



Appeal Decision

Site visit made on 13 February 2024

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th March 2024

Appeal Ref: APP/Y2620/W/23/3319567

Land at Langham Road, Langham, Holt, Norfolk NR25 7BL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Jonathan Cheetham against the decision of North Norfolk District Council.
 - The application Ref is PF/21/2186.
 - The development proposed is the change of use of land to storage of caravans and boats, siting of 39 storage containers, siting of portable building for office use and erection of boundary fence.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Jonathan Cheetham against North Norfolk District Council. This application is the subject of a separate decision.

Preliminary Matters

3. The Government published on 19 December 2023 a revised version of the National Planning Policy Framework (the Framework). Whilst this made certain revisions to aspects of national planning policy, the provisions in respect of the main issues in this case are largely unchanged. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework from the parties, and that no party would be disadvantaged by such a course of action.
4. I note the concerns between the parties regarding the total number of caravan and boat storage spaces which the appeal development seeks permission for. However, based on the evidence before me, it is clear that a maximum of 107 storage spaces is sought, which includes the spaces provided within the storage containers. I have proceeded accordingly.

Main Issues

5. The main issues are a) whether the appeal site represents a suitable location for the proposal having regard to the Council's spatial strategy, b) the effect of the proposal on the character and appearance of the area, and c) the effect of the proposal on biodiversity.

Reasons

6. The appeal site is a former Royal Air Force base which appeared to be last in use during the Second World War. At the time of my visit, the site was significantly overgrown, with extensive mature tree, scrub and vegetation coverage amongst expanses of hardstanding.

Whether suitable location

7. The appeal site falls within the countryside. Policy SS1 of the North Norfolk, Local Development Framework, Core Strategy (September 2008) (the CS) sets out the spatial strategy for North Norfolk and notes that, in areas designated as countryside, development will be restricted to particular types to support the rural economy, meet affordable housing needs and provide renewable energy.
8. Leading on from this, CS Policy SS2 states that in areas designated as countryside, development will be limited to that which requires a rural location and meets one or more of a number of exceptions.
9. One exception to development in the countryside, as set out in CS Policy SS2, is new-build employment generating proposals where there is a particular environmental or operational justification. This is reflective of the advice at paragraph 87 of the Framework which states that planning decisions should recognise and address the specific locational requirements of different sectors.
10. The storage of boats and caravans does not necessarily require to be in a rural location and the appellant has not demonstrated that it is a type of development which supports the rural economy.
11. The appellant has indicated that renting other land would not be viable once costs are taken into account, however as they own the appeal site, this proposal would be deliverable. Nevertheless, this is based on hypothetical scenarios, rather than being formally assessed. As such, there is no conclusive evidence to indicate there are no other sites available in more sustainable parts of the borough or that there is a significant shortage of boat/caravan storage in the locality which this proposal seeks to address. Thus, the required justification has not been provided.
12. Together with policies SS1 and SS2 of the CS, which seek to direct development to the most sustainable locations within the area, Policy CT5 of the CS states that development will be designed to reduce the need to travel. I appreciate that the nature of the proposed development would mean that travel to the site by private vehicle would be required in order to tow boats and caravans to their place of storage. In this regard, even if the site was in a more accessible location, this would not impact the means of travel.
13. However, for staff members as well as customers who may wish to tend to their boat/caravan on-site from time to time, it has not been demonstrated how the use of sustainable forms of transport has been maximised. It has been intimated that there is a bus route running past the site from Langham to Morston, however no details have been provided.
14. Further, by virtue of the lack of footways in the locality, and the distance from the nearest settlements, accessing the site on foot would not be an attractive option for most. As such, use of a private vehicle, which is the less sustainable option, would likely be the method of transport of choice for all journeys to and

from the site. Nevertheless, even if a good bus service existed, this does not overcome the appeal site's rural, countryside location.

15. My attention has been drawn to CS policies SS5 and EC4. Policy EC4 supports the redevelopment of redundant defence establishments, with the supporting text clearly setting out details of four such sites in the borough. I therefore consider the reference to redundant defence establishments within CS Policy SS5 to concern those identified sites.
16. Nevertheless, even if CS Policy SS5 was relevant to this proposal, this policy supports the appropriate re-use of the operational land at redundant defence establishments. Similar to the requirement at Policies EC4 and SS2 that new build employment generating proposals will be permitted in the areas designated as countryside where there is particular environmental or operational justification, I have found there to be no such justification in this instance and thus it would not be an appropriate re-use of the appeal site.
17. Taking all of the above together, the policies of the development plan indicate that the site is not an appropriate location for the proposed development due to its countryside location and poor levels of accessibility. For this reason, the proposal would conflict with the collective aim of achieving sustainable development as set out in policies SS1, SS2 and CT5 of the CS, along with the Framework.

Character and appearance

18. The appeal site is a heavily wooded parcel of land in the countryside which is surrounded by vast expanses of agricultural fields. On the approach to the site from both directions along Langham Road, the trees within the site are readily apparent from long-range views due to the distinct contrast with the arable landscape around it. The open stretches of land and mature vegetation in this part of the locality give a strong tranquil feel to the area.
19. The site is within the Norfolk Coast National Landscape (formerly named the Area of Outstanding Natural Beauty). The key qualities of this National Landscape, relevant to the appeal site, are outlined in the Norfolk Coast Area of Outstanding Natural Beauty Management Plan Strategy 2014-19. They include the strong and distinctive links between land and sea, diversity and integrity of landscape, sense of remoteness, tranquillity and wildness.
20. The appeal site falls within the Central North Norfolk National Character Area (NCA). Natural England guidance notes the key characteristics of this NCA being a gently undulating rural landscape dissected by river valleys, a tranquil agricultural landscape with extensive areas of arable land, ancient countryside with a sporadically rationalised patchwork field system, and relatively well-wooded landscape.
21. The site is also within an area defined as Tributary Farmland within the North Norfolk Landscape Character Assessment Supplementary Planning Document (2021). This area is characterised by generally open and rolling rural farmland with some elevated plateau areas and a rich diversity of minor settlement, woodland and historic estates.
22. The site is also within an area designated as the undeveloped coast, which has a special open, undeveloped character and appeal which is critical to North Norfolk's distinctiveness and tourism economy. It seems to me that the appeal

development does not need to be close to the coast as it would not be possible to restrict the use of boats that are stored at the appeal site to this part of the North Norfolk coast.

23. All in all, it is clear from the above that the appeal site is within an area that is very rich in character. The natural qualities of the appeal site, particularly its woodland traits, reflect the key attributes of the aforementioned designations, thus the site makes a positive contribution to the wider area.
24. Taking into account the type of development proposed, the overall extent of the appeal site to be developed and the arrangement of the development, I consider that the proposal does not represent major development in the context of paragraph 183 of the Framework.
25. Nonetheless, whilst the proposal seeks to make use of some of the existing network of hardstanding, it remains that it would introduce substantial features to this woodland site. The proposed use and resultant introduction of a very significant number of containers, boats and caravans would be highly incongruous within this natural setting and the wider countryside context.
26. The containers and external storage of boats/caravans would be more readily apparent than the hardstanding which, save for the area immediately at the entrance, is not visible from public vantage point. I am not convinced that the existing vegetation, along with any additional planting which the appellant is willing to introduce, would be sufficient to completely screen the development.
27. Passers-by would still likely get a sense of activities within the site and its use for storage by virtue of the presence of the containers and any glimpses of stored boats/caravans, even if overall activity levels and comings and goings were quite low. This would be an incongruous feature within this tranquil setting and would harmfully alter the site from a wooded parcel of land to an industrial site in the rural area which has been intentionally screened.
28. The other examples of storage sites which I have been referred to, and which I observed at the time of my visit, are within more built up areas and form part of the character of the coastal, tourist locality. The appeal site is further inland, surrounded by countryside between Langham and Morston. It has a much closer affinity to the wider arable countryside than the coastal region.
29. Consequently, the proposed development would harm the character and appearance of the area and would fail to conserve the natural beauty of the National Landscape. It therefore conflicts with Policies EN1, EN2, EN3 and EN4 of the CS, along with chapter 15 of the Framework.

Biodiversity

30. The planning application was supported by a Preliminary Ecological Appraisal¹(the PEA). This identifies that part of the site comprises broadleaved deciduous woodland, with the majority of the remainder of the site comprising either dense continuous scrub or patchy scattered scrub. This is set amongst a network of hardstanding.
31. Despite the Council's reference to the removal of woodland within its reason for refusal, I note that the proposal would not result in the loss of any woodland.

¹ Riverdale Ecology, Preliminary Ecological Appraisal, Land at Langham Road, Morston, Norfolk, May 2020

- Moreover, consent to carry out works to trees within the site which are subject to a tree preservation order has been granted through a separate application.
32. The Council's main concerns in respect of this main issue appear to be around the proposed loss of scrub throughout the site which would be required to facilitate storage of boats/caravans in existing areas of hardstanding.
 33. The PEA identifies that there is suitable nesting habitat for common and widespread bird species within the woodland, trees, hedgerows and scrub within the site. The range of natural and semi-natural habitats is also noted to support protected species including bats and badgers, and also has some potential for reptiles and hedgehogs.
 34. The subsequent Riverdale Ecology Preliminary Ecological Appraisal Validation Letter (10 August 2021) goes on to confirm that the site is covered with dense scrub which is high value nesting habitat for birds and the site supports a diverse assemblage of breeding and passage birds.
 35. The PEA indicates that the proposed boat and caravan storage areas will only require small scale clearance of suitable nesting scrub and other vegetation where it has encroached the areas of hardstanding. However, the validation letter states that the scope of the proposed works at the site were somewhat different to the brief that was provided at the time of the initial ecology assessment and the impacts presented within the report were specific to a slightly smaller scheme which was localised around the main area of hardstanding to the east of the site.
 36. This correlates with my observations at my site visit, where I noted that much of the internal network of roads and areas of hardstanding were heavily encroached by scrubs, excluding the main area of hardstanding in the north east corner of the site. I was not able to clearly observe all areas of hardstanding on which the storage areas are proposed due to extensive scrub coverage. As such, I share the Council's concerns that more than small-scale, localised clearance of scrub would be required to facilitate the appeal proposal.
 37. More substantial clearance of scrub which provides high value habitats could have a detrimental impact on nesting and breeding birds and other species. I cannot therefore be sure that the habitat across the majority of the site will be largely retained and in turn, cannot be certain that it would not have a harmful impact on protected species. I cannot therefore also accurately determine whether the proposed landscaping would mitigate for this loss.
 38. Additionally, the site visit for the PEA was carried out on 19 April 2020, and the validation letter is dated August 2021 which refers to a visit in June 2021. Both are now considerably out of date.
 39. I appreciate that some surveys may have a longer life depending on the specific ecological traits of the habitats and species concerned, as well as any dynamic physical processes that could change their composition or any changes in the management of the site. However, even though the validation letter states that the habitats within the site have not changed since the original April 2020 visit, it is noted that the badger main sett has become larger. This inconsistency, along with the clarification that the PEA considered a smaller proposed scheme, raises serious doubt in my mind as to the reliability of the PEA now.

40. As such, I cannot conclude that the proposal would not result in harm to biodiversity. For this reason, it would fail to accord with Policy EN9 of the CS along with paragraphs 180 and 186 of the Framework.

Planning Balance

41. The Framework is supportive of promoting a prosperous rural economy. The appeal proposal would generate jobs during construction and on subsequent operation of the development, albeit these would likely be limited given the nature of the proposal. The development may also support tourism in the local area, and I note the support from the Council's Economic Development team in this respect.
42. However, whilst it may be likely that boats which are stored at the appeal site would be used in the nearest coastal area to the site, this is not guaranteed. The appeal site may be used by the local population who then travel further afield with their boat/caravan when it is not being stored.
43. As there are no guarantees in this respect, I am not therefore convinced that this proposal would minimise travel and fuel use. Nor am I satisfied that the vehicles associated with the proposed development are already on the highway network. There is also no conclusive evidence before me to indicate that the re-use of existing hardstanding within the site would reduce carbon emissions overall. Therefore, I afford the purported environmental benefits of the appeal proposal limited weight.
44. Weighing heavily against these limited benefits is the above identified harms in relation to the introduction of the proposal in the countryside which conflicts with the spatial strategy of the borough, the harm to the character and appearance of the area and biodiversity.

Conclusion

45. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
46. The proposed development would be contrary to the development plan as a whole and there are no other material considerations, including the provisions of the Framework, that outweigh this finding. Therefore, the appeal should be dismissed.

H Ellison
INSPECTOR