



Appeal Decision

Site visit made on 15 January 2025

by **S Pearce BA(Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 February 2025

Appeal Ref: APP/V2635/W/24/3346414

Last Bungalow, Squires Drove, Three Holes, Kings Lynn, Norfolk PE14 9JY

- 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 B Cook against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref is 23/01843/F.
 - The development proposed is described as a "retrospective change of use of land for the siting of 4 glamping pods and WC/shower unit for holiday let accommodation".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of the application, a revised National Planning Policy Framework (the Framework) was published on 12 December 2024 and amended on 7 February 2025. Those parts of the Framework most relevant to the 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 parties interests would be prejudiced by my taking this approach.
3. I have taken the address in the banner heading above from the appeal form. While this differs from the original planning application form, it is more accurate.
4. The development applied for has already been carried out. The application is retrospective, and I have therefore considered the appeal on that basis.

Main Issues

5. The main issues are:
 - whether the appeal site is a suitable location for the development, having regard to the development plan,
 - the effect of the development on agricultural land,
 - the effect of the development on the character and appearance of the area, and
 - whether the location of the appeal site is suitable for the development, having regard to flood risk.

Reasons

Whether a suitable location

6. The appeal site comprises an irregular shaped parcel of land which lies adjacent to the Last Bungalow. The site is accessed from Squires Drove. There is agreement

between the main parties that the appeal site lies beyond the defined settlement boundary of Three Holes, within the countryside.

7. Policy CS10 of the King's Lynn and West Norfolk Borough Council Local Development Framework Core Strategy 2011 (CS) permits new tourism accommodation in rural areas subject to four criteria. One criterion requires that it should be located in or adjacent to villages and towns.
8. The appeal site is located some distance from Three Holes. It is separated from this settlement by farmland and sporadically sited residential properties. Consequently, the appeal scheme would not be located in, or adjacent to, Three Holes, contrary to the requirements of CS Policy CS10.
9. Policy DM11 of the Site Allocations and Development Management Policies Plan 2016 (SADMPP) states that proposals for new holiday accommodation sites or units will not normally be permitted unless, among other things, they are supported by a business plan demonstrating how the site will be managed and how it will support tourism or tourist related uses in the area.
10. The planning application was accompanied by a Business Plan: Wind in the Willows Glamping Site, which provides information in relation to the business, including financial projections and growth and expansion. However, there is limited substantive evidence within this document with regard to how the business would support tourism or tourist related uses in the area.
11. The appellant acknowledges that the appeal scheme is relatively isolated, with no associated facilities on site. It has been highlighted that the Upwell Parish Neighbourhood Plan 2021 (NP) is supportive of suitable scale economic, tourism and recreation development with access to the rural area and waterways.
12. The appellant states that the site is centrally located, with nearby villages and places of interest accessible on foot or bicycle, and would contribute to the local economy, helping to sustain services locally. The bus stop at the village hall, and shops, facilities and local attractions within the Key Rural Service Centre of Upwell and Outwell, have been drawn to my attention.
13. While noting the intention of the development is to, among other things, attract visitors seeking a peaceful retreat and to enjoy the rural landscape, the bus stop and Upwell and Outwell are located some distance from the appeal site. Occupiers of the appeal scheme would have to negotiate a predominately unlit, single track road, with no footpaths or cycle routes.
14. The nature of the surrounding road network would not therefore represent an attractive option for occupiers of the appeal scheme to walk or cycle to the bus stop highlighted or nearby villages and places of interest, particularly during inclement weather or after dark. Consequently, while noting Parish Council support, occupants of the appeal scheme would be heavily reliant on the private car to access services and facilities in the locality.
15. Therefore, I conclude that the appeal site is not in a suitable location for the development, having regard to the development plan. This is contrary to CS Policy CS10 and SADMPP Policy DM11, as set out above.

Agricultural land

16. The appellant confirms that the appeal site forms part of a large swathe of Grade 1 agricultural land. In light of this, NP Policy EN2 states that new development will only be permitted on Grade 1 agricultural land if:
 - a) there are overriding community benefits resulting from the development; or
 - b) there are no reasonably available sites within Upwell Parish appropriate for the proposed development on:
 - i. Previously developed land;
 - ii. Land not in agricultural use;
 - or iii. Land which is not viable for commercial agricultural use.
17. The appeal scheme would provide some community benefits, including contributing towards the local economy. However, having regard to the amount of development, such benefits would be limited and could not reasonably amount to overriding community benefits.
18. In respect of criterion b), the supporting text to this policy outlines that it is expected that such applications should be accompanied by a viability assessment prepared by suitably qualified professions with local market knowledge. While the appellant contends the size of the appeal site is not sufficient to sustain commercial agricultural production, no substantive evidence, in the form of a viability assessment, has been submitted to demonstrate this. Moreover, limited evidence has been provided to demonstrate that there are no reasonably available sites within Upwell Parish, having regard to criterion b) i and ii.
19. Consequently, the appeal scheme results in the unacceptable loss of agricultural land, contrary to NP Policy EN2, as set out above.

Character and appearance

20. The King's Lynn and West Norfolk Borough Landscape Character Assessment Final Report 2007 identifies the appeal site within an area defined as The Fens Open Inland Marshes, E4: Marshland St James. Key characteristics of this area include a large scale landscape, with flat low lying terrain, extensive vistas and predominately uninterrupted views. The area is comprised of predominately arable farmland, interspersed with ditches and dykes, with some hedgerows and vertical emphasis provided by farm buildings and electricity pylons and poles.
21. Although the development has taken place, the evidence indicates that prior to its redevelopment, the appeal site contributed towards the character and appearance of the area, as a result of its relatively open landscape and former agricultural use.
22. Due to the characteristics of the surrounding landscape, the appeal site is visually prominent. The appellant asserts that the appeal scheme is concealed by a large horticultural building and polytunnel and, for 8 months of the year, is covered in willows, with additional planting proposed. Nevertheless, the development is still partially visible, particularly when viewed from Squires Drove.
23. The appeal scheme seeks to replicate the regular square boundaries to existing arable fields which are typical of the surrounding landscape. However, while noting that the willow planting is not development, based on the evidence submitted, the appeal scheme has introduced built form into an otherwise open site. Although the pods have been sited within a confined area, nevertheless, the development has encroached into, and therefore eroded, an area of open landscape.

24. Moreover, while noting the modest amount of development and materials of construction, the pods and wc/shower unit are elevated and there are extensive areas of fencing at a conspicuous height, which further exacerbates the prominence of the development. Consequently, the appeal scheme comprises a prominent and incongruous form of development, which is at odds with, and detracts from, the open, rural character of the area.
25. For these reasons, I conclude that the appeal scheme results in unacceptable harm to the character and appearance of the area. This is contrary to CS Policies CS06, CS08 and CS12, which collectively seek, among other things, to ensure that new development responds to the context and character of places, maintains local character and protects and enhances landscape character.

Flood risk

26. The appeal site lies within Flood Zone 3a and therefore has a high probability of flooding. The Framework is clear that development should not be permitted in such areas if there are reasonably available sites appropriate for the development in areas at lower risk of flooding. The Council have confirmed that the sequential test is passed. Accordingly, I have not considered this further.
27. However, for more vulnerable development, which includes the appeal scheme, in Flood Zone 3, it is also necessary to pass the exception test. The exception test comprises two elements, a) that the development would provide wider sustainability benefits to the community that outweigh the flood risk, and b) that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Both elements must be demonstrated.
28. The evidence indicates that the appeal scheme can be made safe for its lifetime. Mitigation measures include, raising the floor levels of the pods and shower/toilet facility to 0.4m above surrounding ground levels, subscribing to the Environment Agency flood warning service and the provision of an evacuation plan in the event of a flood warning. The Council have not raised objections in respect of criterion b) and, in light of the mitigation measures set out, I see no reason to disagree.
29. With regard to criterion a), the Planning Practice Guidance identifies that such benefits could include, among other things, the re-use of suitable brownfield land as part of a local regeneration scheme, an overall reduction in flood risk to the wider community through the provision of, or financial contribution to, flood risk management infrastructure, or the provision of multifunctional Sustainable Drainage Systems.
30. While these examples do not apply to the appeal scheme, the appellant has highlighted wider benefits of the tourism development on the local rural economy, including the quiet enjoyment of the countryside and waterways for informal recreation purposes, such as, fishing and bird watching. Moreover, it is highlighted that there are very few authorised camping sites in the local area.
31. However, such benefits are likely to be relatively minor, given the quantum of development. As such, they would not outweigh the flood risk associated with the development. This is the case despite the lack of objection from the Environment Agency and the Lead Local Flood Authority as the application of the exception test is a matter of planning judgement for the decision maker.

32. For these reasons, I conclude that the location of the appeal site is not suitable for the development, having regard to flood risk. This is contrary to CS Policy CS08 which seeks, among other things, to guide development proposals away from areas of high flood risk.

Other Matters

33. The appellant highlights that the Council recognises the policy support for rural tourism, the contribution the appeal scheme makes to the local economy and the demand for rural holiday accommodation. Moreover, it is noted that the appeal scheme has been well considered. The appellant has engaged an architect, liaised with the Parish Council and local Councillors and sought to address various matters, including flood risk and habitat taxes. Nevertheless, while the identified benefits weigh in favour of the appeal scheme, these, together with the matters highlighted, do not overcome the harm identified in respect of the main issues.
34. A similar development at Venney Farm has been drawn to my attention. Based on the information submitted, the case is not directly comparable as the proposal was a farm diversification scheme and it has a different site context to that of the appeal site. In any case, I have considered this appeal on its own merits.
35. The appeal site falls within the Zone of Influence for the Norfolk Green Infrastructure and Recreational disturbance Avoidance and Mitigation Strategy. The Conservation of Habitats and Species Regulations 2017 require the Competent Authority to consider whether the proposal could adversely affect the integrity of protected sites. However, given that I am dismissing this appeal on other grounds, it is not necessary for me to consider the integrity of protected sites any further, nor undertake an appropriate assessment.

Conclusion

36. For the above reasons, I conclude that the development conflicts with the development plan as a whole. There are no material considerations, including the Framework, that indicate I should conclude other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

S Pearce

INSPECTOR