



Appeal Decision

Site visit made on 9 January 2025

by **P Storey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5th March 2025

Appeal Ref: APP/K2610/W/24/3346496

Land at The Pightle, Nowhere Lane, Witchingham, Norfolk NR9 5PD

- 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 Martin Lawrence against the decision of Broadland District Council.
 - The application Ref is 20221628.
 - The development proposed is detached annex for holiday accommodation.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The building subject to the appeal has been erected and appears to be positioned in accordance with the plans on which the Council made its decision. I have therefore determined the appeal based on these plans.
3. The description of development in the banner heading above is taken from the planning application form, omitting references to the building's retention, as this is not an act of development.
4. The description provided in the Council's decision notice and the appellant's statement of case refers to: "Erection of building for holiday use, creation of earth bund, and new means of access".
5. During my visit, I observed that the access to the appeal site from the A1067 Fakenham Road had been constructed. Whilst the appellant's submission suggests this access was pre-existing, the Council confirms there are no historic records of access in this position. The appellant has provided no substantive evidence to dispute this. Accordingly, I have determined the appeal based on the description given in the Council's decision notice and the appellant's statement of case.
6. The Greater Norwich Local Plan, Document 1 – The Strategy (Adoption Version for Councils, March 2024) (the GNLP) was adopted in March 2024, after the Council determined the application under appeal. The GNLP replaces the policies of the Joint Core Strategy for Broadland, Norwich and South Norfolk (the JCS), referenced in the Council's decision notice. As the JCS is no longer part of the development plan, its policies carry no weight in this appeal.
7. The appellant was given the opportunity to comment on the Council's statement of case, which references the changes to the statutory development plan, ensuring no party would be unfairly prejudiced in relation to this matter.

8. An update to the National Planning Policy Framework (the Framework) was published on 12 December 2024. The main parties have been given the opportunity to comment on the effect of the updated Framework for the appeal, and I have had regard to any comments received in my decision.

Main Issues

9. The main issues are whether the development:
- is in a suitable location having regard to the spatial strategy of the development plan, and access to services and sustainable transport;
 - has an acceptable effect on the character and appearance of the area; and
 - is acceptable in terms of highway safety.

Reasons

Whether a suitable location

10. The appeal site lies adjacent to The Pightle, a residential property located on the corner of Nowhere Lane and the A1067. It lies to the east of The Pightle within a self-contained, fenced area with independent access from the A1067.
11. The site is in the countryside, outside any settlement defined by the development plan. There are some local services and facilities within the settlement of Great Witchingham, just under a mile to the east of the site. However, the A1067, which connects the site to the settlement, is a busy road with a 50mph speed limit and no footpaths. Whilst there are dedicated foot and cycle paths further afield, private vehicles would likely be the primary mode of transport for occupants' day-to-day needs.
12. Policy GC2 of the Development Management DPD 2015 (the DMDPD) prioritises new development within defined settlement limits. Outside these areas, development is permitted only where it does not result in significant adverse impacts, and where it accords with a specific allocation and/or policy of the development plan. One such policy is DMDPD Policy E3, which permits new tourist accommodation outside settlement limits where it has been adequately demonstrated that a site-specific demand for the accommodation exists and that the enterprise will be financially viable.
13. The appellant argues that demonstrating demand for holiday accommodation is challenging due to a lack of available data. However, they note the site is adjacent to The Bug Parc, a tourist attraction that has recently built visitor accommodation. They also highlight several nearby campsites and their personal experience in running tourist accommodation in the area. The appellant contends that demand is ultimately determined by market forces but suggests that these factors demonstrate the demand exists. Additionally, they argue that a high proportion of second home buyers in the area, and changes to Council tax and small business rate relief, are likely to reduce the availability of holiday accommodation.
14. Whilst these points are noted, they provide limited substantive evidence of site-specific demand or financial viability, as required by Policy E3. Consequently, I am not persuaded that the proposal meets the criteria required by Policies GC2 and E3.

15. For these reasons, I conclude that the development is not in a suitable location having regard to the spatial strategy of the development plan, and access to services and sustainable transport. In respect of this issue, it would therefore conflict with Policies GC2 and E3 of the DMDPD, the aims of which have previously been set out. It would also conflict with Policies 1 and 2 of the GNLP, which seek to distribute growth in line with the settlement hierarchy, and to ensure development is located in sustainable locations.

Character and appearance

16. The appeal site slopes downward to the north, with the building positioned towards its northern edge on lower ground than the road. However, despite this lower positioning and the construction of an earth bund between the building and the access point, the open access and lack of screening afford clear views of the building and its associated paraphernalia from the A1067.
17. Although some scattered development exists along the north side of the A1067 near the site, the road is largely lined by mature vegetation that provides natural screening. In contrast, the development at the appeal site, due to its degree of visibility afforded by the open aspect from the A1067, appears as an uncharacteristic incursion into the countryside.
18. The appellant asserts that the building was intended to be constructed under Permitted Development (PD) rights but that a construction error resulted in it exceeding the permitted height. It is contended that the excess is minimal and dependent on where the ground level is taken from.
19. However, I have been presented with no substantive evidence, such as a certificate of lawfulness, to demonstrate that a building of similar size could be lawfully erected on the site. Moreover, as the proposal is for tourist accommodation rather than ancillary residential use, I am not persuaded that such PD rights would apply.
20. For these reasons, due to its siting, scale and visibility from public vantage points along the A1067, I conclude that the development fails to effectively integrate into its rural surroundings, resulting in harm to the character and appearance of the area. In respect of this issue, it would conflict with Policies GC4 and EN2 of the DMDPD, and Policies 2 and 3 of the GNLP, which require development to achieve a high standard of design having regard to the environment, character and appearance of the area, to protect and enhance gaps between settlements, and to respect landscape character. It would also conflict with the relevant provisions of the Framework, which have similar aims.

Highway safety

21. Policy TS3 of the DMDPD requires development to avoid significant adverse impacts on the satisfactory functioning or safety of the highway network. Paragraph 8.17 of the DMDPD, which supports Policy TS3, states that new accesses onto or off principal routes are generally only acceptable where they support integrated and sustainable development objectives. The local highway authority confirms that the A1067 is a principal route. As concluded in previous sections, I am not persuaded that the proposal would meet any specific sustainable development objectives.

22. The highway authority also confirms that recent accidents have been recorded at the adjacent Nowhere Lane junction, including a fatality within the last five years. It objects on the grounds that the access is located on a poorly aligned and high-speed section of the A1067, and that highway safety risks would arise through the increase in traffic slowing, stopping and turning on this section of the road.
23. The access point is positioned on the outside of a curve in the A1067, offering reasonable visibility in both directions for vehicles emerging from the site. However, this curve restricts visibility for westbound traffic turning right into the site, which must also cross the oncoming lane of traffic. Additionally, due to the curvature of the road, westbound vehicles slowing or stopping to turn right into the site may not be readily visible to westbound vehicles following them, heightening the risk of collisions.
24. The appellant argues that the proximity to the Nowhere Lane junction and the low volume of traffic associated with a single unit would have little impact on road conditions. However, given the lack of detailed technical evidence, the safety concerns identified, and the conflict with the development plan, I am not persuaded that the site access would be safe.
25. For these reasons, I conclude that the development fails to demonstrate it would avoid harm to highway safety. It therefore conflicts with Policy TS3 of the DMDPD, the aims of which have previously been set out. It would also conflict with the relevant provisions of the Framework, which have similar aims.

Other Matters

26. The appellant cites the Council's lack of a 5-year housing land supply and argues that the proposal should benefit from the presumption in favour of sustainable development in paragraph 11.d) of the Framework. However, footnote 8 of the Framework clarifies that the housing land supply position is only relevant where the proposal would provide housing. As this development relates to holiday accommodation, the housing land supply position is not a determinative factor.
27. Nevertheless, the provision of tourist accommodation can generate economic benefits, primarily by increasing visitor spending to support local businesses and attractions while sustaining employment. It also offers social benefits by enhancing opportunities for visitors to discover the local area. These benefits carry moderate weight in favour of the proposal.
28. The appellant also highlights potential environmental benefits, including additional planting and biodiversity enhancements. However, I am provided with limited substantive evidence detailing these measures, and accordingly I afford them limited weight.
29. Although the appellant states that local businesses and residents support the development, no substantive evidence has been provided, and no specific comments were submitted in support of the planning application or appeal. I therefore give limited weight to this matter.
30. My attention has been drawn to appeal decisions concerning highway safety and the benefits of tourism development. However, as I have not been provided with full details of these cases, and the circumstances appear significantly different from the current appeal, I afford them limited weight.

31. Considering these factors as a whole, whilst the proposal offers some benefits, they do not outweigh the identified conflicts with the development plan.
32. The appeal site falls within the catchment of the River Wensum Special Area of Conservation (SAC), a designated European Site vulnerable to the effects of nutrients released from development within its catchment. It is also within the 'Zone of Influence' (Zol) for one or more European Sites comprising the Green Infrastructure Recreational Avoidance Mitigation Strategy (GIRAMS), where the development has the potential to have a significant effect on the interest features of European Sites through increased recreational pressure. Had I been minded to grant consent, it would have been necessary to undertake an appropriate assessment to determine the effects of the development on the European Sites. However, since I am dismissing the appeal for other reasons, this assessment has not been undertaken.

Conclusion

33. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

P Storey

INSPECTOR