



Appeal Decision

Site visit made on 9 January 2024

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 February 2024

Appeal Ref: APP/F2605/W/23/3319658

**Land to the south of Holly Cottage, High Common Road, North Lopham
IP22 2HS**

- 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 Jonny Fordie against the decision of Breckland Council.
- The application Ref 3PL/2022/0983/F, dated 26 August 2022, was refused by notice dated 9 January 2023.
- The development proposed is a change of use of residential land to a small-scale camping site adjacent to High Common Road, North Lopham, IP22 2HS, to include 3 camping pitches and the stationing of a log cabin for holiday lets on a concrete base.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Government published a revised National Planning Policy Framework (the Framework) in December 2023. This does not materially change the planning policy context in respect of the main issues, and I have determined the appeal accordingly.
3. I observed during my visit that a log cabin broadly similar to that indicated on the plans before me had been erected. I am therefore proceeding on the basis that the development has, in part, already occurred.
4. The Council have confirmed that it no longer wishes to defend refusal reasons 3 and 4 which relate to the effect of the development on the River Wensum and Broads Special Areas of Conservation (SACs) and the need for a legal agreement to secure payment of a tariff under the Norfolk Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy 2021 (GIRAMS). I have not, therefore, considered these matters and have determined the appeal accordingly.

Main Issues

5. The main issues are:
 - The effect of the development on the living conditions of existing occupiers of nearby properties with particular regard to noise and disturbance and odour; and
 - Whether the development would be in an appropriate location having regard to the local development strategy.

Reasons

Living Conditions

6. The appeal site is located within a small group of dwellings on High Common Road to the west of the village of North Lopham. Three camping pitches are proposed, one of which would be located directly adjacent to the boundaries of two residential properties to the south of the site of the appeal site (The White House and Corner Cottage).
7. It is suggested that the camping pitches would be occupied by permanent 'glamping' style tents. No indication, however, has been given of their precise size or siting. Although excessive noise from campers may not necessarily be a regular occurrence, the proximity of the site to adjacent dwellings and their private gardens would nevertheless cause disturbance through vehicles and their occupants arriving and leaving the site and general comings and goings. This would be especially intrusive outside of daylight hours when there is currently unlikely to be any regular activity at the site. Low background noise levels in this rural location would mean that any excessive noise generated by users of the site would also be likely to be intrusive.
8. The site would be attended by the appellant between 1100 and 1500, however outside those times the site would be managed remotely. The lack of on-site supervision, especially during the evening hours would mean that activities on the site could not be readily monitored. Users of the site may be provided with guidelines and details of permitted and prohibited activities on the site, however, it is inevitable that ball games or other noisy activities would occur from time to time.
9. The appellant states he lives approximately 20 minutes away from the site. However, callouts to the site to deal with issues could take much longer to respond to, disturbance would either not be nipped in the bud quickly or it may have ceased by the time a callout was responded to. In any event, it would be incumbent on neighbouring occupiers or other campers to make calls to report issues. Furthermore, I have no means available to me to ensure that the management of the campsite or the residential location of the appellant would not change over time to one more distant from the appeal site. I am therefore not persuaded that a suitable condition could be put in place which would allow the effective control or management of noise and disturbance on site.
10. The proposal includes the installation of one composting toilet. Information submitted at the time of the planning application states that it should not smell. The Council have not challenged this, and I have no reason to dispute it. I am therefore not persuaded that odour from the installation of a composting toilet would cause undue harm to the living conditions of neighbouring occupiers.
11. Cooking odours from the use of camping stoves and smoke from campfires would be not dissimilar to those from a barbeque and commonplace in residential locations, particularly during the summer months. I have not been provided with any substantive evidence that cooking odours or wood smoke would be likely to be intrusive to the extent that they would adversely affect the living conditions of neighbouring occupiers.

12. I note that the appellant would be willing to accept the imposition of a number of conditions which would restrict the use of the site. I am, however, of the opinion that several of these would not pass the tests of enforceability and therefore would not be reasonable to impose on a planning permission for the proposal.
13. Although there would be no harm to living conditions as a result of odours from the site, I am not persuaded that the use of the site as a campsite would not cause undue harm to the living conditions of the occupiers of neighbouring dwellings as a result of noise and disturbance. The proposal would therefore conflict with BLP Policy COM 03 which see, amongst other things, to ensure that development does not result in unacceptable effects on the residential amenity of neighbouring occupiers including noise and other forms of nuisance.

Locational Suitability

14. Policy EC 07 of Breckland Local Plan 2019 (BLP) sets out the Council's approach to tourism related development. In relation to camping and caravan site it specifies the condition under which proposals would be considered acceptable. In addition, all development proposals for tourism related development are subject to consideration against further general criteria.
15. The proposed campsite would include pitches for three tents and a log cabin which would be located on a plot of land which was previously used as a garden in association with Holly Cottage to the North. It could reasonably be described as small in scale. I have not been presented with any substantive evidence that the proposal would unduly harm the landscape in this location. It would be located within an existing group of buildings in the open countryside. However, the proposed use of the site would not be connected to any of them, either in ownership or use terms. Therefore, in my opinion, it would not be well related, in all respects, to existing rural buildings.
16. Notwithstanding the short trial period of bookings in August 2022, I have not been provided with any substantive evidence which would suggest that there is an unmet need for further camping facilities in this location, for example, through occupancy rates of other local campsites. Whilst the trial period may have demonstrated some demand for camping facilities, this is different to need. I am therefore not persuaded that the proposal would provide capacity in a location where there is an unmet need for camping facilities.
17. There is disagreement between the parties whether the development would be on a brownfield site. The appellant states that the area where the log cabin has been built was previously occupied by a hardstanding and demolished outbuilding and the proposal may utilise former garden paths. However, I have little evidence to support this. It also suggested that an existing dilapidated shed would accommodate manager's facilities for which I have no details. Even if I were to agree that the development was on a brownfield site, the harm that I have identified above to the living conditions of the occupiers of neighbouring properties would not outweigh any regeneration benefits arising from the development of a brownfield site, which would, in any event, be limited commensurate with the limited scale of the appeal scheme.
18. The appeal site is located in a rural location outside the village of North Lopham. It is also close to a number of public rights of way. Whilst it may be possible to walk or cycle to pubs, shops and other facilities, and visitors may

use local footpaths and cycle network, it is, however, highly likely that the majority of users of the site would arrive by private car, highlighted by the provision of 6 car parking spaces. The proposal may be accessible to a range of local footpaths, and these may be used by visitors. I acknowledge the appellants willingness to provide a pedestrian access at the northern boundary of the site. Whilst this may be closer to the public right of way on Green Lane, it would not amount to a significant improvement of access to rights of way and does not attract significant weight in favour of the proposal.

19. The appellant claims that visitors to the site would need to bring large amounts of equipment which would preclude the use of public transport to access the site. However, the site is located in the open countryside and would not be readily accessible to sustainable modes of transport to encourage their use for those who do not require large amounts of equipment. Furthermore, the proposal makes no contribution to the enhancement of accessibility by sustainable modes of transport.
20. Consequently, having regard to local development strategy, the proposed development would not be in a suitable location and for the reasons set out would not comply with BLP policy EC 07. The proposal would therefore not deliver sustainable rural tourism which respects the character of the countryside as set out in paragraph 88 of the Framework.

Other Matters

21. There are local visitor attractions and other places of interest nearby which could be visited by users of a campsite in this location. Nevertheless, other visitor accommodation is available in the area which could be utilised by potential visitors. Whilst I recognise that camping provides an affordable form of visitor accommodation, I have established in the main issues above that there is no proven unmet need for camping facilities in this this location. I therefore place little weight on this benefit.
22. Income from the site may be used to enable the land to be kept in good order and maintain its biodiversity benefits. It may also be important to the landowner that the parcel of land, which has been in the family for a considerable number of years, has a purpose. However, these are not matters which weigh in favour of the proposal.
23. I have not been provided with any substantive evidence that the proposal would provide any tangible benefits to the local community, other than through some trade to local shops and pubs which would be small due to the limited scale of the proposal. I therefore afford this benefit little weight. Overall, the benefits of the proposal are modest and insufficient to justify allowing the appeal contrary to the provisions of the local development plan policies.
24. The council have not objected to the proposal on highway safety grounds, and I have no reason to disagree. The lack of objection on this basis does not outweigh the harm that I have found on the main issues above and does not lead me to an alternative conclusion.
25. The Council have referred to a recent appeal decision¹ for lodge cabins and a studio elsewhere in the district. Whilst the nature of the development is different from that before me, there are certain parallels which are similar in

¹ APP/F2605/W/22/3302165

terms of the rural location of the proposal. I have, in any event, placed little weight on this decision and I have considered the current appeal on its own merits based on the evidence before me.

26. I acknowledge the appellant's concerns over the Council's handling of the application, in particular the calculation of the tariff under the GIRAMS scheme and the refund of a monitoring fee. However, these are not matters that I can consider under a Section 78 planning appeal and does not alter my findings, in which I have had regard solely to the planning merits of the proposal.

Conclusion

27. For the reasons set out, the proposed development would conflict with the development plan when read as a whole. There are no material considerations of sufficient weight to indicate the decision should be taken otherwise. The appeal should therefore be dismissed.

K L Robbie

INSPECTOR