The Planning Inspectorate

Appeal Decision

Site visit made on 15 August 2023

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 25 September 2023

Appeal Ref: APP/F2605/W/22/3312529
Stone Barn, Mount Pleasant, Rockland All Saints, Rocklands, Norfolk NR17 1XQ

- 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 Steve Becker against the decision of Breckland Council.
- The application Ref 3PL/2022/0470/F, dated 19 April 2022, was refused by notice dated 13 September 2022.
- The development proposed is a New Holiday Cottage.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

   - whether the appeal site is an appropriate location for the proposed development, having regard to local and national policy; and
   - the effect of the proposal on the living conditions of the occupants of neighbouring dwellings, with particular regard to noise and disturbance.

Reasons

Location

3. The area is rural, characterised by agricultural fields bound by hedgerows and pockets of woodland. The hamlet of Mount Pleasant comprises a small cluster of dwellings amongst the landscape and is located outside of any defined settlement boundary. The appeal site is at the edge of Mount Pleasant within open countryside.

4. Policy EC07 of the Breckland Local Plan (November 2019) (BLP) supports the creation of new tourism related development subject to assessment against certain criteria. Criteria one relates to regeneration benefits, particularly through the redevelopment of brownfield sites. The appellant contends that although the appeal site comprises residential garden land, it is not within a 'built up area' and as such is a brownfield site. Whilst I agree with this statement, I have no substantive evidence before me to suggest that the development of this land would provide any meaningful regeneration benefits.

5. The second criterion relates to accessibility. The parties agree that the appeal site is in a rural location where the main mode of transport is the private car. However, the appellant asserts that upon arrival there are numerous footpaths, cycle routes and attractions which do not require the use of private car. Whilst

there is an equestrian centre nearby, there are limited everyday services and facilities or visitor attractions within walking or cycling distance. Consequently, visitors to the proposal would be reliant on private cars for a significant number of journeys over the course of their stay.

6. The proposal would provide access to a handful of footpaths. However, due to the small-scale nature of the proposal and the limited onward connectivity of said footpaths, the proposal would not offer the potential to improve access to rights of way and/or green infrastructure and would therefore fail to address the third criteria.

7. With respect to the fourth criteria of Policy EC07, the appellant contends that sufficient information has been provided to demonstrate that there is a need for holiday accommodation in the area of the type proposed. In summary, the appellant considers that there is a clear interest in domestic travel and demand for holiday accommodation within the UK. There are a range of visitor attractions within Breckland which are important contributors to the local economy and many footpaths, cycleways, bridleways are available across the wider area. The appellant also explains that there is limited accommodation available in the area. Further, a number of third-party representations support the proposal as it would increase the amount and variety of holiday accommodation available.

8. Although such information may be broadly relevant to demonstrating the need for the proposal, I consider that the information is limited, does not focus on the immediate area and is not sufficiently robust. As such, I conclude that the need for the proposal has not been adequately demonstrated.

9. Therefore, when considered as a whole, I conclude that the appeal site would not be an appropriate location for the proposed development. It would conflict with BLP Policy EC07 where it requires all development proposals to be assessed against the extent to which they meet certain criteria, thus: bring regeneration benefits; are accessible by sustainable modes of transport; offer the potential to improve access to rights of way and/or green infrastructure, and, in the case of proposals in the countryside, demonstrate the need for a rural location for that development.

10. The proposal would also conflict with the National Planning Policy Framework (the Framework) which amongst other things encourages the use of sites that are physically well-related to existing settlements and requires rural tourism developments to be sustainable.

Noise and disturbance

11. The limited surrounding residential development and countryside setting of the appeal site result in a tranquil rural character. The proposed holiday accommodation is large and provides three bedrooms. It has been designed to encourage outdoor living with numerous patio doors around the three-sided courtyard. The proposal is likely to result in associated activities such as barbecues, games, and music, generating potential noise. Due to the reliance on private cars, an increased number of comings and goings would be expected, resulting in additional disturbance.

12. However, the proposal would be a considerable distance from the neighbouring properties and separated by existing and proposed planting and outbuildings. It would have an independent access and parking area at the edge of the hamlet which would limit the effects of increased comings and goings. Whilst the proposed garden would be substantial, it is likely that the majority of the outdoor activities which would occur would take place within the courtyard area, where the proposed structure would provide a level of noise attenuation. Consequently, due to the siting, separation distances and intervening structures and planting, the proposal would not unduly increase noise and disturbance.

13. I note comments made in relation to another holiday let within Mount Pleasant, however I have not been provided with the full details of this holiday let. Further, the Environmental Health Officer has not raised any concerns, subject to an appropriately worded condition requiring a formal noise management plan. Whilst I do not believe all the measures proposed within the informal noise management plan, namely 24/7 monitoring or the requirement of the appellant to reside next door, would be enforceable, I am satisfied that a robust formal plan could be agreed and implemented which would mitigate the effects of any noise and disturbance generated.

14. Consequently, I conclude that the proposal would not harm the living conditions of the occupiers of neighbouring dwellings with particular regard to noise and disturbance. It would accord with Policy COM03 of the BLP, which states that development which causes unacceptable effects on the residential amenity of neighbouring occupants will not be permitted, having regard to considerations including noise.

Other Matters

15. The proposal would be in keeping with the character and appearance of the area and would not obstruct neighbouring views. Nevertheless, these are neutral factors which neither weigh in favour of, or against the proposal. In the short term the construction would provide local jobs while in the long term the users of the holiday accommodation would support local facilities and services. Further, the proposal would utilise sustainable materials and low-carbon technologies. However, due to the scale of the proposal, these benefits would be limited and would not outweigh the harm identified.

16. The parties agree that the development would likely generate additional recreational impact on Natura 2000 Designated Protected Wildlife Sites within Norfolk and is therefore subject to a one-off tariff as described in the Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMs). However, as I have already identified harm in respect of the main issues, it is not necessary for me to undertake an appropriate assessment, as even if no harm was identified or any harm successfully mitigated, these would be neutral considerations at best and therefore would not alter the outcome of the appeal. Although, the appellant has paid the GIRAMs fee, there is disagreement between the parties regarding the administration and monitoring fees. Notwithstanding the above, in these circumstances, it is not necessary to consider these matters further for the purposes of my decision.

Conclusion

17. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework that outweigh that conflict. Therefore, the appeal is dismissed.

K Allen

INSPECTOR