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# Appeal Decision

Site Visit made on 1 September 2021

**by Paul Thompson DipTRP MAUD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17 September 2021**

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**Appeal Ref: APP/K2610/W/21/3268805**

**6 Sir Williams Lane, Aylsham, Norwich NR11 6AW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Paul Moore against the decision of Broadland District Council.
  - The application Ref 20202160, dated 16 November 2020, was refused by notice dated 6 January 2021.
  - The development proposed is Convert workshop to flexible holiday accommodation.
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## Decision

1. The appeal is allowed and planning permission is granted for Convert workshop to flexible holiday accommodation at 6 Sir Williams Lane, Aylsham, Norwich NR11 6AW in accordance with the terms of the application, Ref 20202160, dated 16 November 2020, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 20093 01, 20093 03 and 20093 04.
  - 3) The building in question shall only be used as holiday accommodation managed by the occupiers of 6 Sir Williams Lane and shall not be occupied as a person's sole or main place of residence at any time. The owners/operators shall maintain an up-to-date register of the names of all occupiers of the building, and of their main home addresses, and shall make this information available for inspection at all reasonable times to the local planning authority following prior written notification.

## Procedural Matters

2. The National Planning Policy Framework was revised on 20 July 2021 (the Framework). The main parties have had the opportunity to comment upon the relevance of any revised content of the Framework and I have had regard to any responses received in my decision.

## Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of adjacent residential properties, with specific regard to noise and disturbance.

## Reasons

4. The appeal concerns a detached building situated to the rear of 6 Sir Williams Lane, which was originally consented as a workshop<sup>1</sup> for the appellant's upholstery business. The main parties suggest that this replaced several other buildings used by the business. The planning permission included restrictive working hours<sup>2</sup> to protect the living conditions of neighbouring occupiers, as there are gardens adjacent to all directions. However, I understand that the houses at the rear of the building, in Palmerston Way, were not constructed until after permission was granted.
5. Despite restrictions to the hours of operation of the business, it would be likely to be a noticeable presence within its surroundings. Similarly, the Aylsham Tennis Club and Recreation Ground, situated to the south, would also be likely to be a periodic source of noise. The residential environment surrounding the appeal site is therefore less discreet than a wholly residential area and so would be less susceptible to changes in the noise environment.
6. The space to the rear of the appeal building is occupied by a mix of young and mature trees and the land rises up to meet the boundary with houses behind. The application drawings do not indicate how this and the other space around the building would be utilised. While these are not significant in size, holiday guests may still wish to sit outside, but there is no compelling evidence before me to suggest that they would be any more likely to create noise and disturb neighbouring occupiers than the occupiers of normal residential properties.
7. The proposed accommodation would include three double bedrooms and there would be space for two vehicles to park outside the building, so guests could be in different groups. The access from the highway would pass between Nos 6 and 7 and holiday guests would be able to come and go independently at any time. However, the level and transitory nature of vehicle movements associated with holiday guests would be unlikely to cause unreasonable levels of disturbance to the living conditions of the occupants of the host property or other neighbouring occupiers.
8. Concerns have also been raised that the proposed development could be used for stag and hen and other parties. While there is no substantive evidence to support these opinions, I note the intention of the appellants to sensitively manage holiday guests in order to protect the occupiers of neighbouring properties from such harms. I consider that it would be reasonable to ensure this is controlled by condition to provide certainty over these safeguards.
9. In light of the above, I conclude that noise and disturbance associated with the proposed development would not have an unacceptably harmful effect on the living conditions of the occupiers of adjacent residential properties. Hence, the proposal would accord with the aims in respect of living conditions expressed in Policy GC4 of the Broadland District Council Development Management DPD 2015 (Adopted 3 August 2015).

## Other Matters

10. The proposed rear window is in a location already approved for the workshop, but its sill would be lower, and the new windows in the roof slope would be

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<sup>1</sup> Planning Reference: 20140982.

<sup>2</sup> 0800-1800 Monday to Friday, 0800-1300 Saturdays and at no time on Sundays and Bank Holidays.

high-level. As far as I am aware, the scale of the building has not altered from the approved scheme, so there would not be any further overshadowing or overbearing affects or loss of privacy to surrounding properties. Similarly, the building is already in situ and the changes to its external appearance would be largely minor in nature, so it would not have a harmful effect on the character and appearance of the site and its surroundings, which are outside of a conservation area.

11. Given the nature of the historic use of the site and the approved development, the use of the access drive for the proposal would not have a harmful effect on the safety of the users of the highway. I note that the local highway authority arrived at a similar conclusion. Furthermore, there is also no substantive evidence before me to suggest that there would be any harm caused by the proposal to the biodiversity or ecology of the site or its surroundings.
12. I note the concerns expressed by third parties in respect of the original intentions for the building and it not being taken up for its intended use. However, I am only able to consider the merits of the proposal before me, not matters relevant to the consideration of approved developments, and I have not been referred to policies relevant to the loss of employment uses.
13. None of these matters would therefore justify withholding permission in this case.
14. I have also considered the argument that the grant of planning permission would set a precedent for other similar developments given the size of gardens to neighbouring properties in the street. However, each application and appeal must be determined on its individual merits, and a generalised concern of this nature does not justify withholding permission in this case.

### **Conditions**

15. In the interests of certainty, I have attached a condition which specifies the approved plans. A condition is also necessary to ensure the development remains as holiday accommodation and not as permanent dwellings, reflecting the nature of the outdoor space available to the accommodation, and to allow the Council to monitor the use. It is also necessary to require the occupiers of the main property to manage the holiday accommodation in order to ensure a mutually acceptable relationship between the proposed accommodation and neighbouring properties, including the host property. However, I have omitted the time constraint suggested by the Council as this removes the opportunity for those occupying the accommodation to take extended holidays.

### **Conclusion**

16. The proposed development would accord with the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given above, I conclude that the appeal should succeed.

*Paul Thompson*

INSPECTOR