



Appeal Decision

Site visit made on 15 July 2020

by David Spencer BA(Hons) DipTP MRTPI

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

Decision date: 2 September 2020

Appeal Ref: APP/Y2620/W/19/3241482

Woodland Holiday Park, Cromer Road, Trimingham NR11 8QJ

- 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 Andrew Hird of Woodland Holiday Park against the decision of North Norfolk District Council.
 - The application Ref PF/18/2051, dated 31 October 2018, was refused by notice dated 20 August 2019.
 - The development proposed is the installation of 56 static holiday lodge bases, with associated access, services, veranda, car parking spaces and landscaping.
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This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 7 August 2020.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was amended during its determination by the Local Planning Authority (LPA) to reduce the number of holiday lodges proposed. The LPA re-consulted on that basis prior to making its decision. The amended scale of development is reflected in the description given in the banner above which is taken from the LPAs decision notice. I have assessed the appeal proposal on the revised scheme for 56 lodges.

Main Issues

3. The main issues are:
 - (i) the effect of the development on the character and appearance of the area, including the landscape and scenic beauty of the Norfolk Coast Area of Outstanding Natural Beauty (the AONB);
 - (ii) whether the proposal would constitute 'major development' in the AONB; and
 - (iii) if constituting major development, do exceptional circumstances exist, and would the development be in the public interest.

Reasons

(i) Character and Appearance

4. The appeal proposal would involve two modestly sized parcels of undulating farmland adjoining woodland. It would be situated where rising land from the coast gently folds into the shallow valley of the Mundesley Beck. The appeal site is within national landscape Character Area 78 – 'Central North Norfolk', the key characteristics of which include, amongst other things, a gently undulating landscape dissected by river valleys and a tranquil agricultural landscape with some relatively well-wooded areas. The appeal site is firmly characteristic of this broad landscape classification within the AONB.
5. The appellant's Landscape and Visual Impact Assessment – October 2018 (LVIA) slightly predates the LPAs latest Landscape Character Assessment (LUC, November 2018) (the LCA) but nonetheless both documents are generally consistent in their appraisal of the local landscape baseline. It is recognised that the appeal site is on the boundary between what the LCA describes as the rolling farmland of the 'Coastal Shelf' to the north and east and the small valley character of the Mundesley Beck to the south and west.
6. Development in this part of the Norfolk Coast AONB is generally focused in identifiable settlements such that the countryside at the appeal location remains inherently rural with only a scattering of buildings in the immediate landscape. Whilst the appeal site directly adjoins the Woodland Holiday Park, this development is extensively enveloped within the trees from which it takes its name. Consequently, the existing holiday lodges and facilities are not conspicuous in the wider AONB landscape south of Trimingham. The appeal location is characteristic of the unblemished landscape and tranquil qualities that the AONB designation seeks to preserve and enhance.
7. The appeal site extends from west to east across the two parcels of land. The topography of the site generally forms a shallow bowl or hanging valley on the piece of land known as "Button Stores" and then rises pronouncedly to east on the parcel of land known as "Margate Hill". "Button Stores" is bounded to the west and north by mature woodland on rising land containing the existing holiday park complex. It is further enclosed to the south-east by plantation woodland. The boundary between "Button Stores" and "Margate Hill" comprises an established and reasonably dense hedge with mature hedgerow trees emphasising the local landscape character type transition described above.
8. The rising land on "Margate Hill" is part of a much larger arable field to the south-east and so does not have the same degree of enclosure. Whilst there is plantation woodland to the south and vegetation to the north, including a belt of mature woodland (Flower's Plantation), the existing eastern boundary of the "Margate Hill" site is particularly exposed. There is a small cluster of traditional buildings and vegetation at Blackberry Cottage at the north-east corner of the appeal site. These buildings comprise a vernacular dwelling and a modest brick barn resonant of rural buildings in the Norfolk Coast AONB landscape. Their presence does not detract from the high quality of the landscape here.

Landscape Impact

9. As described above "Button Stores" falls squarely within the valley landscape of the Mundesley Beck. This is a small-scale landscape in terms of modest sized fields with woodland providing further structure. It is an area with strong rural qualities where development is scarce. There are overriding qualities of intimacy and tranquillity to the landscape. The "Button Stores" land can be read as an integral part of this wider landscape at height on the northern side

of the wider Mundesley Beck valley. Consequently, I consider the “Button Stores” site to be highly sensitive to change in landscape terms.

10. The “Margate Hill” land occupies a more transitional location between landscape types but given its topography and context as part of a larger field it lends itself more to being in the ‘Coastal Shelf’ landscape described in the LCA. This is a landscape that in places contain areas of settlement and tourist development, but it is also widely characterised by small areas of rolling farmland and a sense of remoteness and tranquillity that are intrinsic to the Norfolk Coast AONB¹. The “Margate Hill” site positively contributes to these key qualities of the ‘Coastal Shelf’ landscape and so I find the site to be highly sensitive to change.
11. The landscape at the appeal site has not been degraded. The electricity poles and wires crossing the site are typical in the rural landscape. The adjoining Woodlands Holiday Park has been successfully accommodated within its treed setting. Housing and potato storage sheds at the edge of Trimingham are largely outside the visual envelope in which the appeal site is experienced. They clearly define the settlement edge and do not significantly intrude into the wider landscape south of Trimingham. I am not persuaded by the LVIA assessment that the AONB at the appeal location is less sensitive or less vulnerable in landscape terms. As set out above the appeal site is intrinsically part of the gently undulating landscape adjacent to the coast margin which provides a strong rural and tranquil backdrop to the Norfolk coast. It is inherently part of the high-quality scenic beauty and remoteness of the AONB. It does not have a reduced landscape sensitivity.
12. In applying Table 6 in the appellant’s LVIA I find the development of the site would result in the loss of key characteristics, features or elements of the landscape in terms of the fabric of smaller, open fields as the landscape transitions at the edge of the valley into more rolling farmland. It would also introduce an extensive scale of development that would be noticeable and detracting within the AONB landscape. The proposal may have potential to reverse over the long term but this has to be considered within the context that the sensitivity of the landscape receptor is particularly high given its AONB status. Accordingly, in landscape terms the effect can reasonably be assessed as a magnitude of ‘moderate negative’ using the appellant’s LVIA measure.
13. The appellant asserts that the landscape impact, over time, could be positive in terms of additional tree planting and the opportunity to link areas of existing woodland. This would take a long time during which the evident loss of characteristic parcels of open farmland by a detracting and uncharacteristic form of development would be readily experienced. The woodland blocks at the appeal location already provide a strong sylvan setting, such that I am not persuaded that some relatively modest tree belts at the fringes of these more substantive woodland areas would result in any sort of appreciable landscape enhancement compared to the undeveloped baseline situation. Accordingly, I still find an overall ‘moderate negative’ effect on the landscape.

Visual Impact

¹ As set out in the Norfolk Coast AONB Management Strategy 2014-2019 in terms of significance (baseline), the vision to 2034 and the objectives.

14. There are numerous footpaths to the south of Trimingham including those that form the 'Paston Way', a designated and well-signed recreational trail for walkers. Rural lanes also extend south from Trimingham in the vicinity of the appeal site which are designated 'quiet lanes' for the benefit of walkers, cyclists and horse riders. Part of the network of lanes forms Regional Cycle Route 30. Users of these footpaths and lanes are likely to be aware they are within the AONB and so I consider their sensitivity as visual receptors to be very high (applying Table 5 of the LVIA).
15. In assessing the visual impact of the appeal proposal in the landscape I have visited the viewpoints in the appellant's LVIA. In long range views to the south from the quiet lanes and footpaths, including the Paston Way (notably LVIA viewpoints O, P, X and Y) the appeal proposal, over time, would be barely perceptible in the wider landscape once mitigatory planting had become established. The same, however, would not apply at what is broadly viewpoint N in the LVIA in relation to "Button Stores". The key perspective here is taken from a gap a short distance to the west of viewpoint N on Figure 3 in the LVIA, although it is more accurately shown as the red dotted "primary view" on Figure 4 of the LVIA. It is also within the "green" visual envelope in the 2013 Yardley Sequential Assessment of Site 3 (Button Stores).
16. Cyclists using Route 30 or walkers on Paston Way at this point would be moving slowly through the landscape as the lane ascends the hill up to Trimingham. The view from this gap draws the eye up the rising valley side and directly into "Button Stores" which occupies an almost crest position at relatively close quarters. In the short term the development on "Button Stores" would be highly conspicuous and jarring in an otherwise very rural and tranquil location. The proposed bund and woodland planting would not be effective in the short to medium term given the topography of the "Button Stores" site. Despite the mitigation, I am satisfied that the development would remain noticeable and disrupting to the high sensitivity of those experiencing the rural AONB landscape from this viewpoint into the long term and so the magnitude of visual effect must be "medium negative" (applying LVIA Table 7).
17. The absence of a strong eastern boundary to the "Margate Hill" means that for walkers using the directly adjacent Paston Way trail at this point, the appeal proposal would be particularly prominent (LVIA viewpoints R, U and V). Given the rising topography to the north the appeal proposal as it relates to "Margate Hill" would be also highly visible from the Paston Way path as it leaves Trimingham village (viewpoint W), especially as walkers descend across the arable field down to Blackberry Cottage.
18. Whilst they would be single storey, the proposed lodges would nonetheless be incongruous features in the landscape and introducing a discordant aspect of human activity, including vehicles and ancillary paraphernalia, at a location which has the overriding qualities of remoteness and tranquillity, characteristic of the Norfolk Coast AONB. The proximity of the few traditional buildings at Blackberry Cottage does not interrupt or meaningfully affect the remoteness, tranquillity and principally unfettered nature of the appeal location. Additionally, the existing holiday park has been successfully accommodated into its mature woodland setting such that it is largely undetectable from these viewpoints. It is also sufficiently distant from the Paston Way path that activity at the holiday park site is largely inaudible.

19. The appeal proposal would involve a landscaped buffer to the north and east of "Margate Hill". In the short to medium term, this would not diminish the acute visual impact arising from the proximity of the larger Type 1 lodges and their raised verandas (orientated towards the path). Nor would it effectively buffer users of the adjacent Paston Way path from the general human activity at the site, including noise from the verandas. Additionally, the landscaping would not, in the short to medium term, effectively screen the proposal from those on higher land descending the Paston Way path from the north.
20. I have carefully considered whether the significance of the harmful visual impact would be reduced over time as the proposed planting becomes established. The degree of separation at the point where the Paston Way path passes close to the easternmost lodges, notably the cluster comprising lodges 44, 45, 55 and 56 would be narrow. Notwithstanding the revised scheme, the depth and density of vegetation would be relatively limited such that the proximity of the lodges and human activity would remain perceptible to users passing very closely on the Paston Way, particularly in winter months. There would also be a demonstrably significant impact on how the tranquil character of the AONB is experienced at this point.
21. More widely, from the rural Paston Way path to the north (LVIA viewpoint W) because of the elevated views from the path, down into the eastern parts of the "Margate Hill" site, the proposed landscaping is going to a considerable period of time to take effect, most likely beyond the usual 15 year timeframe for assessment. The visual impact from this perspective would remain significantly adverse for an appreciable number of years. I have arrived at this conclusion in light of the fact that some mature vegetation already exists along the northern boundary of the eastern part of "Margate Hill" and yet there remain direct and extensive views across land that would be occupied by the proposed lodges. As walkers descend down the arable field, the eye of the user of the path is drawn towards a strongly arcadian view of the vernacular buildings at Blackberry Cottage sitting in unspoilt rolling countryside, including "Margate Hill". This would be harmfully lost and the jarring presence of the lodges in this landscape would contrast sharply with the effective woodland integration achieved elsewhere at the holiday park site.
22. In drawing together the visual effects for highly sensitive receptors using the Paston Way adjacent to and near "Margate Hill", the appeal proposal would result in a significant deterioration of views and experience which would not be meaningfully offset by the proposed landscaping and so the magnitude of impact would be "medium negative" (against the LVIA measure).

Dark skies

23. The Norfolk Coast AONB Management Strategy 2014-2019 identifies a sense of remoteness, tranquillity and wildness to be part of the significance of the AONB including dark skies. The Strategy identifies that preserving remoteness and tranquillity is an area for concern and accordingly the vision for 2034 is that the AONB will remain essentially unspoilt, have a strong feeling of remoteness and maintain dark night skies. External lighting is a matter that could be controlled by condition but as set out above, in contrast to the existing holiday park site, the appeal site is open in character and has exposed edges to wider, open and remote countryside, particularly in the short to medium term. The

LPA's LCA is clear in its landscape vision for this area (Page 176) that a sensitive approach to lighting is required to maintain dark skies.

24. There would be a cumulative potential for harmful light pollution arising from a number of sources that may be difficult for the LPA to practicably enforce. This include an innate pressure to externally illuminate veranda areas including portable and temporary sources of lighting. There would also be significant vehicle numbers generated by the 56 lodges with a reasonable expectation that there would be headlight illumination as people return from meals or trips out or arrive late to start their vacation. This would not be sufficiently offset by boundary landscaping in anything other than the very long term. I therefore find there would be a significantly harmful effect on the need to preserve dark skies as a characteristic of the remoteness and tranquillity of the AONB.

Conclusions on (i) Character and Appearance

25. I have had regard to the purposes of the AONB as a resource of national importance. Paragraph 172 of the National Planning Policy Framework (NPPF) states that great weight should be given to conserving and enhancing landscape and scenic beauty within such areas. Given my reasons above, the moderately negative impact to a highly sensitive landscape, the significantly harmful presence of development in a remote, tranquil setting with its attendant negative visual impact for highly sensitive visual receptors, and the risk of harmfully eroding the quality of dark skies, would cumulatively fail to conserve or enhance the Norfolk Coast AONB. I therefore attach great weight to the significant harm that would be caused.
26. It is asserted that the scheme would deliver a net environmental gain including linking blocks of woodland. There is little evidence on how any net gain is to be measured against any potential fragmentary impacts arising from developing pockets of open countryside between mature woodland. Overall, I consider any environmental (biodiversity) gain would be no more than small and would not counterbalance or sufficiently reduce the identified significant environmental harm to the character and appearance of this part of the AONB.
27. For the reasons set out above I conclude that the appeal proposal would have an unacceptably adverse effect on the character and appearance of area, including the landscape and scenic beauty of the Norfolk Coast AONB. It would therefore conflict with Policies EN1, EN2 and EN13 of the North Norfolk Local Development Framework Core Strategy 2008 (the NNCS).
28. Policy EN1 is an appropriately permissive policy that seeks to facilitate suitable development within the AONB however it states that development proposals that would be significantly detrimental to the special qualities of the Norfolk Coast AONB will not be permitted. The identified negative effects on the landscape, visual amenity and dark sky qualities are cumulatively within the threshold of significantly detrimental. The balanced approach in Policy EN1 to development in AONBs is entirely consistent with the NPPF at paragraphs 127, 170 and 172 (as also determined in recent appeal 3238583).
29. Policy EN2 seeks to ensure that development protects and enhances the character of the area having regard to LCA evidence by, amongst other things, being of appropriate location, scale and design and being sympathetic to the special qualities and local distinctiveness of the area, including nocturnal character. Policy EN13 provides further requirement to minimise light pollution

to ensure no unacceptable impacts on the natural environment and general amenity. Policies EN2 and EN13 are consistent with NPPF paragraphs 127 and 170.

30. Given the consistency of Policies EN1, EN2 and EN13 with the NPPF and having regard to NPPF paragraph 213, the policies, and conflict with them, carries substantial weight.

Whether the proposal would constitute 'major development' in the AONB

31. For the purposes of the NPPF at paragraph 172 and its footnote 55, what constitutes 'major development' in the AONB is a matter of judgement based on the nature, scale and setting and whether adverse impacts would arise on the purposes for which an area has been designated. The evidence of the appellant that shows that there is an appreciable degree of variation in the scale of development adjudged to be 'major' in AONBs around England. The appellant suggests a ratio measurement that a holiday lodge should be considered to be half that of a dwelling such that the proposed 56 single storey lodges would have equivalence to assessing 28 two storey dwellings. This formulaic approach does not appear to have any established basis. It is not supported by the appellant's evidence² which shows schemes as low as 10 dwellings being classified as major development elsewhere.
32. Whilst I have few details of the numerous planning appeals listed by the appellant, looking at the circumstances in this case the appeal proposal would involve 2.8 hectares (some 7 acres) of characteristic, highly sensitive landscape in the AONB. It would comprise the erection of 56 holiday lodges of which 46 lodges would measure some 12.5 metres by 4.3 metres and 10 lodges would measure 6.7 metres by some 13.7 metres³. All lodges would have ancillary veranda and parking areas. There would also be various access roads across the site. Accordingly, the appeal proposal would result in the loss of an appreciable area of open, rolling countryside characteristic of the AONB and introduce a significant footprint of development. As set out above, it would do so in a way which have a significantly harmful visual impact in certain perspectives and would harmfully disturb the remote, tranquil character of the AONB. It would, by virtue of its scale and harmful impact, amount to major development in the AONB.
33. For the reasons outlined above I conclude that the proposed development would constitute major development in the Norfolk Coast AONB. Consequently, paragraph 172 of the NPPF states that planning permission should be refused other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.

(ii) Do exceptional circumstances exist, and would the development be in the public interest?

34. The provision of additional holiday accommodation would be an economic benefit generated by the proposal. This would be in terms of the construction, and ongoing servicing and maintenance of the lodges and the associated spend to the local economy, including sustaining and enhancing the facilities and employment provided at the Woodland Holiday Park site. There is, however, limited evidence before me that the 56 lodges are essential to support the

² Appendix 1 to Statement of Case

³ Based on final revised layout drawing 7957-PO2-G and proposed lodges drawing 7957-PO6

holiday park's ongoing business sustainability (currently 392 units). The appellant submits that there is a demand for the lodges and deposits have been taken but there is little evidence to quantify or substantiate this somewhat generalised evidence. I understand the Park's facilities, such as the swimming pool, are open to the local community but again, there is little to suggest these facilities (currently serving the nearly 400 lodges) would be adversely affected were the appeal not allowed or the actual extent to which they are used by local people. In accordance with NPPF paragraph 80 I attach significant weight to the economic benefits identified above.

35. The policy framework in the adopted NNCS supports rural enterprise, including tourism, at relevant policies for this appeal at Policies SS2, SS5, EC3, EC7 and EC10. These policies collectively seek to support extending businesses located in the countryside and the appropriate provision of new holiday accommodation including "woodland lodge holiday accommodation" as identified in Policy EC10. As is to be reasonably expected and required, it is a qualified support, including being sustainably located and ensuring no detrimental effect on the character of the area. For the purposes of being located in the AONB, these policies do not operate in isolation from NNCS Policies EN1 and EN2 when looking at the development plan as a whole.
36. Policies SS2, SS5, EC3, EC7 and EC10 are consistent with NPPF paragraphs 80-82 (building a strong, competitive economy) and in particular NPPF paragraphs 83-84 on supporting a prosperous rural economy. NPPF paragraph 83 is clear that sustainable rural tourism and leisure developments should be enabled, but is caveated to those "which respect the character of the countryside" (criterion c), paragraph 83) This is echoed in the AONB Management Strategy⁴ which articulates that development must be managed in a way that does not significantly harm the very qualities and scenic beauty that attracts visitors and tourists to the area thus sustaining the important tourism sector.
37. There is no doubt that the Woodland Park site is a high quality and well-respected tourist facility in North Norfolk. The site has positively expanded within its available woodland setting and I recognise that further expansion would support and enhance its destination status as 'best in class'. I accept the evidence in the LVIA that reasonable options to continue expanding within the woodland areas have been exhausted. The LVIA appraises three peripheral sites, drawing on earlier sequential assessment work from 2013 which described "Button Stores" as "considerably more visible" compared to other sites tested. The LVIA assessment includes the appeal site and discounts the other two site options on landscape, amenity and ecology grounds.
38. Whilst options for expansion may be limited, the evidence illustrates the challenges of expanding the Woodland Park site beyond its existing treed setting into the more open adjoining AONB. In this regard I share the LPAs assessment that the landscape around the Woodland Park site has limited capacity to absorb additional growth. With regards to NPPF paragraph 172(a) and (b) there is little persuasive evidence before me as to need for the development and the cost or scope for meeting this need at other less harmful locations, including outside of the AONB.

⁴ "Although development is likely to bring economic benefits, impacts on the areas natural beauty can undermine the natural capital that underpins the tourism industry and makes this an attractive area to live in and visit. We need to manage development so that it is compatible with AONB designation." (page 25)

39. For the reasons given above, I conclude that whilst the provision of the appeal proposal would have significant economic benefit and that some alternative sites have been considered, this would not amount to exceptional circumstances which would outweigh the identified environmental harm to the Norfolk Coast AONB. As such the development would not be in the public interest. Consequently, paragraph 172 of the NPPF indicates that planning permission should be refused. Moreover, the proposal would not accord with the linked requirements in NNCS Policy EN1 to demonstrate: (1) that less harmful alternative sites exist; and (2) that the benefits clearly outweigh any adverse impacts. Due to the environmental harm identified to the character and special qualities of the AONB the proposal would also conflict with NNCS Policies SS5, EC3, EC7 and EC10 and so would not be the sustainable tourism development which the development plan encourages.

Other Matters

40. The appellant submits that given the NNCS was adopted in 2008 it predates the NPPF, has not been reviewed within a reasonable timeframe and so should not be considered up-to-date. The NPPF at paragraph 11(d) states that where the most relevant policies are not up-to-date then the tilted balance (the presumption in favour of sustainable development) would be engaged. Whether policies are up-to-date is not solely the matter of the passage of time as authoritatively determined in the recent High Court decision submitted by the LPA⁵. The decision-maker's task is informed by NPPF paragraph 213. As set out above I have found that the relevant policies which are most important for determining the appeal proposal are consistent with the NPPF. They are up-to-date and so the conflict with them carries substantial weight.
41. I note that the decision at the LPAs Planning Committee was close, the local ward councillor supports the proposal and the Parish Council does not object. Be that as it may, the LPAs Planning Committee determined to refuse the proposal in the wider public interest in line with the officer recommendation. The LPA has provided extensive and cogent evidence as part of this appeal in support of their reasons for refusal.

Conclusion

42. The proposal would conflict with the relevant development plan policies which are the most important for determining the proposal. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended), I find in this case that material considerations do not indicate that my decision should be other than in accordance with the up-to-date policies of the development plan. Consequently, for the reasons set out above, I therefore conclude that the appeal should be dismissed.

David Spencer

Inspector.

⁵ Peel Investments North Ltd v SSHLCG & Salford CC [2019] EWHC 2143 (Admin)