



Appeal Decision

Site visit made on 14 February 2023

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 March 2023

Appeal Ref: APP/Y2620/W/21/3286940

The Marrams, Sea Palling, Norfolk NR12 0UN

- 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 F Newberry against the decision of North Norfolk District Council.
 - The application Ref PF/21/0729, dated 10 March 2021, was refused by notice dated 8 October 2021.
 - The development proposed is erection of stable building.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - whether the proposed development would require a coastal location, having regard to development plan policies concerning the Undeveloped Coast;
 - the effects of the proposal on the character and appearance of the area; and
 - the effect on habitats and biodiversity, with particular regard to the Marram Hills County Wildlife Site.

Reasons

Coastal location

3. The appeal site lies within the Undeveloped Coast, as designated by Policy EN3 of the North Norfolk Core Strategy (2008) (NNCS). The NNCS indicates that North Norfolk's coast has a special undeveloped character and appeal which is critical to the area's distinctiveness and its tourism economy, noting that non-essential development in a coastal area can have cumulative effects on landscape, biodiversity and recreation. To conserve the Undeveloped Coast, Policy EN3 supports development only where it can be demonstrated that the development requires a coastal location and that it will not be significantly detrimental to the open coastal character.
4. The proposal would involve the erection of a stable building to accommodate a single grazing horse with a tack room and storage area. The appellant accepts that the proposed development does not require a coastal location, but the site is available to the appellant since it is in their ownership. The matter of land ownership does not make the site a suitable location for the proposed development.

5. Whilst a horse could be grazed on the site without planning permission, this does not justify the proposed development in this location since there may be appropriate sites inland where the proposed development could be suitably accommodated. The appellant's statement suggests that the appellant's horse cannot be kept on an alternative site. However, it is unclear why sites in other locations would not be suitable.
6. There is existing development in proximity of the appeal site and the appellant has drawn my attention to 'Pot Luck', a dwelling which was granted planning permission in 2018. However, the Pot Luck scheme was for a replacement dwelling, and therefore would have limited or neutral effects upon the openness of the Undeveloped Coast. The Council's approval of that scheme does not therefore imply inconsistency within the decision-making process.
7. The appellant suggests the proposed development would not be significantly detrimental to the open coastal character, indicating that the proposal would be well suited to the site, integrate with other structures and buildings, have minimal transport and highways impacts, would not include artificial lighting, and would enhance the landscape. Irrespective of the schemes effects on the open coastal character of the area, the appellant's submission does not adequately demonstrate that the proposed development requires a coastal location. The proposal would therefore conflict with Policy EN3 which seeks to conserve the Undeveloped Coast from development not requiring a coastal location.

Character and appearance

8. The appeal site is located at The Marrams, a very narrow, rural lane with occasional passing places, flanked by verges overgrown with tall grasses and bramble. Behind the rear boundary of the site, a tall, steep-sided dune covered with marram grass provides separation between the site and beach. The dune is within the Marram Hills County Wildlife Site (CWS) and is a prominent landscape feature which contributes positively to the generally natural appearance and coastal character of the area.
9. Opposite the appeal site are flat, open fields and paddocks with wide views and big skies. Whilst development and human activity has clearly influenced the character of the area through the addition of features such as the road, boundary treatments and a ribbon of residential development, overall, the area has a remote, wild, and tranquil character.
10. Along The Marrams, dwellings are well-spaced and of a mix of styles and materials set within plots of differing sizes, giving the area an organic character. Dwellings near the appeal site are predominantly single-storey chalets with pitched roofs and horizontal timber weatherboarding in a variety of colours. The design and materials of the proposed timber-clad, pitched roofed stable building would therefore appear generally in keeping with nearby dwellings, including Pot Luck.
11. However, with the exception of a caravan tucked into the front corner, the appeal site is vacant land with short, coarse vegetation on sandy soil. A fence encloses the site on three sides and a mature tree and hedgerow at the front of the site provide partial screening. Whilst a dwelling formerly occupied the site, following clearance, the site has returned to a natural appearance.

12. Built development exists on either side of the appeal site and therefore the proposal would not elongate ribbon development at The Marrams. However, the proposal would intensify development though infilling a gap between existing units with additional built development. Whilst grazing would not appear out of context within a rural area, the scale of the proposed stable building would make it appear prominent within its landscape setting to the detriment of the open character of the area and views of surrounding semi-natural habitats.
13. The proposal would therefore harm the character and appearance of the area and would conflict with NNCS Policy EN2 which requires development proposals to protect and conserve the special qualities and local distinctiveness of the area, including the pattern of distinctive landscape features.

Habitats and biodiversity

14. The site lies adjacent to the Marram Hills County Wildlife Site (CWS). The Council has raised concerns that horse-riding activities would lead to trampling of the adjacent CWS habitat and muck and waste arising from the development could affect substrate nutrient levels, adversely altering the vegetation composition of the CWS.
15. However, as indicated in the appellant's statement, the site could be used for grazing regardless of the outcome of this appeal. On the evidence before me, I consider this to be a realistic fallback position. In addition, since there are existing paddocks located opposite the appeal site, the CWS is vulnerable to trampling from other horse-riders and visitors accessing the CWS from public footpaths and from open stretches of beach. Were I allowing the appeal, the management of muck or waste could be controlled through condition.
16. Consequently, I do not consider the proposal would adversely affect the CWS habitat. The proposal would therefore comply with NNCS Policy EN9 which seeks to protect the biodiversity value of land and resists development which would adversely impact designated sites and areas

Other Matters

17. Since the application was determined, Natural England has issued advice to local planning authorities in relation to the effects of nutrient pollution on certain protected habitats. There is no response from Natural England in relation to this particular proposal. Had I been minded to allow the appeal, the views of this statutory consultee would have been needed in relation to the possible effects on the Broads Special Area of Conservation and Ramsar sites. However, since I am dismissing the appeal for other reasons, I need not consider this matter further.

Conclusion

18. For the reasons given above, having assessed the case against the development plan as a whole and having had regard to all other relevant material considerations, I conclude that the appeal should be dismissed.

E Dade

INSPECTOR