



Appeal Decision

Site visit made on 11 January 2022

by C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 3rd February 2022

Appeal Ref: APP/L2630/W/21/3278285

1 Beaulah House, 36 Mill Road, Hethersett NR9 3DP

- 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 John Bakewell against the decision of South Norfolk Council.
 - The application Ref 2021/0978, dated 27 April 2021, was refused by notice dated 17 June 2021.
 - The development proposed is the change of use of a shepherds hut from personal / family use to use as a holiday rental / short term letting.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of occupiers of neighbouring dwellings on Malthouse Close and Meadow Close with regard to noise and disturbance.

Reasons

3. The appeal relates to an existing shepherd's hut which is sited in the garden of the host dwelling. The hut is located in the corner of the garden and consequently lies in close proximity to the rear gardens of dwellings on Malthouse Close and Meadow Close. Vehicular access would be via a drive and parking area within part of the garden.
4. The surrounding area had a generally tranquil character at the time of my visit and, whilst this was only a "snapshot" in time, there is nothing before me to suggest that this is not typical of the area given its predominantly residential nature.
5. Given the hut's limited scale, holidaymakers/occupiers would be likely to make use of part of the surrounding garden. This would result in an intensification in use of the area and a resulting increase in noise levels which, given the proximity of the hut to neighbouring gardens and dwellings, is likely to cause unacceptable disturbance to neighbouring occupiers. This would be the case irrespective of the number of occupiers of the hut, in view of the potential for regular additional garden use at close proximity at all hours of the day, including at times when surrounding occupiers are more likely to expect a level of tranquillity. The resulting regular noise and disturbance would be particularly noticeable given the relatively tranquil surroundings.

6. The summer months are the period when use of the garden area by occupiers, and associated additional noise, would be most likely due to the warmer weather. Therefore the suggested restricted rental period between the months of March-September only would not acceptably reduce the harm.
7. Similarly, as my concerns relate to the effect of the intensification in use of the garden, the suggested alterations to the property's gate to reduce noise would not acceptably mitigate the identified issues.
8. The efficacy of the proposed monitoring of noise levels in the garden by occupiers of the host dwelling is unsupported by substantive evidence. It is consequently difficult to be certain that noise would be moderated by the use of such measures, particularly as there would be no means to ensure that the host dwelling was concurrently occupied. Therefore I attach only limited weight to the potential ability of these measures to acceptably reduce any harmful noise levels resulting from the proposed development.
9. The existing parking area for the host dwelling would additionally serve the development. It has space for approximately three vehicles. At the time of my visit this was occupied by two vehicles. The application form sets out that the single remaining space would be for the use of occupiers of the hut.
10. The appeal consequently proposes no change in the level of parking at the site. There is no evidence of any restriction on occupiers of the host dwelling making use of all three parking spaces as frequently as they wish. Therefore there is potential for the existing number of vehicle movements to the site to be very similar to those which would occur if the proposed development were to proceed. Overall, there is insufficient evidence to support the contention that the proposal would result in such an intensification in vehicular movements to the site that harm would result.
11. Nevertheless, the proposal would unacceptably harm the living conditions of the occupiers of neighbouring dwellings on Malthouse Close and Meadow Close with regard to noise and disturbance arising from the intensification of use of the garden. It consequently conflicts with Policy DM3.13 of the South Norfolk Local Plan (2015), which states that development should avoid the introduction of incompatible neighbouring uses in terms of noise.

Other Matters

12. I have had regard to other matters raised, including concerns about the proposal's effect on the character and appearance of the area. However, as I am dismissing the appeal on the main issue for the reasons given above, I have not pursued these matters further.

Planning Balance

13. The scheme would result in a modest economic benefit due to the support of local services and facilities by holidaymakers/occupiers. It has not been demonstrated that any sustainability aspects of the proposed development would form significant benefits which should be taken into account.
14. Conversely, it would cause unacceptable harm to the living conditions of neighbouring occupiers. This matter attracts significant weight and outweighs the benefits associated with the proposed development.

15. The proposal would therefore conflict with the development plan and there are no other considerations that outweigh this conflict.

Conclusion

16. Thus, for the reasons given above, I conclude that the appeal should be dismissed.

C Beeby

INSPECTOR