



Appeal Decision

Site visit made on 25 February 2025

by **J Bell-Williamson MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18th March 2025

Appeal Ref: APP/K2610/W/24/3350755

Sun View, 6 The Turn, Hevingham, Norwich, Norfolk NR10 5QP

- 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 David Knights (DAK Plant Training Ltd) against the decision of Broadland District Council.
 - The application Ref is 2023/3782.
 - The development proposed is change of use of land from agriculture to land used for training in plant operators.
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Decision

1. The appeal is dismissed.

Preliminary Matters

1. A revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024 after the appeal was made. The content of the revised Framework has been considered but in light of the facts in this case it does not alter my conclusion.

Main Issues

2. The decision notice includes four separate reasons for refusal concerning matters raised by the Highway Authority. As all these involve highway safety with regard to local road conditions, access and parking, I have considered them under a single main issue.
2. Accordingly, the main issues are:
 3. the effect of the proposal on the living conditions of nearby residents, with regard to noise and disturbance;
 - the effect on highway safety and parking; and
 4. whether the appeal site is suitable for the proposal, with regard to development plan policies concerning the location of development.

Reasons

3. The appeal site is a large field behind No 6, a detached bungalow in a rural village setting. The field borders the gardens of a number of dwellings and an agricultural services business. Access to the site from The Turn is via a driveway to the side of No 6. The site lies outside the settlement limit for Hevingham.

Living conditions

4. The site is currently used for plant machinery training for 28 days a year as permitted development. The appeal proposal involves extending this use to 75 days a year, although the appellant indicates that they are willing to restrict the use to 50 days. The suggested hours of operation, on weekdays only, to be controlled by condition are 09:00 to 16:30. I note, however, that training involves some time in the classroom.
5. The equipment used for training is described as small construction plant in the form of forward tipping dumpers, telehandlers and excavators. The appellant indicates that the maximum number of trainees on site is restricted to three, although it is more common that one or two trainees would be on site, meaning that no more than two plant items would be in use at any one time.
6. The dwellings with the greatest potential to be affected by the proposed use are those to the east and west, which have garden boundaries with the appeal site. These are Nos 2 and 4 The Turn and No 17 The Heath.
7. The appellant provides a table with an indication of assessed noise levels for different types of machinery at the site's boundaries. While I have had regard to this, it does not reflect the more comprehensive noise assessment that would reasonably be expected for this type of proposal. In particular, there is no information relating to the method of assessment, a description of the baseline, a qualitative description of the existing area including other noise sources, an impact assessment, or a description of mitigation measures together with their likely effectiveness.
8. On the last point, I note that the appellant refers to machinery with 'white noise' sounders being used on site. However, no details are provided of the effectiveness of this measure in mitigating noise levels that would otherwise occur from use of the same machinery. I note also that the appellant and Council take a different view about the distances involved in measuring the effects of noise, between the sources on site and the nearest dwellings.
9. For these reasons, it is more instructive in assessing the likely effects of the proposed level of use to take account of actual noise levels experienced from the existing use of the site. In this regard, I was able to experience the effects of a single excavator in use during the site inspection. I have also had regard to the representations of neighbouring residents, including those occupying the three properties referred to that directly border the site. These are particularly relevant as they concern the actual noise experienced by residents in relation to the existing permitted use, which the appeal proposal seeks to extend.
10. The training takes place in an area to the centre of the site, although there is also a scaffolding tower closer to the rear of No 6 that is used for training of telehandler operators. From the site inspection it is clear that the engine noise from the single excavator would be readily apparent to residents using the gardens of the three properties, and is likely to be experienced in the nearest rooms with the windows open. With an additional plant item in operation the effects would inevitably be greater.
11. Residents of the nearest three properties, as well as those of other nearby properties, refer to the detrimental effects of noise (engine noise and 'clanking' of

machinery), vibrations, fumes and flashing lights, which result in them being unable to enjoy their gardens as well as experiencing the effects inside their homes when training is taking place. Some of the effects described by residents could be controlled, notably by prohibiting the use of reversing alarms. However, despite this and the fact that a typical training day involves some time in the classroom, the effects described are likely to be experienced for a relatively prolonged period during working hours.

12. While the site would not be in use at weekends when residents are most likely to be at home and use their gardens for longer periods, this does not detract from the evidence of the effects that have been experienced from the existing use. On the basis of this evidence and the inspection, the proposed level of increased use from 28 to 75 or 50 days a year would make a material difference in terms of these harmful effects.
13. I have had regard to the appellant's contention that the site's context in terms of surrounding uses means that the noise generated is not unusual. However, while reference is made to a market garden business bordering the site, this appears to be a residential garden. Moreover, the level and type of noise associated with the nearby boarding kennel and the agricultural machinery business are not comparable to the prolonged effects of machinery described above.
14. Therefore, for these reasons, I conclude that the proposal would have an unacceptably harmful effect on the living conditions of nearby residents, with regard to noise and disturbance. Consequently, it is contrary to Policy GC4 of the Broadland Development Management DPD (2015), which requires development to avoid any significant detrimental impact, including on the amenity of existing properties. Policy GC2 concerning the location of development is not directly relevant to this issue in my reading of it.

Highway safety and parking

15. The Highway Authority's (HA) concerns, reflected in four reasons for refusal, are that the unclassified road is inadequate to serve the proposal; the access to the site is unsatisfactory, which would lead to on-street parking; the proposal does not incorporate adequate on-site vehicular parking and manoeuvring facilities; and the proposal does not incorporate adequate facilities for the servicing of the premises resulting in manoeuvring of vehicles on the highway.
16. The Turn is a single-track road with no footway and, apparently, is not a through-route, while the access to the site is not of sufficient width to allow access for a large delivery vehicle. As such, this would require vehicles delivering plant to the appeal site to off-load them on the road and reverse back to the junction with The Heath, or to enter The Turn in reverse gear.
17. The appellant indicates that for the existing use of the site delivery vehicles park on The Heath where plant is off-loaded and then driven along The Turn from where it can gain access to the site. The HA's prerequisite for a new commercial use is that deliveries should take place on-site. However, the current use as permitted development already involves the delivery arrangements described and I am unaware of any current restrictions to this occurring. Consequently, the principal question for the purposes of the appeal is the effect of the additional level of use beyond that already taking place at the site.

18. There are currently two deliveries a month and the appellant indicates that this would continue to be the case under the proposed extended use. The intention is that plant would be retained on the site to accommodate the additional level of use, thereby resulting in no greater overall levels of deliveries and collections than at present. I note that a condition is proposed to limit the number of deliveries to no more than two a month.
19. While The Heath is a wider road than The Turn, based on the site inspection and the HA's evidence stationary delivery vehicles would cause an obstruction to passing vehicles. Moreover, plant would be unloaded or collected close to the junction with The Turn and to other commercial uses, including a wood yard and the agricultural machinery business. The presence of a delivery vehicle blocking the road and the reversing and manoeuvring of plant in this location would compromise highway and pedestrian safety.
20. The proposal involves an almost doubling of the number of training days. Despite the appellant's stated intentions and the limiting of deliveries to two a month, it is possible that this level of use would result in a greater number of deliveries and collections of plant across a year than currently occurs. As such, the proposal would have a directly harmful effect on highway safety.
21. With regard to parking, the HA states that to accommodate the existing residential use of No 6 and the proposed training use, seven or eight on-site spaces would be required. I note that the parking area to the front of the appeal property is not within the red line area of the site and that the application form indicates that four spaces are available for cars. Without further clarification of the number and location of spaces related to the proposed use, I must conclude that the apparent lack of parking to serve the proposed use is likely to result in on-street parking. Given the single-track road and lack of passing places this would cause an obstruction to other road users.
22. I saw at the inspection that vehicles were parked in tandem along the driveway leading to the site and to the front of the property. It is not clear, therefore, that with both the driveway and area to the front in use for parking, whether vehicles can manoeuvre such that they would be able to leave the site in forward gear. The number of likely reversing movements onto the single-track road would be detrimental to highway safety.
23. Accordingly, taking these findings as a whole, I conclude that the proposal will result in material harm with regard to highway safety and parking. As such, it is contrary to Policy TS3 of the Broadland Development Management DPD, concerning the effect of development on highway safety and to Policy TS4 of the same document, which concerns the adequacy of parking provision.

Suitability of location

24. Policy GC2 of the Development Management DPD says that new development will be accommodated within the settlement limits defined on the proposals map. Development outside these limits would need to accord with a specific allocation and/or plan policy. The appeal site is outside the defined settlement limit of Hevingham and it does not accord with a specific policy.
25. I acknowledge the appellant's contention that the use is appropriate to this countryside location and that it already occurs as permitted development. There is,

however, a policy conflict due to the proposal's location outside defined settlement boundaries, but more significant in my view is the harmful effect of the proposal in this particular location as found with regard to the first two main issues.

26. I have had full regard to the economic arguments in support of the proposal and acknowledge that the training will support the construction industry as well as providing some employment. This should be given substantive weight as it accords with the development plan, notably Policy 6 of the Greater Norwich Local Plan (2024) and the Framework, particularly section 6. However, the proposal would result in unacceptable harm with regard to nearby residents' living conditions and highway safety and parking. As such, it is contrary to the development plan policies referred to and the Framework¹. In this case, the economic benefits of the proposal are not sufficient to outweigh the type and extent of the harm that would result from the proposal.
27. The appellant suggests that a condition could be imposed limiting the use to them. However, the Planning Practice Guidance says that planning permission usually runs with the land and it is rarely appropriate to provide otherwise. There may be exceptional occasions where development that would not normally be permitted may be justified on planning grounds because of who would benefit from the permission². In this case there are no such exceptional circumstances arising from the proposed use.

Other Matters

28. The appellant contends in support of the appeal that the proposal should be considered in the context of the presumption in favour of sustainable development included in the Framework. The most important policies for the purposes of this appeal are those referred to above in respect of the main issues. There is no reasonable basis or evidence presented to consider these out-of-date.
29. In accordance with paragraph 11 of the Framework the presumption is engaged where development accords with the development plan or where there are no relevant policies or the most important policies are out-of-date, none of which applies in this case for the reasons given above. Accordingly, the presumption in favour of sustainable development is not engaged.
30. I have had regard to the representations made by interested parties, some of which raise matters addressed under the main issues. I acknowledge the concerns raised about other matters. However, as these would not change the above findings or overall conclusion in this case, I have not considered them further.

Conclusion

31. The proposal is contrary to development plan policies as it would cause unacceptable harm and there are no other material considerations that outweigh the conflict with the development plan. Accordingly, it is concluded that the appeal should be dismissed.

J Bell-Williamson INSPECTOR

¹ Paragraphs 135f) and 116.

² *Use of Planning Conditions*, paragraph 015.