling is designed to be of a generally high sustainable built

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<sup>1</sup> Breckland Council's Core Strategy and Development Control Policies Development Plan Document 2001-2026 adopted in December 2009.

quality and suitable for wheelchair user occupation, the new proposal would nonetheless comprise a harmful built incursion into open countryside. Notwithstanding the degree of screening the surrounding trees offer, the sporadic nature of the resulting development would cause significant harm to the undeveloped character of this area of countryside.

#### *Trees and ecology*

11. There is no evidence of any protected species being harmed by this proposal, where both suitable ecological mitigation and enhancement might also be provided. There would be little loss to existing tree cover and further landscaping could be secured. In all, a lack of sufficient information over ecological and arboricultural impacts give rise to no further material harm such as to comprise factors additionally determinative in this decision.

#### **Planning balance and conclusion**

12. The National Planning Policy Framework (the Framework) is a material consideration afforded substantial weight and which proactively encourages sustainable economic growth, seeking that planning decisions support a prosperous rural economy. Paragraph 84 recognises that businesses in rural areas may not always be located within existing settlements and may be in locations that are not well serviced by public transport. However, paragraph 170 requires also that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.
13. The Framework applies a presumption in favour of sustainable development in paragraph 11. The relevant development plan policies most important for determining this application are not considered to be out-of-date. Even if they were, the quite small social and economic benefits of the new holiday dwelling proposed would be significantly and demonstrably outweighed by the adverse impacts found from a lack of a demonstrable need for the accommodation and its harmful effect on the character and appearance of the countryside. The material considerations would not exist for the proposal to be determined other than in accordance with the development plan and, as this proposal would conflict with the policies in the CSDCP taken as a whole, I must therefore conclude that the appeal should be dismissed.

*Jonathan Price*

INSPECTOR