



Appeal Decision

Site visit made on 5 December 2022

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2023

Appeal Ref: APP/V2635/W/22/3297366

Peterstone Lodge, Burnham Road, Peterstone, Burnham Overy Town, Norfolk NR23 1RR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mrs D Miller against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 21/02222/F, dated 16 November 2021, was refused by notice dated 25 February 2022.
 - The application sought planning permission for change of use from garage, sauna and art room to self contained holiday let including extension and alterations without complying with a condition attached to planning permission Ref 16/01351/F, dated 28 September 2016.
 - The condition in dispute is No. 3 which states that: The development hereby permitted shall only be used as holiday accommodation and shall not be used as a permanent residence at any time.
 - The reason given for the condition is: The site lies within an area in which the Local Planning Authority would not normally permit permanent residential development. This permission is granted because accommodation is to be used for holiday purposes only in accordance with the NPPF.
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Decision

1. The appeal is dismissed.

Background

2. Planning permission was granted for the change of use of a garage, sauna and art room building to a self-contained holiday let, including extension and alterations, in September 2016, and the consent was implemented. Condition No. 3 requires that the building be used as holiday accommodation only and not as a permanent residence at any time. The appellant now seeks to remove the condition to enable the building to be used as a permanent dwelling.

Main Issue

3. The main issue is whether the removal of the condition would result in a satisfactory form of development having regard to the relevant development plan policies and the principles of sustainable development.

Reasons

4. The appeal site comprises a single storey detached building adjacent to Peterstone Cutting on the southern side of Burnham Road in the countryside to

the east of Burnham Overy Town. The site is served by a separate access and includes a private garden and car parking facilities.

5. Burnham Overy Town is designated as a smaller village and hamlet by Policy CS02 of the King's Lynn and West Norfolk Borough Council Core Strategy (2011) (the CS). It does not have a settlement boundary and Policy DM2 of the King's Lynn and West Norfolk Borough Council Site Allocations and Development Management Policies Plan (2016) (the SADMP) states that areas outside development boundaries will be treated as countryside where new development will be more restricted and will be limited to that identified as suitable in rural areas. It lists uses deemed appropriate in the countryside which include rural worker housing and affordable housing. Furthermore, it states that in smaller villages and hamlets, infilling in accordance with Policy DM3 of the SADMP will also be permitted.
6. Policy DM3 of the SADMP limits new development in smaller villages and hamlets subject to a number of exceptions including housing which meets a specific identified local need and the sensitive infilling of small gaps within an otherwise continuously built up frontage. Moreover, it states that in exceptional circumstances the development of small groups of dwellings in smaller villages and hamlets may be considered appropriate where the development is of a particularly high quality and would provide significant benefits to the local community.
7. The appeal building is within close proximity of Peterstone Cutting and Peterstone Cottages on the opposite side of the B1155. As the site is not physically separate or remote from other development I consider that the site is not an isolated location for the purposes of paragraph 80 of the National Planning Policy Framework (the Framework).
8. The proposal does not comprise sensitive infilling of a small gap within an otherwise continuously built up frontage. There is no indication that the building would be changed. Thus, the proposal would not result in a development of a particularly high quality. There is no substantive evidence before me which demonstrates the proposal would provide any significant benefits to the local community or existing services and facilities. There is no detailed evidence before me to show that the proposal would meet an identified local need and the proposal would not specifically be for a rural worker or involve the provision of an affordable home.
9. The appellant contends that the permanent use of the appeal building as a permanent residence would constitute the conversion of an existing building which would comply with Policy CS06 of the CS. That policy states that conversion to residential use will only be considered where, amongst other things, the existing building makes a positive contribution to the landscape; a non-residential use is proven to be unviable; the accommodation is commensurate to the site's relationship to the settlement pattern; and the building is easily accessible to existing housing, employment and services.
10. The existing building is single storey with a low roof profile and unassuming presence which sits comfortably alongside the existing dwelling, Peterstone Cutting. In my view, it has a neutral, rather than a positive, impact on the landscape. Due to the proximity to neighbouring residential properties, it is likely that a non-residential use of the building would be unsuitable and

unviable. Given the modest scale of the accommodation, I consider that it would be commensurate to the site's relationship to the settlement pattern.

11. In terms of accessibility, I note that paragraph 105 of the Framework sets out that sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
12. The appeal site is about 1.3 miles from Burnham Overy Town and a similar distance from Burnham Thorpe. However, these have very limited services and facilities and is reflected in the CS's settlement hierarchy which identifies both as smaller villages/hamlets. Burnham Market which is identified as a key rural service centre is around 1.7 miles from the site and Wells-next-the-Sea is about 3 miles distant. However, walking or cycling from the site to the facilities in those settlements would be unlikely to be an attractive proposition for many people given the distances involved and the speed of traffic on the B1155 which is unlit and without footpaths for much of its length.
13. There may be bus services operating in the area, but I have not been provided with substantive evidence as to their frequency. As such, I cannot be certain that bus services would prove to be convenient for future occupiers in terms of accessing services and facilities.
14. The appellant sets out that the dwelling would be ideally located for someone working at the Holkham Estate or nearby farms. However, there is no suggestion that the occupation of the dwelling would be restricted in this way. The evidence does not suggest that there are numerous employment opportunities nearby and future occupiers are also likely to require access to other services and facilities such as shops, schools and health services. The occupiers of the dwelling would be likely to need to travel relatively long distances to meet their day to day needs and would be dependent on the private car for most of their journeys which is the least sustainable mode of transport. This would conflict with the promoting sustainable transport aims of the Framework, including paragraph 104 which provides that opportunities to promote walking, cycling and public transport should be pursued.
15. Condition No. 3 does not say that the building can only be occupied between certain times of the year which means that it could be occupied all year round. The holiday let therefore has the potential to result in a considerable number of vehicle movements. Nevertheless, future occupiers of the dwelling would be more likely to need to access a greater range of services and facilities such as places of employment and education. The appellant contends that the occupation of the building by someone working from home or by a carer would be likely to result in a considerably lower number of vehicle movements. However, the occupation of the building would not be restricted in this way. I therefore conclude that the occupation of the building as a permanent residence would generate substantially more vehicle movements, particularly as it would be more likely to be occupied throughout the year, including during the winter months.
16. Whilst I accept that there are other dwellings in the surrounding countryside which are a similar distance away from services and facilities, the proposal would not accord with the Council's settlement strategy which seeks to direct housing to locations with good accessibility to services, facilities and employment, or with the sustainability principles of the Framework.

17. The appellant has also drawn my attention to other decisions for the removal of holiday conditions that were allowed. I have considered the appeal decisions at Score Valley Cottage and Little Acorns¹. However, the full details of those cases are not before me. I have therefore afforded these limited weight and determined the appeal on its own merits. At Crew Yard Barns², the Council found that the building is easily accessible to existing housing, employment and services and that it complied with the criteria within Policy CS06 relating to the conversion of buildings to residential use. The details provided indicate that it is more closely related to a settlement (Crimplesham). It is therefore not directly comparable to the appeal scheme, which I have found would not be easily accessible to services and facilities and would not accord with Policy CS06.
18. For the above reasons, I conclude that the removal of the condition would not result in a satisfactory form of development having regard to the relevant development plan policies and the principles of sustainable development. The proposal would be contrary to CS Policies CS06 and CS08 and Policies DM2, DM3 and DM11 of the SADMP which, amongst other things, seek to ensure a sustainable pattern of development, reduce the need to travel and seek to ensure that holiday accommodation will be operated and maintained as tourist facilities in the future. It would also be contrary to the objectives of Framework paragraphs 78 and 79 for housing in rural areas. These include to meet local needs and maintain or enhance the vitality of rural communities.

Other Matters

19. The appellant considers that the proposal would objectively meet housing need, but no specific local housing need has been demonstrated. I note the comments of the interested party that the growth of holiday lets is depleting housing stock in the area. I accept that there would be social benefits associated with the provision of a new dwelling to the Council's housing supply and that it would provide a good standard of amenity for future occupiers. Future occupiers would be likely to contribute to the local economy. The proposal would also re-use an existing building on a previously developed site. I have attached some weight to these factors. However, given that the proposal relates to a single dwelling, the weight attributable to these matters is limited and is not sufficient to outweigh the harm that I have identified and conflict with the development plan and the Framework.

Conclusion

20. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

M Ollerenshaw

INSPECTOR

¹ Appeal ref APP/X1118/W/19/3232497 and APP/Q1153/W/20/3245715

² Council ref 21/01744/CU