



Appeal Decision

Site visit made on 13 September 2024

By David Spencer BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th September 2024

Appeal Ref: APP/Y2620/W/23/3332557

Great Gable, Metton Road, Cromer NR27 9JH

- 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 Duane Wright against the decision of North Norfolk District Council.
 - The application Ref PF/23/0958, dated 25 May 2023, was refused by notice dated 25 July 2023.
 - The development proposed is change of use from Annexe to Holiday Let
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are as follows:
 - (i) Whether the proposal would comprise an appropriate re-use of a building in the countryside having regard to the development plan;
 - (ii) Whether the appeal proposal would provide accessible accommodation; and
 - (iii) the effect of the proposal on highway safety, with particular reference to visibility at the entrance/driveway onto Metton Road.

Appropriate Location

3. The appeal site is in the countryside beyond the edge of Cromer in undulating woodland. The appeal proposal would involve the change of use of an existing building which was completed in 2022 following the initial grant of planning permission in 2017 for a residential annexe.
4. The development plan comprises the North Norfolk Local Development Framework Core Strategy incorporating development control policies, adopted in 2008 (*the NNCS*). The general strategy of the NNCS, articulated in Policy SS1, is to direct the majority of new development to the towns and larger villages of North Norfolk such that in the wider countryside, including the appeal location, development will be restricted to particular types of development, including amongst other things, to support the rural economy.
5. Policy SS2 of the NNCS sets out those types of development that are considered to require a rural location. This includes "the re-use and adaptation of buildings for appropriate purposes." The policy does not qualify whether a building must have been built or established for a certain period of time before

re-use or adaptation can be considered. Policy SS2 does not set out what are considered to be “appropriate purposes”. For that, the LPA has applied two NNCS policies that reasonably relate to the proposed holiday let use.

6. Firstly, Policy EC2 addresses the re-use of buildings in the countryside and is permissive provided a proposal meets one of a small number of scenarios. The first is economic uses including holiday accommodation (subject to a cross-reference that occupancy is seasonally restricted to short-term lets). The preamble to the policy mentions encouraging the re-use of rural buildings, including within the context of supporting the diversification of farm enterprises. This might suggest the re-use of traditional buildings, but the policy itself refers simply to the re-use of buildings in the countryside without any caveats. Looking at Policy EC2 more widely, a 1 bedroom holiday let would be appropriate in scale and nature to the location. The annexe is soundly built and a holiday let use would not harm the biodiversity, amenity and character of the area.
7. Secondly, Policy EC7 deals with the location of new tourism development. It says within the countryside, proposals for new tourist accommodation will be permitted in accordance with other policies including the Re-use of Buildings in the Countryside (presumed to be Policy EC2). Policy EC7 then says that proposals for “new-build unserviced” holiday accommodation in the Countryside will be treated as though they are permanent residential dwellings and will not be permitted. The preamble to the policy at paragraph 3.4.26 seems to place a clear emphasis on protecting the countryside “from development that could erode the character of the area” and to protect the Countryside from “private holiday homes being built across the District.” It is not transparent whether a main aim of Policy EC7 in restricting new build unserviced holiday accommodation relates to managing sustainable patterns of development.
8. The LPAs main issue appears to be that having relatively recently obtained and implemented planning permission for a residential annexe the appeal proposal would be tantamount to a new-build. A notable period of time that has elapsed since permission was first granted for the annexe (7 years ago). Clearly the LPA must have been satisfied that the annexe proposal was justified and did not cause significant harm to the character of the area when granting the planning permission(s). The appellant submits, various factors such the Covid pandemic and the subsequent significant increases in the cost of materials unduly and significantly prolonged the build time. Whilst the completion of the building is relatively recent, the principle of its construction in this countryside location is reasonably long established. Certainly, a sufficient period of time has elapsed for the appellant’s circumstances to genuinely change.
9. Whatever the LPAs concerns, the fact remains that a habitable building in the countryside lawfully exists. As set out above the relevant policy framework does not make a distinction between re-using traditional or longer-established buildings and circumstances where relatively recently constructed buildings are proposed for an alternative purpose that would be nonetheless compatible in terms of the character of the building and the surrounding area.
10. I therefore conclude that the appeal proposal would comprise an appropriate re-use of a building in the countryside having regard to the development plan. There would be no conflict with NNCS Policy SS1 and the proposal would accord with NNCS Policies SS2, EC2 and EC7. The NNCS is now of some age and

predates the National Planning Policy Framework (NPPF) by some margin. NPPF paragraph 88, in terms of supporting a prosperous rural economy, says decisions should enable the sustainable growth and expansion of all types of businesses in rural areas, including through the conversion of existing buildings, and sustainable rural tourism developments that respect the character of the countryside. The proposal would accord with this relevant part of the NPPF.

Accessible Accommodation

11. The existing Annexe accommodation is at first floor level above the garaging. It can only be reached via a flight of metal external stairs. The gradient and exposed nature of these steps would not be accessible for disabled persons or people with reduced mobility. As such, the proposed holiday accommodation would not be accessible to all.
12. The appellant says that the accommodation could be advertised to reflect its restricted accessibility, but the Equality Act 2010 sets a public sector equality duty, by which I am bound. This requires me to have regard to various aims, including eliminating discrimination and advancing equality of opportunity between persons who share a relevant characteristic and those who do not share it. Age, disability and impairment are relevant characteristics.
13. The annexe was approved and subject to conditions to be used as accommodation ancillary to the main dwelling at Great Gable. In terms of opening up the accommodation to wider public use, there is very little before me in terms of any proposed reasonable adjustments. As such persons of age or with a disability would be treated less favourably than those who do not share this characteristic in the ability to use the proposed holiday let.
14. I therefore conclude that the proposal would be contrary to Policy EN4 of the NNCS which requires all development to be of a high quality design including ensuring that buildings are accessible to all, including elderly and disabled people. The proposal would also conflict with NPPF paragraphs 96 and 135 which state that the planning system should aim to achieve inclusive places.

Highway Safety

15. The most obvious and direct connection into Cromer is via Metton Road and then Hall Road, rather than the longer and more rural route of the Weavers' Way as suggested by the appellant. Whilst my site visit can only represent a snapshot, I observed that these roads carry a reasonable amount of traffic, perhaps due to the ability to connect to the B1436 to the south and attractions such as the 'Amazona Zoo'. These are not particularly quiet country lanes¹.
16. There is a footway from the town along Hall Road as far as the 'Amazona Zoo' but there would remain some distance beyond this point to reach appeal site. The highway is mainly at the national speed limit (60mph) from the edge of Cromer, with no streetlights and very few places at which to safely step off. Furthermore, the road alignment is not straight with several bends² which would be off-putting for pedestrians and cyclists due to the volume and speed of traffic. Despite what the appellant says about car parking in Cromer being

¹ The nearest traffic data on Metton Road in 2012 recorded a combined two way weekly traffic flow of circa 6,500 vehicles.

² Including directly at the trackway entrance to the appeal site on Metton Road

problematical in peak season I do not consider occupiers of the proposed holiday let would readily walk or cycle into the town and to the beach due to the highway conditions. I note the proposals to reduce the speed limit to 40mph in the near future, but that would remain an uncomfortable speed of traffic for any persons and cyclists with no option but to share the carriageway. Consequently, occupants of the proposed holiday let use would be highly reliant on the private motor vehicle.

17. I observed that the annexe building has a triple garage, which is to be used incidental to and in connection with the main dwelling at Great Gable. Furthermore, the occupancy of a residential annexe is meant to have a degree of reliance on the host dwelling, as set out in the conditions attached to the approved scheme under PF/17/0753 and PF/18/1811. The annexe is not separate dwellinghouse with the attendant degree of associated, independent comings and goings. Overall, I am satisfied that the appeal proposal would generate additional traffic movements compared to the existing annexe use. The appellant refers to the potential for vehicle movements at the appeal location to increase if the appeal is not allowed, for example renting out a room, or natural increases in car ownership. In contrast to these scenarios, however, the proposed holiday let requires planning permission and due consideration of the associated traffic generated.
18. The public highway at the appeal location comprises the unclassified Metton Road. This is generally a rural lane ascending up from Hall Road to join the B1436 Roughton Road a short distance to the south. At the point of the access to the appeal site, Metton Road is generally of two vehicle width, although there places where the width is confined by steep banks and vegetation. There is no streetlighting. The highway at the appeal site entrance is currently at the national limit (60mph). I note this is to be reduced to 40mph, with the Local Highway Authority (LHA) advising that this should be introduced within the next 12 months.
19. The existing private access to Great Gables (shared with 'Blencathra') from Metton Road is a narrow, single vehicular width trackway, cut into steeply sided banks forming the verge to Metton Road, such that it is a notably steep and constrained access up from the road to the gateway into Great Gables. This private access joins Metton Road on the inside edge of a tight curve. The combination of road alignment and the steeply sided banks with vegetation, and to south a hexagonal pole at the mouth of the junction, means that visibility when exiting the driveway in both directions is severely limited. There are no plans before me that show any improvements to this arrangement, which may be challenging given land ownerships and protected trees³. Even against the planned 40mph speed limit, the LHA has considered local traffic speed data of 35mph at the 85th percentile and a more relaxed set back of 2 metres. This analysis confirms that the visibility in both directions at the site access onto Metton Road would be severely below the requirements when applying the nationally recognised Manual for Streets.
20. I observed the mirror placed opposite the access. To my mind the presence of the mirror reinforces the very poor nature of the visibility rather than provide sufficient assurance. There is no guarantee that the mirror would not be damaged or unintentionally knocked down or removed and not readily

³ Compit Hills, Cromer Tree Preservation Order 2010 No.28

replaced. I note the LHA resists the use and asserted benefits of mirrors on their highway as a means of overcoming visibility constraints.

21. I am also concerned about the impact of an increased number of vehicles manoeuvring into and out of the site at a point on Metton Road where forward visibility in both directions on the public highway approaching the turn for the appeal site is limited by the alignment of the highway. Whilst there are various signs advising traffic to slow down on this part of Metton Road, it is nonetheless a location where there would be limited advance warning to respond to vehicles emerging from the access or northbound stationary traffic waiting to turn into the trackway. This further adds to my concerns about the general safety of the highway environment at the appeal location.
22. There has been one personal injury accident at the appeal site access onto Metton Road within the last five years (to 31 January 2024) on the afternoon of 27 September 2023 in daylight and "fine weather". This accident involved a vehicle leaving the driveway and colliding with an oncoming motorcycle. The accident report states it was a combination of driver error and failing to look properly on the part of the vehicle exiting the driveway and the other vehicle travelling too fast for the conditions. The incident was graded as "serious". I note the vehicle exiting the driveway was turning right, which is the more likely direction for those using the holiday let (into Cromer and to the nearest coast).
23. The appellant emphasises the number of vehicles using the driveway including deliveries and bin lorries and places some onus the recent accident involving a "young inexperienced driver". Be that as it may, the recent incident confirms to my mind, following my observations on site, the potential risks arising from the further use of the substandard existing access, which the appellant acknowledges is "less than desirable for visibility." I am therefore concerned that a holiday let would see a regular turnover of vehicle users who would not be familiar with this local highway environment.
24. I therefore conclude that the appeal proposal would result in harm to highway safety, with particular reference to visibility at the entrance/driveway onto Metton Road. It would be contrary to Policy CT5 of the NNCS which requires proposals to be capable of being served by safe access to the highway network. It would also conflict with the NPPF at paragraph 114 which expects safe and suitable access to the site can be achieved for all users. Furthermore, NPPF paragraph 115 states that development should only be refused on highway grounds if there would be unacceptable impact on highway safety.

Balance and Conclusion

25. In terms of the principle of the proposed development, having regard to the particular circumstances at the appeal site, I have found that the proposed holiday let would comprise an appropriate re-use of a building in the countryside that would not be contrary to the relevant development plan policies. There would be social and economic benefits arising from a new holiday let to which I give appreciable positive weight. The appellant also submits that the proposal would generate income to help mortgage costs and other factors. The personal financial circumstances of the appellant are, however, not a material planning consideration and so I give no weight this.
26. On the other hand, the proposal would not be accessible to all, contrary to the development plan, national planning policy and the aims of equality legislation.

I ascribe significant weight to this social harm. Moreover, the appeal proposal would generate additional and unfamiliar traffic utilising a point of access onto the highway network which would not be safe, contrary to the development plan and national planning policy. Again, I give significant negative weight to this harm.

27. Overall, I find the harms identified mean the appeal proposal would not accord with the development plan when taken as a whole. As such it would not amount to sustainable development for which there is a presumption in favour of. I have had regard to all other matters raised, but there is nothing that leads me to conclude other than that the appeal should be dismissed for the reasons given.

David Spencer

Inspector.