



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: 9 May 2023

Appeal Ref: APP/E9505/W/22/3292450

Priory Cottage, Marsh Lane, Aldeby NR34 0BH

- 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 Gavin Church of Glamp at the Priory against the decision of the Broads Authority.
 - The application Ref BA/2021/0239/FUL, dated 22 June 2021, was refused by notice dated 24 August 2021.
 - The development proposed is re-submission of application BA/2020/0279/FUL - Use of land for siting 4 No. Bell Tents and 4 No. washsheds with compostable toilets (retrospective).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant describes the development as part retrospective, on the basis that the use has operated under provisions for the temporary use of land provided by Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015. At the time of my visit there were no tents on the appeal site, but the timber boarding for their bases and wash sheds remained in situ. A climbing frame, commercial-sized waste bin, and portable barbeques were also present on the land, which remained fenced off from the surrounding farmland. The access and car parking area had also been laid out. I have therefore considered the appeal on the basis that the development has been carried out.

Background and Main Issues

3. The application subject to this appeal followed an earlier planning application (ref: BA/2020/0279/FUL), which was refused by the Broads Authority. The development before me includes a revised access and parking area, and is supported by a Landscape Assessment and Planning Statement.
4. The main issues are:
 - whether the development constitutes sustainable tourism and recreation development; and
 - the effects of the development on the character and appearance of the area.

Reasons

Sustainable tourism and recreation development

5. The appeal site is an area of land either side of Priory Cottage, with a narrow strip of land between them. It is sited in a rural location south of Aldeby, accessed from the junction between St Mary's Road and Marsh Lane.
6. The appeal site, and the land between St Marys Road and the River Waveney, is part of the Broads Authority Executive Area (the Broads). The Broads has the same status as a National Park, and has statutory duties to conserve and enhance its natural beauty, wildlife and cultural heritage, promote opportunities for understanding and enjoyment of its special qualities by the public, and protect the interests of navigation.
7. These duties are supported by policies of the National Planning Policy Framework (the Framework). In particular, paragraph 176 advises that great weight should be given to conserving and enhancing its landscape and scenic beauty, and that the scale and extent of development should be limited.
8. The Broads Authority advises that, as a unique landscape and recreational area, the pressures for development are considerable. The Local Plan for the Broads 2015 to 2036 (2019) Policy DM29 provides detailed criteria for the assessment of sustainable tourism and recreation development, alongside Policy DM27, which relates to business and farm diversification.
9. The appeal site is located on land associated with Priory Farm. The appellant advises that the use is part of a joint venture between the farm and the appellant company, with farm tours being offered to visitors, and rental income accruing to the agricultural enterprise. At the same time, the appellant is an independent company distinct from the agricultural enterprise and there is no mechanism before me linking the development to the agricultural enterprise. As planning permission runs with the land, and the use if permitted could be operated independently of the farm, I have not considered it to be farm diversification for the purposes of BLP Policies DM27 and DM29.
10. The appeal site is some distance from any defined development boundary, and is not closely associated with an existing visitor attraction or tourism site, despite 'Shepherds Huts' visitor accommodation operated by the appellant a short distance away. Policy DM29 therefore requires there to be a clear and demonstrable need for the facilities to be situated in the proposed location. Among other things, it also requires development to be satisfactorily accessed by sustainable means, such as public transport, walking, cycling and horse riding, for it to be demonstrated that the use of brownfield sites has been considered, and that development is of a scale compatible with the location and setting and does not adversely affect landscape character.
11. Given the statutory purposes, it appears to me that the Broads Local Plan policies are necessarily restrictive of development outside built-up areas. Need is not always synonymous with demand, and I have not seen compelling evidence of a need for the development to be located at this particular site. Campsites are commonly located in rural locations, and often with limited accessibility but, with the information before me, including my visit, the appeal site would be particularly so. I have also not seen evidence that previously

developed land or buildings have been considered, and note that the camping area was part of a larger field, and has not previously been developed.

12. BLP Policy DM29 does provides positive support for new tourism and recreation development in certain circumstances, including where development does not adversely affect landscape character, proposals are suitable for and of a scale compatible with their location and setting. These matters are considered below in relation to the second main issue.
13. In conclusion, the development is therefore not sustainable tourism and recreation development, and conflicts with the relevant aspects of BLP Policy DM29, and paragraph 176 of the Framework, which are described above.

Character and appearance

14. The appellant describes the site as being part of a larger field at the transition between the low-lying grazing marsh and pasture of the Waveney valley bottom, and more arable farmland.
15. On one side the appeal site is enclosed by a relatively substantial native hedge which separates the site from Marsh Lane and is likely to obscure, or significantly limit, views of all but the upper parts of the bell tents.
16. Elsewhere the site is open, with views towards the River Waveney, and separated from the remainder of the field and Priory Cottage by low post-and-mesh/post-and-rail fencing. A line of Poplar trees within the field is likely to provide a degree of enclosure in the summer months, leaving views of Aldeby Church to the north beyond Priory Cottage.
17. The car parking area is located in a space between dwellings, and has a close boarded fence along its southern boundary. It retains open views across low-lying grassland towards the River Waveney, but car parking in this location is relatively secluded, and not likely to materially harm the character and appearance of the area.
18. As noted above, the development is the use of land, which the appellant identifies as a 0.15 hectare parcel of land. When in use, and during the summer months, the bell tents will be the largest features, but the site as a whole will take on a character different to that of the surrounding agricultural land. In particular, the four bell tents are accompanied by four wash sheds, the grass will be mown, and there would be other paraphernalia associated with the use, such as the climbing frame, bins, and other items of a domestic nature.
19. In my judgement, given the general extent of enclosure of the site, the effect of the development on the character and appearance of the area turns on its visibility from the River Waveney and the 'Angles Way' Public Right of Way to the south. The Broads welcomes pedestrian visitors, but also users of its navigable waterways. I note the findings of the appellant's Landscape and Visual Appraisal, but at my visit I found the appeal site to be more visible and more open in the landscape from a short section of the Angles Way on the southern bank of the River Waveney.
20. From that location the appeal site and Priory Cottage are significant elements in the landscape, on account of the visibility of built development in an otherwise predominantly natural environment. The white walls of Priory

Cottage and its detached garage building are notable in the wider perspective despite their comparatively small size, as are the wash sheds to a lesser degree. When erected, the four 6m bell tents, light in colour and with heights of 3.5m, would significantly increase the effect of this element in the landscape and would be seen as a linear feature.

21. Views from the south are only one aspect of the appeal site within the wider landscape. However, those views, from within the Broads Authority area, are the most significant and important. Even though the appeal site is seen in the context of a wider panorama, and would be a passing feature in many views, the light colours of man-made features have a significant effect within the predominantly natural environment. The development therefore adversely affects the landscape character of the area, and the development is not suitable for its location and setting.
22. In conclusion, for the reasons above, the development harms the character and appearance of the area. It is contrary to BLP Policy DM16, which does not permit development proposals that would have an adverse impact on the character of the immediate or wider landscape or the special qualities of the Broads. It also further conflicts with Policy DM29, and paragraph 176 of the Framework, which are described above.

Other Matters

23. Tourism is generally supported within the Broads, and in rural areas, albeit in suitable locations. The development attracts visitors and economic benefits to the area, and to local businesses. I therefore attribute a limited degree of weight to these benefits in favour of the development, but this weight does not outweigh that afforded to the harm I identify in relation to the main issues.
24. The appeal site is located within 5km of the Broads Special Area of Conservation, Broadland Ramsar Site and Broadland Special Protection Area, and just over 1km from the Stanley and Alder Carrs, Aldeby Site of Special Scientific Interest. As I am dismissing the appeal for other reasons, I have not considered these matters further.

Conclusion

25. I therefore conclude the development would conflict with the development plan as a whole and the approach in the Framework. 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