



Appeal Decision

Site visit made on 8 August 2023

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2023

Appeal Ref: APP/E9505/W/22/3313528

East End Barn Annexe, East End Lane, Aldeby, Norfolk NR34 0BF

- 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 B Wright against the decision of the Broads Authority.
 - The application Ref BA/2022/0144/FUL, dated 6 April 2022, was refused by notice dated 5 July 2022.
 - The development proposed is change of use from residential annexe to holiday accommodation let unit.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from residential annexe to holiday accommodation let unit at East End Barn Annexe, East End Lane, Aldeby, Norfolk NR34 0BF, in accordance with the terms of the application, Ref BA/2022/0144/FUL, dated 6 April 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (scale 1:2500) and Block Plan (scale 1:500).
 - 3) The unit, as identified on the approved plans listed above, shall be occupied for short term holiday rentals only, and shall not at any time be used as a second home or as the sole or main residence of any occupiers. No person shall occupy any part of the unit for a period exceeding six weeks. Furthermore, no person shall occupy any part of the unit within a period of three weeks following the end of a previous period of occupation by that same person. A register of bookings of the unit shall be maintained at all times and shall be made available for inspection by the local planning authority upon request.

Main Issue

2. The main issue is whether the site represents an appropriate location for the proposed development, having particular regard to the accessibility of services, facilities and tourism attractions.

Reasons

3. The appeal property comprises part of an outbuilding located within the residential curtilage of the dwelling known as East End Barn. It was converted into a residential annexe approximately 10 years ago. Due to changes in personal family circumstances, the annexe is now surplus to requirements.

4. The site is not located within or adjacent to a settlement, but there are residential properties to either side of it. There are also other residential properties and holiday rental units sporadically located around the surrounding countryside.
5. Policy SP12 of the Broads Authority Local Plan for the Broads 2015-2036 (May 2019) (the Local Plan), supports sustainable tourism by, amongst other things, requiring new development to be located where it is easily accessible by a variety of transport modes, and by improving the quality and range of accommodation provided. The supporting text to this policy acknowledges that access to some tourist destinations can realistically only be achieved by car. It goes on to state that future medium sized and major developments should be located only where alternative means of access can be provided as part of the development. However, this proposal, for the change of use of an existing annexe to a single small unit of holiday accommodation, would not in my view be a medium sized or major development, which is material to my considerations.
6. Policy DM48 of the Local Plan relates to the change of use of buildings to a range of use types including tourism, most specifically to holiday accommodation for short stay occupation on a rented basis. This policy supports such changes subject to compliance with a list of 8 initial criteria labelled a) to h). The proposal would not conflict with any of these general requirements. For proposals outside of development boundaries, which is the case here, there is an additional criterion i) which requires buildings to be in a sustainable location, with adequate access to services and facilities or adequate access to people who would use the service or facility. The supporting text acknowledges that where buildings worthy of retention and conversion are not in accessible locations, a balancing exercise with respect to the criteria within the policy will be required.
7. Policy DM29 of the Local Plan directs new holiday accommodation to locations within or adjacent to defined development boundaries or to sites closely associated with existing visitor attractions. It also encourages the use of brownfield sites and states that amongst other things, development must be satisfactorily accessed by sustainable means, which could include public transport, walking, cycling, horse riding or by water.
8. Whilst it would be feasible to travel to the appeal site by a combination of public transport and walking or cycling, it is likely that most tourists would travel to this area by car, due to its rural nature and the limited and restricted nature of sustainable travel options. I also acknowledge that tourists would realistically have a desire to get around and explore the area on a convenient basis upon arrival.
9. However, there are a range of outdoor recreational activities available in the area that holiday makers can partake in without the need to travel by car. There are wetland ponds and the River Waveney nearby, which are accessible on foot. Waveney River Centre is approximately 2 miles away. Moreover, walking, cycling, boating, canoeing, fishing and wildlife watching are all recognised in the Local Plan as being popular attractions in the area and several of these activities could be undertaken from the site without the need to travel by car. Further, the nearest village, Burgh St Peter, is approximately 1.5km, a 20-minute walk or a 5-minute bicycle ride away. Within Burgh St

Peter there is a public house that serves food, and bus stops providing services to larger nearby settlements.

10. There are also places to visit by car that would only incur short journeys, such as the coast and various market towns. Similar journeys would be likely to be undertaken by those staying in settlements and wishing to visit and experience the wider area.
11. As the holiday unit would provide short term self-catering accommodation, visitors are likely to bring what they need from home or to call at a local shop on their way to the site. It is unlikely that future occupiers would need to make regular trips to higher order shopping facilities, or to places of employment or education for example. The proposed use would not therefore generate multiple car journeys to shops and other services in the same way as may be expected by residents of a permanent home. Furthermore, as it is my understanding that the existing annexe has been occupied over the years by various visiting adult relatives that do not permanently reside at East End Barn, and who most likely arrived in, left in and used their own cars for the duration of their stays, any increase in car journeys generated by its reuse as a single holiday let would in all likelihood be negligible, particularly when noting the modest size of the accommodation in question.
12. Whilst I note that the roads surrounding the site are narrow, unlit and do not have footways, they are not busy and as such it would be relatively safe for holiday makers to walk and cycle along these routes during the day. I am also aware that there is a network of public footpaths in the area that would facilitate safe walking routes to various locations.
13. All related matters considered and having given due consideration to the respective positions of the main parties, I find that in the particular circumstances of this case, the site represents an appropriate location for the proposed development having particular regard to the accessibility of services, facilities and tourism attractions.
14. Although there is some minor conflict with certain provisions of Policies SP12, DM29 and DM48 of the Local Plan, in so far as they promote tourism accommodation being located in sustainable and accessible locations, the scheme would satisfactorily comply with the overall aims of these policies in so far as they seek to facilitate a sustainable tourism economy, to widen the range of tourist accommodation options, to help minimise the need for new build development, and to protect the special qualities of the Broads.
15. The proposal would also accord with the National Planning Policy Framework (the Framework), which at paragraph 84 encourages all types of business in rural areas, which respect the character of the countryside, including the conversion of existing buildings. Paragraph 85 recognises that businesses in rural areas may be located beyond settlements and in locations that are not well served by public transport. Paragraph 105 also acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.

Other Matters

16. The proposed holiday let unit would continue to share the same vehicle access and parking area as the main dwelling. The large garden area to the rear of the

annexe is not included in the red line application boundary, although the shared use of this by occupiers of the existing dwelling and the proposed holiday let would not change its use.

17. The garden to the rear (north) of the annexe is not adjoining the main garden areas of either of the neighbouring dwellings, which have their main gardens to the south. Given the scale and nature of the proposed use, its separation from adjacent properties and its enclosure by mature boundary hedges, I see no reason why it would generate noise or cause disturbance to occupiers of the neighbouring properties.
18. The road to the site is narrow but given the size of the proposed holiday unit it would generate a negligible increase in traffic movements over and above that which could be created by the existing use of the residential annexe should it be permanently occupied. No objections have been raised by the Highway Authority or Planning Authority in respect of highway safety and there is no clear evidence before me to lead me to a different view on this matter.
19. I have been provided with a copy of the planning permission for the existing annexe and note that the reason for the occupancy condition attached to that permission was that two separate dwellings would not be appropriate due to the close relationship between the two units and due to highway safety concerns. No such concerns have been raised by the Highway Authority in relation to the current proposal, which involves the creation of holiday let accommodation rather than of an additional housing unit with unrestricted occupancy.
20. An existing S106 Agreement relating to planning permission ref BA/2012/0289/FUL for the existing annex sets out various owner obligations, including with respect to how the annex is occupied and a stipulation of no disposal separate from the main dwelling. It is common ground between the main parties that a deed of variation to the existing S106 is required. This would serve the purpose of relaxing current controls on occupation. Whilst an initial draft appears in the evidence before me, this deed of variation has yet to be signed and completed. However, this does not prejudice planning permission for a change of use being granted subject to conditions. Moreover, any outstanding legal matters would be for the parties to suitably resolve in an expedient manner outside of the appeal process.
21. The proposal accords with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conditions

22. I have imposed the standard time limit for implementation condition and a condition listing the approved plans for certainty. A condition restricting the use and occupancy of the unit to short term holiday rental accommodation is necessary to ensure the development accords with Policy DM30 of the Local Plan and contributes towards the provision of a sufficient level and range of holiday accommodation as required by the tourism sector of the local economy.
23. Planning Practice Guidance is clear that the blanket removal of freedoms to carry out small scale alterations that would not otherwise require an application for planning permission are unlikely to meet the test of reasonableness and necessity. I have not been provided with any justification for removing

permitted development rights in this case. The General Permitted Development Order recognises the importance of the Broads and already restricts certain permitted development rights in this area accordingly. As such, a condition to this effect is unnecessary.

24. As there is no clear reason why any additional external lighting would be required as a result of the change of use from a residential annexe to a holiday let, the lighting condition suggested by the planning authority does not meet the tests of being reasonable or necessary.

Conclusion

25. For the reasons given above, I conclude that the appeal should be allowed.

R Bartlett

INSPECTOR