



Appeal Decision

Site visit made on 4 November 2021

by David Spencer BA(Hons) DipTP MRTPI

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

Decision date: 19 November 2021

Appeal Ref: APP/Y2620/W/21/3269879

The Old Army Catering Hut, Green Way, Stiffkey, Wells Next The Sea, Norfolk NR23 1QF

- 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 Phil Harrison on behalf of L G Harrison & Son against the decision of North Norfolk District Council.
 - The application Ref PF/20/1202, dated 20 July 2020, was refused by notice dated 17 December 2020.
 - The development proposed is conversion of former army training buildings into four holiday lets suitable for disabled persons.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are as follows:
 - (i) The effect of the appeal proposal on the character and appearance of the surrounding countryside, having particular regard to the location of the site within the Norfolk Coast Area of Outstanding Natural Beauty, the Heritage Coast and the 'undeveloped coast' designation; and
 - (ii) The effect of the proposed access arrangement on the safety of vehicular and pedestrian traffic on Green Way, with particular reference to visibility at the junction of Green Way and the A149 Wells Road.

Reasons

Character and Appearance

3. The appeal proposal would involve the conversion of a range of existing single storey buildings in the countryside, a short distance to the north-west of the village of Stiffkey. The buildings, which have a non-designated heritage value given their heritage significance as part of the former military camp at Stiffkey, are generally of a low profile and of characteristic utilitarian appearance of military buildings of the period. Due to these factors, they are not conspicuous in the landscape. They are not visible from the nearby A149 due to intervening topography and trees. Due to topography and vegetation the buildings are not noticeable from Green Way.

4. The National Trail of the Norfolk Coast Path passes a short distance to the north of the appeal site, largely through a boundary terrain of scrub and rough grassland demarcating a transition between the open coastal marshes to the north and the gently undulating farmland to the south. Due to the intervening topography and vegetation along the path there is very limited inter-visibility for users of this path with the appeal building. This is restricted to only two brief glimpsed views of a small part of the upper roof of the buildings from those parts of the path closest to the appeal site. There is also a view of upper parts of the building from the path further to the west closer to where the track extends out to the marshes from Warham. This view from further to the west is over some considerable distance such that the appeal building is not a prominent feature in this panorama. The attention of users of the path, walking eastwards at this location is likely to be more focused on the expansive vista across the marshes towards Blakeney Point.
5. In terms of the degree of conversion works, the external footprint of the building would not be extended. There is little dispute that the buildings are structurally capable of conversion. There are numerous door and window openings on the external elevations of the buildings which would be utilised by the appeal proposal. The existing door openings on the northern elevation, facing towards the coast, would be glazed. For the reasons set out above, these openings would not be visible from those parts of the Coastal Path nearest the appeal site. Any light spill, or noise from these openings would be minor and barely perceptible to users of the path given the intervening distance and topography. The proposed additional landscaping around the north-west corner of the site would sufficiently mitigate any minor harm from these proposed openings.
6. It is noted the building would be re-rendered and the asbestos roofing replaced with a material of a similar appearance. The colour and quality of these works could be controlled by condition to ensure an appropriately muted appearance, such that in the glimpsed views described above there would be no material visual difference. Detailed elements, including the interesting high-level roof vent on the longer western wing would be retained. Overall, the proposed scheme would sympathetically preserve the heritage significance of these buildings. I therefore find that the proposed physical conversion works would not result in a harmfully conspicuous development in the landscape.
7. There is a large external area to the north of the building on its seaward side, including some sizeable areas of hardstanding. This area is used for the external storage of agricultural machinery and materials. From the submitted plans, the area of hardstanding would be significantly reduced, and extensive new areas of wildflower meadow created, bounded by new hedgerow planting. This would significantly enhance the appearance of this part of the appeal site and wider landscape. The precise details for the proposed landscaping could be secured by condition and retained as such thereafter. The submitted plans show adequate amenity space provision immediately adjacent to the building for activities such as eating out or children's play. Existing and proposed landscaping would appropriately enclose these modest amenity spaces, such that domestic paraphernalia would not be conspicuous in the wider landscape.
8. Four areas for car parking associated with the proposed units would be created. Those for units 3 and 4 would be tucked away at the south of the building in locations which are already comprehensively landscaped and secluded. The

parking areas for units 1 and 2 would be more exposed on the northern side of the building. They would not, however, be visible from the Coastal Path or the Green Way. Additional landscaping proposed along the site boundary and immediately around the parking areas would be effective in limiting the impact of vehicle lights and proposed lighting bollards associated with these parking areas within the wider nocturne environment. The precise positioning, height and specifications of the lighting bollards could be controlled by condition.

9. Given its rural location, the appeal proposal would generate vehicle movements, including in the evening. Due to the topography and the point of elevation on the turn from the access road into the appeal site, the appeal proposal would introduce vehicle lights into this part of the countryside. In terms of the degree of impact, existing hedging largely screens most of the access road to the site from the open marshes to the north. Additional landscaping around the north-west corner of the site would provide a degree of mitigation. The duration of vehicle lights would be brief in any event. Overall, I do not consider there would be a significantly harmful impact arising from vehicle lights.
10. In terms of overall tranquillity, remoteness and dark night skies in this part of the Norfolk Coast Area of Outstanding Beauty (AONB)¹ I cannot overlook the proximity of the likely degree of activity, scale of buildings and quantity of external lighting at the High Sands Creek Campsite and the various commercial and other buildings on the eastern side of Green Way that already exist between the village and the coast at this location. This cluster of development is only one field away to the east from the appeal site and involves caravans (including statics) and camping much closer to the salt marshes and Coastal Path compared to the appeal buildings. The development east of the Green Way is highly conspicuous in the AONB landscape and is clearly an appreciable hub of tourist and commercial activity, including boat repairs. In this context I find it difficult to conclude that this is a particularly remote or tranquil part of the AONB that the appeal proposal would materially erode. External lighting on the appeal proposal could be controlled by condition and if appropriately positioned away from the very highest parts of the building any impact from residual light spill would be no more than modest.
11. I note that development plan policies encourage the re-use of rural buildings, including for rural tourism. The appeal proposal would accord with the principle of these and bring significant economic benefits in terms of supporting a prosperous rural economy in this part of Norfolk. I appreciate there is a balance between encouraging tourism and the economic benefits that it brings against ensuring that the intrinsic environmental qualities of the AONB are not harmed by such developments. For the reasons, set out above, the proposed sympathetic conversion of the appeal buildings for holiday accommodation in a location where tourism and commercial activities already exist, would strike an appropriate balance, including the substantial tilting in any such balance on the need to give great weight to conserving and enhancing the landscape and scenic beauty of the AONB.
12. The appeal site is within the 'Undeveloped Coast' designation as set out in Policy EN3 of the North Norfolk Local Development Framework Core Strategy 2008 (*the Core Strategy*). The policy only permits development that

¹ Taking account of the component landscape character types of 'Rolling Open Farmland' and adjoining 'Open Coastal Marshes' in the North Norfolk Landscape Character Assessment 2018

demonstrably requires a coastal location, and the supporting text refers to non-essential development. The Policy was informed by the then extant PPG20 on Coastal Planning. The National Planning Policy Framework (NPPF) at paragraph 174(c) supports the need to maintain the character of the undeveloped coast but related parts of the NPPF more widely within paragraph 174 and elsewhere at paragraphs 176 and 178 are perhaps more nuanced. The appeal proposal would re-use, and would not extend, existing buildings. Due to intervening topography and vegetation, the appeal proposal would be largely concealed within the undeveloped coast. The expansive landscape of the open coastal marshes, with their relatively wild and remote character, would remain largely unaffected. In the very few perspectives that the appeal buildings can be glimpsed, the character and appearance of the buildings would not perceptibly change. Overall, the character of the generally undeveloped coast at this location, noting the proximity of the large campsite (with external lighting) and commercial buildings, would be maintained.

13. I therefore conclude that there would be no significant harm to character and appearance of the surrounding countryside, having particular regard to the location of the site within the Norfolk Coast AONB, the Heritage Coast and local 'Undeveloped Coast' designation. The proposal would therefore accord with Policies EN1, EN2 and EN3 of the Core Strategy. Collectively these policies require development not to detract from the special qualities of the AONB, to be sympathetic to the distinctive character areas comprising the North Norfolk landscape, to protect, conserve and where possible, enhance, the special qualities and local distinctiveness of the area including nocturnal character and to protect the character of the open undeveloped coast. On this main issue for the appeal, the proposal would also accord with paragraphs 174 (a)-(c), 176 and 178 of the NPPF.

Highway Safety

14. The appeal site would be accessed from Green Way, which is not formal adopted highway but is a public right of way (Byway Open to All Traffic). Green Way serves a small number of residential properties, the High Sand Creek Campsite, various commercial activities and the Stiffkey Saltmarshes Car Park. In terms of the current condition and level of activity of the appeal site, together with any reasonable fallback position on intensified agricultural use, I am satisfied, based on the Local Highway Authority (LHA) evidence and the use of recognised TRICS² data that the appeal proposal would generate a material increase in vehicle movements along the Green Way and at its junction with the A149 coast road. Given its relative proximity to Stiffkey, the appeal proposal would generate pedestrians and wheelchair / mobility scooter users going into the village to access facilities³.
15. In terms of conflict with other users on Green Way, I observed that as far as the turn for the access track to the appeal buildings, the byway is generally of a width sufficient to allow two vehicles to safely pass. Whilst there is no footway along Green Way, I observed beyond the houses there are wide, level grass verges on either side for pedestrians and wheelchair users to safely use. Where Green Way passes between houses at the edge of the village on-street parking appears to be prevalent and unrestricted. This would require pedestrians and wheelchair users to informally mix with vehicular traffic at a

² Trip Rate Information Computer System

³ Bus stops, The Red Lion pub and the Stiffkey Stores

point particularly close to the junction with the busy A149 coast road. Whilst I accept vehicle speed limits are likely to be low on Green Way and similar is likely to be occurring with patrons from the nearby camp site, I nonetheless find this arrangement to be unsafe, especially in the peak summer months. This would be unacceptably exacerbated by both the vehicle and pedestrian trips generated by the appeal proposal.

16. The generally unsafe situation for pedestrians and wheelchair users described above on the Green Way would be compounded by the lack of any formal crossing or pedestrian refuge at the point where Green Way meets the busy A149 road. This would be combined with the need to diagonally cross the A149 at the junction in order to reach the start of the footway a short distance further down on the opposite side of the road. From this point onwards, provision along the A149 for pedestrians and wheelchair users is variable. Several lengths of the main A149 in Stiffkey are without footway, or the existing footway is particularly narrow, or it requires negotiating kerbs or steps. Whilst I note most of the core of the village is within a reduced 20mph speed zone, I nonetheless find that the appeal proposal would generate vulnerable road users who would be required to share the narrow and busy A149 carriageway resulting in an unsafe situation.
17. The junction of the Green Way with the A149 Wells Road is positioned where the A149 bends such that due to a combination of the highway alignment and lack of verge or set-back from the hedge on the corner plot there is a severe lack of right-hand visibility at the junction (estimated as some 15 metres only by the LHA from the recognised 2.4 metre set back). This acute lack of visibility is particularly pronounced when making a right-hand turn manoeuvre, which would be likely given this is the direction from the appeal location to Wells Next The Sea, the nearest higher order settlement.
18. The LHA has categorised this section of the A149 as a '3B3 Special Access Route' reflecting that high seasonal flows of traffic along this part of the Norfolk coast. In this regard I am concerned that despite the junction being within a 30mph speed limit there would be a significant proportion of highway users unfamiliar with the highway network at this location. Given the route status of the A149 the LHA has applied visibility requirements from the Design Manual for Roads and Bridges (DMRB) to which the level of visibility at the junction would represent only 17% of the required standard. The appellant has provided an appeal decision⁴ from Wealden District in East Sussex where the alternative (lower) Manual for Streets (MfS) visibility requirements were accepted over the DMRB standards. I have very few details of the Wealden scheme and its applicability to the particular highway circumstances before me such that I have little reason to depart from the informed technical advice of the LHA and their reasonable use of the higher DMRB standards for the flow and speed of traffic on this part of the A149.
19. I note that there have been very few accidents in this locality and the likely scale of vehicle movements generated by existing uses located on the Green Way. This does not, however, overcome my concerns regarding the particularly substandard right hand turn visibility when exiting the Green Way junction. This would require right turning vehicles to edge out into the direction of oncoming traffic. There are no advance warnings or road markings

⁴ APP/C1435/W/19/3235334

on the A149 to notify oncoming traffic of the Green Way junction such that unfamiliar, tourist traffic would not reasonably anticipate a vehicle exiting until they are almost upon the junction. Irrespective of the whether the DMRB or MfS standards are applied, the material increase in traffic generated by the appeal proposal would result in additional movements at a severely substandard junction with a major road, with the realistic potential to significantly compromise the safety of road users at this location.

20. I therefore conclude that the proposed access arrangement on the safety of vehicular and pedestrian traffic on Green Way, with particular reference to visibility at the junction of Green Way and the A149 Wells Road, would be unacceptable. It would be contrary to the requirements of Policy CT5 of the Core Strategy which requires safe and convenient access for all users of the development and that the proposal is capable of being served by safe access to the highway network. It would also be contrary to NPPF paragraph 110(b) which requires safe and suitable access to the site for all users. NPPF paragraph 111 is clear that where development proposals would result in an unacceptable impact on highway safety they should not be permitted.

Other Matters

21. A track leads from the appeal site northwards around the field margins at this location. The track does not connect to the Coastal Path being separated by a generally impassable swathe of brambles and rough grassland. Even if an informal connecting path could be established there are no recognised pathways out onto the marshes from the Coastal Path at this location. The LPA officer report refers to the need for a decision-maker to conduct appropriate assessment as the 'competent authority' under the Habitats Regulations in terms of nearby protected sites. As I am dismissing the appeal, however, I do not need to consider this matter further, including potentially undertaking my own appropriate assessment as part of this appeal.
22. Notwithstanding the description, it would not be feasible through conditions to realistically restrict or manage the occupation of the appeal proposal for what has been applied for. Nonetheless, due to the single storey nature of the buildings together with the flush level design and volume of circulation space, the proposed holiday units would be capable of being accessibly occupied by persons with impaired mobility, including disabled and elderly persons. In terms of providing choice to meet the holiday accommodation needs of persons with protected characteristics under the Equality Act, this aspect of the appeal proposal is an appreciable benefit that weighs in its favour.

Planning Balance and Conclusions

23. As set out above, the proposed conversion of the buildings and ancillary activity would not adversely impact on the special qualities of the landscape and scenic beauty of the AONB at the appeal location. The proposal would also not adversely affect the special character of the Heritage Coast and the comparative degree of undeveloped coast qualities, which are limited in this location due to the nearby campsite and commercial activities. The proposal would provide significant economic benefits to the rural economy and have a moderate social benefit in providing accessible accommodation for persons with impaired mobility. It would involve the sensitive conversion of non-designated heritage asset. These are all factors in support of the proposal.

24. The proposal would, however, unacceptably intensify the use of what is a particularly deficient junction with the A149 coast road. It would also result in an unsatisfactory increase in vehicle and pedestrian conflict on those parts of the Green Way close to the A149 junction where there is no safe footway refuge. Furthermore, pedestrians and wheelchair users from the appeal site wishing to traverse into nearby Stiffkey would be forced in various locations to riskily share the A149 carriageway with other road users. Cumulatively, taking these factors into account, and notwithstanding the existing degree of movements generated by other land uses served by the Green Way, I have found that safe and suitable access to the site cannot be achieved for all users. The particularly substandard right-hand visibility and generally poor arrangement for pedestrians at the Green Way junction with the A149 would amount to an acceptable impact on highway safety. On the basis, development should be refused on highway grounds, in accordance with the development plan policy and the NPPF. I have taken into account the material considerations identified above, but these do not outweigh my concerns on highway safety and the clear conflict with related development plan and national policy.

25. Accordingly, the appeal is dismissed for the reasons given.

David Spencer

Inspector.