



Appeal Decision

Site visit made on 9 March 2020

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th March 2020

Appeal Ref: APP/Y2620/W/19/3239047

Villeroche, Langham Road, Blakeney, Norfolk NR25 7PW

- 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 James Scargill against the decision of North Norfolk District Council.
 - The application Ref PF/19/1037, dated 23 June 2019, was refused by notice dated 10 September 2019.
 - The development proposed is described as 'three-bedroom holiday bungalow specifically designed'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - Whether the proposed development would be in a suitable location with reference to relevant development plan policies concerned with tourism and the 'Undeveloped Coast';
 - The effect of the proposed development on the character and appearance of the area, including whether the proposal would preserve or enhance the North Norfolk Area of Outstanding Natural Beauty (AONB);
 - The effect of the proposed development on the Wiveton Downs Site of Special Scientific Interest (SSSI); and
 - Whether the proposed development would have safe and suitable access.

Reasons

Whether the proposed development would be in a suitable location

3. In seeking to recognise the rural character of North Norfolk and to prevent car dependency through a dispersal of dwellings, Policy SS2 of the CS¹ limits the types of development that can occur in the countryside to a stated list. The list includes 'recreation and tourism' and therefore the appeal scheme, which is for a holiday home, can be considered not to be at odds with Policy SS2. That said, Policy SS2 is broad and strategic and therefore other policies in the

¹ North Norfolk Local Development Framework Core Strategy Incorporating Development Control Policies 2008

development plan flow from it. In this respect, Policy EC7 of the CS is relevant. It sets out a more detailed strategy for the location of tourism development.

4. In order to retain the quality of the natural environment, which is an important draw for tourists, and sustainably locate accommodation and attractions close to existing communities and facilities, Policy EC7 sets out a strategy for the location of tourist accommodation. This includes a sequential approach for new build attractions and serviced accommodation. However, the policy states that proposals for new build unserviced holiday accommodation in the countryside will be treated as though they are permanent residential dwellings and will not be permitted. This is, in part, to prevent a proliferation of holiday homes throughout the countryside. The appeal scheme would be a new build self-catering holiday home and therefore it would be unserviced holiday accommodation in the countryside at odds with Policy EC7.
5. The appeal site is also located in an area defined in the CS as 'Undeveloped Coast'. Policy EN3 of the CS seeks to protect the undeveloped character of this part of the coastline because it is part of North Norfolk's distinctiveness and is important to its tourism economy. To this end, Policy EN3 only permits development in this area that can demonstrate a requirement to be in a coastal location. Permitting the proposed holiday home would enable holiday makers, including those requiring wheelchair accessible accommodation, to visit Blakeney and the coast. However, it is not a functional requirement necessitating a location in the Undeveloped Coast because visitors could travel from further inland to visit the village and the marshes.
6. In conclusion, I find that the proposal would not be in a suitable location. This is because it would harmfully undermine the local strategies for the location of tourist accommodation and the retention of the Undeveloped Coast, as set out Policies EC7 and EN3 of the CS.

The effect of the proposed development on the character and appearance of the area, including whether the proposal would preserve or enhance the AONB

7. The appeal site encompasses an area of exposed lawn in front of Villeroche and a commercial unit. These structures are set into a former quarry and are therefore lower than the B1156. They are also screened by roadside planting. Therefore, the two buildings do not intrude into views of Blakeney, the coast and surrounding countryside when travelling along the B1156. The discrete location against a landscaped bank also ensures these structures are not unduly prominent in views from the adjoining bridleway and Saxlingham Road.
8. The proposed holiday let would be sited in front of the existing structures and therefore it would be in a significantly more prominent location. It would be apparent in close range from the B1156 disrupting views over the countryside in the direction of St Nicolas' Church and in more longer distance views from Saxlingham Road. Its exposed siting would also look harmfully out of place to users of the bridleway. Accordingly, the building would encroach into, urbanise and thus harm the open and tranquil landscape on the edge of Blakeney as well as eroding the openness and dark sky character of the Blakeney Esker.
9. The perception of the building being out of place would be further heightened by its appearance. This is because the mono pitch form and boarding would significantly jar with the local rural vernacular. The use of a sedum roof would not mitigate for this. The design rationale is to make the structure appear as a

rural outbuilding, but this would be unconvincing because it would be located forward of Villeroche thereby lacking subservience, and the glass balustrade and veranda would not have a domestic, rather than rural, character. In this respect it would appear as a strident and discordant dwelling in the local landscape even though the appeal site is probably previously developed land².

10. In conclusion, the proposal would significantly harm the character and appearance of the area. It would therefore fail to conserve or enhance the North Norfolk Area of Outstanding Natural Beauty. Consequently, the proposal would be contrary to Policies EN1, EN2 and EN4 of the CS, which seek to secure development that preserves or enhances the character and appearance of the area and conserves or enhances the AONB.

The effect of the proposed development on the Wiveton Downs Site of Special Scientific Interest (SSSI)

11. The proposed holiday home would be located within the area designated as the Wiveton Downs Site of Special Scientific Interest (SSSI). This is known to geologists as the 'Blakeney Esker'. It is an unusual glacial landform of outstanding importance for teaching, research and demonstration purposes. The SSSI can be differentiated from the surrounding arable land and although obscured to an extent by trees and housing development it is still visible in the landscape as an interesting and impressive geological feature.
12. The appeal scheme would result in residential intensification within the SSSI. The presence of a new dwelling would erode how the Esker is appreciated as a natural geological feature. In addition, the appellant has not articulated what impact the construction works would have on its underlying importance. In this respect, Natural England has written to the Council explaining the need for further information to understand the physical impacts on the SSSI.
13. Thus, in conclusion, the appellant has failed to demonstrate that the appeal scheme would not harm the SSSI. Therefore, I cannot be satisfied it would conserve the importance and value of the Esker and thus adhere to Policy EN9 of the CS, which seeks to protect nationally designated sites.

Safe and suitable access

14. The appeal site is a few hundred metres from the nearest pavement and therefore a resident of the proposed holiday home seeking to access Blakeney on foot would need to negotiate an unlit section of the B1156 by walking within the carriageway. This may be acceptable on some lightly trafficked rural lanes but the B1156 is defined by the Local Highway Authority as a Main Distributor Route. Moreover, the section between the appeal site and the edge of Blakeney is subject to a 60 miles per hour speed limit. The good forward visibility along this stretch of the road would encourage vehicles to travel at speed and this is what I observed. The verge is slightly elevated and vegetated so it may not provide a refuge for all pedestrians, particularly those which find steps difficult or have a pushchair or wheelchair. Therefore, pedestrians may find it difficult to react to vehicles travelling towards them at speed.
15. Given the foregoing, the section of road between the appeal site and the nearest pavement is not one a pedestrian should be encouraged to travel along regularly. Accordingly, the appeal site does not have safe and suitable access

² As it is apparently garden land outside a built-up area.

for pedestrians. In coming to this view, I note that there is a camping and caravanning site further to the south of the appeal site, but the Local Highway Authority have confirmed that this has been *in situ* for a very long time and I have no reason to disagree. Thus, it was approved at a very different time. In any event, it is further out and therefore holiday makers would be less inclined to walk in the B1156. Its presence does not justify the appeal scheme.

16. When applying TRICS³ data it is likely the appeal scheme would generate around six vehicle trips a day when occupied. This modest number of trips would not have a severe impact on the free flow of traffic but would intensify the use of the existing access, which already serves a dwelling and a commercial unit. There are no records of any accidents at the access, which is an indicator that it has operated safely to date. However, the absence of a recorded accident does not make an unsafe access safe.
17. To this end, when applying guidance in the Design Manual for Roads and Bridges (DMRB) the Council are concerned that a visibility splay of between 160m and 215m cannot be achieved to the north due to a fence and this would increase the risk of a collision. The DMRB sets out the standards for trunk roads so these may not be appropriate in this instance. Notwithstanding this, the fence is within the red line site area and is therefore in the control of the appellant. As such, a planning condition could be imposed in the event the scheme was otherwise acceptable that requires the fence to be removed or repositioned and for adequate visibility splays to be left unobscured. This would enable motorists exiting the site to see those within the carriageway. This approach was deemed acceptable when the retention of the workshop was approved. I am therefore satisfied the intensification in the use of the access would not present an unacceptable risk to motorists or severely effect the free flow of traffic.
18. Nevertheless, given the unsafe pedestrian access the appeal scheme would prevent an unacceptable risk to highway safety. Consequently, it would be contrary to Policy CT5 of the CS, which seeks to secure development that provides safe and convenient access on foot.

Other Matters

19. Although the access into the site would be acceptable for motorists it would not be so for pedestrians. In addition, the proposal would conflict with the spatial strategy in the development plan, harm the character and appearance of the area and, from the evidence before me, fail to conserve the SSSI. There is nothing before me to suggest the development plan policies referred to in respect of these matters are inconsistent with the National Planning Policy Framework and therefore the conflict with them is of significant weight.
20. Thus, the proposal is at odds with the development plan when taken as a whole. A proposal should be determined in accordance with the development plan unless material considerations indicate otherwise.
21. The proposed holiday home would be designed to be accessible to wheelchair users, although there is nothing to suggest it would be exclusively used by this customer base. A physical disability is a relevant protected characteristic under s149(7) of the Equality Act 2010. In such circumstances, s149(1) of the Act

³ Trip Rate Information Computer System

- requires due regard to be had to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This includes taking steps to meet their needs and minimising the disadvantages that are connected to that characteristic. This is the Public Sector Equality Duty (PSED).
22. Providing wheelchair accessible holiday accommodation would aid those holiday makers seeking to visit North Norfolk that have a physical disability. In so doing it would give them greater choice and independence. The Tourism Sector Study referred to by the appellant identifies a need to address accessibility for all.
23. The appellant suggests there is a considerable shortage of wheelchair accessible holiday homes in the North Norfolk area. However, the appellant's list of other sites already providing this accommodation would seem to contradict his proposition and there is no substantive evidence before me demonstrating demand for wheelchair accessible holiday accommodation is outstripping supply. Moreover, convincing evidence has not been provided to suggest it is cost prohibitive to retrofit existing holiday homes. Notwithstanding this, it is unclear what methodology was followed in gathering the list so it may be an underestimate. None of the properties listed are in Blakeney but accommodation does not have to be provided here to enable access to the North Norfolk area or Blakeney itself. Accordingly, the equality benefits of the proposal carry limited weight.
24. The proposal would include sustainable construction measures such as high levels of insulation, solar panels and electric vehicle charging points. Although commendable this would not outweigh the significant harm I have identified. Similarly, the modest benefits to the tourism economy would not be determinative given the extent of the adverse impacts.
25. Thus, the other matters do not indicate that the proposal should be considered other than in accordance with the development plan. In reaching this finding I have carefully considered the right for respect of private and family life under Article 8 of the Human Rights Act. This right would not be violated because no person would lose their home and dismissing this appeal would not prevent holiday makers from visiting North Norfolk. For these reasons there would also be no breach of the Article 14 right of prohibiting discrimination. Thus, dismissing the appeal would not amount to an unjustified and disproportionate interference with human rights.

Conclusion

26. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Graham Chamberlain
INSPECTOR