



Appeal Decision

Site visit made on 20 May 2024

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 July 2024

Appeal Ref: APP/K2610/W/23/3331493

Oaks Meadow, Old Church Road, Hainford NR10 3BG

- 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 Slater of Oaks Meadow Holiday Lodges against the decision of Broadland District Council.
 - The application reference is 20221973.
 - The development proposed is the creation of 5no. woodland holiday lodges with reception building and new vehicle exit.
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Decision

1. The appeal is dismissed.

Preliminary Matters

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. For the avoidance of doubt, where necessary I shall refer to section and paragraph numbers in the updated Framework where necessary.
3. The Greater Norwich Local Plan (GNLP) was adopted by the Council in March 2024. This supersedes the Joint Core Strategy for Broadland, Norwich and South Norfolk 2014 (JCS). The relevant policies in the GNLP are Policy 2, 3 and 6 replacing Policies 1, 2, 6, 16 and 17 of the JCS. Parties were given the opportunity to comment on the policy changes in relation to the appeal. I am therefore satisfied that no party has been unfairly prejudiced, and I make no further reference to the JCS.

Main Issues

4. The main issues in this appeal are:
 - Whether the appeal site is a suitable location for the development proposed having regard to the local and national policies with particular regard to need and access to services and facilities;
 - The effect of the appeal proposal on the character and appearance of the surrounding area, including the effect of the development on trees; and
 - The effect of the proposed development on the integrity of River Wensum and the Broads Special Areas of Conservation (SACs) and other European Sites.

Reasons

Locational Suitability

5. The appeal site is a grassed paddock located in open countryside on Old Church Road outside the built-up areas which form the village of Hainford. It is physically and visually separated from the built-up area by an intervening field.
6. Policy E3 of Council's Development Management Development Planning Document 2015 (DMDPD) seeks to ensure that there is a demonstrable demand for new tourist accommodation outside of settlement limits and that it is financially viable. The supporting text indicates that tourist accommodation should be justified by way of a specific need in the particular location.
7. Notwithstanding information relating to regional and county-wide tourist accommodation, I have not been provided with any substantive evidence which would suggest that there is a site-specific demand for tourist accommodation in this particular location. Furthermore, I have no substantive evidence before me to demonstrate that the appeal site is connected with any of the established attractions identified as being close by.
8. I have been provided with a map showing the location of visitor attractions in the area. No distances are indicated, but from my observations on site, only Hevingham Park is within easy walking or cycling distance from the appeal site.
9. Facilities and services in Hainford are extremely limited. From the evidence before me and from my observations on site, these are restricted solely to a public house on Stratton Road, a short walk from the site along Old Church Road. Old Church Road is a classified road with no footways and narrow verges.
10. Bus stops are located on Newton Road, some distance from the appeal site along unlit roads with no footway for the majority of the way. Services from here provide an infrequent daily service (except Sundays) to Norwich city centre and towns on the north Norfolk coast. Although the appeal site is located a short drive from Norwich airport and the city centre is accessible by both car and on public transport, it is highly likely that visitors to the proposed development would be highly dependent on the private motor vehicle on a daily basis to visit attractions, take part in recreational activities offered in the area and to access shops and other facilities, such as eating establishments.
11. I note that a reception area would provide washing facilities and the sale of daily essentials for visitors. However, I have no mechanism before me to ensure that would be the case. Furthermore, requiring these facilities to be provided would not pass the tests for conditions set out in the Framework and Planning Practice Guidance.
12. A business plan for the proposal outlines estimated build costs and rental income. Nevertheless, I have limited information before me which sets out the operating costs of the development to demonstrate the viability of the proposal. As a result, I am unable to conclude that the enterprise would be financially viable in the long term.
13. I am therefore not persuaded that there is a demonstrable demand for this type and quantum of tourist accommodation in this specific location, and therefore for the reasons set out above, the appeal site is not a suitable

location for the development proposed, having regard to the development plan and national planning policy both in terms of need and accessibility to services and facilities. The principle of the proposed development would therefore be unacceptable. There would be conflict with Policy 6 of the GNLP and Policies GC1, GC2 and E3 of the DMDPD which require development to be sustainably located and a demonstrable site-specific demand for tourist accommodation which is financially viable.

Character and Appearance

14. Five timber lodge buildings which would be used as visitor accommodation would be arranged on the site in two rows with a central track providing vehicular access to each. A brick-built staff/reception lodge would be located at the entrance to the site. Each lodge plot would be separated by native hedge screening. Two car parking spaces would be provided per lodge in addition to four spaces at the entrance for staff and visitors. Separate access and egress would be taken directly from Old Church Road.
15. The appeal site is currently undeveloped, several trees are located within the site and substantial tree belts and hedgerows run around its perimeter. Access leading to Glebe Farm runs adjacent to the eastern boundary and a woodland burial park is located immediately to the west. As such the appeal site retains a verdant rural character and appearance. As a result, the site contributes positively to the character and appearance of the locality on the approach to the built-up area of Hainford.
16. The proposal would introduce a significant scale of built development equivalent to six bungalows with extensive hardstanding in between, which would be highly visible from the highway. The effect of the development would be to introduce a form of development which would urbanise the site and extend the built-up area of Hainford into the countryside. As a result, the proposal would appear out of keeping with the rural character of the site and its surroundings.
17. The development would lead to the loss of a number of trees on the site including oak, hawthorn, sycamore and ash. An arboricultural constraints report indicates that although almost half the trees on the site are of low quality, all have a life expectancy of in excess of 10 years and some in excess of 40 years. Nevertheless, they make a positive contribution to the character and appearance of the appeal site and the area in general.
18. The proposal is not explicit which trees are to be removed. The constraints report suggests that removals would be kept to a minimum and limited to trees of low quality. Construction methods would be employed which would reduce conflict with the trees. However, I have no details before me to provide me with any reassurances that this would be the case. Given the significant contribution that the trees make to the character and appearance of the site, and the lack of evidence before me regarding the precise number and location of trees to be removed, employing the precautionary principle, I conclude that the loss of trees would lead to harm to the character and appearance of the site and the surrounding area.
19. I have not been made aware that the site forms part of a 'valued' landscape. Nevertheless, in coming to my decision on this main issue I have had regard to the intrinsic character and beauty of the site and the surrounding countryside

and conclude for the reasons set out that the development adversely impacts on the character and appearance of the appeal site and the surrounding area. There would therefore be conflict with NGLP Policies 2 and 6, DMDPD Policies GC4, EN1 and EN2 which together seek to ensure that development is of high standard and avoids detrimental impact on the character and appearance of the area including the landscape, biodiversity and habitats. There would be conflict with the Council's Landscape Character SPD which provides guidance regarding the landscape character of the district. In addition, the proposal would not comply with the design aims of the Framework with regard to providing high quality places.

Integrity of European Sites

20. The appeal site lies within the catchment of the River Wensum and is therefore functionally linked to the Broads SAC, a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations), and in the Zone of Influence (ZoI) of The Broads, Valley Fens and East Coast as set out in the Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy 2021 (GIRAMS).
21. The ZoI encompass numerous SPAs, SACs and Ramsar Sites, with varied qualifying features which can be summarised as including a variety of designated land, aquatic, coastal and other habitats that host a rich array of flora and fauna, including protected and important flora, invertebrates, mammals and amphibians, and over-wintering, migratory, breeding rare or vulnerable birds and internationally important assemblages.
22. Nutrient neutrality requires that competent authorities under the Habitat Regulations carefully consider the nutrient impacts of projects on Protected Habitats sites, and whether those impacts may have an adverse effect on the integrity of a Protected Habitats site that requires mitigation.
23. The proposal for new visitor accommodation has the potential to lead to an increase in additional nutrients reaching the SAC due to the implications of foul and surface water drainage systems and in the absence of mitigation measures, the proposal would likely have a significant adverse effect on the integrity of the SAC. Furthermore, recreational impact mitigation measures as set out in the GIRAMS is also required.
24. Whilst the effect of the proposal may be small, in combination with other development, based on the precautionary principle and the evidence before me, I conclude that the appeal scheme would be likely to have both a significant adverse effect on the integrity of the SAC. This is due to both the potential increase in nutrients entering the watercourse and potential additional increased disturbance through recreational activity on the integrity of The Broads SAC.
25. The Regulations place a duty on the competent authority to undertake an appropriate assessment of the implications of the appeal scheme in view of the designated sites' conservation objectives. However, in the absence of a legally binding mitigation strategy to overcome the effects that have been identified in respect of nutrients and the lack of a mechanism to secure the contribution to mitigate the impacts of recreational pressure, I therefore cannot be satisfied

that the appeal proposal would not result in significant adverse effect to the integrity of identified protected sites.

26. The appellant has suggested that a condition be used to restrict the commencement of development until such a time as a credits system to mitigate the impacts of the development is in place. In my opinion a condition placing such a restriction on development would not pass the tests for conditions set out in the Framework.
27. The proposal would therefore fail to comply with the requirements of the Regulations as well as Paragraphs 180 and 185 - 187 of the Framework which states that where significant harm to biodiversity resulting from a development cannot be adequately mitigated, then planning permission should be refused. As a result, it would not accord with DMDPD Policy EN1 which seeks to protect the biodiversity of the district and Policy 3 of the GNLP which seeks to ensure that environmental assets of the area will be protected, maintained, restored, and enhanced.

Other Matters

28. My attention has been drawn to an appeal decision¹ in Cheshire where an Inspector reached an alternative conclusion. I do not have all the information available to me regarding the circumstances of that appeal, which was subject to different local planning policies to the case before me and therefore is not directly comparable. I therefore place little weight on this matter.
29. Economic benefits would be arising from the development in terms of added spend in the local area including the public house in Hainford. However, these benefits would not outweigh the harm that I have found on the main issues, and do not lead me to an alternative conclusion.
30. I note that there is no public access to the site and that the site would provide adequate visibility splays onto the highway. These are neutral factors which weigh neither in favour nor against allowing the appeal and do not diminish the harm that I have found on the main issues.

Conclusion

31. For the reasons given above, having considered the development plan as a whole and all relevant material considerations, I conclude that the appeal is dismissed.

KL Robbie

INSPECTOR

¹ APP/R0660/W/23/3317162 Sevenoaks, Hearn Lane, Faddiley CW5 8JL