
Appeal Decision

Site visit made on 8 September 2020

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2020

Appeal Ref: APP/Y2620/W/20/3252457

**Cley Marshes visitor centre, Coast Road, Cley-next-the-sea,
Norfolk NR25 7SA**

- 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 Norfolk Wildlife Trust (NWT) against the decision of North Norfolk District Council.
 - The application Ref PF/19/1893, dated 30 October 2019, was approved on 2 April 2020 and planning permission was granted subject to conditions.
 - The development permitted is installation of 3 no pay and display machines (2 no in the visitor centre car park and 1 No at the Cley Beach Road car park).
 - The condition in dispute is No 1 which states that: This permission shall expire on 2 October 2021 and unless on or before that date application is made for an extension of the period of permission and such application is approved by the local planning authority, there shall be carried out any works necessary for the reinstatement of the said land to its condition before the start of the development hereby permitted as indicated in the photographs/plans annexed to and forming part of this planning approval notice.
 - The reason given for the condition is: To enable the local planning authority to retain control over the proposed development in the interests of protecting the character of the countryside in accordance with Policy EN2 of the adopted North Norfolk Core Strategy.
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Decision

1. The appeal is allowed and planning permission Ref PF/19/1893 for the installation of 3 no pay and display machines (2 no in the visitor centre car park and 1 no at the Cley Beach Road car park) at Cley Marshes visitor centre, granted on 2 April 2020 by North Norfolk District Council, is varied by deleting current condition 1 and substituting this with the following condition:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

Background and Main Issues

2. This case relates to the two main car parks at the Cley Marshes nature reserve on the north Norfolk coast where the Council has permitted three pay and display machines. The reserve is within both an Area of Outstanding Natural Beauty (AONB) and the Glaven Valley and Cley Conservation Area (CA).

3. The machines are relatively small, slim features and the Council's concerns were not over the visual impact of these in themselves, but their effect in displacing car parking onto the nearby public highway and verges.
4. Due to concerns over the effect this displaced car parking would have on the landscape quality of the AONB and CA, the permission was granted for a temporary period of 18 months to provide a period during which the impacts might be monitored. The appeal is over the condition establishing the temporary nature of the consent.
5. The main issue is whether the contested condition is reasonable and necessary in order to retain control over the proposed development in the interests of protecting the landscape character of the area, in accordance with Policy EN2 of the adopted North Norfolk Core Strategy¹ (CS).

Reasons

6. The Council considered the pay and display machines acceptable in principle and acknowledged that the introduction of parking charges does not require planning permission. I concur with this, and note the evidence suggests payment regimes are already in place at these car parks and the machines are to help operate and manage this more efficiently.
7. CS Policy EN 2 seeks to ensure that developments protect, conserve and, where possible, enhance the special qualities and local distinctiveness of the area, which here relates to the high landscape quality of this coastal location. The condition was imposed to allow a period to monitor the effects of the pay and display machines in respect of the landscape impacts of displacement parking, so as to assess whether or not these could be mitigated.
8. The national Planning Practice Guidance advises that circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area². However, the machines involve significant investment on the part of the NWT, which would be largely abortive should permission not be renewed at the expiry of the 18-month period. The appellant refers to pay and display systems operating in other car parks along the north Norfolk coast.
9. It seems to me that the remedy for adverse landscape impacts of displacement car parking could be addressed through the imposition of Traffic Regulation Orders to restrict this along the stretches of public highway giving rise to visual harm. The power to implement this is outside the control of the appellant. I consider it acceptable for a pay and display regime to be implemented so as to more efficiently manage car parking at the Cley Marshes reserve and to provide a revenue stream to help fund the management of the natural landscape and its biodiversity.
10. I fully appreciate the concerns held over the harmful landscape impacts of sporadic car parking in this area. However, I do not find the condition that permission for the pay and display machines expires on 2 October 2021 to be reasonable and necessary in order to retain control over the proposed development in the interests of protecting the landscape character of the area.

¹ North Norfolk Local Development Framework Core Strategy incorporating Development Control Policies – September 2008

² Paragraph: 014 Reference ID: 21a-014-20140306 Revision date: 06 03 2014

Conclusion

11. For the reasons given, having taken all matters raised into consideration, I conclude that the appeal be allowed.
12. Section 91(1) of the Town and Country Planning Act 1990 provides that every planning permission shall be granted or deemed to be granted subject to the condition that the development to which it relates must be begun not later than the expiration of specified periods. Therefore, for completeness, the current condition applying the temporary permission is substituted by one applying the standard three year period for commencement.

Jonathan Price

Inspector