
Appeal Decision

Site visit made on 2 October 2024

by S Pearce BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2024

Appeal Ref: APP/Y2620/W/24/3338372

Hilltop Retreats, Langham Road, Blakeney, Norfolk NR25 7PR

- 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 James Bunn of J Bunn Homes (Blakeney) Limited against the decision of North Norfolk District Council.
 - The application Ref is PF/23/1825.
 - The development proposed is described as the "erection of holiday lodge".
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Decision

1. The appeal is allowed and planning permission is granted for the erection of holiday lodge at Hilltop Retreats, Langham Road, Blakeney, Norfolk NR25 7PR in accordance with the terms of the application, Ref PF/23/1825, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. Since the determination of the application, the Blakeney Neighbourhood Plan was Made in November 2023 (NP). It has therefore become part of the Development Plan and both main parties have commented on relevant policies of the NP.
3. Furthermore, a revised National Planning Policy Framework (the Framework) was published on 12 December 2024. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the Framework, and I am satisfied that no party's interests would be prejudiced by my taking this approach.

Main Issues

4. The main issues are:
 - whether the appeal site is a suitable location for the proposed development, having regard to the development plan, and
 - the effect of the proposed development on the integrity of the designated habitat sites.

Reasons

Whether a suitable location

5. Policy SS 1 of the North Norfolk Local Development Framework Core Strategy 2008 (CS) outlines the spatial strategy for North Norfolk. It requires that the

majority of new development in North Norfolk will take place in the towns and larger villages and seeks to protect the Countryside. In areas designated Countryside, CS Policy SS 2 limits development to that which requires a rural location, which includes recreation and tourism.

6. CS Policy EC 7 sets out a sequential approach for the location of new tourism development. It also states 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.
7. These development plan policies seek to direct new development towards towns and larger villages. As the appeal scheme seeks to erect a permanent building for use as unserviced holiday accommodation, both parties are in agreement that it is, in principle, contrary to the spatial strategy for North Norfolk.
8. However, the appeal site comprises one of six holiday plots that were approved under planning application reference PF/19/0768 (the approved scheme). The Council highlight that the approved units were required to meet the definition of a 'caravan' in the Caravan Sites and Control of Development Act 1960 as modified by the Caravan Sites Act 1968 (the Act). The evidence indicates that the approved scheme has been partially implemented, with five of the six plots occupied by prefabricated holiday units. This is consistent with my observations during my site visit. The appeal site, annotated in the evidence in respect of the approved scheme as plot 6, was not occupied by such a unit.
9. I have limited evidence before me which indicates the approved scheme could not be completed and, as such, there is a greater than theoretical possibility that the development of plot 6 might take place as a fallback position should this appeal fail. The approved scheme is therefore a material consideration in respect of the appeal, to which I attach significant weight.
10. In light of the fallback position, the appeal scheme effectively seeks to replace a single holiday unit with a holiday lodge. While the Council are concerned about the permanency of the proposal and noting that the supporting text to CS Policy EC 10 refers to the mobility of caravans and the ability to relocate and replace them where necessary, CS Policy EC 10 is also relevant in the determination of the appeal, as it allows for the replacement of existing static caravan sites with woodland lodges. The policy provides a definition of 'woodland lodges' as 'single storey chalet/lodge style development for holiday purposes'.
11. While the Council contend that it can be inferred from the policy title, 'Static and Touring Caravan and Camping Sites', that any such development should comply with the definition of a 'caravan' from the Act, CS Policy EC 10 does not explicitly require this.
12. The proposed development comprises a single storey building, constructed with cedar boarding to the walls, for use as tourist accommodation. Having regard to its design and proposed use, the appeal scheme would therefore meet the definition of a 'woodland lodge' as outlined by CS Policy EC 10. Consequently, having regard to the fallback position, as the appeal scheme would replace the previously approved single caravan with a single woodland lodge, it would comply with CS Policy EC 10 in this regard.

13. CS Policy EC 10 permits, among other things, the replacement of caravan sites with woodland lodges where the proposal conclusively demonstrates a very high standard of design and landscaping and minimal adverse impact on its surroundings and is appropriate when considered against the other policies of the plan.
14. The appeal site lies within the Norfolk Coast Area of Outstanding Natural Beauty, now known as a National Landscape (NL). The Council has not identified any harm in respect of the special qualities and setting of the NL, or any concerns in relation to the design of the appeal scheme. Given that the proposal would broadly reflect the size, scale, appearance and location of the prefabricated holiday units granted under the previous permission, I see no reason to disagree. Moreover, the appeal scheme would be contained within the confines of the previously approved scheme, where existing screening is provided by trees and hedgerows along Langham Road and where the appeal scheme would be viewed in the context of the approved holiday units.
15. My attention has been drawn to an appeal decision¹ which sought consent for a holiday bungalow. While it comprised new build unserviced holiday accommodation in the countryside, it did not benefit from a fallback position. As such, this is not directly comparable. In any case, the appeal has been considered on its merits.
16. NP Policy 2 seeks to manage second home ownership and requires that new open market housing be restricted in perpetuity to principal residency. However, the appeal scheme has been applied for as tourist accommodation and, as such, this policy is not relevant to the main issue.
17. The proposal would involve a form of development within the Countryside which is deemed by CS Policies SS 1, SS 2 and EC 7 to be an undesirable location for such development. However, having regard to the fallback position, the appeal scheme would replace a previously approved caravan with a woodland lodge. As such, the proposal would accord with CS Policy EC 10. On this basis, the appeal scheme would not undermine the settlement hierarchy set out within the development plan. Accordingly, for the reasons outlined, I conclude that the appeal site is a suitable location for the proposed development, having regard to the development plan as a whole.

Designated habitat sites

18. The appeal site falls within the Zone of Influence for multiple European designated sites, including, North Norfolk Coast Special Area of Conservation (SAC), North Norfolk Coast RAMSAR, North Norfolk Coast Special Protection Area (SPA), Norfolk Valley Fens SAC, The Wash SPA, The Wash RAMSAR and The Wash and North Norfolk Coast SAC.
19. The affected sites are covered by the Norfolk Green Infrastructure and Recreational disturbance Avoidance and Mitigation Strategy (GIRAMS) which ensures that the cumulative impacts of additional visitors, arising from new developments of housing and tourism to European sites, will not result in any likely significant effects which cannot be mitigated.
20. While the appeal scheme is for one holiday lodge, it is to replace a caravan which was granted consent under the approved scheme. Therefore, the

¹ Appeal decision reference APP/Y2620/W/19/3239047

proposal would not result in a net increase of tourism accommodation, nor lead to increased recreational pressure. Moreover, Natural England have confirmed that the GIRAMS tariff has been collected under the approved scheme. In this regard, as the competent authority, there is no requirement for me to undertake an appropriate assessment.

21. Consequently, I conclude that the integrity of the identified SPA, SAC and RAMSAR sites would not be harmed by the development. As such, the proposal accords with CS Policy EN9, which seeks to protect areas of particular importance relating to Habitats sites.

Other matters

22. The Council state that they do not have a Framework compliant supply of housing. However, having regard to footnote 8 of the Framework, the appeal scheme is for replacement holiday accommodation and does not seek to provide an additional dwelling. Consequently, paragraph 11 d) is not engaged.
23. I do not consider that approval of the scheme would undermine the Council's ability to exercise its judgement in relation to similar development proposals on other sites, as each case is determined on its own individual merits.

Conditions

24. The Council has suggested several conditions. I have considered them against the statutory tests outlined in the Framework and the advice in the Planning Practice Guidance, rewording and removing any unnecessary elements where necessary for clarity and conciseness. For the avoidance of doubt, development needs to be carried out in accordance with the statutory time limit and approved plans.
25. As set out, the proposal relates to a holiday lodge for tourist accommodation and has been assessed and allowed on that basis. Therefore, to ensure the accommodation is secured as such, conditions are required to restrict occupation for holiday purposes only and to limit the time period for occupation. In order to ensure a satisfactory appearance, and with regard to the NL, conditions are required in respect of materials and finishes, external lighting and the removal of permitted development rights. In the interests of highway safety, a condition securing a designated parking space for the development is necessary.
26. The Council have suggested a condition requiring the appellant to notify the Local Planning Authority of the date of commencement of development, in order to ensure the GIRAMS tariff payment is secured. In light of the conclusions in regard to European habitat sites, this is not necessary.

Conclusion

27. For the reasons set out above, and having had regard to all other matters raised, including the fallback position and the Framework, I conclude that the proposal would comply with the development plan as a whole. Therefore, I conclude that the appeal should be allowed.

S Pearce

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Plan No. 0050 P2 - Location Plan received by the Local Planning Authority on the 23 Augst 2023.
 - Plan No. 0101 P1 - Proposed Site Plan received by the Local Planning Authority on the 23 Augst 2023.
 - Plan No. 0101 P3 Proposed Plans and Elevations received by the Local Planning Authority on the 23 Augst 2023
- 3) Before their first use on site full details including colour finish of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
- 4) The development hereby approved shall be used for holiday accommodation purposes only and for no other purpose.
- 5) The holiday accommodation hereby approved shall not be occupied outside the period of 20 March to 02 January in any one year.
- 6) Prior to the installation of any external lighting, details shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall thereafter be installed in accordance with the approved details.
- 7) Prior to the first occupation of the development hereby permitted the proposed on-site car parking/servicing/loading/unloading/turning/waiting area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking, amending or re-enacting that Order with or without modification) no enlargement of or other alteration to the holiday accommodation hereby permitted (including the insertion of any further windows or rooflights) shall be undertaken and no building, structure or means of enclosure within the curtilage of the dwelling shall be erected.

End of Schedule