



Appeal Decision

Site visit made on 12 October 2023

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2023

Appeal Ref: APP/F2605/W/23/3314794

Railway Farm Fen Road, Scarning, Dereham NR19 2LJ

- 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 Alan Buckingham against the decision of Breckland Council.
 - The application Ref 3PL/2022/0950F, dated 15 August 2022, was refused by notice dated 7 October 2022.
 - The development proposed is retention of three one storey detached holiday units with parking.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development and site address above from the appeal form. Although different to that given on the application form, they more accurately reflect the development undertaken and site's location. Additionally, I have removed the word retrospective from the description because it is not an act of development.
3. At the time of the site visit, the buildings were on site and ready for use and at least one appeared to be occupied. I have dealt with the appeal on this basis.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - Whether the holiday units provide satisfactory accommodation for users; and
 - Whether the site would be a suitable location for holiday accommodation, with regards to the spatial strategy for the area.

Reasons

Character and appearance

5. The area surrounding the appeal site has a mixed character. To the south and southeast are a mixture of low-level commercial units constructed of varying styles, materials and designs. To the southwest along Fen Road are a number of dwellings of varying ages and designs.
6. Access to the appeal site is taken through the commercial units, which opens onto a square-shaped gravelled parcel of land. To the west of this area is a well-landscaped fishing lake. To the north sits Railway Farm, an impressive

timber building with a detached garage. To the east, three single-storey buildings that are timber clad, which are the subject of this appeal, have been positioned slightly apart, facing inward. Beyond the three buildings are open fields curtailed to the north by well-established trees which block the view of the A47. In addition to the built form, there are also a number of agricultural vehicles and machinery found on the square gravel area and also in the field to the west. As a result of the more open undeveloped nature of the site to the north of development along Fen Road with the fishing lake, fields, mature trees and hedges, the area closest to the appeal buildings has an open verdant and rural appearance and character.

7. The three holiday let units are slightly dispersed across the eastern edge of the gravelled area allowing for some limited views beyond. However, the three buildings themselves are constructed to a poor finish. Whilst the buildings appeared to be occupied, externally they are in a state of disrepair, with sections/pieces of timber cladding either loose, broken or missing. Additionally, the incorporation of white upvc windows and doors, many of which are damaged, is visually insensitive and incongruous within this open and verdant setting eroding the rural character of the area.
8. Accordingly, I conclude that the development is materially harmful to the character and appearance of the surrounding area and conflicts with Policies COM 01, GEN 02, EC 07 and ENV 05 of the Breckland Local Plan (BLP). Together, amongst other things, these require development to be designed to a high standard, which respects and contributes to the character of the area. It also conflicts with the provisions of the National Planning Policy Framework (the Framework) in so far as it seeks development to be well designed.

Accommodation

9. The appeal scheme has introduced three detached buildings for use as holiday accommodation. Whilst I was not able to access the buildings, the evidence before me indicates that each holiday let provides for a toilet/shower room, lounge with kitchen and at least one bedroom with two of the holiday lets having a second bedroom.
10. No specific planning policy or guidance has been brought to my attention which stipulates minimum size requirements for tourism accommodation. I'm mindful that users of the holiday lets are likely to be aware that the internal facilities only provide limited space for sleeping, washroom/toilet, cooking and sitting space. There is no substantive evidence before me that the buildings do not meet the basic needs of users.
11. Nevertheless, the Authority has raised concerns related to the overall quality of the holiday lets. From my observations on site, none of the holiday lets provide a dedicated area of outdoor space for users or delineated parking areas to adequately separate the buildings from the nearby agricultural land, vehicles and machinery. In the absence of cogent evidence to the contrary, users of these holiday lets will be harmfully exposed to odour, noise, vibration and other forms of nuisance, given the proximity of the agricultural-related uses.
12. For the reasons set out above, the development fails to provide satisfactory accommodation for users of the holiday lets, with particular regard to odour, noise, vibration and other forms of nuisance. It therefore conflicts with Policy

13. COM 03 of the BLP, which seeks, amongst other things, to ensure that development provides adequate levels of amenity. It also conflicts with the provisions of the Framework, which seeks a high standard of amenity for existing and future users.

Suitable location

14. Policy EC 07 of the BLP sets out the Council's strategy for the enhancement, expansion and location of new tourism-related development. For smaller tourism proposals such as the appeal scheme, developments should be of a suitable scale and type to protect the character of the townscape and landscape within which they are situated. Under Policy EC 07, all development proposals must be assessed against four specified criteria.
15. From my observations on site and the evidence presented, there is no substantive evidence before me to indicate that the development has resulted in regeneration benefits and therefore, the appeal scheme conflicts with the first criterion.
16. No frequent public transport from the appeal site has been identified as being readily accessible to Toftwood and Dereham to access facilities and services in these locations. As such, when not using a private motor vehicle, users access to these locations would entail the use of some unlit roads, which are narrow in places, with some routes having no pavements. The unlit nature of parts of these routes and the lack of accessible verges limits the prospect of users of the holiday lets using them to access the range of services and facilities year-round, particularly given the separation distance from the appeal site. For those that did not have access to a private vehicle, the services and facilities in nearby towns and villages would not be accessible.
17. In the absence of any contributions to improve accessibility or cogent evidence to demonstrate that the development relies on a specific geographical resource, it fails to comply with the second criterion of Policy EC 07. It also fails to accord with the third and fourth criteria as it would not improve access to rights of way and/or green infrastructure, nor has it been demonstrated that there is a need for a rural location for the development.
18. As such, I conclude that the appeal site is not a suitable location for the development and therefore conflicts with Policy EC 07 of the BLP, which seeks to ensure development is of a suitable scale and type for its location and protects the character of the landscape within which it is situated. In addition, the proposal would also fail to accord with the Framework in respect of achieving sustainable development.

Other Matters

19. The Council's third and fourth reasons for refusing the application refer to the impact upon the Broads Special Area of Conservation (SAC) and the need to mitigate the recreational impact of the development on protected sites. However, as the appeal is being dismissed for the reasons set out above, an Appropriate Assessment under Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 is not required. In any event, dealing with these matters would have mitigated harm and would not have amounted to a benefit. For these reasons, I have not considered these matters further.

20. There are some economic benefits arising from the development and the operation of the holiday lets and spending by tourists in the local area. However, given the scale of the proposal, these benefits do not outweigh the detrimental harms identified above.

Conclusion

21. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
22. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

A Hickey

INSPECTOR