



Appeal Decision

Hearing Held on 16 March 2021 and 20 April 2021

Site visit made on 22 June 2021

by Paul Freer BA (Hons) LLM PhD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2021

Appeal Ref: APP/V2635/C/18/3216570

Land South of 38 to 42 Main Road, Holme-next-the-Sea, Norfolk

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by A R & V Investments Limited against an enforcement notice issued by King's Lynn and West Norfolk Borough Council.
 - The enforcement notice, numbered 18/00319/UNAUTU, was issued on 9 October 2018.
 - The breach of planning control as alleged in the notice is, without planning permission, the material change of use of a caravan site approved by an exempted organisation under the provisions of The Caravan Sites and Control of Development Act 1960 to a mixed use for storage of two steel containers and building materials and a permanent recreational camping and caravan site with the additional associated infrastructure namely shower and toilet blocks, electric hook ups, fire assembly points and two tents.
 - The requirements of the notice are:
 - (i) The Land is restored to its former condition.
 - (ii) The use of the Land as a permanent recreational camping and caravan site permanently ceases.
 - (iii) All items, infrastructure and materials including portable shower and toilet blocks, electric hook up points, fire assembly points are permanently removed from the Land.
 - (iv) The use of the Land as permanent storage of non-agricultural materials permanently ceases.
 - (v) The two steel containers and all non-agricultural materials are permanently removed from the Land.
 - The period for compliance with the requirements is 1 month.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.
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Summary Decision: the appeal is dismissed and the enforcement notice is upheld with corrections and a variation in the terms set out below in the Formal Decision

Procedural matters

1. The appeal was initially made on grounds (a), (c) and (d) as set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended (the 1990 Act). The appeals on grounds (c) and (d) were subsequently withdrawn, leaving the appeal to proceed on ground (a) only.
2. The appeal was originally scheduled to be considered by way of a Hearing to be held at the Council offices on 17 September 2019. Shortly before the

Hearing, the appellant submitted a significant quantity of new evidence. In the interest of progressing the appeal expeditiously, I accepted the submission of that late evidence. However, I indicated in a Pre-Hearing Note I would keep the matter under review and that if I considered that any party would be prejudiced, I would abort the Hearing and fix a date for the appeal to be heard at an Inquiry.

3. Then, a few days before the Hearing was scheduled to open, it was indicated that the appellant would be represented by Counsel, with a solicitor also in attendance. It was indicated that the appellant's evidence would be given by a team of consultants. I was advised that the Council had not been pre-warned of the appellant's intentions in that respect, and accordingly had not had an opportunity to consider whether it should be similarly represented.
4. I was concerned that the appellant's intended approach to the Hearing would prejudice other participants. I therefore postponed the Hearing. I had already indicated in the Pre-Hearing Note that, in my view, an Inquiry would be a more suitable procedure in this case and had intended to canvass the views of parties on that at the Hearing. The appellants' approach persuaded me that my initial instinct was correct. The procedure was switched to an Inquiry, which was not only more suited to the appellant's intended approach but also more suited to the grounds of appeal as then stated. The subsequent withdrawal of the appeals on grounds (c) and (d) facilitated a switch of procedure back to a Hearing, which was re-scheduled for 24 March 2020.
5. The Coronavirus pandemic resulted in the postponement of the re-scheduled Hearing and also prevented the event from being further re-scheduled during 2020. Being mindful of the length of time that this appeal had been outstanding, I held a pre-Hearing Meeting on 2 December 2020 as a Virtual Event. As a result of discussion at that pre-Hearing Meeting, I considered that the best way forward would be a Hybrid Event, comprising of both a Hearing and Written Representations¹. The Hearing was held as a Virtual Event, with only 2 topics discussed: general planning matters and residential amenity. All other matters were dealt with purely through written representations. In order to ensure that all parties had a fair opportunity to express their views fully, a further opportunity was offered in which to make any further written representations necessary to address matters that otherwise would have been made orally at the Hearing.
6. The revised National Planning Policy Framework (Framework) was published on 20 July 2021. The appellant, the Council and Holme-next-the-Sea Parish Council (Parish Council) were afforded the opportunity to comment upon the Framework insofar as it related to this appeal. I have had regard to the comments received.
7. On 22 July 2021, a Referendum was held in relation to the Holme-next-the-Sea Neighbourhood Plan (HNTSNP). The outcome of the Referendum was to support the use of the HNTSNP to decide planning applications in the neighbourhood area. Accordingly, on 27 July 2021, the Borough Council of Kings Lynn and West Norfolk decided to bring the HNTSNP into force as part of the development plan for the area.

¹ Section 20 of the Business and Planning Act 2020 inserted s319A into the 1990 Act to allow for determination to be considered by one or more types of procedure as appropriate, i.e. at a local inquiry, and/or at a hearing and/or on the basis of written representations.

8. The breach of planning control alleged in the enforcement notice could potentially be regarded as constituting EIA development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations). Accordingly, I invited the appellant to submit an EIA Screening Report, which was duly submitted on 23 December 2020.
9. On 1 March 2021, a Screening Direction was issued on behalf of the Secretary of State to the effect that the breach of planning control alleged in the enforcement notice does not constitute EIA development for the purposes of the EIA Regulations. The Screening Direction does, however, indicate that any duties under other legislation, including The Conservation of Habitats and Species Regulations 2017 (as amended), are not affected by that outcome.
10. I am aware that the Parish Council and several local residents have questioned, some at great length, whether the appellant genuinely intends to continue operating the appeal site as a camping and caravan site or whether the appellant has aspirations to redevelop the site for residential purposes. The appellant's intentions in that respect, whatever they may be, are not before me and I must determine this appeal purely on the basis of the deemed planning application that arises from section 177(5) of the 1990 Act.
11. The appeal site, known as Camp Site A, is adjoined to the west by a separate parcel land that is also used as a campsite. That land, known as Camp Site B, does not form part of this appeal. However, it is relevant that on 18 March 2020 the Council refused to grant a Certificate of Lawfulness for existing use of that land as a caravan and camping site (Council Ref:19/01607/LDE). No appeal has been lodged against that decision at this time, and to date no enforcement notice has been issued in relation to the use of that land. It follows that the lawfulness of the use of Camp Site B as a caravan and camping site cannot be conclusively presumed at this time. For that reason, I give very limited weight to the use of Camp Site B as a caravan and camping site insofar as that is a material consideration relevant to this appeal.
12. In that context, the appellant submitted a Unilateral Undertaking which covenants, in summary, to cease any use of Camp Site B as a campsite and not to thereafter use or allow any use of the land for such purposes. That is a material consideration to which I must have regard, and to which I return below.
13. Reference has been made by the Council and by local residents to two advertisement signs for the camp site on the frontage of the appeal site. I understand that Advertisement Consent has been refused for at least one of those signs (Council Ref:18/01799/A) but that the Council has withheld taking any further action in relation to it until this appeal has been determined. The control of advertisements is achieved under separate Regulations and the presence of those signs has formed no part of my consideration of this appeal.

The Enforcement Notice

14. Paragraph 2 of the notice identifies the land to which it relates as "Land at Land South of 38 to 42 Main Road, Holme next The Sea, Norfolk". Two matters arise from that description.
15. Firstly, although not incorrect, the repetition of the word 'land' in the term "Land at Land South" is both cumbersome and superfluous. I consider that

the description of 'Land South of....' would suffice to identify the land in question and would be less cumbersome. The other matter concerns the correct spelling of the settlement "Holme-next-the-Sea". It was confirmed at the Hearing that the correct spelling is that set out here rather than as set out in the notice itself.

16. The breach of planning control alleged in paragraph 3 of the notice describes the 'from' use as "a caravan site approved by an exempted organisation under the provisions of The Caravan Sites and Control of Development Act 1960". The evidence before me is that the exempted organisation, in this case the Caravan and Motorhome Club (formally known as the 'The Caravan Club'), certified the use of the land as a caravan site for a number of years until December 2012, when the use ceased.
17. There is some question as to whether the land then reverted to agricultural use, but it is not necessary for me to reach a conclusion on that point. It was agreed at the Hearing that there is no requirement to cite a 'from' use in this case. I will therefore correct the notice to omit any reference to the previous use as a caravan site approved by an exempted organisation.
18. The breach of planning control alleged in paragraph 3 of the notice is for a mixed use that includes, amongst other things, the storage of building materials and two tents. It seems to me that the erection of the two tents is in practice part and parcel of the camping use. In any event, I was advised at the Hearing that these particular tents have since been removed. I will therefore correct the notice by deleting any reference to those tents.
19. Although the notice alleges the storage of building materials in paragraph 3, the requirements at paragraph 5(iv) and paragraph 5(v) refer respectively to ceasing the use of the land for the storage of non-agricultural and the removal of non-agricultural materials. In my view, the term 'non-agricultural materials' could encompass a much wider range of articles than just building materials. But this is not clear from the notice as drafted. The Council confirmed at the Hearing that the term 'non-agricultural materials' was intended to refer to the storage of building materials alleged in paragraph 3 of the notice. I shall therefore vary the notice to replace the term 'non-agricultural materials' with 'building materials' in both paragraph 5(iv) and paragraph 5(v).
20. I am satisfied that no injustice would be caused by correcting and varying the notice in these respects.

The appeal on ground (a) and the deemed planning application

21. The ground of appeal is that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted. Section 177(5) of the 1990 Act provides that where an appeal against an enforcement notice is brought under section 174 of that Act, the appellant shall be deemed to have made an application for planning permission in respect of *the matters stated in the enforcement notice as constituting a breach of planning control* (emphasis added).
22. In this case, the 'matters' stated in the notice comprise the mixed use for storage of two steel containers and building materials and a permanent recreational camping and caravan site, with the additional associated

infrastructure namely shower and toilet blocks, electric hook ups, fire assembly points and two tents. The above therefore represents the deemed planning application that is before me.

23. I note that the building materials had been removed by the time of my site and that one of the two steel containers stated in the notice had been relocated to within the Nissen Hut. Section 177(1)(a) of the 1990 Act provides that planning permission may be granted in relation to the whole or any part of those matters or in relation to the whole or any part of the land to which the notice relates. It follows from the wording of section 177(1) that the deemed planning application encompasses all the matters stated in the notice. I must therefore have regard to the presence of both steel containers and the building materials in considering the deemed planning application, notwithstanding that some of these items have been removed or relocated.
24. The Council estimates that, under the Local Authorities Licensing Procedures and Standard Conditions Handbook (the Handbook) and based on the size of the site, it could potentially station up to 51 units, including touring caravans, motorhomes, and tents. That is based on the calculation within the Handbook of 30 units per acre with the appeal site being 1.7 acres. The Council does however accept that, realistically, given the other infrastructure /facilities on site, the number of touring caravans/motorhomes or tents on the site at any one time is likely to be less than the maximum of 51 theoretically possible if the standard set out in the Handbook was exploited to the full. The Council therefore considers it reasonable to assume that, if unrestricted, the appeal site could accommodate upwards of 30 touring caravans /motorhomes or tents.
25. In any event, the appellant proposes a condition limiting the number of tourer caravans or tents on the site to a maximum of 30. That figure is consistent with the number of units accepted by the Council as being the likely maximum that could be accommodated on the appeal site. I will therefore adopt that figure as the basis for my initial consideration of the deemed planning application. However, for reasons that I will return to below, I have also considered the possibility of a smaller number of caravans, motorhomes or tents on just part of the site.
26. The appellant has submitted various iterations of proposed site layout plans and pitch layout plans. The earlier plans showed some of the additional infrastructure associated with the camping and caravan use included as part of the matters stated in the notice but, for some reason, omitted others: for example, the toilet and shower block were not shown. Furthermore, the land shown on those plans did not correlate with that shown on the plan attached to the notice and to which the enforcement notice relates. In particular, the earlier proposed plans included land that is not subject to the notice: any development within that land would not form part of the matters stated in the notice for the purposes Section 177(1) of the 1990 Act, and therefore is not before me.
27. The later versions of the proposed plans addressed most, but not all, of those matters: for example, local residents still queried some elements shown on the plan that appeared to be outside the land subject to the notice. For these reasons, I am not able to formally consider any of the plans that have been submitted in the context of the planning application that has been deemed to

have been made. Nevertheless, the latest plans submitted by the appellant (Drawing No 1048-00-007 Revision A and Drawing No 1048-00-013 Revision A) provide a useful indication of the extent of the land that would be occupied by up to 15 and 30 touring caravans /motorhomes or tents respectively. I will therefore adopt these plans for illustrative purposes only².

Planning Policy background

28. Section 38(6) of the Planning and Compulsory Purchase Act 2004 indicates that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise. Before considering the main issues raised by this appeal, it is helpful to briefly outline the policy background established by the development plan for the area against which those issues must be assessed.
29. Policy CS07 of the Local Development Framework: Core Strategy (Core Strategy) seeks to achieve what the Council terms the 'crucial balance' of the sensitive nature of the coastal area of West Norfolk with the need for economic and social development of the area. The same theme is carried through to Policy CS10 of the Core Strategy which supports smaller scale tourism opportunities in rural areas to sustain the local economy, providing that they are not detrimental to the valuable natural environment.
30. Similarly, the preamble of Policy DM11 of the Site Allocations and Development Management Plan (Development Management Plan) discusses how a controlled approach to new development is particularly desirable within the northern coastal area of the Borough. The preamble acknowledges that touring caravans and camping have a lower impact on the landscape than permanent sites but can be intrusive in the landscape during the summer months. The preamble goes on to note that there is already a high quantity of varied tourist accommodation available, and that it is preferable to protect this source of accommodation rather than construct new holiday sites in the countryside and particularly within the Norfolk Coast Area of Outstanding Natural Beauty (AONB)³.
31. This translates into a policy approach, enshrined in Policy DM11 itself, that proposals for new holiday accommodation will not normally be permitted unless a number of criteria are met. These criteria include, of relevance to this appeal, that the proposal is supported by a business plan demonstrating how the site will be managed and how it will support tourism in the area, and that the site can be safely accessed.
32. Policy DM11 contemplates a nuanced approach in relation to proposals for holiday accommodation within the Norfolk Coast AONB. In those cases, the policy indicates that *small scale* proposals will not normally be permitted unless it can be demonstrated that the proposal will not negatively impact on the landscape setting and scenic beauty of the AONB (emphasis added). There is no definition of 'small scale' in the policy itself or in the supporting text, but it seems to me that a mixed use that includes a permanent recreational camping and caravan site with around 30 units as well as the storage of two steel containers and building materials cannot reasonably be

² Had I been minded to allow the appeal on ground (a), I would have imposed a condition that required detailed plans to be submitted to and approved in writing by the Local Planning Authority.

³ Policy DM11 defines 'holiday accommodation' as including caravan based accommodation.

described as being small scale, even though the area in which the mixed use takes place is less than the 1 hectare threshold for defining 'major development' in legislation and the Framework. There is no indication in the policy if a different approach applies to proposals deemed not to be of small scale. In practice, however, it seems to me that the distinction is superfluous in this case. On my reading, the criteria set out in the first part of the policy still apply and in any event there would need to be no harm to landscape setting and scenic beauty of the AONB.

33. Finally, Policy DM15 of Development Management Plan states that development must protect and enhance the amenity of the wider environment, having regard to considerations including heritage, noise, light pollution, overlooking and visual impact.
34. Policy HNTS 10 of the HNTSNP states that development should follow the distinctive grain and pattern of the settlement. Policy HNTS20 of the HNTSNP states that development proposals will be required to conserve and enhance the scenic beauty and special qualities of the AONB landscape.

Main Issues

35. The Council has stated two substantive reasons for issuing the enforcement notice. From those reasons, as well as matters raised in third party representations, I consider that the following main issues are raised:
 - the effect of the development on the character of the AONB
 - the effect of the development on the safety and convenience of highway users, and
 - the effect of the development on the living conditions of the occupiers of surrounding residential properties.

Character of the AONB

36. The appeal site is within the AONB. The Framework indicates that great weight should be given to conserving and enhancing landscape and scenic beauty in AONB.
37. The landscape character of the area is described and assessed in a number of documents produced at both regional and local level. These documents include the Norfolk Coast AONB – Integrated Landscape Guidance 'Coastal Slopes' (ILG); the North West Norfolk National Character Area (NCA); and the King's Lynn and West Norfolk Borough Landscape Character Assessment (KLWNLCA). These documents typically divide the wider landscape character into a number of distinctive landscape character areas (LCA). The appeal site falls within LCA CS2 – Holme to Brancaster of the wider 'Coastal Slopes' landscape character type (LCT).
38. The ILG, the NCA and the KLWNLCA collectively identify a number of characteristics that combine to form the landscape character of the wider area. These include characteristics such as rivers, significant belts of mixed woodland and a dispersed settlement pattern. However, on my reading of the above, the principal features that define the landscape character of the area surrounding the appeal site may be summarised as comprising a geometric field pattern delineated by a coherent network of largely intact hedgerows,

together with a settlement pattern of linear villages separated by important strategic gaps.

39. One of villages specifically identified in this latter respect is Holme-next-the Sea. I note that the existing settlement is not truly linear, but rather is based on a rectangular grid formed by Main Street, Eastgate Road, Kirkgate Street and Peddars Way. Nonetheless, having regard to the consistent use of the description of Holme-next-the Sea as a linear village in the above documents, I have adopted the term here.
40. In addition to the above, the Norfolk Coast Partnership have produced a Management Plan for the AONB. Within that document is a Strategy Plan which, amongst other things, indicates that even small-scale development can have impacts on the character of existing settlements and the landscape. In that context, the Strategy Plan considers that the AONB designation helps to protect both the natural features and the settlements that are distinctive characteristics of the countryside.
41. Both the appellant and the Council have produced Appeal Statements on Landscape and Visual matters. These generally follow the methodology set out in the Guidance for landscape and Visual Impact Assessment Third Edition (GLVIA3). However, as the Council points out, the appellant's Appeal Statement sets out the use of Box 5.1 of the GLVIA to assess the landscape value of the site. I concur with the Council that this is an incorrect approach, insofar as Box 5.1 is intended to relate only to non-designated landscapes and therefore not applicable to the appeal site, which is within the AONB. I am also mindful that some, including the Parish Council, have questioned the methodology of the appellant's Landscape and Visual Appeal Statement on the basis of, amongst other things, an incorrect baseline position. I have taken all these matters into account in considering that evidence.
42. The baseline position against which any landscape impacts must be assessed is in two parts: the appeal site itself, and the area immediately surrounding it.
43. In relation to the appeal site itself, the baseline position is that existing immediately before the breach of planning control alleged in the notice commenced. The use of the appeal site as a caravan site for up five units by the Caravan and Motorhome Club ceased in December 2012. The evidence before me is that, more likely than not, the use of the appeal site as a camping and caravan site now subject to the enforcement notice commenced in or around July 2018. It is also likely that the toilet blocks were installed at around the same time, albeit the storage of the steel storage containers and the building materials may have commenced a year or so prior to that.
44. It is not clear whether the appeal site was in an agricultural use between the cessation of use by the Caravan and Motorhome Club and the commencement of the breach of planning control alleged in the notice. The evidence before me, including that from aerial photographs, is that the surface was grassed. Furthermore, the evidence before me, including that of the Parish Council, is that the grass only became close mown 'managed amenity grassland' when the camping and caravan use commenced in 2018. Prior to that, according to the Parish Council and others, the grass was 'long grass'. This evidence is corroborated by the aerial photographs and for that reason I adopt 'long grass' as the baseline position.

45. The Nissen hut is a long-standing structure that is not subject to the enforcement notice, and which clearly forms part of the baseline position. There is also one static caravan and one touring caravan on the site and, whilst the lawfulness of the former is not entirely clear, I have nevertheless included both in the baseline position.
46. In terms of vegetation on the appeal site, there is a group of trees close to the Nissen hut, including two prominent Lombardy poplars. In addition, there is a substantial hedge running in a north-south direction within the site itself. A hedge runs along the eastern boundary of the site, with intermittent hedges on the south and western boundaries.
47. In my view, the appeal site itself displays only a few of the characteristics identified in the ILG, the NCA and the KLWNLCA. The main characteristic present is the hedges around the site but these fall somewhat short of the 'largely intact hedgerows' that define the landscape character of the area. In this respect, I take the appellant's point that the appeal site is akin to the adjacent paddocks and more representative of a less sensitive settlement edge character than to the wider rural agricultural landscape of the wider setting. The most significant characteristic of the baseline position, insofar as it relates to the appeal site itself, is that the land is mostly grass and, with the exception of the Nissen hut, is largely devoid of structures.
48. Having regard to the above, and particularly given the paucity of characteristics identified in the ILG, the NCA and the KLWNLCA as well as the impact of the Nissen hut, static caravan and touring caravan, in my view the landscape quality of the appeal site itself is low/medium. However, insofar as the grassed area devoid of structures assists in defining the characteristic of Holme-next-the-Sea as a linear village, I assess the landscape value of the appeal site to be high.
49. In relation to the land immediately surrounding the appeal site, to the north of the appeal site are the rear gardens of the houses fronting onto Main Road. Beyond those houses is the village itself. The village of Holme-next-the-Sea is classified as a 'Smaller Village / Hamlet' within the Council's adopted Core Strategy (July 2011), and as such has no defined development boundary. It is, however, reasonable to describe the appeal site as being beyond the built form of Holme-next-the-Sea, albeit on the edge if it, and therefore in the countryside.
50. To the south of the appeal site is an area of rectangular fields rising up the gentle slope. Within this predominantly agricultural landscape is an isolated dwelling and small pockets of woodland. In my view, this landscape is largely characteristic of that identified in the ILG, the NCA and the KLWNLCA. There are, I acknowledge, detracting features in the residential fringe of the village that affect the surrounding landscape but in my view these are not significant in terms of their impact. For that reason, I assess the quality and value of the landscape immediately surrounding the appeal site to be very high, consistent with the AONB designation.
51. The AONB designation elevates the sensitivity of the landscape receptor. I recognise that the presence of relatively few of the characteristics identified in the ILG, the NCA and the KLWNLCA might be considered to reduce the sensitivity of the appeal site to change, but I remain mindful that the appeal site lies outside the village and in the countryside. Accordingly, I assess the

sensitivity of the appeal site to be very high. I also assess the sensitivity of the landscape immediately surrounding the appeal site to be very high.

52. The development comprised by the breach of planning control does not involve any tall structures. However, the character of the mixed use, involving the pitching tents and the stationing of caravans as well as for storage of two steel containers and building materials, is very different to those characteristics identified in the ILG, the NCA and the KLWNLCA as defining the landscape character of the 'Coastal Slopes' LCT. The camping and caravan use is alien to and discordant within this landscape. Similarly, the toilet blocks are alien features in this landscape, and the steel containers and the storage of building materials would be if they were still in place. The storage of two steel containers and building materials is also incongruous on this countryside landscape, albeit I recognise that these features have either been removed or are now not visible. Nonetheless, in overall terms, the breach of planning control harms the landscape character of the appeal site.
53. The harm in this respect is exacerbated by the position of the appeal site in the countryside beyond the built form of Holme-next-the-Sea. The breach of planning control therefore introduces a form of development into the landscape that forms no part of the characteristics identified in the ILG, the NCA and the KLWNLCA.
54. The other characteristic of the camping/caravanning aspect of the breach of planning control is the activity associated with it. In this context, it is the evidence of local residents that the camping and caravan use gives rise to noise events, including the playing of music and conversations/shouting (considered in detail below). There is also the noise and activity associated with vehicles moving around the site, a factor that is exacerbated by the relatively frequent turnover of occupiers typically associated with camping and caravan sites. In addition, there is light pollution arising from car headlights and lanterns/torches used by the occupants of the tents/caravans.
55. I recognise that there are camping and caravan sites elsewhere within the AONB, including in and around Holme-next-the-Sea. Indeed, the HNTSNP estimates that there are some 135 mobile homes already within the parish, located on 5 sites. There are also in the region of 926 pitches in the wider West Norfolk coastal area. However, in my view, the presence of these other camping and caravan sites does not indicate that they are an established part of the landscape or make a positive contribution to the AONB. I am also mindful that camping and caravan sites are not identified as being one of the characteristics of the 'Coastal Slopes' LCT identified in the ILG, the NCA and the KLWNLCA.
56. I also recognise that the appeal site is on the edge of the village and as such is affected by activity, noise and light pollution associated with the A149 road that runs through the village and the residential properties that adjoin the appeal site. However, those effects must be put into context. There is only a single lighting column on Main Road in the vicinity of the appeals site. Vehicular traffic is relatively light. Moreover, the impacts of the camping and caravan use must be assessed against a baseline of no or very little noise or light during the period immediately prior to the breach of planning control taking place.

57. The impacts identified above are again exacerbated by the position of the appeal site beyond the settlement boundary. The camping and caravan use has not resulted in the total loss of the hedgerows that surround the site, albeit the use may have introduced gaps into those hedgerows. In that respect, one of the characteristics identified in the ILG, the NCA and the KLWNLCA has been retained. Similarly, the camping and caravan use has had no impact on the trees within the site, including the prominent Lombardy poplars.
58. The salient point, however, is that the character of the use taking place within the site has changed significantly. The retention of the limited number of characteristics identified in the ILG, the NCA and the KLWNLCA present on the appeal site does not mitigate or offset the harm to the character of the AONB resulting from the discordant use of the grassed area of the site.
59. In terms of assessing whether this change in character would be visible from outside of the appeal site, my task was not assisted by the fact that no tents, caravans or motorhomes were present on the land on the day of my site visit. For that reason, I cannot be certain whether my inability to see any tents, caravans or motorhomes from the various vantage points that I viewed from was the result of any natural screening of the site through vegetation or the topography, or simply because no tents, caravans or motorhomes were on the site. I must therefore rely on the photographic and written evidence that is before me.
60. On the basis of that evidence, I consider that the breach of planning control and the activity generated by it would not be widely visible. There would be limited views from Chalkpit Lane, particularly so during the summer months. But for much of its length, Chalkpit Lane is partially sunken below surrounding land levels such that no views are possible. Such views that are possible from Chalkpit Lane are therefore limited to those through a gap in the hedgerow where a gate is situated, and even then are only achieved from close to the gate and not from the surface level of the track. Nevertheless, in my judgement views of tents, caravans and particularly motorhomes would be possible from this gate had they been present on the site. No clear views of the steel container are obtained from Chalkpit lane.
61. Better views of the appeal site are possible from a track to the south that runs west from Chalkpit Lane. I am confident that clear views of tents, caravans and motorhomes on the appeal site would be possible from that vantage point. This track is not a public right of way, but I understand from the evidence of local residents that it is used on a permissive basis.
62. Views of the appeal site from other places are generally obscured by the topography. As part of my site visit, I did walk that stretch of the Norfolk Coastal Path between Holme-next-the-Sea and the Norfolk Wildlife Trust centre at Holme Dunes. Although the wider character of the Coastal Slopes landscape is readily apparent from that path, I am not convinced that the appeal site itself is visible from there. For that reason, I do not adopt the proposition made by the Norfolk Coast Partnership that the development subject to the enforcement notice interrupts panoramic views of the landscape.
63. The GLVIA makes it clear that landscape effects are those on the landscape as a resource, and do not require any change in that landscape to be visible. In

respect of the AONB designation of the appeal site and surrounding area, paragraph 174(a) of the Framework also refers to the protection and enhancement of valued landscapes without any requirement that the landscape be visible. In my view, the changes to the landscape are harmful to the landscape character of the appeal site and the land immediately surrounding the appeal site. However, those changes are not widely visible from outside of the appeal site. For that reason, I concur with the Council that overall effect on the landscape is moderate adverse.

64. I conclude that the effect of the development on the character of the AONB is moderately adverse. I therefore conclude that in this respect the breach of planning control is contrary to Policies CS06 and CS12 of the Council's Local Development Framework: Core Strategy (Core Strategy) and Policies DM11 and DM15 of the Council's Site Allocations and Development Management Plan (Development Management Plan). It would also be contrary to Policy HNTS20 of the HNTSNP.
65. Given my finding that the breach of planning control has a moderately adverse effect on the character of the AONB, by definition it fails to conserve or enhance the landscape and scenic beauty of this AONB. The breach of planning control therefore fails to accord with paragraph 176 of the Framework. In accordance with that paragraph, this is a material consideration to which I attach great weight.
66. The Framework goes on to indicate that the scale and extent of development within AONB should be limited and that, other than in exceptional circumstances, planning permission should be refused for major development within AONB. The Framework confirms that whether a proposal is 'major development' within AONB is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.
67. Although I find that the effect of the development subject to the enforcement notice on the character of the AONB is moderately adverse, I do not consider that the effect is so significant as to constitute major development for the purposes of paragraph 172 of the Framework. My conclusions in that respect are reinforced by similar findings by the Inspectors in two appeal decisions referred to by the appellant. These Decisions relate to proposed campsites for a maximum of 30 and 40 tents respectively, one at Pett in East Sussex (APP/U1430/W/18/3203136) and the other at Bookham, in Surrey (APP/C3620/W/15/3029773).

Safety and convenience of highway users

68. The reason for issuing the notice alleges, in summary, that the development would result in an increase in movements through an access which is substandard in two respects: (i) inadequate distance from the county highway and (ii) it does not provide a two way traffic system. The access gates have subsequently been set back to a distance that the highway authority, in this case Norfolk County Council, considers to be appropriate. This overcomes point (i) above. In relation to point (ii), the highway authority has reviewed its case and is now satisfied that the existing access could be widened to an adequate standard to serve the use alleged in the notice.

69. The appellant is proposing that the access is widened and surfaced to a minimum of 4.8m for the first 10m into the site. This would allow two vehicles to pass off the live carriageway when entering/exiting the site. Given the space that is available at this point, I see no reason to take a different view. The highway authority is satisfied that this widening of the access could be controlled by the imposition of a condition and, on that basis, withdraws its objection on highway safety grounds.
70. The above does of course need to be considered in relation to the existing traffic conditions on Main Road. In this respect, the appellant has provided a trip rate analysis based upon the TRIPS database. The data provided is based upon two sites, both in Derbyshire, surveyed in 2011 and 2018 respectively. Both of those sites accommodate significantly more units than would be possible on the appeal site and, unlike the appeal site, also provide a number of facilities. This has led some local residents to question whether those sites represent a fair comparison.
71. The appellant has provided no rationale as to why these sites were selected as opposed to sites more comparable in size to the appeal site and without any supporting facilities. Neither has the appellant taken advantage of the opportunity provided by delay in these proceedings to carry out a survey of actual movements during the 2020 season when, as I understand it, the site was operating at or close to full capacity. Nonetheless, from the data that has been provided, it is calculated that 30 pitches on the appeals site would generate a maximum of 8 two-way trips during peak hours.
72. The calculation provided by the appellant is, however, largely meaningless in the absence of data relating to traffic volumes using Main Road. The appellant has provided no such data. The Parish Council has provided some data from a survey undertaken in September 2019 which indicates that approximately 4000 vehicles per day used Main Road during the survey period. Using that data, the Parish Council calculates that the use of the appeal as a caravan and camping site generates additional traffic equating to between 3.5% and 7%. However, I have insufficient information relating to the survey methodology to reach any firm conclusions about the validity of that information, and therefore cannot rely upon that data to reach any findings in relation to highway safety.
73. The appellant has provided some information in relation to accident statistics in the vicinity of the appeal site taken from the 'Crashmap' database. But the information provided is very limited, relating only to Personal Injury Accidents recorded in the previous 5 years. No information is provided in relation to other types of accidents. Moreover, that information is again largely meaningless in the absence of data relating to traffic volumes using Main Road.
74. The Parish Council has questioned the evidence submitted by the appellant in this respect, and has provided traffic counts in support of its position. These traffic counts are somewhat limited in extent and, beyond providing an indication of daily traffic patterns, do not provide a reliable indication of traffic flows in the wider context.
75. The Parish Council points to a number of accidents that have been witnessed in the locality in recent years. This is supported by photographic evidence of some of the accidents, including a photograph of the Air Ambulance attending

an accident on Main Road in 2016 and a land ambulance attending an accident in June 2019. These photographs cast some doubt on the evidence provided by the appellant albeit I again do not have the full facts relating to those accidents.

76. I am also aware of examples provided by local residents where Main Road has been temporarily blocked by vehicles attempting to manoeuvre into the campsite. This is again supported by photographic evidence but no indication is provided as to how frequently the road is blocked in this manner and for how long. It also seems to me that the problems identified by local residents in this respect would be largely overcome by the proposed widening of the access.
77. Looking at the evidence before me in the round, the appellant has failed to show that the use of the appeal site as a caravan and camping site would not prejudice conditions of highway safety on Main Road. The evidence of the Parish Council and local residents to some extent points in the other direction but, in the absence of more comprehensive data relating to traffic flows on Main Road, is not itself conclusive. I accept that the additional traffic generated by the use of the appeal site as a caravan and camping site does cause some inconvenience to other highway users in terms of slowing down for or giving way to traffic exiting or entering the appeal site, but on the evidence provided I do not consider this to be significant. In terms of highway safety, I therefore find neither the evidence of the appellant nor the Parish Council/local residents to be persuasive.
78. Overarching all the above is the position of the highway authority. It is evident from the response of the County Highway Authority that the A149 is regarded as an important route, and that the highway authority is aware that it carries additional tourist vehicles during the summer months. It is therefore reasonable to conclude that, in withdrawing its previous objection to the development (subject to the imposition of conditions), the highway authority was fully cognisant of traffic flows on and accident statistics relating to Main Road. Having had regard to that information, it is in my view significant that the highway authority is satisfied that Main Road could safely accommodate the additional traffic and would not cause an unacceptable level of inconvenience to other highway users. On the limited evidence that is before me, I have no reason to take a different view.
79. I conclude that the development does not prejudice conditions of highway safety or unacceptably inconvenience other highway users. I therefore conclude that in this respect the development does not conflict with Policies DM11 and DM15 of the Development Management Plan which state, amongst other things, that proposals for new holiday accommodation sites will not normally be permitted unless the site can be safely accessed.

Living conditions of the occupiers of surrounding residential properties

80. Policy DM15 of the Development Management Plan provides, amongst other things, that proposals will be assessed against a number of factors that include noise, overlooking, odour and light pollution. It is clear from the wording of the policy that the factors that potentially fall to be considered are not limited to those cited in the policy itself. Consequently, other factors raised by local residents, such as trespass, anti-social behaviour and

infestation by vermin, also fall to be considered under this policy if shown to have occurred.

81. Policy DM15 goes on to indicate that development that has a *significant* adverse impact on the amenity of others will be refused (emphasis added). The supporting text to this policy explains that factors such as noise, odour and light pollution will be assessed in relation to relevant standards and national guidance. In relation to the latter, I am mindful that the Planning Practice Guidance states that the subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected.
82. In relation to noise disturbance, the appellant has produced two technical reports. The first of these was issued in September 2019, and was based upon noise measurements carried out over a period of 21 hours between 15:00 on Tuesday 27 August 2019 and 12:00 the following day. Measurements were taken from two positions: one at the front of the site, and the other at the rear of No 42 Main Road.
83. The report indicates that only a minority of the pitches on the campsite were occupied at the time of the survey on which the report is based. This is confirmed by local residents, who report the site being deliberately vacated on the day after the August Bank Holiday⁴. Irrespective of whether that was a deliberate action on the part of the appellant, the consequence was that the noise report had to rely upon library source noise level data to complete the assessment. In my view the comparison relied upon, that for people occupying an outdoor table at a public house, is for a variety of reasons an inexact and inappropriate one. For that reason, and also having regard to the relatively short survey period, I do not find this report helpful and only attach limited weight to it.
84. The second report, issued in January 2021, is more detailed. It is based on two separate survey periods in May/June 2020. The first of these surveys was undertaken when restrictions due to the Coronavirus pandemic were in force and the site was accordingly not operational. At the time of the second survey, the site was operational with some 25 pitches being occupied. I note that for technical reasons data for much of the first period and for some of the second period is not available. Nevertheless, the data provided by these surveys provides a comparison between ambient noise levels when the site is not operational and noise levels when it is substantially occupied.
85. I have two difficulties with this second report, both relating to methodology: the positions of the sound level meters used to record the sound measurements, and the analysis of the results obtained.
86. The positions selected for the sound level meters were at the front of No 42 Main Road, and to the immediate rear of that property close to the boundary with No 40 Main Road. These locations were chosen, in part, to provide a direct comparison with the earlier survey. Whilst I have no difficulty with the first position, to my mind the second does not appear to be optimal in terms of recording noise values at or close to the surrounding residential properties.

⁴ This fits the facts, insofar as the Monday before the survey was the Bank Holiday that year.

87. At the Hearing, the appellant's noise consultant explained that, due to the potential for reverberation of the noise, there are technical difficulties in locating the noise meters close to the boundary fence to the immediate rear of Nos 38 and 40 Main Road. To overcome that, the noise meters would have to be located some distance from the fence, which in turn would introduce issues in relation to the proximity of the noise source. The latter issue would also arise in relation to a position close to the boundary with No 46 Main Road.
88. I have no reason to doubt the technical evidence of the appellant's noise consultant in these respects. However, given that the location of the noise meters was dictated by those factors, the noise recordings that were obtained are not truly representative of the noise environment experienced in the rear gardens of the properties that adjoin the site.
89. This is compounded by the presentation of the results recorded by the sound level meters. These are shown numerically in an Appendix to the report, but with little in the way of explanation. By way of example, analysis of the period between 09:00 and 10:00 shows an increase in noise levels of some 5.6db and 8.7db respectively for the Saturday and Sunday. But no explanation is provided in the results as to what caused the increase in noise levels at that particular time. The same is also true of other times where the level of noise recorded is higher than average.
90. The appellant's noise consultant, who has had the benefit of listening to the recordings, is adamant that background noise levels are dominated by traffic noise from the A149. The noise survey produced by the Parish Council, whilst in some respects not technically robust, tends to indicate that the dominant sources of background noise are birdsong and wind effects. Whilst I have not had the benefit of listening to any of the sound recordings, I was able to experience the noise environment during my site visit. The impression I gained was that, to the rear of the houses, traffic noise from the A149 was at best a transient source of noise and was by no means dominant. On the other hand, on a day with only a moderate breeze, I noted that wind noise was particularly audible from positions close to second noise monitor. With no activity on the site itself, birdsong was also a prevalent source of background noise. I therefore prefer the evidence of the Parish Council and local residents as being more representative of the noise climate that I experience.
91. I am also mindful that the results of the appellant's noise survey are presented as LAeq 1 hour, and therefore as an average over any given one-hour period. The appellant's noise consultant fairly conceded that within that average level would be embedded peaks and troughs of noise levels. I fully recognise that the noise events experienced in relation to the use of a camp site are transient and difficult to record. Nevertheless, the results as presented do not record the noise levels that occurred during those peaks, and how those relate to the average noise levels.
92. The appellant's noise consultant explained that it is difficult to annotate the results so as to indicate the sources of noise. Again, I have no reason to doubt that. I also accept that the particular characteristics of the campsite use make it difficult to capture the noise environment through noise monitoring. However, those limitations reduce the usefulness of the report in terms of describing the noise environment.

93. The second report concedes that the noise associated with the camping and vehicular movements is occasionally audible during the daytime and early evening but concludes that this level of noise is neither significant nor out of character with other sources associated with the surrounding private dwellings and gardens. I find the latter comparison not to be valid. Although there are similarities, say in relation to conversations and the playing of music, the scale and characteristics of the activity on the campsite is not directly comparable to that of a residential garden. In that respect, I concur with the Council that the introduction of (potentially) some 120 people into the land behind the rear elevations of the residential properties, and the activity associated with that, elevates the noise levels into a higher category of observable effect and to the extent where it becomes intrusive.
94. I have great difficulty in reconciling the conclusions set out in the second report with the experiences of local residents. Both in their written representations and at the Hearing, local residents describe noise disturbance from a variety of sources, including the playing of music, loud conversations, shouting, the riding of motorbikes/scooters, vehicle engines and vehicles passing over the gravel access drive. These events of noise disturbance are described as occurring throughout the day, including the early morning and late into the night.
95. Residents describe being kept awake at night by these noise events. I note that this not only includes the occupiers of those properties that directly adjoin the appeal site, but also occupiers of properties on the opposite side of Main Road. In one case, the occupier of a house that does directly adjoin the appeal site explains that noise disturbance from the campsite prompted them to vacate their property during the month of August in both of the past two years. Whilst the latter is clearly a personal choice, by any reasonable standard that is a significant impact on the quality of life of that individual and is symptomatic of the subjective nature of noise referred to in the Planning Practice Guidance.
96. I recognise that the Council's Environmental Health Community Safety and Neighbourhood Nuisance Team has investigated noise complaints made by local residents and has not found a Statutory Nuisance to have occurred under the Environmental Protection Act 1990. However, the absence of any Statutory Nuisance does not necessarily mean that there has not been an unacceptable impact on the living conditions of the occupiers of surrounding residential properties for the purpose of the Planning Acts. Noise impacts that fall below the threshold for prosecution of a Statutory Nuisance can nevertheless cause disturbance, particularly if they occur against the background of relatively low levels of ambient noise and at times when local residents might otherwise reasonably expect peace and quiet. I have no reason to doubt the evidence of the occupiers of neighbouring properties in this respect, which is supported through specific examples and in some respects also by reviews of people who have stayed at the campsite. In my view, the noise disturbance described by the occupiers of the surrounding residential properties clearly represents an unacceptable impact on their living conditions.
97. The same applies to the other adverse impacts described by the occupiers of those properties. In each case, specific examples of adverse impacts have been provided, either in written representations and/or at the Hearing. In

some cases, I consider those impacts to be individually significant: for example, there is clear evidence of sleep disturbance being triggered by vehicles moving around the site during the early hours of the morning. In other respects, for example anti-social behaviour, the individual impacts are more sporadic and/or less significant. In yet other respects, for example infestation by vermin, I am not persuaded by the evidence that the impacts described by local residents are a direct result of the camping and caravanning use. However, cumulatively those adverse impacts identified and described by the occupiers of surrounding properties that can be directly attributed to the breach of planning control and result it in being an unneighbourly use of the appeal site.

98. As part of my site visit, I was able to view the appeal site from within several of the surrounding properties, including from bedrooms facing onto or towards the appeal site, as well as from gardens that directly adjoin the site. Two points arise.
99. Firstly, it is apparent that the occupiers of some of those properties have an unobstructed view of the appeal site, such that they are in a good position to observe/experience the use of that site. In that context, the appellant helpfully placed a temporary screen on the site to represent a proposed hedge which, it was considered, would partially screen tents/caravans on the site. It was, however, apparent that such a screen would be of limited value and in particular would not screen the far end of the site when viewed from the first-floor windows of the adjoining houses.
100. Secondly, I was struck by the proximity between the appeal site and houses that adjoin it. This reinforced the impression gained from the evidence of the occupiers of those properties that the use has given rise to some significant impacts in terms of noise disturbance.
101. I conclude that the breach of planning control alleged in the notice unacceptably harms the living conditions of the occupiers of surrounding residential properties and, as such, does have has a significant adverse impact on their amenity. I therefore conclude the development is contrary to Policy DM15 of the Development Management Plan in this respect. For the same reasons, the breach of planning control fails to accord with paragraph 130(f) of the Framework which, amongst other things, requires developments to provide a high standard of amenity for existing and future users of land and buildings.

Other Considerations

102. Having regard to the above, I conclude that the breach of planning control alleged in the notice fails to comply with the development plan, specifically in respect of the effect on the character of the AONB and the effect on the living conditions of the occupiers of surrounding residential properties. It is therefore necessary for me to consider whether there are any material considerations of sufficient weight to indicate that determination should be made otherwise than in accordance with the development plan. In addition to the main issues identified above, the appeal raises a number of other considerations that must be factored into the overall planning balance. These considerations are set out below in no particular order.

Benefit to the local economy

103. As indicated above, Policy DM11 of the Development Management Plan states, amongst other things, that proposals for new holiday accommodation sites will not normally be permitted unless the proposal is supported by a business plan demonstrating how the site will be managed and how it will support tourism or tourist related uses in the area. There is no specific requirement in the policy or supporting text as to what information the business plan must contain, but the purpose that the business plan must achieve is clear from the wording of the policy itself.
104. The business plan originally submitted by the appellant was short in detail and was not in itself sufficient to accord with Policy DM11. The appellant has, however, subsequently submitted a Statutory Declaration made by the operator of the site, Mr Stephen Lucas, together with a Site Management Plan Framework. I afford the Statutory Declaration made by Mr Lucas due weight. My consideration of this issue has been made on the information provided in the Statutory Declaration and the Site Management Plan Framework.
105. In his Statutory Declaration, Mr Lucas repeats the information provided in the original business plan that the appeal site secured an average occupancy level of 46% during the summer of the 2019 season, equating to 14 pitches being occupied at any one time. The operator established that during this period just over one quarter of the available pitches were occupied by new customers that hadn't booked a pitch prior to arriving at the site, having been turned away by other sites operating in the area due to unusually high levels of demand and resulting capacity issues at those sites.
106. Mr Lucas then goes on to confirm that, during the 2020 season, he reduced capacity at the site to 25 pitches in order to achieve better separation as a concession to the Coronavirus pandemic. Nonetheless, Mr Lucas confirms that the site was fully booked from July to the end of September, but thereafter bookings slowed until the site closed in mid-October. It is Mr Lucas' evidence that the number of bookings achieved fell considerably below the number of enquiries received, leading to a number of potential customers being turned away because the site was fully booked. This is supported by details of the number of enquiries received on various websites on which the appeal site is hosted which, in some cases, runs into several thousand. This leads Mr Lucas to conclude that only 6% of enquiries made could be met by the pitches available on the site.
107. The experience of the operator of the appeal site is placed into context with reference to the general increase in demand for vacations in this country resulting, in part, from the Coronavirus pandemic. This is supported by articles by organisations such as the BBC, Visit Norfolk and the Camping & Caravanning Club, as well as a letter from booking agency Pitchup. The latter opines that the upturn in bookings for camping and caravanning site is set to continue into 2021.
108. To put this increase in demand into figures, Mr Lucas contemplates the 122-day period between June and September. If the site operated at 30 pitches, this would provide 3,660 bookable pitches. These pitches would be fully booked. In his evidence, Mr Lucas has identified a total of 25 other campsites in the local area, albeit only 18 of those sites are believed by Mr Lucas to be

available to the general public⁵. Taking just the 18 sites available to the general public, Mr Lucas believes that there are 987 pitches available to book during the 3-month holiday season, totalling 88,830 available nights in the area. Of that total, some 45%, equating to 460 pitches, are owned by just two sites: Searles Leisure Resort, with 328 pitches, and Manor Park Holiday Park, with 132 pitches. According to Mr Lucas, both of those sites routinely achieve close to 100% occupancy every season, leaving 47,430 pitches available at the remaining sites.

109. I do have some concerns about the accuracy of the total number of pitches in the area identified by Mr Lucas. For example, the Parish Council indicates that there are five camping and caravanning sites in the village, two being of a similar size to the development at the appeal site, with two being smaller and one larger. None of these are included in the figure provided by Mr Lucas. Consequently, it is in my view likely that the list of sites produced by Mr Lucas does constitute an underestimate of the total number of pitches that are available in the area, the corollary being that the number of pitches available on the appeal site represents a lower percentage of the total in the Norfolk Coast area.
110. Nonetheless, on the basis of the information provided by Mr Lucas, I consider it likely that demand for camping and caravan pitches in the area does outstrip supply, particularly so during the peak summer season. I am therefore satisfied that the quantitative need for the facility at the appeal site has been demonstrated. This is a material consideration that clearly weighs in favour of the development.
111. In addition to the quantitative need, I take the point made by Mr Lucas that the appeal site provides a camping experience that is different to that offered by the larger 'turnkey' sites such as the Searles Leisure Resort and Manor Park Holiday Park. I hesitate to say that the experience provided by the appeal site is truly unique: I note from the list provided by Mr Lucas that there are several other sites of a similar size which, it seems to me, are likely to offer a similar camping experience. Nevertheless, to the extent that it offers a camping experience that is different to the larger sites, the appeal site widens the choice of campsites available in the area. Despite some negative comments, the customer reviews appended to the Statutory Declaration were generally positive with 85% saying that they would stay there again. In that respect, the appeal site provides a qualitative benefit that also weighs in favour of granting planning permission for the use.
112. In terms of the contribution to the local economy, Mr Lucas posits a figure of £54.16 per person per night. That figure is based upon the figure of £37.74 estimated in the 2006 Norfolk Coast Tourism Report, adjusted for inflation. Mr Lucas does not explain why reliance is placed in the business plan on data that is some 14 years old. Nonetheless, based upon 30 pitches each occupied by 4 people over the 90 days of the peak season, Mr Lucas conservatively estimates that the contribution of the appeal site to the local economy amounts to £584,928 per annum.
113. The accuracy of that figure is supported if the figures for spend per person produced by the 'Economic Impact of Tourism North Norfolk – 2018' report of

⁵ The remainder being available only to members of the Caravan & Caravanning club or members of the Caravan and Motorhome Club.

2018 or by Pitchup in 2019 are used. Those figures are £56.01 and £40.00 per person respectively, resulting in total contributions to the local economy of £604,908 and £432,000 per annum. Mr Lucas points out that, even if the lower of these figures is adopted, that would still result in a contribution of some £4.3m over ten years.

114. The contribution calculated by Mr Lucas does, of course, assume that the 30 pitches on the appeal site would all be occupied throughout that period. On the other hand, it takes no account of any revenue that may be secured outside of that period. Balancing the two, and in the absence of any further information, I will adopt the figure of £604,908 per annum to represent the maximum contribution that the appeal site could make to the local economy, this on the basis of the highest of the three estimates of customer spend provided by Mr Lucas.
115. The value of that contribution must, however, be placed into context. The Economic Impact of Tourism – Headline Figures for North Norfolk (2018), provided as Exhibit SWL6 to Mr Lucas' Statutory Declaration, estimates the total tourism value to be £511,076,378. Full time equivalent jobs generated by tourism is stated as being 8,268, with total actual tourism related employment being 11,461.
116. Information relating to the value of wider tourism in the County as a whole is set out in an article by Visit Norfolk provided as Exhibit SWL 1 to Mr Lucas' Statutory Declaration. That article, which also appears to date from 2018, records that the tourism trade in Norfolk as a whole amounted to £3.25bn. I recognise that this figure is not a direct comparison to the value of tourism to North Norfolk, and includes all forms of accommodation and not just camping/caravan sites. Nevertheless, the figure stated in the Visit Norfolk article does provide some indication of the scale of the total contribution of tourism to the economy of Norfolk as a whole, and by extension that of North Norfolk, into which context the contribution made by the appeal site may be placed.
117. In that respect, I recognise the contribution made by the camping and caravan use of the appeal site at a local level, in terms of income for local shops, restaurants, public houses and tourist attractions. The business plan submitted by the appellant (as supplanted by the Statutory Declaration submitted by Mr Lucas) demonstrates how, in the appellant's view, the use would support tourism in the area and in that respect technically complies with Policy DM11. I also recognise that dismissing this appeal would result in the loss of one full-time job on the site, as well as one part-time seasonal position. However, having regard to the total value of tourism to North Norfolk and the total value of tourism to Norfolk at a County level, I am not persuaded that the loss of the contribution made by the camping and caravan use on the appeal site would be significant in that wider context.
118. I am also mindful that paragraph 84(c) of the Framework indicates that planning decisions should enable sustainable rural tourism which respect the character of the countryside. I have found that the camping and caravanning use fails to conserve or enhance the landscape and scenic beauty of the AONB. As such, the use does not accord with paragraph 84(c) of the Framework.

The Site Management Plan Framework

119. Policy DM11 of the Development Management Plan also states that proposals for new holiday accommodation sites will not normally be permitted unless the proposal is supported by details demonstrating how the site will be managed. The appellant has submitted a draft Site Management Plan Framework (Management Plan) which sets out details of operating hours, access arrangements, a noise management procedure and general site management. I am satisfied that the submission and implementation of the Management Plan could be secured through the imposition of a suitably worded condition although, for reasons that I will come to, I am not convinced that it could be effectively enforced.
120. To my mind, there is an inherent tension within the Management Plan between the expectation of people staying at the camp site in terms of enjoying their holiday and the effect on the living conditions of the occupiers of surrounding residential properties. By way of example, the Management Plan proposes a general noise and movement curfew of 11:30 hours. Setting aside the ambiguity of the term 'general noise and movement', 11:30 is a relatively late hour, particularly at weekends. I can fully understand that holidaymakers staying at the camp site may wish to extend their enjoyment into the late evening: for example, returning to the camp site after a meal at a local restaurant or simply socialising outside their tents/caravans on a warm summer evening. It is not my remit to safeguard the enjoyment of those holidaymakers, but their activities at that late hour are likely to perpetuate problems experienced by the occupiers of those properties in terms of noise disturbance and light pollution.
121. This became apparent during discussion at the Hearing when possible amendments to the Management Plan were discussed. For example, imposing tighter restrictions on activities such as the playing of radios and musical instruments to times when they would be less likely to impact on the living conditions of the occupiers of surrounding properties (or banning them completely) would significantly curtail the enjoyment of those staying at the appeal site. This would then be likely to lead to breaches of those restrictions.
122. The difficulty then arises around the enforcement of those breaches. The manager of the camp site is not resident on the site. The Management Plan provides that the manager will do a final check of the site between 19:00 and 20:00 each evening, with regular spot checks to 10:00 hours. That is, at best, some 1½ hours before the stated time for general curfew and takes no account of isolated breaches that may occur in the early hours of the morning (which is the experience of local residents to date). The Management Plan provides that the manager is contactable by phone at all times, but there would inevitably be a delay before the manager arrives at the site. I am therefore far from convinced that the Management Plan would be effective in safeguarding the living conditions of the occupiers of surrounding residential properties.
123. It also seems to me that the Management Plan is unworkable in other respects. For example, it states that the access gates to Main Road would be locked after 10:00 hours. To my mind, that ignores the likelihood that people staying at the appeal site may wish to venture away from campsite during the

evenings and return after the gates would be locked. Again, this raises the spectre of that restriction not being adhered to on the grounds of impracticality.

124. I am mindful that the principle of securing a management plan through the imposition of a condition has been accepted by Inspectors in other cases. The appellant has referred me to an appeal for a campsite at Polesden Lacey in Surrey where this approach was adopted (APP/C3620/W/15/3029773). However, in that case, vehicles (which specifically excluded motorhomes) were only driven to the camp site in order to drop off camping equipment and would then be parked off-site. The nearest residential properties were described by the Inspector as being some distance from the camp site. The circumstances in that case were therefore very different to those relating to Camp Site A here. In the specific circumstances of this appeal site, particularly in view of the proximity of the surrounding residential properties, I am not convinced that the Management Plan would ensure that the campsite operated without incurring unacceptable impacts on the living conditions of the occupiers of those properties.
125. Having regard to the above, I consider that the Management Plan fails to demonstrate that the site will be managed such that the harmful impacts experienced by the occupiers of the surrounding residential properties would be adequately controlled and mitigated. I therefore conclude that the breach of planning control fails to comply with Policy DM11 in that respect.

Fallback positions

126. There is no dispute that the appeal site was operated as a Certificated Location (CL) site for up five units by an exempted organisation for several years prior December 2012, when the use ceased. This is confirmed by an email from the Caravan and Motorhome Club (the Club, formerly The Caravan Club) dated 19 June 2019⁶. That use was permitted by Part 5, Class A, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO), which permits the use of land as a caravan site if that use is of a type specified in Schedule 1 of the Caravan Sites and Control of Development Act 1960.
127. It is the appellant's case that, in the event that the enforcement notice was upheld, the appeal site could be used to accommodate up to five caravans under that provision in the GPDO. The appellant also considers that the appeal site would benefit from the provisions of Part 5, Class C, Schedule 2 of the GPDO, which provides for the use of land by members of a recreational organisation for the erection or placing of tents on the land for the purposes of the use. The appellant points out that some recreational organisations, such as the Camping and Caravanning Club, are permitted to issue licences for up to 5 caravans and 10 tents.
128. In order to benefit from the above provisions in the GPDO, the use of the appeal site as a caravan site for up to five units would require a CL certificate issued by an exempted organisation. The CL certificate is renewed annually. The appellant has confirmed that the site does not currently benefit from a CL certificate at this time but, given the previous use of the site, considers it likely that the necessary certificate would be issued.

⁶ Appendix 2 of the evidence submitted by Patricia Jackson.

129. I recognise that the appeal site benefitted from a certificate issued by an exempted organisation for many years prior to 2012. However, as confirmed in the email from the Club referred to above, the CL certificate is given to the landowner, not the land. The corollary is that the issue of a CL certificate is at the discretion of Club and that the operator of the campsite forms part of its consideration in that respect. It therefore becomes relevant that the Council would be consulted by the Club before granting any certificate.
130. It is evident from the representations received from local residents that there have been well-documented issues with the appellant's management of the existing camping and caravan use, resulting in complaints being made to the Council's Environmental Health Community Safety and Neighbourhood Nuisance Team as well as the police. In the event that the Council was consulted by the Club on an application for a certificate submitted by the appellant or the current operator, it is reasonable to conclude that this history of complaints would form part of the Council's response and in turn would form part of the Club's considerations on that application. This represents a materially different set of circumstances to those that were existing when the Club first issued and subsequently renewed the CL certificate for this land.
131. As such, there can in my view be no guarantee that the Club, or for that matter any other recreational organisation approached, would issue a CL certificate to the appellant or the current operator if applied for in the future. Not being able to obtain a CL certificate would be an insuperable practical obstacle to the implementation of the appellant's fallback position. On that basis, I am not convinced that the appellant's fallback position is a realistic prospect.
132. Moreover, the question that underlies the 'fallback' position argument is whether, if the deemed planning application were to be refused, the 'fallback' would both take place and be less desirable than that for which planning permission is sought. In this case, the fallback position would be use for up to five caravans subject to a CL certificate issued by the Club and which has to be renewed annually. The evidence before me is that the appeal site operated for several years on that basis without generating complaints.
133. By contrast with the previous stationing of up to five caravans on the land, the current use of the appeal site unacceptably detracts from the living conditions of the occupiers of surrounding residential properties. The stationing of up to five caravans would also have less impact on the AONB than the 30 or so caravans/tents associated with the existing use. Even if was accepted that the fallback position open to the appellant is a realistic one, that fallback position is more desirable than the use for which planning permission is sought, not less so. It follows that the fallback position advanced by the appellant provides no justification for the use subject to the deemed planning application.
134. In addition to the above provisions, the appellant also points out that Class B, Part 4, Schedule 2 of the GPDO would allow the use of the land for the pitching of an unlimited number of tents for up to 28 days in total in any calendar year⁷. The recent addition of Class BA has extended that period to 56 days during the 'relevant period' between 1 January 2021 and 31 December 2021.

⁷ Part B.1, Class 4, Schedule 2 of the GPDO expressly excludes the use of land for a caravan site.

135. Unlike the provisions set out in Part 5 of the GPDO, the provision in Class B/BA does not require a CL certificate to be issued by an exempted organisation. I therefore accept that exploiting the provisions in Class B, Part 4, Schedule 2 of the GPDO is a realistic prospect that is open to the appellant. However, the provisions in Class B/BA are by definition temporary in nature, with provision for a maximum of 56 days in the current year⁸ and no more than 28 days in any one calendar year thereafter. Moreover, the provisions in Class B/BA do not allow for the construction of any supporting structures, so that facilities such as toilet and shower blocks could not be provided through that route. In the absence of those facilities, the land would be less viable as a camping site.
136. Consequently, whilst the pitching of an unlimited number of tents would have a significant impact on the AONB and potentially on the living conditions of the occupiers of surrounding residential properties, that harm would be both temporary and reversible. It follows that this fallback position would also be more desirable than the use for which planning permission is sought, not less so. It follows that this fallback position advanced by the appellant again provides no justification for the use subject to the deemed planning application.

Ceasing the use of Camp Site B

137. The appellant has submitted a Unilateral Undertaking that covenants, amongst other things, to cease any use of the Camp Site B as a campsite for the purposes of camping or caravanning within 3 months of the grant of Planning Permission and not to thereafter use or allow any use of the Camp Site B for such purposes. I am satisfied that the Unilateral Undertaking has been properly signed and completed. In a letter dated 7 April 2021, the appellant explains that the Unilateral Undertaking was being offered should I consider that it is necessary to cease the use of Camp Site B to allow the appeal in relation to Camp Site A.
138. The Framework states that planning obligations must only be sought where that obligation is:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- I am satisfied that the Unilateral Undertaking put forward by the appellants accords with (b) and (c). I shall therefore focus here on (a): in this case, whether the Unilateral Undertaking is necessary to make the use of Camp Site A acceptable in planning terms.
139. For the provision in the Unilateral Undertaking to carry significant weight the use of Camp Site B as a campsite would have to be both lawful and unacceptable in planning terms. If the Unilateral Undertaking was to take effect, the obvious corollary is that this appeal must have succeeded and that planning permission must have been granted for the camping and

⁸ Assuming that the current restrictions arising from the Coronavirus pandemic allow that provision to be exercised.

caravanning use of Camp Site A. It is reasonable to conclude that Camp Site A would continue to be used for that purpose.

140. Following the refusal of the Council to grant a Certificate of Lawfulness for existing use of that land as a caravan and camping site (Council Ref:19/01607/LDE), the lawfulness of the use of Campsite B as a caravan and camping site cannot be conclusively presumed at this time. It therefore remains open to the Council to issue an enforcement notice against that use. Should the Council issue such an enforcement notice and no appeal is made against it, then the use would cease in any event. In that eventuality, the Unilateral Undertaking would serve no purpose.
141. Should an appeal be lodged against the issuing of that enforcement notice, there are, in general terms, only three potential outcomes. The first outcome is that the Enforcement Notice was upheld, such that the use would cease. The Unilateral Undertaking would again serve no purpose.
142. The second outcome is that planning permission was granted, in which case the use of Camp Site B for camping would have been found to be acceptable in planning terms. In that scenario, given that the appeal would have been determined against a background where the use of Camp Site A would already have had planning permission, the cumulative use of Camp Site A and Camp Site B would then have been found to be acceptable in planning terms. The provision in the Unilateral Undertaking to cease the use of Camp Site B would therefore not be necessary to make the use of Camp Site A acceptable in planning terms.
143. The third scenario is that the use of Camp Site B was found to be lawful, either as not constituting a breach of planning control or if no enforcement action could be taken in respect of that breach of planning control. In relation to the Unilateral Undertaking submitted by the appellant, this scenario raises the question as to whether the cessation of the use of camp Site B as a campsite would be necessary to make the camping and caravanning use of Camp Site A acceptable in planning terms.
144. My difficulty in that respect is that I have very little evidence before me in relation to the planning merits of the use of Camp Site B as a campsite. I have some tangential evidence from local residents in terms of the effect on their living conditions, and the Screening Direction took account of some of the cumulative impacts resulting from Camp Site A and Camp Site B operating in conjunction. However, unlike in relation to Camp Site A, I have no specific and detailed evidence in relation to matters such as the impact of the AONB, highway safety, heritage, ecology or the impact on the living conditions of the occupiers of surrounding residential properties⁹.
145. Neither do I have any evidence in relation to the contribution that the use of Camp Site B would make to the local economy, or whether there is any support for that use from local residents and businesses.
146. In the absence of that evidence, I am unable to make an informed judgement as to the 'crucial balance' of the sensitive nature of the coastal area of West Norfolk with the need for economic and social development of the area. It follows

⁹ In this respect, I cannot discount the possibility that there may be occupiers of properties who did not express any views in relation to the use of Camp Site A, but who might wish to do so in relation to the use of Camp site B.

that I am unable to make an informed judgement as to the planning merits of the use of Camp Site B as a campsite. In relation to the tests that a planning agreement must meet, I am therefore not in a position to arrive at an informed conclusion as to whether ceasing the use of Camp Site B would be necessary.

147. For the above reasons, I give very limited weight to the Unilateral Undertaking that covenants the cessation of use of Campsite B as a campsite, insofar as that is a material consideration relevant to this appeal.

Heritage

148. Part of the appeal site borders the Holme-next-the-Sea Conservation Area. Although the effect on the setting of this conservation area forms no part of the Council's reasons for issuing the enforcement notice, I have a duty under section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 to pay special attention to the desirability of at least preserving the character and appearance of the conservation area.
149. The Holme-next-the-Sea Conservation Area Statement (CA Statement) explains that Holme is quite different in character from other settlements along the north Norfolk coastal road, insofar as it is more intimate, secluded and enclosed. The CA Statement explains that one of the factors contributing to this character is that the historic village lies off the main road but, in my judgement, that character is also derived from the rectangular grid formed by Main Street, Eastgate Road, Kirkgate Street and Peddars Way. Consequently, in my view, the significance of this designated heritage asset as a whole derives in no small part from the unusual layout of the village itself.
150. The CA Statement divides the conservation area into seven distinct character zones: the appeal site borders the Main Road character zone. The character of this zone is derived, in part, from traditional farm buildings, outbuildings and high walls of flint, clunch, brick and pantiles. The significance of this part of the designated heritage asset is therefore principally derived from the historical, architectural and aesthetic value of the built form extending along and set back from Main Road.
151. In terms of the heritage asset as a whole, the Parish Council contends that the existing use of the appeal site disrupts the grid pattern of the village and undermines the historic model that has guided the historic development of the village. I do not agree. The significance of the heritage asset as a whole derives from the road pattern and the built form of solid structures that front that road or are slightly set back from it. In my view, the pitching of tents and the stationing of caravans on the appeal site, together with the infrastructure that supports that, does not disrupt or detract from the pattern of development that has been established over time. The historical development of Holme-next-the-Sea is not undermined by the existing use. In that respect, the effect of the existing use on the setting of the conservation area can be distinguished from the effect on the AONB which, for the reasons set out above, is more sensitive to changes of this nature.
152. In relation to the Main Road character zone, I noted on my site visit that there is very little intervisibility between the appeal site and the conservation area. The conservation area is, I acknowledge, visible from the site entrance and, vice versa, the entrance to the appeal site is visible to both drivers and

pedestrians travelling westwards along Main Road. However, I do not consider that the activity associated with that entrance adversely affects the character or appearance of the conservation area.

153. The use of the appeal site as a caravan and camping site involves no tall structures that are visible from within the conservation area, or which affect the setting of the conservation area. The significance of the designated heritage asset is not affected by the use of the appeals as a camping and caravan site. I am therefore satisfied that use subject to the enforcement notice preserves the character and appearance of the Holme-next-the-Sea Conservation Area, both in terms of the Main Road character zone and the conservation area as a whole.
154. The nearest statutorily listed building to the appeal site is Old Farm Cottages, a grade II listed building. There are also a number of buildings of local importance along Main Road and Aslack Way that are identified in the CA Statement. I was able to view all of those buildings during my site visit. Due to the limited intervisibility between those buildings and the appeal site, I am again satisfied the use of the appeal site as a camping and caravan site does not affect the setting of those heritage assets.

Habitat Monitoring and Mitigation

155. There are a number of sites with European designation in the area surrounding the appeal site (European Sites). These include the North Norfolk Coast SPA/Ramsar (500m to the north); the North Norfolk Coast SAC (1.25km to the north); The Wash and North Norfolk Coast SAC (1.4km to the north); and the Wash SPA/Ramsar (1.6km to the north-west). All of these European Sites are protected through the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'), incorporated into UK legislation through the Habitats Directive 1992 and the Birds Directive 2009. There are, in addition, other European Sites farther afield as well as a variety of nature reserves and SSSI's in the surrounding area.
156. The principal impact on the European Sites resulting from the breach of planning control is the increased number of visitors. The particular issues resulting from increased visitor numbers include the disturbance of nesting birds resulting from recreational activities, the trampling of sensitive vegetation and noise disturbance. Given the nature of the camping and caravanning use, these additional visitor numbers are most likely to occur during peak tourist season, such that they would avoid disturbing overwintering birds and most of the nesting season. Nevertheless, there would still be impacts resulting from the trampling of sensitive vegetation, as well as noise disturbance to wildlife that is in residence during that period.
157. The reasons for issuing the enforcement notice do not allege any harm to or impact upon the European Sites or any other sites having ecological value. Nonetheless, in a consultation response dated 13 September 2019, Natural England declared itself satisfied with the mitigation proposed in a report prepared by the appellant to inform the Habitats Regulations¹⁰. The implication, whilst not expressly stated, is that Natural England considered the proposed mitigation necessary to offset harm resulting from additional visitors generated by the use. The mitigation proposed in that report takes the form

¹⁰ Report to Inform Habitats Regulations Assessment, September 2019.

of a Habitat Regulations Monitoring and Mitigation Payment (Payment), in this case intended to contribute towards on-site mitigation and the provision of education facilities.

158. The appellant has translated that proposal into a Unilateral Undertaking which covenants that the Payment would comprise the sum £50 per pitch. The Payment proposed would equate to the sum of £50 per house levied by the Council in relation to conventional housing developments. It is reasonable to conclude that, in most circumstances, a single pitch would be occupied by a single household. The difficulty in this respect is that the deemed planning application relates to an unrestricted and unspecified number of pitches. The Unilateral Undertaking provided by the appellant therefore proposes that the number of pitches is limited to 30 in total. Given that this could be controlled by the imposition of a condition, I am satisfied that the Payment of £1,500 stipulated in the Unilateral Undertaking is appropriate.
159. Policy DM19 of the Development Management Plan relates to Green Infrastructure and Habitats Monitoring and Mitigation, and seeks to protect existing green infrastructure from the impacts of the development. This includes the provision of additional tourist accommodation. Insofar as the breach of planning control provides additional tourist accommodation, there is no dispute that Policy DM19 applies to the appeal development. The Council is satisfied that the Habitat Monitoring and Mitigation Payment is adequate and that Policy DM19 is complied with.
160. However, the Parish Council, the Broadwater Residents Association and others take a different view and have questioned the methodology that underpins the appellant's report to inform the Habitats Regulations. They consider that the damage to the European Sites resulting from additional visitors generated by the campsite has been underestimated and point to impacts from tourist accommodation that have already taken place. In particular, I was asked to view examples of coastal erosion caused, it is claimed, by the number of tourists visiting the European Sites. In that context, I did note some examples of coastal erosion during my walk of the Norfolk Coastal Path but I have no evidence to show that these examples were directly due to tourist activity. The Parish Council also considers the levy of £50 per pitch to be inadequate to cover the likely costs of mitigation measures.
161. Whilst I acknowledge the points that have been made, and the response to those points made by the appellant, it is in my view instructive that Natural England have raised no such concerns and are satisfied that any potential harm could be mitigated through the proposed Payment. In view of the experience and responsibilities of Natural England in these matters, I prefer their evidence.
162. It also seems to me that the levy sought by the Council is a carefully considered sum and part of a mitigation strategy that is proportionately applied by the Council to development that increases tourist accommodation. I am therefore satisfied that the Payment set out in the Unilateral Undertaking is directly related to the development subject to the deemed planning application: is fairly and reasonably related in scale and kind to that development: and is necessary to make the development acceptable in planning terms. Consequently, I am satisfied that the Unilateral Undertaking overcomes any harm that might otherwise have been caused by the breach of

planning control alleged in the notice, and accords with the requirements under the Conservation of Habitats and Species Regulations 2017.

163. In addition to any impact on the European Sites, local residents also make reference to the appeal site itself as previously providing habitat for wildlife. It is clear that they valued the site in those terms. According to local residents, that habitat has been eroded and in some respects lost completely as a result of the campsite use. The Norfolk Ornithologists' Association (NOA) suggests that this habitat would have been home to Barn Owl and potentially Curlew, Lapwing and Redshank, as well as Natterjack Toad and various bat species. The NOA concedes that the above cannot now be verified but I note that local residents, including amateur ornithologists licensed by the British Trust for Ornithology to carry out bird ringing, have recorded 82 different species of bird using the site for nesting and/or feeding. The species of birds observed include some of those referred to by the NOA, and several species on the Birds of Conservation Concern 'Red' and 'Amber' lists for both nesting and feeding.
164. The appeal site is not designated as a nationally, regionally or locally important site of wildlife value. Consequently, there is no policy protection for the site itself in these terms. However, paragraph 176 of the Framework indicates that the conservation of wildlife is an important consideration within AONB. The evidence before me from the NOA and local residents, which has not been challenged by the appellant, indicates that the appeal site itself provided habitat for wildlife before the breach of planning control occurred. The loss of that habitat is therefore an important consideration that weighs against granted planning permission on the deemed planning application.

Support for the use

165. There is support for the use subject to the enforcement notice from some local residents, who consider that the camp site fits very well into the village and the Norfolk coast scene. They also point out that the appeal site offers a traditional and very good value alternative to other forms of holiday accommodation in the area. These representations report no noise issues emanating from the camp site, and recognise the contribution the business makes to the livelihood of local people. I have had regard to the generally (albeit not universally) favourable comments made by people who have stayed at the campsite, including that the vast majority of those who stayed at the site indicated that they would make a return visit.
166. These comments clearly weigh in favour of granting planning permission for the use, but are outweighed by the significantly more representations from local residents, residents associations and other organisations that object to the use. I am also mindful that some of the local residents who object to the use are those living closest to it, and therefore in the best position to understand the impacts of the use on their living conditions and the local environment.
167. In addition, I note the concerns expressed about leaving the site in a 'derelict' condition should the appeal be dismissed. However, in that scenario, the notice requires that the land is restored to its former condition which, I understand it, was long grass. In my view, land in condition could not be regarded as being 'derelict'.

Conditions and planning obligations

168. The appellant has put forward draft planning conditions covering matters that include the widening of the access, landscaping, the submission of a management plan and limiting the number of caravans/tents that may be placed on the site. Whilst these conditions would make the development acceptable in planning terms in some respects, they would not overcome the principal harms that I identified in relation to the main issues. In particular, the suggested conditions would not overcome the harm to the AONB or the living conditions of the occupiers of the surrounding residential properties. The Unilateral Undertaking in relation to habitat mitigation would overcome any harm in that regard, but that which covenants the cessation of use of Camp Site B as a campsite would not make the use of Camp Site A acceptable in planning terms.

The overall planning balance

169. My starting point here is the policy approach set out in the development plan, and in particular the 'crucial balance' of the sensitive nature of the coastal area of West Norfolk with the need for economic and social development of the area.
170. I have found that the development has a moderately adverse effect on the character of the AONB. In addition, there is the loss of wildlife habitat on the appeal site itself. The existing use of the appeal site therefore immediately falls into the category of development that, according to the Council's policy approach, should not normally be permitted in the AONB. The first element of the 'crucial balance' that underpins the Council's policy approach therefore weighs against the development.
171. The counterbalance to that first element is the need for economic and social development of the area. In that respect, I acknowledge that the existing use of the appeal site makes a valuable contribution at a local level. However, in terms of its wider economic contribution, I consider that not to be significant.
172. Consequently, in my view, the 'crucial balance' identified by the Council tilts in favour of protecting the valued landscape of the North Norfolk AONB.
173. The breach of planning control alleged in the notice unacceptably harms the living conditions of the occupiers of surrounding residential properties. It has not been demonstrated that this harm could be mitigated through the proposed Management Plan. The use of the appeal site as a campsite is also contrary to the development plan in these respects.
174. On the other hand, there is some support for use of the appeal site as a camping and caravan site.
175. In all other respects, the use of the appeal site as a camping and caravan site either accords with the development plan and/or statutory provisions, or could be made acceptable by the imposition of suitably worded conditions or the Unilateral Undertaking submitted by the appellant. As such, all of those considerations are broadly neutral in terms of the overall planning balance. The fallback positions advanced provide no justification for the use subject to the deemed planning application.
176. For the reasons set out above, I conclude that the breach of planning alleged in the notice is contrary to the development plan when read as a whole. I

have not been advised of any material considerations, either taken individually or cumulatively, to indicate that determination should be made otherwise than in accordance with the development plan. Indeed, as indicated above, the breach of planning control fails to accord with the Framework in certain respects, specifically paragraph 84 in relation to tourism; paragraph 130 insofar as it relates to providing a high standard of amenity and paragraph 176 insofar as it relates to the effect on the AONB. The latter is a material consideration that not only weighs against granting planning permission but is one to which I attach great weight.

177. Having regard to all the above, I conclude that planning permission should not be granted for the breach of planning control alleged in the notice taken as a whole.

Could planning permission be granted for any part of the matters stated in the notice?

178. As indicated above, Section 177(1)(a) of the 1990 Act provides that, on determination of an appeal under Section 174, the Secretary of State may grant planning permission in respect of the matters stated in the enforcement notice as constituting a breach of planning control, whether in relation to the whole *or any part of those matters* or in relation to *any part of the land* to which the notice relates (my emphasis). Up until this point, I have been considering the breach of planning control alleged as a whole. It seems to me that the elements of the mixed use that comprises the matters stated in the notice are severable. Pursuant to Section 177(1)(a), it is open to me to consider whether planning permission could be granted for one or more parts of the matters stated in the notice, or any part of the land to which the notice relates.
179. It occurs to me that, in relation to the camping and caravan use of the site, the impact on both the AONB and the living conditions of the surrounding residential properties could be reduced by limiting the area occupied by the use. Specifically, separating through distance and/or screening the area in which the camping and caravan use takes place from the residential properties that surround the site. This could be controlled through the imposition of a suitably worded condition. The appellant submitted an indicative layout for a 15-unit plot (Drawing No. 1048-00-007 Rev A), but I am also mindful that there are other potential options that could provide even greater separation from the residential properties that that achieved by the layout shown on that drawing.
180. However, whilst spatially separating the camping and caravan use from the residential properties could potentially overcome many of the issues that concern the occupiers of those properties, it would still leave the use taking place within the AONB. Although covering a smaller area and therefore having a lesser impact, in my judgment the use would still harm the landscape quality of the AONB and erode its value as habitat for wildlife.
181. Similarly, whilst moving the camping activity further away from the surrounding residential properties could have some potential benefits, it would not overcome the harmful impacts entirely. It was evident during my site visit that a screen across the site would be of only limited benefit. The space created by moving the tents/caravans/motorhomes further back into the site would create an open area that would be likely to be used as play area for

children and by adults for playing games/recreational activities, thereby generating noise disturbance to surrounding residential properties. It would also not prevent noise disturbance caused by vehicles accessing the site. Neither would it prevent the issue of light pollution from the headlights of vehicles moving around the site.

182. Furthermore, a smaller area within which the use could take place is likely to result in fewer pitches being provided¹¹, which in turn would reduce the economic contribution made by the use. It follows that the 'crucial balance' that underpins the Council's policy approach would still tilt in favour of protecting the valued landscape of the North Norfolk AONB. None of the other considerations cited above would be materially affected by reducing the number of pitches on the land, at least not in ways that could not be addressed by variation of the suggested planning conditions and the Unilateral Undertaking. For these reasons, I consider that it would not be appropriate to grant planning permission for the use of only part of the site for camping and caravanning.
183. In terms of the storage of two steel containers and building materials on the land, both are incongruous in AONB and are contrary to the development plan. For that reason alone, I consider that it would not be appropriate to grant planning permission for those elements of the mixed use in isolation.

Could planning permission be granted for a temporary period?

184. From the evidence that I have heard and read, it appears that the management of the campsite to date has contributed to issues relating to the effect of the use on the living conditions of the occupiers of the surrounding residential properties: for example, stationing a caravan(s) immediately adjoining the boundary of neighbouring residential properties when the remainder of the site was empty and available. However, that was prior to the formulation of the more comprehensive Management Plan that has now been submitted. It therefore occurs to me that there might be merit in granting a temporary planning permission in order that the efficacy of that Management Plan could be established through experience of operating the campsite with that in place.
185. The Planning Practice Guidance indicates that one of the circumstances where a temporary permission may be appropriate is where a trial run is needed in order to assess the effect of the development on the area. In relation to the effect on living conditions of the campsite operating under the new Management Plan, this would be one such scenario. However, I have already found that the Management Plan would not control or mitigate manage the harmful impacts experienced by the occupiers of the surrounding residential properties, and in some respects is unworkable.
186. The argument against a temporary planning permission is the effect on the AONB, both in terms of visual impact and habitat for wildlife. Even if the campsite could be operated successfully through a Management Plan, the impact of a campsite for up to 30 pitches would still incur a moderately adverse effect on the character of the AONB. As such, it would still fail to conserve or enhance the landscape and scenic beauty of this AONB, and in

¹¹ The illustrative layout depicted on Drawing No 1048-00-007 Revision A showed 15 pitches, exactly half the number accepted as being the likely maximum number of pitches possible on the site.

addition would still result in the loss of the wildlife habitat. There would therefore be no material change in circumstances in that respect, such that there would be no prospect of granting a permanent planning permission at the end of that temporary period.

187. For these reasons, it follows that granting a temporary planning permission in this case would not accord with the Planning Practice Guidance and is not an appropriate option.

Conclusion on the appeal on ground (a) and the deemed planning application

188. I conclude that planning permission ought not to be granted for the matters stated in the notice, either in whole or in part.

Conclusion

189. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with corrections and a variation and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Formal Decision

190. It is directed that the enforcement notice is corrected by:

- in paragraph 2 of the notice, delete the words 'Land at'.
- also in paragraph 2 of the notice, delete the words 'Holme next The Sea, Norfolk' and substitute there the words 'Holme-next-the-Sea, Norfolk'.
- in paragraph 3 of the notice, deleting the words 'of a caravan site approved by an exempted organisation under the provisions of The Caravan Sites and Control of Development Act 1960'
- in paragraph 3 of the notice, deleting the words 'and two tents'.

191. It is directed that the enforcement notice is varied by:

- in both paragraph 5(iv) and paragraph 5(v), replace the term 'non-agricultural materials' with 'building materials'.

192. Subject to those corrections and variation, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Paul Freer

INSPECTOR

APPEARANCES¹²

For the appellant

Ms Jenny Wigley QC

Mr Jay Mehta

Mr Philip Atkinson

Mr Joe Bear

Mr Stephen Lucas

Howes Percival

Lanpro

Adrian James Acoustics Limited

Site Operator

For the Local Planning Authority

Ms Helen Morris

Mr Matthew Clarey

Ms Heidi Wedge

Mr Mark Whitmore

Mr Noel Doran

Principal Planner

Enforcement Officer

Enforcement Officer

Principal Officer, Environmental Health

Solicitor

For the Parish Council

Mrs Lynn Devereaux

Local residents

Mr Ermine Amies

Mr Bernard Devereaux

Ms Tina Hay

Mr Martin Hellawell

Mrs Pat Jackson

Mr Nicholas Jones

¹² Those individuals who spoke at any of sessions of the Hearing but not including those who observed only.

DOCUMENTS SUBMITTED AT THE HEARING

- 1/ Copy of Policy DM19 of the Site Allocations and Development Management Policies Plan.
- 2/A complete copy of the Holme-Next-the Sea Neighbourhood Plan 2016-2036: Post Examination Version.
- 3/ Standard wording for conditions used by the Council in relation to land contamination and foul/surface water drainage.
- 4/ Indicative layout plans (Drawing No 1048-00-007 Revision A and Drawing No 1048-00-013 Revision A)