



Appeal Decision

Site visit made on 12 June 2023

by C Harding BA (Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2023

Appeal Ref: APP/K2610/W/22/3304216

Weston Covert, Field Road, Weston Longville, Norwich NR9 5JN

- 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 Trevor Pimlott against the decision of Broadland District Council.
- The application Ref 20211750, dated 21 September 2021, was refused by notice dated 31 January 2022.
- The development proposed is described as "a change of use of part of an existing enclosure of agricultural land to a camp site for five non-permanent glamping pods to be used in conjunction with the dwelling and leisure centre."

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the appeal site is a suitable location for the proposal having regard to local and national planning policy;
 - whether the proposal would have access by means of sustainable means of travel, and;
 - the effect of the proposal upon highway safety.

Reasons

Suitable location

3. Policy 5 of the Joint Core Strategy ('JCS') for Broadland, Norwich and South Norfolk highlights the importance of the tourism industry to the local economy and states that tourism industries will be promoted. JCS Policy 17 supports small-scale commercial enterprises in the countryside where a rural location can be justified, including limited leisure and tourism facilities to maintain and enhance the rural economy.
4. Policy E3 of the Broadland District Development Management Development Plan Document ('DMDPD') requires that site-specific demand for visitor accommodation in the countryside should be adequately demonstrated, and that the enterprise be financially viable.
5. The appeal site currently hosts a facility referred to as Weston Covert Leisure Centre ('the leisure centre'), which I understand comprises a heated swimming pool, sauna, steam room, hot-tub, exercise equipment and a refreshment counter and kitchenette. Although the appellant has stated that the leisure

centre would be for the sole use of guests staying within the glamping pods, I was able see on my site visit that this facility is currently signposted within the local area and within the site, with a separate access and parking area being provided for visitors.

6. Whilst the appellant contends that the proposal would amount to the expansion of an existing facility, the Council's evidence indicates that planning permission has not been granted for the leisure centre use and the scope of this appeal does not extend to the acceptability of this operation. Although I acknowledge that both the leisure centre and glamping pods could be mutually supportive, with no planning permission in place for the leisure centre, I can afford only extremely modest weight to it in terms of establishing a site-specific demand for the proposed glamping pods.
7. I acknowledge that there are a number of visitor attractions within the local area, and I accept that guests occupying the proposed pods could make use of, and therefore support, these attractions over a significant part of the year. However, this would not amount to site-specific demand, as access to such attractions would require travel and such accommodation could also be provided elsewhere.
8. There is an existing supply of varying types of holiday accommodation within the local area, including glamping pods. Representations received on behalf of a local accommodation provider indicates that at least one of these operations is operating significantly below capacity. Therefore, whilst the appellant's assessment¹ indicates that there is a high level of occupancy of holiday accommodation in peak months in Norfolk as a whole, I am not persuaded that the proposed development would be meeting unmet local demand for visitor accommodation. Furthermore, meeting such a demand, should it exist, could not be reasonably considered as being site-specific as it could potentially be met elsewhere.
9. The financial projections report² indicates that the proposal would be operating at a profit within three years. However, the report explicitly excludes initial capital expenses related to purchasing the glamping pods, or any associated costs such as planning, project management and design fees, and no indication is made as to how these potentially significant costs would be met. Whilst it is possible that such costs could be absorbed by the business and it remain viable, the provided evidence does not demonstrate that this would be the case.
10. Therefore, whilst the proposal would represent development that would contribute to and support the local economy and tourism industry, no site-specific demand has been identified nor the future viability of the business established, and its location in the countryside would not be justified.
11. Accordingly, the appeal site would not be a suitable location for the appeal proposal. It would therefore be contrary to JCS Policy 17 and DMDPD Policy E3, the content of which I have set out above.

¹ "Site Development Assessment for 5 Luxury Glamping Pods, Holiday Accommodation at Weston Covert, Morton Lane, Weston Longville, NR9 5JN", destinationresearch.

² "Financial Projections Report. Proposed 5 Luxury Glamping Pods, Holiday Accommodation at Weston Covert, Morton Lane, Weston Longville, NR9 5JN", destinationresearch.

Accessibility by sustainable means of travel

12. The appeal site is located in the countryside, and it is not disputed between the main parties that the site is remote from surrounding settlements. Nor is it disputed that there is negligible public transport provision in the vicinity of the appeal site. I saw that the roads in the area are narrow, with sometimes limited visibility and that there are generally no footways or streetlighting.
13. Although the appellant has stated that there are footpaths and byways within the local area, I am not aware of their location, condition, or whether they are likely to be suitable for day-to-day use by guests to the site. Accordingly, I consider that the users of the proposed development would be likely to undertake a majority of journeys using motor vehicles.
14. I am mindful that the National Planning Policy Framework recognises that sites to meet business and community needs in rural areas may have to be found beyond existing settlements, and in locations not well served by public transport, and that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
15. Nevertheless, there would be a lack of any meaningful opportunities to access the site by any means other than by private vehicle, and as a result the site would not be accessible by sustainable means of travel.
16. The proposal would therefore conflict with JCS Policy 1 and DMDPD Policy GC4 which together require development to minimise the need to travel and be accessible to all via means of including public transport. Although JCS Policy 6 recognises that that in most rural area that the private car will remain an important means of travel, it also seeks to concentrate development close to existing services and facilities in order to encourage walking and cycling, and the proposal would conflict with this policy also.

Highway safety

17. The appeal site is located within a field, adjacent to an existing dwelling. The surrounding area is rural in character and the road network in the local area is characterised by narrow country lanes. It is not disputed that average speeds in the vicinity of the appeal site are around 37 – 40 miles per hour. The site would be accessed directly from Morton Lane (C172), by means of an existing field access.
18. The local highway authority has indicated that given the speed of traffic using Morton Lane, that advice within Manual for Streets (MfS) and Design Manual for Roads and Bridges³ (DMRB) states that a splay providing clear vision for between 60 and 90 metres each side of the centre of the access should be provided and maintained. Although Morton Lane is relatively straight as it passes the site, it is approached from the east from around a shallow bend.
19. The site location plan indicates that the appellant controls land to the west of the access. Whilst an existing fence currently occupies part of the area that would be required to be maintained clear of obstruction in order to provide visibility in accordance with MfS and DMRB standards, I am satisfied that this could be secured by means of a planning condition.

³ Design Manual for Roads and Bridges- Road Layout Design. CD 109 Highway link design, revision 1

20. At the time of my visit, it appeared that adequate visibility could also be achieved to the east. However, there is no indication that the appellant controls the land to the east of the access which would be required for the necessary splay, and the extent of the adopted highway is unclear. As a result, any planning condition to secure the provision and retention of this splay would fail the relevant tests out in Planning Practice Guidance as it would be unreasonable. Accordingly, I am not persuaded that an adequate and safe access would be provided for the development.
21. I also saw that Morton Lane and Field Road (U57161), which are the roads closest to the appeal site, are both of a narrow width. Although there are points at which vehicles travelling in opposing directions can pass, these points are informal, un-signposted and in some cases require vehicles to mount the verge. If vehicles meet in a location where passing is not possible, reversing to a more suitable passing location is currently required.
22. However, although the existing operation of the highway network is inconvenient for users, I am not persuaded that it is inherently dangerous. Whilst I have been provided with some anecdotal evidence of road traffic incidents, I am not aware of specific circumstances of these examples, and the local highway authority indicates that no personal injury accidents have been recorded on the C172 in the vicinity of the appeal site in the last five years.
23. The appeal proposal would lead to an increase in the level of vehicular traffic entering and leaving the site, and this increase in vehicular traffic would increase the likelihood of vehicle conflict on the network of narrow roads around the appeal site.
24. I accept that an increased level of traffic using the local road network would be likely to increase verge erosion, and deposition of material on the highway due to use of verges for passing, and that the nature of the roads in the local area mean that the network is likely to be sensitive to increased levels of traffic.
25. However, given that the local highway authority survey indicated that an average of 409 vehicles per day are currently using Morton Lane, even if I were to take the level of vehicle movements predicted by the local highway authority, I am not persuaded that the level of additional traffic likely to be generated by the proposal would be of a scale such that it would lead to unacceptable harm to highway safety in this respect, where levels of traffic and average speeds are low.
26. Nevertheless, I conclude that the proposal would have an unacceptable effect on highway safety as there is no mechanism before me to secure the maintenance of the required visibility splays at the site access. It would therefore be contrary to DMDPD Policy TS3 which states that development will not be permitted where it would result in any significant adverse impact upon the satisfactory functioning or safety of the highway network.

Other Matters

27. I have had regard to the Council's pre-application advice to the appellant. However, this advice did not indicate positive support for the proposal and instead set out the level of evidence that would be required in order to allow full consideration of the issues. Furthermore, whilst the other development proposal cited within the advice may have been approved by the Council, and

the levels of information provided been similar, these details are not before me. In any event, DMDPD Policy E3 requires site-specific need to be demonstrated and financial viability evidence is necessarily specific to each proposal. Therefore, and being mindful that the other development is referred to as a campsite, it is likely that there would be material differences in the circumstances and evidence in relation to both schemes.

28. I am aware that the appeal site lies within the catchments of the River Wensum Special Area of Conservation (SAC) and the Broads SAC, which are in an unfavourable conservation status and that the potential effects of additional nutrient loads should be considered. The Conservation of Species and Habitat Regulations 2007 require the Competent Authority to consider whether the proposal could adversely affect the integrity of protected sites, wither alone, or in combination with other plans and projects. This responsibility falls to me in the context of this appeal.
29. Had I been minded to allow the appeal, it would have been necessary to carry out an appropriate assessment in order to establish whether the proposal, on its own, or in combination with other projects would be likely to have significant effects on the integrity of the European designated sites. However, as I have concluded that the proposed development would be otherwise unacceptable, it is not necessary for me to pursue this issue further, as a finding that the proposal would not have an adverse effect on the integrity of European designated sites, with or without any mitigation, would be a neutral matter in the planning balance.

Conclusion

30. The proposed development would conflict with the development plan and whilst it would provide a boost to the local visitor economy, there are no material considerations, including the Framework, that would indicate a decision other than in accordance with it.
31. For the reasons given above, I conclude that the appeal should be dismissed.

C Harding

INSPECTOR