



Appeal Decision

Site visit made on 14 May 2024

by R Norman BA(Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th September 2024

Appeal Ref: APP/U2615/W/23/3330450

Rose Farm Touring Park, Stepshort, Belton, Norfolk NR31 9JS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by SRG Park Holdings Limited against Great Yarmouth Borough Council.
 - The application Ref is 06/22/1104/F.
 - The development proposed is to regularise the use of existing holiday accommodation as residential with year-round occupancy.
-

Decision

1. The appeal is dismissed and planning permission to regularise the use of existing holiday accommodation as residential with year-round occupancy is refused.

Preliminary Matters

2. A revised description of development was agreed by the Council and the Appellant, and the application was determined on that basis. I have therefore used the revised description as agreed by the parties in the heading and decision above.
3. I have had regard to the legal position outlined in the Appellant's legal submissions and their view that the consideration of the appeal should centre on the legal matters rather than the policy requirements due to the claimed established residential use, which I will return to later in my decision. However, notwithstanding this, the application was submitted as a Section 78 application and I have determined the appeal in accordance with that procedure.
4. In July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and the National Planning Policy Framework: draft text for consultation. The proposed reforms are draft and therefore may be subject to change before the final document is published however the parties have been given the opportunity to provide comments, which I have taken into account in my consideration of this appeal.

Main Issues

5. The main issues are:
 - whether the proposal would be in a suitable location having regard to access to services and facilities,

- whether the proposal would provide acceptable living conditions for future occupants;
- the effect of the proposal on ecology and biodiversity;
- whether the site should make a contribution to affordable housing, public open space and infrastructure in general;
- the effect of the proposal on local employment and tourism;
- the effect of the proposal on the landscape, Strategic Gap and the character and appearance of the area;
- the effect of the proposal on the trees and hedges within and adjacent to the appeal site;
- whether the proposal would be acceptable in terms of access and highway safety;
- the effects of the proposal on flood risk and surface water and foul drainage; and
- the effect of the proposal on climate change.

Reasons

Location and access to services and facilities

6. The appeal site comprises a residential and holiday park. It is a long site, accessed off Stepshort, running alongside a railway cutting. The immediate area is characterised by a mix of dwellings and open countryside and there are other holiday parks in the wider area. The front part of the site is residential with new lodges currently under construction. This appeal relates to the rearmost part of the site from the Wiggly Wobbly Road onwards, which is used to provide holiday accommodation. The proposal would not result in an overall increase in accommodation units.
7. Policy GSP1 of the Great Yarmouth Local Plan Part 2 (December 2021) (LPP2) states that development within the Development Limits will be supported in principle subject to compliance with other relevant policies of the development plan. It goes on to say that development will not be permitted on land outside of Development Limits unless it comprises certain types of development. The appeal site is located outside of the Development Limits and proposes permanent year-round accommodation as main or sole residences for occupiers. As such, it does not fall within any of the categories of development listed in GSP1 a. – c.
8. Policy CS2 of the Great Yarmouth Local Plan (Part 1): Core Strategy 2013 - 2030 (2015) (LPP1) sets out the settlement hierarchy towards which new development should be directed. Furthermore, Policies H5 and H11 of the LPP2 provides the framework for considering housing for specific groups, however the proposal does not specify the target group in this instance to enable it to be considered against these policies.
9. In terms of access to services and facilities, I have had regard to the acceptable walking distances referred to in Manual for Streets 2. The appeal site falls to the rear of the park which would result in an increased distance for pedestrians, and there are width restrictions along the route including the

positioning of a telegraph pole. However, I do not consider that the proposed development when considered in its entirety would result in an excessive level of change and would not be a substantially different situation in terms of access to services and facilities than currently experienced by people occupying the appeal site on a temporary basis.

10. The proposal would not clearly connect to the local and wider cycle and pedestrian routes and there are a lack of footpaths along this part of Stepshort leading to local services and facilities. However, there is a large grass verge along Stepshort immediately outside of the touring park leading to the footpaths at the roundabout and further along Stepshort in both directions. Moreover, the road is not high speed and has good visibility and would therefore not discourage cyclists or pedestrians. According, it has not been demonstrated that the change to permanent accommodation would be likely to result in a significantly different situation to the existing one in terms of access to local services.
11. Notwithstanding the accessibility to local facilities, I find that the proposal would conflict with the provisions of Policies CS2 of the LPP1 and GSP1 of the LPP2 as a result of the location of the site outside of the Development Limits.

Future living conditions

12. The proposal would provide no more than 65 units of accommodation for permanent occupation as a person's sole or main residence.
13. The proposed plans as submitted do not show a likely layout and position for the proposed units and whilst it is likely that a number of caravans could be sited within the appeal site, it has not been demonstrated that these could be done whilst providing appropriate areas of private amenity space and sufficient parking.
14. The Appellant has also not provided full details of the type of caravan to be stationed on the appeal site, and therefore it is not possible to conclude that these would provide a suitable level of internal accommodation or that the proposal would meet the required accessible and adaptable standards required by Policy A2 of the LPP2.
15. Whilst bin collections and similar facilities could be conditioned, it is not possible on the basis of the evidence before me to conclude that the layout and caravans would provide a suitable level of living conditions for future occupiers. As such, the proposal would fail to comply with Policies CS9, CS16 of the LPP1 and A2 of the LPP2. Collectively these require development to protect the amenity of existing and future residents, and create attractive and functional environments amongst other things. It would also be at odds with the aims of paragraphs 131, 135 and 139 of the National Planning Policy Framework (the Framework) which seek to achieve well-designed places and make development acceptable to communities.

Ecology and biodiversity and protected sites

16. The location of the appeal site and the existing vegetation is likely to result in some habitats and protected species being present on or in proximity to the appeal site.

17. The appeal site can be currently used for temporary holiday occupation therefore there will be vehicle movements, the potential for movement of caravans onto and off the site and associated day to day activities. However, the permanent occupation of units on the appeal site may give rise to increased impacts through permanent siting of units and associated lighting and other structures.
18. No formal assessment of protected species and biodiversity assets has been carried out in order to form a baseline to consider the likely impacts arising through permanent occupation. Whilst it may be possible for conditions to be imposed in order to secure adequate mitigation measures, surveys and information in relation to protected species and biodiversity would be required to be able to assess any ongoing impacts in order to mitigate these. Therefore, given the importance of protected species and biodiversity considerations it would not be appropriate to deal with this via planning condition.
19. The Council have also raised concerns in relation to the impacts on nearby internationally and nationally protected ecology and wildlife sites as a result of the proposal. The appeal site is already capable of providing accommodation on a seasonal tourist basis. However, the proposal may result in increased pressure on these sites. In the absence of detailed information as to the proposed units and a Habitats Regulation Assessment, taking a cautionary approach, it is not possible to conclude that there would not be harmful impacts on these protected sites which would need to be mitigated against.
20. The proposal would therefore fail to comply with Policies CS9 and CS11 of the LPP1 and GSP6 of the LPP2. These collectively seek to ensure that development is designed to conserve and enhance biodiversity and landscape features, avoids or reduces adverse impacts on existing biodiversity assets and provides suitable mitigation measures, amongst other things.

Affordable housing and infrastructure contributions

21. The Council have identified that, as a result of the size of the appeal site and the provision of permanent accommodation, affordable housing should be provided. Policy CS4 of the LPP1 sets out the need for affordable housing within the various sub-market areas. This Policy was updated by LPP2 Policy UCS4 which sets out a requirement for 10% affordable housing provision within Affordable housing sub-market area 2 and the Council consider that, based on the proposal, this would equate to the provision of at least 3 affordable homes under Policies CS4 and UCS4.
22. In addition to the above, the Council asserts that Policy H2 of the LPP2 is relevant in this case, which seeks affordable housing on phased or cumulative developments. This seeks to secure additional affordable housing where residential sites are proposed adjacent to a recently permitted scheme (within the past 3 years) subject to a list of criteria. If applicable, this policy requires the calculation of affordable housing equating to the total development and not just the current site.
23. The Council considers that as the entire Rose Farm received permission in 2020 for residential accommodation and this proposal was submitted within three years of this previous permission, the cumulative considerations of Policy H2 apply and would require the provision of 11 affordable units or an appropriate alternative provision, such as a financial contribution.

24. In addition to the provision of affordable housing, new residential accommodation is expected to provide contributions towards community infrastructure, comprising local libraries, local schools and green infrastructure and public rights of way as a result of the proposed scale of development. Policies CS14 of the LPP1 and GSP8 of the LPP2 seek to secure these contributions. I note that the Council had not received comments from the County Council to specify and justify the level of requirement in this case, nevertheless, the Policies do require some level of contribution towards these areas.
25. A development of this size for permanent residential properties would also be required to provide public open space in accordance with Policy H4 of the LPP2. Policy H4 requires new residential development to make provision for publicly accessible recreational open space based on the set standards. It seeks to provide this on site where possible unless this is undesirable or impractical, in which case a financial contribution towards open space within the locality would be sought. The proposal has not been accompanied by a layout plan indicating whether there would be scope within the site to provide such space or whether a contribution would be applicable in this instance.
26. The proposal has not been accompanied by any legal agreements to secure the provision of, or contributions to, the above infrastructure requirements. Nor has any justification been put forward to demonstrate that it would be unviable to provide such. Accordingly, the proposal would fail to comply with the requirements of Policies CS4 and CS14 of LPP1 and Policies H2, H4 UCS4 and GSP8 of the LPP2 which seek to secure necessary infrastructure requirements.

Jobs and Tourism

27. The proposal would remove the provision of tourist accommodation for up to 65 plots and replace it with permanent accommodation. Policy CS6 of the LPP1 identifies that the Borough of Great Yarmouth has a diverse local economy and a thriving seasonal visitor economy. Part g) of this policy seeks to support the local visitor and retail economies in accordance with Policies CS7 and CS8.
28. The Council have raised concerns over the loss of jobs servicing the holiday park however, I have little evidence before me to allow for an assessment of current employment levels and impacts on such levels by way of the proposal.
29. It is reasonable to conclude that the proposal would result in the loss of a number of units currently in use for tourist accommodation. Having regard to the evidence I find that the proposal would fail to support the local visitor economy, and would therefore be contrary to the provisions of Policy CS6 in this regard.

Landscape, Strategic Gap and Character and Appearance

30. As well as being outside of the Development Limits the appeal site falls within an area which forms part of the Strategic Gap between the settlements of Belton and Bradwell. Policy GSP3 of the LPP2 states that the gaps between the identified built up areas which includes Bradwell and Belton, will be protected from development which, individually or cumulatively, significantly reduces either the physical size of the gaps themselves or their general openness, or, where relevant, their rural character. Policy CS11 I) of the LPP1 also includes the need to identify and where appropriate reassess the locations of strategic

gaps to help retain the separate identity and character of settlements in close proximity to one another.

31. The introduction of permanent accommodation into the appeal site would change the current nature of the rearmost part of the site with permanent caravans and associated structures and domestic paraphernalia. However, this would largely continue the form and character of the wider site and when viewed as a whole would comfortably assimilate into the existing site.
32. The proposal would relate to the rear part of the appeal site and therefore from Stepshort, there would be little discernible difference in the appearance of the appeal site in the context of the Strategic Gap. From the adjoining areas to the sides and rear, there would be some views of the proposed units. However, many of these would be at a distance and would be seen in the context of the current caravans. Furthermore, the appeal site is set down against the backdrop of the rail line.
33. Due to the character of the appeal site, encompassing a long, narrow strip of land extending back from the existing caravan site, substantial areas of open, rural land would remain either side. Therefore, I find that the purposes of the Strategic Gap to keep settlements separate in terms of character, identity and physical coalescence would not be harmfully undermined by the appeal proposal.
34. I have had regard to the Settlement Fringe Study (2016). Based on the information before me, I consider that there would be little harm arising in this regard and the use of controlled lighting, landscaping and layout, secured by conditions, could satisfactorily address and mitigate any impacts arising from the proposal.
35. No indication of the exact types of units that would be positioned within the appeal site have been provided. Given the nature of the existing front part of the wider site, I have little before me that would lead me to conclude that the design of the units, the layout of the site, and potential for landscaping could not be achieved to a satisfactory level in order to ensure the overall design of the proposal would not harm the character and rural appearance of the area.
36. Accordingly, I find that the proposal would not be unduly harmful in terms of its impact on the Strategic Gap, and its openness, character and appearance. In this regard I find that it would therefore comply with Policies CS9, CS11 I), GSP3, A2, E4 and E6 of the LPP1 and LPP2 insofar as they require development to respond to the surrounding area's character, retain the separate identity and character of settlements, reinforce local distinctiveness and mitigate impacts upon local landscape character.

Trees

37. Within the site there are a number of trees which are subject to a Tree Preservation Order (TPO No. 13 2023 – issued in July 2023). Having regard to the existing use of the appeal site for the stationing of caravans, it is likely that permanent units of accommodation could be sited within the appeal site so as not to cause harm to the existing trees and vegetation.
38. The permanent occupation of any units would bring with it the introduction of domestic paraphernalia, however I consider that any such structures would not be excessive and could be sited to avoid pressure on the trees. The TPO would

ensure that any works to the trees themselves, such as pruning or removal of branches, could be controlled by the Council. Furthermore, I have had regard to the comments from the Council's Arboricultural Officer and, given the scale and nature of the type of accommodation proposed, I find that there would not be any undue pressures or harm to the protected trees and other on site vegetation over and above that which would exist as a result of its current holiday accommodation use.

39. As such, the proposal would comply with Policies CS9 and CS11 of the LPP1 and A2, GSP6 and E4 of the LPP2 insofar as they relate to need for development to avoid any harmful impacts on the borough's landscape assets, contribute to and enhance the natural environment, and retain trees, hedgerows and landscape features which contribute significant value to the character of the locality.

Highway Safety

40. The proposal would utilise the existing access off Stepshort. The access currently serves the whole site, including for permanent residents and for tourists bringing various vehicles onto the site.
41. I consider that the proposal would be likely to result in additional traffic over and above holiday accommodation as holiday makers would be likely to travel in one car and perhaps go out for the whole day, whereas permanent occupiers may have more than one car and may make more frequent shorter trips throughout the day, for example to the shops.
42. The access point is established and has reasonably good visibility along Stepshort. Taking into account the speed limit at this point and the presence of the roundabout a short distance along Stepshort I consider that vehicles will likely be travelling at reasonably slow speeds. There are no highway objections to the principle of the development on highway safety grounds and I have little before me which would lead me to disagree with this conclusion.
43. I have considered accessibility matters in the location section above, therefore in terms of highway safety, I find that the proposal would not result in undue harm in this regard and the existing access would be suitable for access and egress. I therefore find that the proposal would comply with the requirements of Policies CS1, CS9 and CS16 of the LPP1 and A2 of the LLPP2 where they relate to the need to provide easy and safe access to facilities, convenient routes and avoid adverse impacts on the safety and efficiency of the local road network.

Flood risk, surface water drainage and foul drainage

44. The existing holiday park is served by drainage systems and provides shower blocks and a laundry service. The Council have raised the issue that the proposed development has not been supported by a Flood Risk Assessment to demonstrate that the site is safe from flooding and would not increase the risk of flooding elsewhere. I note that there have been no records of flooding within the appeal site itself. The Council have identified that the land to the north of the appeal site is at significant risk of surface water flooding however I have had regard to the current site use which would result in units of accommodation being positioned on site, albeit temporarily, and I note that the appeal site and the wider park would be subject to existing drainage systems and arrangements.

45. The Council have raised concerns over the lack of information relating to any drainage strategy or confirmation that the local network capacity for foul drainage would be suitable. However, I have little before me to suggest that the addition of up to 65 permanent units would result in a significant increase in pressures in relation to the drainage of the site that could not be satisfactorily accommodated, given its current uses. Furthermore, the relevant water companies have a statutory duty to ensure that the system is satisfactory and fit for purpose and does not lead to issues locally or elsewhere. Accordingly, I am satisfied that conditions could be applied to secure the necessary details and achieve an adequate scheme of drainage for the proposal.
46. I note the Council's concerns over the potential for pollution and contamination arising from the proposal. However, given the nature of the units proposed which would require significantly less construction than a standard dwelling, and the fact that units can at present be brought into the site on a temporary basis, I consider that the need for evidence relating to hydrological links and groundwater flows upfront would go beyond what is reasonable in this case and if such information was required it could be secured by condition.
47. Given the above considerations and the existing use of the appeal site, I consider that a suitable method of foul and surface water disposal and mitigation against any increased risk of flooding and pollution could reasonably be secured by condition. I therefore find that the proposal would accord with the requirements of Policies CS13 of the LPP1 and E1, E6 and I3 of the LPP2. These require hazards to be suitably avoided or mitigated and that adequate foul and surface water connections and systems can be provided.

Climate Change

48. Policy I1 of the LPP2 requires development to be designed to enable the charging of electric vehicles in safe, accessible and convenient locations. The proposal has not included a site layout. However, I consider that there would be scope within the appeal site to achieve this requirement and therefore it would be reasonable to impose a condition to secure the required details in this regard.
49. Policy E7 of the LPP2 supports new residential development and holiday accommodation in buildings where they will meet the higher water efficiency standard requirement of 110 litres per person per day. Similarly, I consider it would be reasonable and realistic to secure this requirement via condition.
50. Accordingly, I find that there would be no conflict with Policies I1 and E7 in this regard.

Other Matters

51. There has been an extensive history of planning permissions on the appeal site to date. The appeal seeks to regularise the use of the existing holiday accommodation as residential accommodation with year-round occupancy. The appeal proposal seeks to bring the rearmost part of the residential part and holiday park into a consistent use with the front part of the caravan site. There would be no increase in accommodation units as a result of the proposal.
52. Both the Appellant and Council have put forward substantial amounts of information in relation to the varied and complex planning history and legal

position concerning the appeal site and the wider site. I have carefully considered these in my assessment of the appeal scheme.

53. In relation to the part of the site to which this appeal relates, it was included in the original permission in 2004 (06/04/0332/F) which restricted the numbers and types of accommodation to be stationed on the whole site and imposed an occupation restriction of between 1 April or Easter, whichever is earlier, and 30 September. Further permissions were subsequently granted, and I have also had careful regard to the Appellant's legal opinion in relation to the 2010 and 2012 permissions. However, it appears that there is some uncertainty as to which permissions were directly linked to which parts of the site, and in particular whether or not the appeal site benefits from later permissions.
54. Whilst forming a material consideration in this appeal proposal, I find based on the evidence before me, and in the absence of detailed copies of the referenced relevant planning decisions, that the planning history in itself does not put forward enough surety that the proposal has already been established and that this appeal should turn on the legal matters alone. As set out in my preliminary matters, the application and subsequent appeal was pursued through the S78 procedure, and I have determined the appeal accordingly.
55. I note the Appellant's comments on the engagement and communications that they had with the Council in the early stages of the application process however this is not a matter for me to comment on. The Appellant has raised concerns that the Planning Committee did not fully consider the legal position however the Committee report includes reference to the planning history of the appeal site and outlines the legal position therefore I am satisfied it was sufficiently covered by the report presented to the Planning Committee.

Planning Balance

56. In relation to the relevant appeal procedure, the legal position, and my findings above, including the consideration of the status of the various permissions forming a material consideration, I find that the planning history in itself does not establish that this appeal should turn on the legal matters alone.
57. As such, I have found that the proposal would be contrary to the provisions of Policies CS4, CS6, CS9, CS11, CS14 and CS16 of the LPP1 and GSP1, GSP6, GSP8, A2, H2, H4 and UCS4 of the LPP2 in respect of the site being located outside of the development boundaries, the provision of suitable living conditions, impacts on ecology and biodiversity, the provision of infrastructure contributions and the impact on jobs and tourism.
58. The proposal would not result in harm in relation to the impact on the character and appearance of the area, landscaping and the Strategic Gap, trees and vegetation, highway safety, drainage or climate change considerations.
59. The Appellant has identified benefits arising from the proposal. These comprise the ability to achieve a stable community and environment for residents, security benefits through permanent surveillance, a reduction in the economic fluctuations seen in the tourist seasons by allowing year-round occupancy, providing a diversity of housing choices and improved highway safety and use. They also consider that the practicalities of operating a site which has full year-round residential use on the front half and a 6-month residential use to the rear results in operational challenges and an inharmonious use.

60. I accept that the use of the whole site as permanent residential accommodation would be likely to lead to a stronger sense of community within the site as a whole rather than permanent residents at the front of the site having tourists coming in and out of the development for short periods of time. I find that the current residents would benefit from permanent surveillance from the onsite employees and existing neighbours and the introduction of further permanent residents may not alter that fact significantly. I agree that there may be off-season economic benefits as a result of the proposal. The proposal would provide additional choice for those wishing to reside permanently in touring caravans, however the Council can demonstrate a five-year housing land supply and I have little before me to indicate the level of demand for such accommodation in the area.
61. As the Council can demonstrate a five-year housing land supply the tilted balance is not applicable in this instance. The proposal would conflict with the development plan as a whole for the above reasons. The proposal would result in some benefits, discussed above, however I do not find that these would be to a level that would outweigh the harms identified and the resulting policy conflict.

Conclusion

62. For the reasons given above, and having had regard to all matters raised, the appeal is dismissed, and planning permission refused.

R Norman

INSPECTOR