
Appeal Decision

Site visit made on 17 September 2019

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2019

Appeal Ref: APP/Y2620/W/18/3215111

Angl. Water Authority Sewage Div Bt 4 and 5, King Street, Neatishead, Norfolk NR12 8BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr and Mrs John & Judith Plater against the decision of North Norfolk District Council.
 - The application Ref PF/18/0025, dated 5 January 2018, was approved on 25 May 2018 and planning permission was granted subject to conditions.
 - The development permitted is change of use of land from sewage treatment works to private recreational use, including erection of polytunnel, storage shed and siting of Shepherd's Hut.
 - The condition in dispute is No 4 which states that: The Shepherds Hut hereby permitted shall not be used for overnight accommodation by the applicant and family for more than 75 nights in any one calendar year and for not more than 2 nights consecutively.
 - The reason given for the condition is: The site lies in an area of Countryside as defined in the North Norfolk Core Strategy whereby proposals for new independent dwellinghouses and holiday accommodation are not normally permitted. The restriction is necessary to control the occupancy of the site in order to accord with Policy SS 2 of the adopted North Norfolk Core Strategy.
-

Decision

1. The appeal is dismissed.

Background and Main Issue

2. The proposal relates to a redundant sewage works site with consent for private recreational use, including the erection of a polytunnel, storage shed and the siting of a Shepherd's Hut. Apart from the storage shed, these structures were in place at the time of my visit. The appeal relates to the amount of overnight stays permitted by condition 4. The appellants are not contesting the limit imposed of a total of 75 nights occupation in any one calendar year but wish the condition to be varied to increase the number of consecutive nights from the current two to a maximum of seven.
3. The main issue is whether the condition as it stands is reasonable and necessary to control the use of the site, in relation to development plan policy over the location of holiday accommodation and to any other material considerations.

Reasons

4. The appeal site is located to the rear of three semi-detached bungalows which form part of a small settlement within the countryside. The small size and lack

of services in this settlement means it is not a focus for further development and in policy terms is designated as countryside in the adopted North Norfolk Core Strategy.

5. The Core Strategy refers to the North Norfolk countryside as a principal element enjoyed by residents and visitors, the quality and character of which should be protected whilst at the same time supporting rural livelihoods. Policy SS 2 of this Core Strategy therefore limits development in the countryside to that requiring a rural location, both to preserve its character and ensure a sustainable pattern of development. This policy is consistent with the broad aims of the National Planning Policy Framework for achieving sustainable development and I therefore afford it significant weight in this decision.
6. In principle, Policy SS 2 allows for recreation and tourism uses in the countryside, although the Core Strategy otherwise resists new independent dwellinghouses and holiday accommodation. The planning permission was for an appropriate recreational use of this previously developed site. From the evidence the use of the site is for leisure purposes, providing a location for gardening/horticulture much like an allotment. The Shepherd's Hut appears to provide on-site conveniences and was considered suitable for the occasional overnight stay. On this basis, I consider the restrictions imposed by condition 4, which limit such stays to no more than 75 in any one calendar year and for no more than two consecutive nights, to be both reasonable and necessary to prevent the structure becoming a de facto holiday dwelling.
7. Quite apart from not providing adequate facilities for longer-stay holiday accommodation, such a use within a site at the immediate rear of existing dwellings has the potential of being unneighbourly by reducing the feeling of privacy and seclusion that residential back gardens might reasonably be expected to provide.
8. Whilst I can appreciate that the distance travelled to the site would make a fewer number of visits involving longer stays more sustainable, the condition does not require maximum use be made of the flexibility given. It does nevertheless remain necessary that overnight stays are limited to no more than two consecutive nights in order to retain proper planning control over the permitted use of the site. The holiday and seasonal occupancy conditions set out in Policy EC9 of the Core Strategy, allowing for 140 days occupancy per annum with individual stays of no more than 31 days, are not relevant to the use of the Shepherd's Hut as it is not appropriate for such accommodation. At most, this structure is acceptable only for the occasional overnight stay deemed acceptable on this site and as appropriately governed by the condition in dispute.

Conclusion

9. I conclude on the basis of the foregoing that the condition as it stands is reasonable and necessary and must therefore dismiss this appeal.

Jonathan Price

INSPECTOR