



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: 3rd October 2023

Appeal Ref: APP/V2635/W/22/3310571

4 St Ethelberts Close, Burnham Market PE31 8UT

- 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 Turner against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 21/02357/F, dated 8 December 2021, was refused by notice dated 26 July 2022.
 - The development proposed is holiday let following conversion of garage.
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Decision

1. The appeal is allowed and planning permission is granted for a holiday let following conversion of garage at 4 St Ethelberts Close, Burnham Market PE31 8UT in accordance with the terms of the application, Ref 21/02357/F, dated 8 December 2021, and Drawing No. 21130 01 Revision D submitted with it, subject to the following conditions:
 - 1) The accommodation hereby permitted shall not be occupied at any time other than for holiday let or for residential purposes ancillary to the residential use of the dwelling known as 4 St Ethelberts Close.
 - 2) The accommodation hereby permitted shall not be occupied as a person's sole, or main place of residence, and shall not be occupied by any lessee, tenant or guest for any period exceeding 28 days consecutively, or cumulatively within any calendar year, unless it is being occupied by family members of the occupiers of 4 St Ethelberts Close for residential purposes ancillary to the residential use of that property. A register of holiday let bookings shall be maintained at all times and made available for inspection by the Local Planning Authority upon request.

Preliminary Matters

2. The works to convert the appeal site into a holiday let have been completed. Section 73A of the Town and Country Planning Act 1990 (as amended) makes allowance for the submission of a planning application for development which has been carried out before the date of the application for development and consequently I have considered the appeal on that basis.
3. The Council has confirmed that a contribution has been paid in relation to a requirement set out in the Norfolk Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy Habitats Regulations Assessment Strategy Document March 2021 (GIRAMS) in relation to European sites protected under the Conservation of Habitats and Species Regulations 2017 (as

amended) (the Regulations). I shall return to this matter under the second main issue in this appeal.

Main Issues

4. The main issues are:

- whether or not the scheme represents acceptable development, having particular regard to layout, access and parking arrangements; and
- the effect upon European sites¹

Reasons

Whether or not acceptable development

5. The appeal site is formed of a two storey side wing to the main dwelling that has been converted to a holiday let. Within the holiday let at ground floor level is an open plan living area with kitchen and dining space. A spiral staircase leads from the downstairs accommodation to the first floor bedroom which has an en-suite bathroom. A doorway through to the main dwelling from the bedroom of the holiday let is in place but consists of a lockable door.
6. Externally, a parking space is set aside on the existing driveway to the front of the main dwelling off St Ethelberts Close. Access from the parking area to the holiday let is via a short walk along the Close initially followed by a pedestrian footpath situated alongside Back Lane, leading through a pedestrian gate, into a segregated garden area. A short red brick wall with woven fencing above separates the external space associated with the holiday let from the outdoor space of the main dwelling.
7. From reading both the Council's reason for refusal and Planning Officer Report, its concerns relate to the arrangement of the internal layout in that occupiers of the holiday let would access the accommodation by going through the main dwelling. Alternatively, the Council consider if guests did access it from the rear door, they would have to walk from the parking area to the rear pedestrian gate and through the garden area that serves the holiday let to reach the accommodation.
8. I consider it highly unlikely that those occupying the holiday let access the accommodation through the main dwelling. The accommodation has been laid out so that there is a separate access into the garden space and accommodation set aside for the holiday let. The first floor space of the holiday let is accessible from the ground floor living space of the holiday let without entering the main dwelling. I therefore find that the internal layout of the holiday let and how it relates to the main dwelling is acceptable and does not have an impact on the privacy of the occupiers of the main dwelling or the holiday let.
9. I accept that occupants of the holiday let have to walk from the parking space at the front of the main dwelling to the rear garden gate in order to access the holiday let. However, the walk required is very limited in distance and initially along a quiet cul-de-sac, followed by a pedestrian footpath alongside Back Lane that leads directly to the gate that provides access to the external space associated with the holiday let. Once through the gate, it is a very limited

¹ As defined at regulation 8 of The Conservation of Habitats and Species Regulations 2017 (as amended)

distance to the rear door of the accommodation. I therefore find, due to the character and distance of the walk required, that the layout of the holiday let and the access to it from the parking space is acceptable.

10. Whilst the Council accept that the number of parking spaces provided is appropriate, it is concerned that the layout of the parking area is awkward, given that cars park in tandem. I note that the Highway Authority did not object to the development nor did the Community Safety and Neighbourhood Nuisance Team in this regard. I observed that there is a specific parking space identified for the occupants of the holiday let, demarcated through signage, that is one of the first spaces when entering the driveway from St Ethelberts Close.
11. This means that the occupants of the holiday let are able to freely park on the driveway and reverse off it onto the cul-de-sac without requiring any vehicle movements from the occupants of the main dwelling. Due to the low level of vehicle movements related to the holiday let, given the size of the accommodation, I consider that the occupants of the main dwelling are able to manage the parking situation in an appropriate way.
12. I therefore find that, having particular regard to layout, access and parking arrangements, acceptable development is before me. There is compliance with Policy CS08 of the King's Lynn & West Norfolk Borough Council Local Development Framework – Core Strategy Adopted Version July 2011 and Policy DM15 of the Site Allocations and Development Management Policies Plan Adopted September 2016 in so far as these policies seek, amongst other things, to ensure that development that has a significant adverse impact on the amenity of others or which is of a poor design is refused and that new development achieves high standards of sustainable design.
13. The development also complies with the requirements of paragraph 130 of the National Planning Policy Framework (the Framework) which seeks, amongst other things, to ensure developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and create places with a high standard of amenity for existing and future users.

European sites

14. The appeal site lies within an identified Zone of Influence of a number of European Sites including the North Norfolk Coast Special Area of Conservation (SAC), the North Norfolk Coast Special Protection Area (SPA), the North Norfolk Coast Ramsar, The Wash SPA, The Wash and North Norfolk Coast SAC and The Wash Ramsar.
15. The coastline along the Norfolk part of The Wash in the east is the largest marine embayment in Britain, with the second largest expanse of intertidal sediment flats in the country. The Norfolk Coast from the Wash around to the East coast is the only typical British example of a barrier beach system with extensive areas of salt marsh with characteristic creek patterns that have developed behind sand and shingle spits and bars. The Wash and North Norfolk coast is important for breeding and moulting of one of Europe's largest populations of common seal. The intertidal mudflats and salt marshes represent one of Britain's most important winter-feeding areas for waders and wildfowl outside of the breeding season.

16. As is apparent from the Norfolk Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy Habitats Regulations Assessment Strategy Document March 2021 (GIRAMS), Natural England, in its role as statutory nature conservation body, has identified that there is potential for recreational activities to disrupt the protection objectives of European Sites in and around Norfolk, specifically as a result of an increase in population resulting from residential growth and an increase in tourism accommodation, resulting in more people visiting and possibly harming European Sites.
17. The appeal scheme involves ancillary accommodation used for tourist accommodation purposes within the Zone of Influence. This is likely, in turn, to increase recreational pressure. It is therefore likely that the proposal, both alone and in combination with other developments, has significant effects on the European Sites identified above. As such, in accordance with the Regulations, it is necessary for me, as the competent authority, to conduct an appropriate assessment of the project's implications in view of the relevant sites' conservation objectives.
18. The European sites identified above are covered by the GIRAMS which has been adopted by the Council in partnership with other affected local planning authorities. It sets out measures for the avoidance and mitigation of recreational disturbance. The GIRAMS comprises a range of mitigation measures including the provision of open space as part of developments, monitoring, education and communication with recreational users, collating information about habitats and working with landowners and partners.
19. The GIRAMS identifies a financial contribution to be sought in connection with proposals that are likely to adversely affect the integrity of the European Sites, to fund avoidance and mitigation measures on a wider strategic basis. The Council identified a required contribution of £77.47 in this regard. The GIRAMS sets out that where contributions are sought and there are no other contributions required through a s106 planning obligation, contributions should be collected through a Section 111 agreement rather than a Unilateral Undertaking. The Council have since confirmed that the GIRAMS payment has been made by the appellant in this regard.
20. Moreover, given the adopted and comprehensive nature of the mitigation strategy under implementation and when noting that the payment has already been made, I am sufficiently satisfied that proportionate mitigation shall be delivered in an expedient manner. I am therefore satisfied that the scheme does not adversely affect the integrity of European sites.

Other Matters

21. The Council has referred me to the fact that the Burnham Market Neighbourhood Plan (NP) is at an advanced stage and that the examination phase is likely to conclude soon with adoption planned for the Autumn this year. As such, the NP's emerging policies attract significant weight. However, whilst the appellant has identified the possible policy context that maybe relevant in this case, the Council have not identified conflict with any emerging policy contained in the NP.
22. I note that Policy 3 of the NP relates to second homes and furnished holiday lets. This emerging policy is not supportive of planning proposals that involve the change of use of existing or new market dwellings to furnished holiday lets.

However, the scheme does not involve the loss of a market dwelling, as the main dwelling is retained and only the ancillary accommodation in the two storey side wing is used for holiday let purposes. There is thus no reason for me to consider the scheme unacceptable when assessed against the relevant emerging policy provisions of the NP.

23. Concerns are raised by an Interested Party about the potential for noise issues for the occupiers of neighbouring properties as a result of those occupying the accommodation and the parking arrangements. Given the accommodation is limited to one bedroom and the external space is also limited in size, the amount of noise associated with the use and the associated vehicular movements are significantly limited. I therefore am satisfied that the development does not result in a significant impact in this regard so as to warrant the refusal of planning permission.

Conditions

24. No conditions have been suggested by the Council. As the development is retrospective, I have not included a condition regarding the time for implementation. In the interests of certainty, the approved drawing is referred to in the decision itself. Conditions are necessary to control the use of the accommodation, specifying its use as holiday let or residential accommodation, ancillary to the host dwelling only, limiting the duration of stays and requiring a record of the use to be kept. These are required due to the close relationship between the main dwelling and the attached accommodation and to meet the policies of the development plan.

Conclusion

25. There are no material considerations that indicate the development should be determined other than in accordance with the development plan. For the reasons given above and having regard to all other matters raised, the appeal is allowed subject to conditions.

G Dring

INSPECTOR