



Appeal Decision

Site visit made on 4 April 2023

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th May 2023

Appeal Ref: APP/F2605/W/22/3306187

2nd field north of Wroo Farm, Wroo Road, Attleborough, Norfolk NR17 1AR

- 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 Richard Drew against the decision of Breckland Council.
 - The application Ref 3PL/2022/0167/F, dated 9 February 2022, was refused by notice dated 9 May 2022.
 - The development proposed is change of use for 1no. mobile home.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development provided on the application form refers to a change of use. Other parts of the form state the proposed development is for residential use. I have therefore considered the appeal on this basis.

Background and Main Issues

3. The proposed development follows an earlier scheme refused by the Council (ref: 3PL/2021/1182/F). The appellant advises the currently proposed scheme relates to a revised design and re-located siting.
4. The main issues are the effects of the development on:
 - the character and appearance of the area, with particular regard to its location, siting and design; and
 - the Broads Special Area of Conservation (BSAC) and River Wensum Special Area of Conservation (RWSAC) (habitats sites), with particular regard to potential nutrient pollution and recreational effects.

Reasons

Character and appearance

5. Attleborough is identified as a Key Settlement, at the top of the Breckland Local Plan (2019) (BLP) settlement hierarchy, but the appeal site lies outside the defined settlement boundary, and is some distance from it, beyond the A11 Attleborough Bypass. Neither is it allocated for development in the Attleborough Neighbourhood Plan 2016-2036 (2017).
6. The appeal site is an undeveloped field in the countryside, laid to grass, and open to views from the north across a flat landscape.

7. The development proposed is described by the appellant as a change of use of the land for residential use with one mobile home. Plans are provided showing a home, described as being "on steel chassis to requirements of Caravan Act". In addition, the plans depict or make reference to associated works including a large decking area, access, parking and turning areas, a new borehole and ground source heat pump.
8. Residential use of the land and the associated works would significantly change its character. In terms of its appearance, the timber clad home shown on the plans would not be dissimilar to a building, along with its associated decking, and hard surfaced areas. An alternative caravan could have even greater effects, particularly if light in colour and without the timber cladding and pitched roof shown on the submitted drawings. The appeal site is also a large area, and its residential use would take on a domestic character, distinctly different to that of the agricultural fields in its vicinity. Given the openness of the site, and as part of a field in a pastoral landscape setting, residential use of the site would harm the character and appearance of the area, and would do so irrespective of the siting of the home and works within the appeal site.
9. In conclusion, the development would harm the character and appearance of the area, with particular regard to its location, siting and design. It would conflict with the relevant aspects of BLP Policies COM01, GEN01, GEN02, GEN03, GEN05 and ENV05. Together these policies restrict development outside settlement boundaries to recognise the intrinsic character and beauty of the countryside, and require a high standard of architectural, urban and landscape design which respects and is sensitive to the character of the surrounding area. It would also fail to achieve sustainable development as set out in Chapter 2 of the National Planning Policy Framework (the Framework) which, advises its economic, social and environmental objectives should be pursued in mutually supportive ways.

Habitats sites

10. The council advises that all local planning authorities in Norfolk received a letter from Natural England 16 March 2022 concerning nutrient pollution in the protected habitats of the RWSAC and the BSAC/Ramsar sites. The letter advised that new development comprising overnight accommodation within the catchment of these habitats has the potential to cause adverse impacts relating to nutrient pollution. Such development includes new homes and tourist accommodation. The Council are also concerned at the recreational impacts of additional residential development on protected habitats sites.
11. The Conservation of Species and Habitats Regulations 2017 require me to ensure that new development does not cause adverse impacts to the integrity of protected habitats such as the RWSAC or the BSAC prior to granting planning permission.
12. The appellant advises that the Council does not have agreed mitigation strategies in place, but that he would have been able to provide a Unilateral Undertaking (under s106 of the Town & Country Planning Act 1990) had he been asked to do so. Nevertheless, I am required to take a precautionary approach, and with the information before me I am unable to conclude that the development would not have significant adverse effects on these sites, either alone or in combination with other developments.

13. In conclusion, with the information before me, I am unable to conclude that the development would not have significant effects on the BSAC and RWSAC, with particular regard to potential nutrient pollution and recreational effects. The development is therefore contrary to BLP Policy ENV02 and ENV03, which require the highest level of protection to be given to such sites, and only permits development likely to have a direct or indirect adverse effect in particular circumstances.

Other Matters

14. Although I note the appellant's concerns regarding engagement with the Council during the application process, I have considered the appeal on its planning merits on the basis of the information put before me.
15. Restricting the residential use to holiday letting, limiting the length of stay, or applying restrictions on the nature or appearance of any particular caravan would not overcome my concerns in relation to the main issues.
16. I also note the support from some parties for the development, and the reference to existing caravans on and around Wroo Farm. However, none appeared to be as prominent as the proposed development would be in the landscape.

Conclusion

17. I therefore conclude the development would conflict with the development plan as a whole. There are no other material considerations that require a decision to be made other than in accordance with the development plan, and the appeal should therefore be dismissed.

Peter White

INSPECTOR