



Appeal Decision

Site visit made on 28 February 2023

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 March 2023

Appeal Ref: APP/F2605/W/22/3296635

Yaxham Mill, Norwich Road, Yaxham NR19 1RH

- 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 Stollery against the decision of Breckland Council.
 - The application Ref 3PL/2021/1639/F, dated 8 December 2021, was refused by notice dated 4 March 2022.
 - The development proposed is a new building comprising two holiday let apartments.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site is located to the east of Yaxham, outside the settlement boundary but among a small cluster of development which extends in a linear form to the south, away from Norwich Road. The cluster comprises two storey buildings which front Norwich Road, with a combination of single storey and two storey buildings behind which provide holiday accommodation. These are surrounded by predominantly open farmland.
4. The Mill is located at the southern end of the cluster. The height of the Mill tower far exceeds that of the buildings which surround it and it is prominent in longer views along Norwich Road to the east and west. Despite its alterations, it maintains the appearance of a former windmill through its distinctive height and shape. As a result of the combination of the above features, the Mill contributes positively to the rural character of the area, and is recognised as an iconic building in Yaxham's skyline in the Neighbourhood Plan for Yaxham 2017.
5. The appeal site adjoins a car park to the south, beyond which a low level building sits behind a boundary treatment, trees and hedgerows. Due to the distance of this building from the appeal site, together with its low level, and its separation by the open car park, I do not consider it forms part of the main group of buildings, in which the appeal site lies.
6. The proposed new building would be located immediately to the south of the Mill, within an area currently used as a garden and which accommodates some low level structures including a timber outbuilding. The proposed development

would be in very close proximity to the Mill tower and be of a comparable scale to Plum Tree Cottage, to the north. Together, its scale and proximity to the Mill would create a cramped site layout, enclosure of the Mill, and heavily dilute the appreciation of the open space around it. In turn the proposal would cause harm to the character and appearance of the Mill and the distinctive rural character of the area.

7. When travelling along Norwich Road, views of the elevations of the proposed building would be screened to some degree by the trees and hedgerows near the site and on the roadside. However, given the visibility of the roof of Plum Tree Cottage, it is very likely that the roof of the proposed building would also be seen. The upper levels would also be apparent in views from Stone Road to the southeast. I appreciate that the extent of screening from foliage would vary throughout the year, however the upper levels of the building would likely remain visible and there is not substantive evidence to the contrary. In those views, the effects of the scale and the proximity of the proposal to the Mill would be apparent, giving rise to the above harm.
8. The design of the proposal would be similar to Plum Tree Cottage, and as such, it would respect its immediate context in terms of its detailed design and materials. However, this would not reduce, or mitigate for, the harm arising from its scale and proximity to the Mill.
9. Overall, for the reasons given, the proposal would cause harm to the character and appearance of the area. The proposal would be in conflict with policies COM01, GEN02, GEN05 and ENV05 of the Breckland Local Plan 2019 (the LP), which together require development to contribute to local distinctiveness, and to the intrinsic character and beauty of the countryside. There would also be conflict with the design objectives of the National Planning Policy Framework (the Framework).

Other Matters

10. The site is within the zone of influence of the Natura 2000 Designated Protected Wildlife Sites, and the River Wensum and Broad Special Areas of Conservation (SACs) and Ramsar site which are afforded protection by the Conservation of Species and Habitats Regulations 2017. The proposed development would increase recreational impacts on those areas by increasing visitors to the local area, and would increase overnight stays in the area. I also note the change in circumstances surrounding nutrient pollution in the SACs. However, as I am dismissing the appeals on other grounds, in line with paragraph 63(1) of the Regulations, it is not necessary for me to consider the development within the framework of an Appropriate Assessment. As such, these are not matters which I need to consider further.
11. The Council accept that the site is suitably located for tourist accommodation and in that respect the proposal would comply with Policy EC07 of the LP. However, Policy EC07 also requires, among other things, that smaller development proposals be of a suitable scale and type to protect the character of the townscape and landscape within which they are situated. As such, the proposal cannot be considered to comply with Policy EC07 when read as a whole.
12. The proposal would provide new units of tourist accommodation, which would provide economic benefits both during the construction process and through

local spending by future occupiers. While these are benefits of the proposal, it would not respect the character of the countryside and as such would not adhere to paragraph 84 of the Framework.

13. The proposal would make use of brownfield land, which is supported by the Framework for meeting development needs. However, in the absence of evidence relating to the level of need for the proposed tourist accommodation, the benefits of its use would not outweigh the harm that would be caused.

Conclusion

14. For the above reasons, having taken account of the development plan as a whole, the approach in the Framework, along with all other relevant material considerations, the appeal is dismissed.

C Shearing

INSPECTOR