
Appeal Decision

Site visit made on 24 April 2024

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th July 2024

Appeal Ref: APP/V2635/W/23/3327057

Land adjacent Castle Acre CofE Primary Academy, Back Lane, Castle Acre, Kings Lynn PE32 2AR

- 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 Michael Bevan against the decision of King's Lynn & West Norfolk Borough Council.
 - The application Ref 22/01464/FM, dated 17 July 2022, was refused by notice dated 10 March 2023.
 - The development proposed is the construction of 10 glamping pods installed over two phases for use as holiday accommodation.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Michael Bevan against King's Lynn & West Norfolk Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area, including the landscape setting of the village, the setting of the Castle Acre Conservation Area (CA) and its constituent heritage assets; and
 - the effect of the proposal on the living conditions of nearby residents in relation to noise and disturbance.

Reasons

Character and appearance

4. The proposal is for 10 glamping pods for use as holiday accommodation on a rectangular grassed field, about 2.4 ha in size, immediately to the west of the Castle Acre primary school on the northern edge of the village. The site lies to the rear of a series of detached houses on Back Lane with open arable fields and some woodland to the north and west. The scheme, which would be built in two phases, would comprise a series of timber huts with adjacent parking spaces, located in two rows on each side of the field with the remainder for the hut occupiers to use for outdoor recreation purposes.

5. The site lies outside albeit immediately adjacent to the development boundary of Castle Acre and thus in the countryside for planning policy purposes. As such Policy CS10 of the Core Strategy 2011 (the CS) and Policy DM11 of the Site Allocations and Development Management Policies Plan 2016 (the SADMPP) allow holiday accommodation provided certain criteria, including an acceptable impact on the landscape and heritage assets, are met.
6. Castle Acre is a village of exceptional heritage significance given its location on the Peddars Way and its historic development with a Norman castle, planned town with boundary earthworks and adjacent Cluniac Priory. This significance is reflected in an extensive CA, scheduled ancient monuments and numerous listed buildings concentrated around Stocks Green, including the Grade I listed Church of St James, but also in the vicinity of St James Green.
7. The village lies on a gentle south facing slope close to the River Nar with the significance of the priory, historic town and castle enhanced by their attractive, undeveloped pastoral setting along and across the valley. The 1904 OS map shows Back Lane marking the northern extent of the village and this forms the CA boundary. However, the 20th century has seen development beyond this, in particular the Foxes Meadow estate, primary school and the line of detached houses which now separate the appeal site from the CA. These buildings and associated trees screen the CA and even the tower of St James Church from the appeal site, thus reducing its contribution to their setting except in the very widest sense. The effect of the glamping huts, even taking account of the ancillary elements discussed below, on the significance and understanding of the CA and other heritage assets would therefore be minimal.
8. However, the site does fall within the rural, countryside setting of the village which is protected by Policy NE1 of the Castle Acre Neighbourhood Plan 2022 (the NDP). As an exception to the generally south facing slopes occupied by the village, the site slopes towards the north-west and with only a gappy hedgerow on its northern boundary is wide open to views from the higher ground in that direction. At least one gap in the hedgerow on the southern side of West Acre Road reveals this view, and importantly the site is clearly seen when approaching the village along the public footpath which runs south alongside a hedgerow from the road. This view towards the village and the church tower is identified as View G, one of just seven important views in the NDP that are protected by Policy HE4.
9. The scheme involves 10 glamping huts in two neat rows of 5 on each side of the field. Whilst relatively small, just 5.8 m by 3 m and under 3 m to the ridge, they would be accompanied by adjacent parked cars, lengthy access driveways of permeable tarmac, a 2 m high impervious acoustic fence along the southern boundary¹ and wildlife fence with locked gate across the northern side of the site. Furthermore, with the interior living space of each hut only about 3 m square, there will inevitably be pressure for significant outside facilities including external seating areas, perhaps screened off for privacy, and other features such as picnic benches, barbeques and games/activity space for individual pod or potential collective use.
10. Overall, the huts, cars and accompanying features would significantly change the field from its current unspoilt pastoral, pleasant and tranquil character to one marred by a series of physical features and the activity of car movements

¹ albeit replacing an existing close boarded fence

and up to 20 people using the site in various ways during the daytime. In addition, after dark, the scheme would lead to moving car headlights and light from hut windows in an area that is currently dark. Further landscaping on the field boundaries to help screen the site would take time to become established and would not in any event fully mitigate the visual impact when seen from important view G to the north due to the topography.

11. For these reasons, whilst the impact on heritage assets would be minimal, the proposal would significantly harm the character and appearance of the area and the landscape setting of the village. This would conflict with CS Policies CS06, CS08, CS10 & CS12 and SADMPP Policy DM11 which seek to maintain local character, conserve landscape setting, minimise impact on visual amenity, require high quality design and preclude tourism accommodation in rural areas that would be detrimental to the landscape. The proposal would also conflict with NDP Policies NE1 & HE4 which seek to protect the scenic value of the landscape and countryside outside the defined settlement boundary and resist proposals within important view G that would have an adverse impact on the landscape or character of the view. There would however be no significant conflict with NDP Policies HE1 and HE2 which seek to protect historic assets.

Living conditions

12. The field lies immediately behind the rear gardens of the detached houses on the northern side of Back Lane. Whilst the rear gardens are quite large and the huts would be sited halfway down the site, about 150 m from the houses, there would be clear potential for car movements and the people on the site to cause noise and disturbance to nearby residents. To determine the potential impact, an Environmental Assessment Report by Acoustic Associates (Peterborough) dated January 2022 has been submitted.
13. The noise monitoring carried out on the site demonstrated very low levels typical of a rural area, with the most prevalent noise sources being children in the school playground, birdsong and distant road traffic. Various scenarios were then modelled involving people talking with raised voices in the centre of the field and near the huts together with car movements. Taking the Council's criterion that the background noise levels should not be exceeded by more than 5 dB to avoid disturbance, the modelling showed that raised voices would not cause disturbance during the daytime and evening but would at night (defined as after 11pm), whilst car movements would cause disturbance to the occupiers of between one and all seven houses depending on the time of day. Outdoor music does not seem to have been modelled.
14. The modelling necessarily involves a number of assumptions and is said to be a worst-case scenario. However, it assumes that guests are generally staying in the northern part of the site away from the houses, are 'behaving reasonably' and not shouting, none of which can be guaranteed. Indicating the sensitivity of the assumptions, if guests are closer to the houses in the southern part of the field, 75 m away instead of 150 m, noise levels would be about 6 dB higher than predicted, and if shouting rather than using raised voices, 16 dB higher. In both cases this would be likely to cause significant levels of nuisance to nearby occupiers, particularly later in the evenings when the existing noise environment is quietest and excess noise would be most noticeable.
15. The report therefore recommends that management ensure that guests refrain from shouting or playing loud music, particularly between 11pm and 7am, and

car movements should not take place between those times. In response, the business operators propose various site rules to minimise potential nuisance to neighbours, including limiting hours of vehicular access, late night curfews, and no excessive noise after 11.30pm. Guests would be charged a deposit of £150 which would be forfeit if the rules are broken.

16. However, with no continuous on-site presence planned, these restrictions are in practice unenforceable. Guests will sometimes arrive or return by car late at night. With only limited internal space in the huts much external activity is likely, with games, barbeques, talking and music, perhaps late into the night. Some shouting and unexpected noises are almost inevitable, and barbeques would generate smoke and odour. There would be a steady turnover of new guests with up to ten huts occupied at any one time, perhaps teenagers and children present, and sometimes guests would book as a group. Incidents of noise or other anti-social behaviour would be hard to stop at the time, and the persons/groups responsible difficult to clearly establish to make the deposit deterrent system workable. These enforcement problems cannot be effectively resolved and the necessary restrictions to make the proposal acceptable in such close proximity to residential occupiers are therefore impractical.
17. For these reasons the proposal would significantly harm the living conditions of nearby residents as a result of noise and disturbance in conflict with CS Policies CS06 & CS08 and SADMPP Policy DM15. These resist proposals that detract from residential amenity, seek to enhance community wellbeing and require an assessment of their impact on neighbouring uses and their occupants in respect of noise and odour. The latter policy states that development that has a significant adverse impact on the amenity of others will be refused.

Conclusion

18. The proposal would provide tourist accommodation in an attractive and historic village which guests would enjoy and would generate economic benefits for the area, including local jobs and expenditure in local shops and other facilities. However, these benefits are outweighed by the adverse effect on the character and appearance of the area and the landscape setting of the village together with the adverse effect on the living conditions of nearby residents due to noise and disturbance.
19. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR