



Appeal Decision

Site visit made on 27 June 2023

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 15 September 2023

Appeal Ref: APP/Y2620/W/22/3309502

The Links Hotel, Sandy Lane, West Runton NR27 9QH

- 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 Marc Mackenzie of Mackenzie Hotel Ltd against the decision of North Norfolk District Council.
 - The application Ref PF/21/0694, dated 8 March 2021, was refused by notice dated 26 April 2022.
 - The development proposed is change of use of land to provide for the siting of eight holiday lodges for use as guest accommodation in association with The Links Hotel; provision of infrastructure and pedestrian links to the hotel and parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application originally sought permission for nine lodges, but this was reduced to eight during the assessment of the application. I have considered the amended scheme for eight lodges, which the Council determined the application on. I have therefore taken the description of development above from the appeal form which more accurately reflects the proposal.
3. The appeal site is located within an Area of Outstanding Natural Beauty (AONB), I have therefore had regard to the purpose of conserving and enhancing the natural beauty of the area as set out in section 85 of the Countryside and Rights of Way Act 2000 (as amended).
4. The appellant provided an amended Landscape Masterplan (Drawing No. 2502-LLA-ZZ-DR-L-0002 Revision P01 dated October 2022) as part of the appeal which was prepared following the determination of the planning application. As this was submitted with the appeal, I am satisfied that the Council and interested parties have had the opportunity to view and comment on this revision as part of the appeal process. I therefore do not consider that any party would be prejudiced by me considering this as part of the appeal proposal.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area having particular regard to the North Norfolk Coast AONB.

Reasons

6. The site lies on the edge of but within the AONB. Paragraph 176 of the National Planning Policy Framework (the Framework) states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection in relation to these issues. It states that the scale and extent of development within all these designated areas should be limited.
7. Paragraph 177 states that when considering applications for development in AONBs, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. There is dispute between the main parties about whether the proposal constitutes major development. I will consider this matter further below.
8. The appeal site is located within the Coastal Shelf Landscape Character Type and the CS1:Weybourne to Mundesley Landscape Character Area (CS1), set out in the North Norfolk Landscape Character Assessment Supplementary Planning Document January 2021 (LCA). One of the key characteristics identified for CS1 is the panoramic views of the coast with the views from Incleborough Hill given as an example. Valued features and qualities are noted as including the strong and distinctive links between land and sea and the diversity and integrity of landscape, seascape and settlement character.
9. The LCA states that some of the forces for change/ detractors that are relevant to CS1 include the incremental erosion of the areas of open space, including golf courses, between settlements, the intensification of visitor-related pressure including the pressure for additional accommodation and light pollution associated with new built form that affects the sense of remoteness, tranquillity and dark skies associated with the landscape.
10. The landscape character is identified in the North Norfolk Coast AONB Integrated Landscape Guidance as being within the Coastal Towns and Villages area and specifically within Sheringham to Overstrand - CTV2. The relevant inherent sensitivities identified for this character area are the remaining undeveloped rural areas, which are found within an otherwise developed coastline and which separate and provide a strong landscape setting for the settlements and the small, prominent hills – Beeston Bump and Incleborough Hill, which are a strong visual and separating element between settlements.
11. The proposal would provide eight holiday lodges. The appeal site would remain a car free area, with visitors parking in the main hotel car park and walking to and from the lodges along a footpath segregated from the golf course. Golf buggies would be used to transport people and carry luggage to and from the lodges where necessary to ensure the accessibility of the lodges. Cycle storage and facilities would be provided at the hotel and the appellant also confirms a commitment to promoting the use of active and public transport. The appellant considers that there are no alternative locations within the wider site that would be capable of providing the setting required for the lodges without hindering the functionality of the hotel and facilities or causing greater harm to the local landscape and AONB.
12. The appellant submitted a Landscape and Visual Impact Assessment (LVIA) with their application for nine lodges and a further addendum to the LVIA with

the amended scheme for eight lodges. The LVIA concludes that the proposals for the site would represent a medium to high adverse effect on the landscape resource and landscape character but that once the landscaping scheme has established the longer term effect is considered to be a slight adverse effect overall. The Council does not dispute this conclusion. The amended Landscape Masterplan submitted proposes more and larger trees to be planted at the outset which the appellant says would result in a slight adverse effect from year 1. I return to this matter later in this decision.

13. The appeal site is located adjacent to the railway line at the edge of the golf course located to the northeast of The Links Hotel and the golf clubhouse/restaurant. Directly to the north on the opposite side of the railway line and visible above it from views within the golf course, is a row of dwellings located on Golf Close, a no through road accessed from Cromer Road to the north. The railway line sits in an elevated position above the ground level of the golf course.
14. The appeal site is removed from the existing built form of the hotel and golf clubhouse/restaurant, but is directly linked by the existing hard surfaced Public Right of Way (PRoW) that runs from Station Close to the caravan and camping site located to the southwest of Inceborough Hill. There are a number of individual and groups of trees located within the golf course which delineate the fairways, including some within the appeal site. To the south, rising up from the golf course is Inceborough Hill, a registered Common consisting of acidic grassland and associated continuous scrub.
15. There is a row of trees located further north along the edge of Cromer Road which are visible in the view from Inceborough Hill, although this appears as screening planting rather than characteristic of the wider area. There are also other groups of trees in the view that are located around existing built form, with the more open grazing land located beyond these features towards the coastline. These features form part of the existing landscape context.
16. The appeal site is a rectangular parcel of land that is relatively flat which forms the edge of the golf course. Given its existing use, whilst it does not form part of the fairway, it appears as a maintained area of land, rather than a natural landscape feature.
17. Whilst the appeal site is removed from the existing built form of the hotel and golf clubhouse/restaurant which it is functionally linked to, it does not appear entirely visually remote, given its location alongside the dwellings to the north on the opposite side of the railway line which provide a backdrop of built form. The proposal would not extend further east or west than the existing built form to the north of the railway line, maintaining visual separation from the built form of the nearby settlements.
18. However, despite the presence of the existing built form beyond the railway line and the current maintained character, the openness of the appeal site and the lack of built form within it means that it forms part of the open landscape within the AONB. This openness and lack of built form is apparent from the public realm given the location of the Public Rights of Way (PRoW) that run through the golf course and up onto Inceborough Hill. Consequently, the appeal site positively contributes to the openness and undeveloped nature of the landscape and the scenic beauty of the AONB.

19. Considered in isolation, the design of the lodges would not be objectionable. The height of the lodges would be limited. However, the introduction of eight holiday lodges, associated external spaces, temporary protective netting and boundary treatments across the site would provide for an elongated and linear development that would change the character of the site, introducing built form into an area within the AONB which is currently undeveloped. The proposal would erode the openness of the site and highlight the encroachment of built form into the AONB landscape.
20. The site is largely screened in the view from the A149 and wider views from the coast looking inland. However, there are panoramic views from Ingleborough Hill that include the appeal site when looking out towards the coast, which I observed during my site visit. I agree with the conclusions of the LVIA that the view from Ingleborough Hill is of high visual amenity and I witnessed a number of people taking in the view during my site visit.
21. The proposed lodges would not appear as a prominent or significant feature from these viewpoints, at the point that the proposed landscaping scheme would be in place and well established. This would be the case due to the existing built form backdrop that would be present, the limited height of the proposed holiday lodges, the softer external materials proposed and the provision of vegetative landscaping.
22. The planting proposed would provide structure for the rearrangement of the golf course layout. The appellant asserts that the proposed landscaping would not only screen the proposed lodges but would also bolster existing planting within the golf course which would enhance the screening of existing detracting elements including the railway line, the residential development to the north, the man made landscape of the golf course and the caravan parks visible in the view from Ingleborough Hill, all of which make a limited contribution to the landscape character currently.
23. The amended Landscape Masterplan provided with the appeal identifies a semi-mature specification of planting which I agree would provide more significant screening from the implementation stage of the scheme. However, the overall amount of planting identified would in my view accentuate the scale of the proposal in terms of the elongated and linear arrangement of the development, rather than providing for the more compact groups of trees that are currently found within the golf course.
24. The view from Ingleborough Hill would alter with the presence of more extensive tree planting. Whilst the existing development directly adjacent to the north and part of the railway line would be more significantly screened, the view of the golf course would remain as well as other parts of the railway line and the existing caravan parks and development in the longer view. Therefore, the identified elements that currently detract would only be partially screened as a result of the proposed landscaping.
25. I recognise that planning permission is not normally required for the planting of trees on its own and that the appellant could implement a landscaping strategy at the golf course without the appeal proposal. However, the proposed landscaping forms part of the proposal before me and I must consider it as such.

26. The proposed development, due to the siting would allow views from the viewing points on Ingleborough Hill towards Beeston Bump to be maintained. I note that the view, dependent on where you stand or sit on Ingleborough Hill would change with more mature trees located in the foreground. Nevertheless, Beeston Bump would be visible above and to the northwest of the proposed planting scheme.
27. Light pollution is identified as a particular concern. Given the appeal site is located adjacent to the existing built form on the opposite side of the railway line, it is not so removed that it would appear isolated from any other built form. The LVIA identifies the use of low level bollard downlighting and I consider that the location and specification of lighting could be required by condition to minimise the effect of light pollution on the landscape, should the appeal be allowed.
28. I therefore consider that the degree of harm would be relatively localised and limited and the proposal would not fundamentally erode the landscape or scenic beauty of the AONB. Accordingly, I do not consider that the proposal would constitute major development within the AONB for the purposes of paragraph 177 and footnote 60 of the Framework.
29. Paragraph 176 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty on AONBs and expects the scale and extent of development to be limited. I conclude that the proposal, due to the siting and linear arrangement would erode the openness of the site. The proposed landscaping scheme would provide significant screening; however, this in itself would accentuate the encroachment of built form into the currently open landscape. The proposal would therefore result in harm to the character and appearance of the area and would not conserve or enhance the landscape character and scenic beauty of the AONB.
30. Although I consider that the degree of harm would be limited, the proposal would nevertheless fail to accord with Policies EN1, EN2, EN3 and EN4 of the North Norfolk Local Development Framework Core Strategy Incorporating Development Control Policies September 2008 (CS). These policies seek, amongst other things, to ensure development does not detract from the special qualities of the Norfolk Coast AONB and the local distinctiveness of the area and within the undeveloped coast, only allow development that is required to be in a coastal location providing that it will not be significantly detrimental to the open coastal character.

Other Matters

31. I recognise the in principle support in the development plan for tourism based businesses including woodland lodge-style developments and the extension of existing businesses. Policy SS5 of the CS specifically supports new accommodation and attractions which help diversify the offer and extend the season. I acknowledge that the Council's Economic Development Officer supports the proposal from an economic perspective.
32. Paragraph 8 of the Framework identifies the economic objective of sustainable development and paragraph 84 c) of the Framework supports sustainable rural tourism and leisure developments which respect the character of the countryside. The economic benefit does however need to be considered against

other effects, including the impact on the landscape and the character and appearance of the area.

33. The appellant has stated that the capital investment into the business alongside the cost of maintaining the golf course has impacted upon the viability of the business. Headline figures are provided by the appellant setting out that the golf course element of the site runs at a loss and that the hotel element of the business is propping up the golf course currently. The appellant also forecasts a reduction in membership and green fees due to the reduction in disposable income available to people and an increase in running costs.
34. I acknowledge the investment already undertaken by the appellant at the wider site and that the provision of the additional facilities has resulted in an increase in the number of guests at the hotel. I also understand that the provision of lodges would diversify the business and would allow for more accommodation options for family groups which would also access the facilities and services of the hotel. Another hotel within the group, The Sea Marge Hotel in Overstrand, is located in an area of coastal erosion which limits the longevity of its contribution to the business to less than 20 years. Investment in the expansion of this other site has understandably been halted and I recognise that the appellant is looking to expand at the other sites within the group to move the business forward. Whilst I note the appellant refers to substantial costs relating to the dismantling of this hotel, there is limited information before me on this matter.
35. The existing hotel group employs a significant number of people in the local area and I recognise that the proposal would create some additional jobs at the site. There would also be benefits to the local economy during the construction phase. The increase in visitor numbers would also add to the spending in the local economy and support other visitor attractions and facilities in the local area.
36. Some financial information has been provided to demonstrate the accounts for the Links Country House Hotel and financial projections dependent on whether the lodges are provided or not. This information shows a more viable position with the lodges in place. Without the lodges in place the golf club would be at risk which would result in the loss of employment for staff and a leisure/tourist facility for the public.
37. However, the information does not conclusively demonstrate that the proposal at the scale identified is needed in order to ensure the continued viability of the golf course and hotel. There is no evidence that other viable alternative scenarios, which may have a lesser harmful impact on the character and appearance of the area, have been fully explored. When considering the landscape, the lack of upkeep of the golf course would not necessarily be significantly harmful, given that the landscape would remain open and green.
38. No objection was raised by the Highway Authority, subject to a condition ensuring that the proposed layout identifies parking and other operational requirements in accordance with the plans and would be retained as such. I have no evidence before me that would lead me to an alternative view on this matter. The Council did not refuse the application on grounds relating to drainage and I understand additional information was provided during the assessment of the application on this matter. Based on the information before me I consider that final drainage details could be required by condition should

the appeal be allowed. A lack of harm in these respects does not weigh in favour of the proposal.

39. The appellant asserts that there would be no unacceptable impact on the living conditions of the occupiers of neighbouring dwellings in terms of privacy or noise associated with the occupation of the lodges or vehicular movements and that the proposal would not interfere with the PRoW. It also states that raft foundations would be used to minimise the need for intrusive earthworks and that if required a condition relating to archaeology could be attached if permission were granted to ensure that archaeological considerations are appropriately dealt with. Even if I were to agree, a lack of harm with regard to these considerations is neutral and does not weigh in favour of the proposal.
40. The safety of the occupiers of the proposed lodges was also raised due to the proximity to the golf course and the potential for ball strikes. I note that the proposal would result in the golf course being altered to direct play away from the proposed lodges. In addition, temporary netting would be used to aid protection whilst the landscaping became more established and trellis screens around the external space of the lodges would be put in place also. I therefore consider that the safety of future occupiers would be appropriately dealt with.
41. I note that this appeal proposal follows a previous refused planning application¹ for an alternative scheme in a different location within the hotel grounds and that the current appeal proposal has been the subject of pre-application discussions with the Council. Be that as it may, I must consider this appeal on its individual merits.
42. The appellant has referred me to another planning application² approved at a nearby site for the expansion of an existing caravan park. Insufficient information has been submitted in order for me to make a full comparison between that example and the appeal proposal before me. A number of interested party comments were received in relation to the appeal, some of which were in support of the proposal. However, these raise matters already considered above and therefore attract limited weight in favour of the appeal proposal.
43. The initial section of the access road into the appeal site is located within the West Runton Conservation Area (CA). Section 72 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act) requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. I have not been provided with any appraisal or management plan for the CA, however in my view the special interest of the CA relates to its historic Church, traditional red brick and flint buildings, boundary walls and the presence of trees and hedgerows.
44. Other than the access point and the initial stretch of Station Close which already exists and is not proposed to be altered as part of the proposal, there would be very limited views of the appeal site from within the CA. Given the separation between the proposed siting of the holiday lodges and the CA and the intervening built form, railway line, golf course and grassland I do not consider that it would be harmful to the character or appearance of the setting of the CA either. Consequently, I find that the proposal would preserve the

¹ Council Reference: PF/17/0100

² Council Reference: PF/22/1337

character and appearance of the CA in accordance with section 72(1) of the Act.

Planning Balance

45. I give the economic benefits of the proposal significant weight. The proposal would also provide social benefits in terms of the provision of additional jobs and expanding the number and groups of people that could access the visitor accommodation and the wider services and facilities provided by the hotel. The environmental benefits would include ecological enhancements, tree planting, the promotion of active and public transport and the installation of energy efficient lodges.
46. However, given the scale of the development, these benefits would be limited. I have found that the proposal would harm the character and appearance of the area, particularly the North Norfolk Coast AONB. I am required to give great weight to this harm and, as such, it outweighs the benefits of the proposal.

European sites

47. The Council indicates that the appeal site lies within a Zone of Influence relating to a number of European Sites protected under the Conservation of Habitats and Species Regulations 2017 (as amended). It states that the proposal is likely to have a significant effect on the integrity of European Sites, either alone or in combination with other plans or projects. This is due to a potential increase in recreational activity. I note that a Section 111 agreement has been submitted in relation to the payment required under the Norfolk wide Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy in this respect.
48. If I had been minded to allow the appeal, it would have been necessary for me to complete an appropriate assessment for this scheme and consider the Section 111 agreement further. However, I have already identified harm to the character and appearance of the area, such that undertaking my own appropriate assessment would not alter the outcome of the appeal. On that basis, there is no need to examine this matter further.

Conclusion

49. Having considered the development plan as a whole along with all other material considerations, I conclude that the appeal should be dismissed.

G Dring

INSPECTOR