



Appeal Decision

Site visit made on 19 April 2023

By A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI
an Inspector appointed by the Secretary of State

Decision date: 5th June 2023

Appeal Ref: APP/L2630/W/22/3304240
100 Willbye Avenue, DISS, Norfolk IP22 4NP

- 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 Alexandru Chizil against the decision of South Norfolk District Council.
 - The application Ref: 2022/0607 dated 18 March 2022 was refused by notice dated 11 May 2022.
 - The development proposed is conversion of two caravan 'shepherd hut' units into a single holiday let.
-

Decision

- 1) The appeal is allowed and planning permission is granted for conversion of two caravan 'shepherd hut' units into a single holiday let at 100 Willbye Avenue, DISS, Norfolk IP22 4NP in accordance with the terms of the application Ref: 2022/0607 dated 18 March and the plans submitted with it, subject to the following conditions:
 - (1) The development hereby permitted shall be carried out in accordance with the following approved plan: Ref. 2161.01 Site Plan, Ground Floor plan and Elevations.
 - (2) The development hereby permitted must be begun before the expiration of three years from the date of this permission.
 - (3) The accommodation shall be used as holiday accommodation and not as a sole or main residence of any person. The owners/operators of the holiday accommodation shall maintain an up-to-date register of the names and addresses of all users of the holiday accommodation, together with dates of occupation, and make such available at any reasonable time upon the written request of the Local Planning Authority.
 - (4) No person shall occupy the accommodation hereby approved for any single period exceeding six weeks in duration and no person shall occupy the accommodation again within two weeks of a previous period of occupation by that person.
 - (5) Prior to the first use of the holiday accommodation hereby permitted, a scheme, which has previously been submitted to, and approved in

writing by, the local planning authority shall be implemented according to the details approved. The scheme shall include details of hard and soft landscaping in the vicinity of the holiday accommodation and include planting of the parts of the site adjacent to the southern and eastern boundary of the appeal site. The development shall be completed in accordance with the approved details.

Main Issue.

- 2) The main issue is the effect of the proposed development on neighbouring users.

Reasons

- 3) 100 Willbye Avenue (No.100) is a semi-detached family-sized dwelling sitting within a large plot in an area of mid-twentieth-century housing. The appeal site and its neighbours have plots of a generous depth, but due to its location within the developed area, No.100 enjoys a plot which is also around twice the width of that found at the three other houses which share its private access lane. The front of the property includes a large parking area, and the garden area is notably spacious and well enclosed.
- 4) The floor area of the holiday unit would be modest and involves the linking of the two 'shepherd hut' units and internal fitting out with one bedroom and related accommodation, suitable for up to two people and no more. The Council suggest this limited size would increase the likelihood of outdoor noise and disturbance 'to the immediate neighbours on all sides of the application site' whereas it seems more likely that the small size would inhibit the likelihood of such noise since there would only be two adults using the accommodation and large gatherings would not arise.
- 5) The Council and appellant have made representations on these matters which I have considered; plainly the use of a domestic garden by occupiers cannot, within the limits of statutory nuisance, be controlled by regulation. For that reason I consider the use of part of a large garden by up to two additional persons for holiday purposes is, on balance, unlikely to create additional noise and disturbance outwith what might result from the normal occupation of a good-sized family property.
- 6) The Council express concern as to the proximity of the units to nearby properties, however the adjacent dwelling to the south is some 40 metres, and the dwelling to the east approximately 20 metres, from the location of the holiday units and, in the former case, separated by a number of intervening trees. The existing shepherd huts are sufficiently inset from the boundaries of No.100 to the south and east such that there is little prospect of any privacy loss, notwithstanding the slightly raised floor level of the existing units. However, as there is a possibility that occupiers might use the garden area close to the perimeter fences, and as the proposal does not indicate the location of any hard paving for sitting out or screen planting (which would be a reasonable requirement for such development) it would be appropriate to add a condition requiring the implementation of such a scheme prior to occupation in order to control or minimise any visual or aural disturbance which might arise.

- 7) Policy DM2.12 of the South Norfolk Local Plan 2015 (SNLP) supports the provision of holiday accommodation within settlement boundaries subject to certain provisions and Policy DM3.13 (1) c) of the SNLP seeks to protect the amenity of occupiers and users. My reasoning directs that these policies are adequately addressed by the proposal and on that basis I conclude that the proposal would accord with the development plan taken as a whole.
- 8) Consequently, having taken all matters raised into account, the appeal should succeed subject to the usual timing and plans conditions. In addition, the Council have suggested conditions which I have considered and adjusted according to Planning Practice Guidance. In addition, as I indicate, a landscape condition to protect the amenity of neighbouring users is appropriate.

Andrew Boughton

INSPECTOR