



Appeal Decision

Site visit made on 28 January 2025

by **G Dring BA (Hons) MA MRTPI MAUDE**

an Inspector appointed by the Secretary of State

Decision date: 7 February 2025

Appeal Ref: APP/V2635/W/24/3351935

Toilet Block, East of 74 South Beach Road, Heacham, Norfolk PE31 7BB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Marsh against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 24/00911/F was approved on 31 July 2024 and planning permission was granted subject to a condition.
 - The development permitted is retention of existing toilet block.
 - The condition in dispute is No 1 which states that: *The toilet block hereby permitted shall only be used by the owner, those staying on the site in association with developments permitted under applications 12/00197/F and 23/00566/PACU6, and staff working on the land outlined in blue on the Location Plan that accompanied the application (Plan Reference Number:TQRQM18078140756248).*
 - The reason given for the condition is: *For the avoidance of doubt and to ensure the use of the toilet block is not used as a public convenience and does not exceed its capacity which could lead to unacceptable environmental impacts in accordance with the NPPF, Development Plan Policy CS12.*
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Decision

1. The appeal is allowed and the planning permission Ref 24/00911/F for retention of existing toilet block at Toilet Block, East of 74 South Beach Road, Heacham, Norfolk, PE31 7BB granted on 31 July 2024 by King's Lynn and West Norfolk Borough Council, is varied by deleting condition 1.

Applications for costs

2. An application for costs was made by Mr Marsh against King's Lynn and West Norfolk Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. I have taken the site address from the application form, but I have altered it to reflect the updated street numbering and description provided by the Council.
4. The Government published a revised version of the National Planning Policy Framework (the Framework) in December 2024. Whilst this made certain revisions to aspects of national planning policy, the provisions in respect of the main issue in this case are largely unchanged. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework.

Background and Main Issue

5. The appellant applied for the change of use from an agricultural building with one existing chemical toilet facility into a staff toilet for 6 or more staff working in agriculture under Council reference 19/01626/F. This was granted by the Council with a condition attached stating that *'the building shall be for the sole use of*

agricultural workers working on the land outlined in blue on the Location Plan (18th September 2019)'. The reason given for the condition was in order that the Local Planning Authority may retain control over the development in the interests of the amenities of the locality in accordance with the Framework.

6. In 2024 the appellant made a full planning application (the subject of this appeal) to retain the toilet block without any restriction on who could use it given the uses within the wider site had altered. The Council approved the application but attached the above disputed condition for the reason stated. The main issue is therefore whether removing the disputed condition would result in unacceptable environmental impacts.

Reasons

7. The Council state that the toilet block has a maximum daily capacity of 40 users, due to the specification of treatment plant installed and that it is in a sensitive location where any exceedance in the capacity could result in harm to designated European sites and the neighbouring habitat bank, through the pollution of groundwater. The Council assert that the disputed condition is required in order to ensure that the toilet block would not be used as a public convenience, which could take its use beyond the capacity identified above.
8. The disputed condition seeks to limit the usage of the toilet block by only allowing use of it by the owner of the site and any staff working on the land outlined in blue on the location plan, along with those staying on the wider site at the three permitted holiday lets and those that might stay at a small hotel created in an adjacent building where prior approval was allowed on appeal (albeit I note that the conclusion in that case suggests the appeal decision does not in itself automatically mean that the development meets the limitations and conditions of Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)) .
9. It is confirmed that the three existing permitted holiday let units all benefit from their own toilet facilities and the Council accepts that if a scheme for a small hotel were to be implemented, it would also be likely to benefit from its own toilet facilities. As a result, it is likely that the number of people using the toilet block would be limited, with the main users being the owner, and any staff working at the wider site. Given the size of the wider site and the nature of the established uses, it is likely that the number of staff and anyone that might visit the owner whilst at work would be limited. I therefore agree that the use of the toilet block, is very likely to be below the treatment plant capacity.
10. The toilet block is located well within the confines of the wider site, adjacent to other buildings. It is not in close proximity to the access point onto South Beach Road and I have not been made aware of nor did I witness any public footpath routes that run in close proximity to the toilet block. I have not been provided with any evidence of the general public attempting to use the toilet block or the wider site more generally and I noted the presence of a public convenience a short distance away from the appeal site. I therefore do not consider it likely that people visiting the local area would be likely to use it as a public convenience.
11. The adjacent land, outlined in blue on the submitted location plan, was laid out as a campsite at the time of my site visit. I also note that the Council assert that there was an incident last summer which led to a complaint being received about the

inability of the toilet block to cope with the number of attendees at an unauthorised Camping and Caravan Club event. However, the Council has provided evidence that a recent application for a lawful development certificate for use of that land as a campsite was refused by the Council. There is no further evidence before me to suggest that there is any permission in place for that area of land to be used for a campsite or any other use that would be likely to increase the number of visitors to the wider site or the use of the toilet block.

12. I consider that the number of users of the toilet block would be self-limiting by its location on private land and the nature of the permitted uses within the site and their small scale. I do not consider it likely, based on the evidence before me, that the number of visitors to the wider site would increase to an extent that the treatment plant installed serving the toilet block would become overwhelmed. If other uses were proposed at the wider site, the relevant planning and environmental consents would need to be sought. Whether the existing treatment plant would require upgrading, if it were to serve any additional uses, and whether there would be any impacts on highway safety and the living conditions of neighbouring occupiers, related to any proposed future uses, would be dealt with as considerations at that point in time.
13. I note the Parish Council concerns about the risk of contamination as a result of inadequate foul drainage and the effects this might have on human health, local ecosystems and the sensitive local environment. However, the Council's Senior Community Safety & Neighbourhood Nuisance Officer confirmed that there is adequate capacity within the existing foul drainage system and no comments were received from technical consultees that would suggest the existing treatment plant is inadequate.
14. I therefore find that the disputed condition is not reasonable or necessary in order to make the development acceptable and there is no evidence to suggest that without the condition in place the use of the toilet block would go beyond the identified capacity, based on the current established uses of the wider site.
15. I conclude that the removal of the condition would not be likely to result in unacceptable environmental impacts. The proposal would therefore comply with Policy CS12 of the King's Lynn and West Norfolk Borough Council Local Development Framework – Core Strategy Adopted Version July 2011. This policy seeks, amongst other things, that developments deliver environmental quality and seek to avoid, mitigate or compensate for any adverse impacts on biodiversity.

Conclusion

16. For the reasons given above I conclude that the appeal should succeed. I vary the planning permission by deleting the disputed condition.

G Dring
INSPECTOR