



Appeal Decision

Site visit made on 12 April 2023

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2023

Appeal Ref: APP/E9505/W/22/3291736

The Shrublands, Grays Road, Burgh St Peter, Beccles NR34 0BN

- 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 Messrs T. A. Graham against the decision of the Broads Authority.
 - The application Ref BA/2021/0244/FUL, dated 22 April 2021, was refused by notice dated 31 August 2021.
 - The development proposed is proposed retention of timber tepee structure and use as glamping accommodation as farm diversification scheme
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The tepee was in place at the time of my site visit, however there is no suggestion that it is currently in commercial use. I have considered the appeal on the basis that the operational development has been carried out, but that the change of use has not.
3. The appellant has submitted an amended landscape plan as part of the appeal. The 'Procedural Guide: Planning appeals – England' is clear that the appeal process should not be used to evolve a scheme. The amendment to the landscaping scheme consist of the introduction of additional screening planting in the form of whips planted at 5m intervals. This has not been subject to consultation and I cannot be certain that accepting this plan would not lead to different comments from interested parties. I therefore have determined the appeal with regard to the landscaping scheme shown on drawing number 002 as considered by the Authority.

Main Issues

4. The main issues are:
 - the effect on the character and appearance of the area; and
 - the effect of the development on highway safety.

Reasons

5. The site lies within the Broads Authority Executive Area (the Broads). The Broads Authority sets out that it is a unique landscape and recreational area with very considerable pressures for development. The Broads has the same status as a National Park, and there is a statutory duty placed on me 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.

6. These duties are reflected in the policies of the National Planning Policy Framework (the Framework). Paragraph 176 confirms that great weight should be given to conserving and enhancing its landscape and scenic beauty, and the scale and extent of development should be limited. Paragraph 84 of the Framework confirms that planning decisions should enable the diversification of agricultural businesses and sustainable rural tourism. I have had regard to these in reaching my conclusions below.

Character and appearance

7. The appeal site is part of a field within a wider agricultural holding. The appellant has put forward that prior to the installation of the tepee, the site was used for storage for the farm including bales and siting of farm machinery. This has not been disputed by the Authority. However, this would be perceived as part of the agricultural nature of much of the surrounding area and would therefore not appear as incongruous or developed.
8. The tepee is some 120m from the cluster of buildings related to Shrublands Farm on the opposite side of Grays Road. There is no meaningful visual relationship between the tepee and those buildings. Furthermore, the tepee is positioned on a high point in the undulating landscape, while the farm buildings are generally sat at a lower level, which further exacerbates this separation. As such, the tepee is not well related to the existing buildings.
9. The site therefore has a remote, undeveloped character, resulting in the tepee appearing as an isolated structure. I acknowledge the adjacent land is restored however this does not diminish the undeveloped character. While there are other developments in the wider surrounding area, these do not have a visual relationship to the site either. I do not have full details of the approved solar farm¹ in order to establish if this would affect the character of the area.
10. Commercial use of the tepee would fundamentally change the character of the site. There would be additional activity on the site from its use by holidaymakers which would likely extend for much of the day and evening, and the associated paraphernalia that comes with holiday use such as games, cooking and camping equipment.
11. Whilst the tepee is tall with a broad base, the structure tapers to a narrow point at the top. Views are, therefore, limited in the short distance due to the surrounding topography and landscaping. It integrates with the surrounding vegetation in those short views due to the materials and lack of colour treatment.
12. However, there is no evidence of a robust assessment of the visibility of the structure in longer distance views of the site. This would be necessary given its height, atypical form and elevated position in the particularly sensitive landscape of the Broads. Neither has any substantive evidence of the tradition of quirky buildings made of local materials been submitted.

¹ FUL/2021/0015 before Norfolk County Council

13. Landscaping of the site has been proposed as a means of mitigating the visual effects of the development. However, I cannot be certain that any scheme would be effective given that any longer views have not been identified, and that some of the planting would be at a lower level than the tepee given the undulating nature of the site.
14. Information was submitted with the application outlining the sources of income to the farm and the proportion they provided, illustrating the effect the removal of Direct Payments to farms will have in the future. However, this does not amount to substantive evidence of the need for the development to support the farm or clear evidence that the proposed use has been planned on a sound financial basis. This uncertainty is compounded by the fact that the tepee was initially constructed for the personal use of the appellant and that there is no robust assessment of demand for this type of accommodation in the area.
15. The appellant has indicated they would accept a condition restricting its use to six months of the year, however this would not mitigate the harms I have identified above.
16. I therefore conclude the proposed development would have an adverse effect on the character and appearance of the area. It would be contrary to Local Plan for the Broads 2015 to 2036 adopted 2019 (LP) Policy DM16 which requires development to clearly demonstrate that proposals have been informed by appropriate site based investigation with respect to landscape, LP Policy DM27 insofar that it requires new buildings in farm diversification schemes to relate well to existing buildings or farm groups, LP Policy DM29 which requires tourism development to not adversely affect landscape character and LP Policy DM30 which requires proposed holiday accommodation to be planned on a sound financial basis. It would not conserve or enhance the landscape and scenic beauty of the Broads contrary to paragraph 176 of the Framework and paragraph 185 which requires development to be appropriate for its location, taking into account the likely effects on the natural environment.

Highway safety

17. The appeal proposal would give rise to a limited number of additional vehicle movements. While Grays Road is narrow, with limited passing places, it is a public road and the limited increase in vehicle movements would not have an unacceptable impact on highway safety.
18. The application proposes that parking for the site would be provided within the farmyard, with access taken from Staithes Road rather than Grays Road. These are both existing accesses serving the farm and details of the parking layout and vehicular access/egress could be controlled by a suitably worded condition, were the appeal to be allowed.
19. The appellant would also be capable of providing advice to visitors on the most appropriate way to access the site when bookings were being made. While it would not be possible to prevent drivers from using Grays Road, I am satisfied these measures would mean the proposal would not cause unacceptable harm to highway safety.
20. I therefore conclude that the appeal proposal would not cause unacceptable harm to highway safety and would be in accordance with LP Policy DM23 which

requires development to be assessed in terms of its impact on highway safety and provide appropriate mitigation.

Other Matters

21. The proposal would add to the variety of accommodation types available in the area given its distinctive nature. It therefore could not be accommodated through the conversion of an existing building. In any event, the appellant has confirmed that other buildings within the site are either in active agricultural use or are not suitable for conversion and I did not observe anything at my site visit that would lead me to a different conclusion. It is likely that any customers would be aware of the relationship of the tepee to the farmhouse and would decide to visit based on their own personal preferences. I do not consider that the proposal would be so unsafe for users as to weigh against it. In these respects, I do not find conflict with LP Policy DM21 which seeks to protect the amenity of future users of development and LP Policy DM27 in that it requires it to be demonstrated that the diversified use cannot be accommodated through the conversion of an existing building. However, these factors would amount to a lack of harm and would therefore be neutral in the planning balance.
22. There would be wider economic benefits from the development associated with the additional spend by tourists. However this would be limited given the limited capacity of the proposed development. Wildlife enhancements in the form of bat and owl boxes could be secured by condition and would be benefits of the proposal. However, this would be limited to a small number of boxes in order to be proportionate to the development.
23. While I note there is public support for the proposal, this would not be determinative in this case, given the extent of the harms I have identified above.

Conclusion

24. The appeal proposal would conflict with the development plan when read as a whole. There are no material considerations of sufficient weight to suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons given and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

J Downs

INSPECTOR