



Appeal Decision

Site visit made on 15 May 2025

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 29 May 2025

Appeal Ref: APP/U2615/W/25/3360461

Hillcrest Livery Centre, Market Lane, Filby, Great Yarmouth, NR29 3ST

- 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 Mrs Nicola Wilkes against the decision of Great Yarmouth Borough Council.
 - The application Ref is 06/23/0740/F.
 - The development proposed is application for retrospective permission for use of equestrian land to site a static caravan for use as a dwelling with associated use of adjoining land as residential curtilage.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are: i) whether the site location is suitable for the proposed use in terms of its access to every day facilities; ii) whether the proposal can be considered a dwelling for a rural worker; iii) the effect of the proposal on the character or setting of the area; iv) whether the density of the development is acceptable when judged against development plan policy; v) whether there is a lack of privacy and sufficient outdoor amenity space to provide reasonable living conditions; vi) whether it is correct to identify the appeal proposal as requiring a Habitats Regulations Assessment, and if so the consequence of its absence and the lack of a payment under the Norfolk Green Infrastructure and Recreational Avoidance and Mitigation Strategy (GIRAMS); and vii) whether it is reasonable to require a financial contribution for the provision or enhancement of the quality and/or accessibility of public open space in the locality.

Reasons

3. The application form submitted to the council stated that the development was for a "3rd mobile home another person living on site with myself situated where mobile homes have been sited for a while". This description was changed by the council, apparently with the agreement of the husband of the applicant, acting as agent, who in turn had agreed this with the applicant. The amended description is that given in the banner heading above. The application description suggests a second household, but the appeal statement asserts that the new mobile home is to be used as accommodation for the household that owns and runs the livery business. That is the basis on which I have considered the appeal. I note however, that the new mobile home has accommodation that includes a lounge, kitchen/dining area,

- 2 no. bathrooms, and 2 no. bedrooms, and is capable of being used as an additional self-contained unit of residential accommodation.
4. Hillcrest Livery Centre is a horse-riding school/equestrian centre offering horse-riding lessons and/or other equine facilities, stables, dressage, saddlery or livery. It is located on the eastern side of Market Lane, a narrow, single-track road off the A1064. The Livery Centre mostly consists of paddocks, with a stable block towards the north-east of the site. A further associated stable block is located to the south of the site. The landscape here is mostly wide open rolling countryside and the area is rural in character. There is a cluster of dwellings to the north along the A1064 and another cluster of dwellings further south as Market Lane enters Mautby. The site is located within Filby Heath, to the east of the main settlement of Filby and is detached from the main village with no services and limited opportunity for pedestrian routes into the village.
 5. The starting point, in accordance with legislation, is the policies of the development plan. The relevant policies are set out in some detail in the council's document, and therefore are well known to the appeal parties and need not be addressed in detail. Great Yarmouth Local Plan Core Strategy, Policy CS2, makes clear that land outside of development limits shall be treated as countryside and development shall be limited, and that development should be directed towards sustainable locations.
 6. Policy GSP1 of the Local Plan Part 2 sets out the approach to development limits within the Borough: land outside of the development limits is to be treated as Countryside where development is only allowed in certain circumstances. This is consistent with Policy CS2 and the principles of the National Planning Policy Framework (NPPF) in seeking to ensure that planning decisions should aim to achieve sustainable development.
 7. There is an emerging local plan that carries weight due to the progress made towards adoption, save for policies that are subject to objections that are not yet resolved. Policy OSS3 reiterates the existing policies and the site is proposed to remain outside of the development limits.
 8. I have no doubt that it is beneficial, if not reasonably essential, for livery staff to live on site. This appears to be achieved already. In these circumstances there has been no satisfactory explanation as to the need for an additional mobile home on the site, and an additional dwelling unit capable of providing self-contained accommodation, is clearly against the development plan policies mentioned. Since the livery business has been run without the additional accommodation, and it has not been suggested that the pre-existing accommodation is inadequate, I cannot find that the new unit is a dwelling necessary for a rural worker. The conflict with the development plan policies amounts to a harm that justifies the refusal of planning permission.
 9. Turning to the effect of the proposal on the character or setting of the area, criterion 'a' of Core Strategy Policy CS9 requires that new development responds to, and draws inspiration from, the surrounding area's distinctive natural, built and historic characteristics, such as scale, form, massing and materials and reinforcing the local identity. This approach is reiterated in the housing design principles outlined in Local Plan Part 2, policy A2. The Great Yarmouth Design Code Supplementary

Planning Document (February 2024) sets out further the requirements expected for development to achieve high quality design.

10. The two established caravans, and the appeal mobile home, are separated from Market Lane by a paddock and screened by hedgerow, but are still visible from the public domain. This is particularly so in views from Market Lane looking east towards the site, particularly in the gaps in the existing hedgerow which separates the paddocks and Market Lane. The static caravan has an appearance of a structure not designed as permanent development, and is not of high quality design, as required by policy, which would be expected of new housing in the countryside. No attempt has been made to minimise visual impact. Whilst the two original caravans have become established, the new mobile home would exacerbate this harmful impact that they already present. This harm justifies the refusal of planning permission.
11. I can deal succinctly with the issue of whether the density of the development is acceptable when judged against development plan policy. Policy H3 sets out that residential developments need to meet an indicative net minimum housing density of 20 dwellings per hectare (dph) for development in Filby. The council calculates that the appeal proposal creates a minimum housing density of 66.6 dph. Since the policy is for a minimum density to be achieved, the fact that the figure is exceeded cannot justify a refusal, unless it were claimed that there was harm from a high density. There is no such claim.
12. Again, I can deal briefly with the question of lack of privacy and sufficient outdoor amenity space to provide reasonable living conditions; on the basis of a single household, as at present on site, privacy should not be an issue, and the outdoor amenity space is little changed.
13. Next it is necessary to consider whether the appeal proposal requires a Habitats Regulations Assessment, and if so the consequence of its absence and the lack of a payment under the Norfolk Green Infrastructure and Recreational Avoidance and Mitigation Strategy (GIRAMS). Since I am dealing with the appeal on the basis that there is no additional household to be accommodated, the requirement for a Habitats Regulations Assessment, and a payment under the GIRAMS, does not arise. Since I am dismissing the appeal, it is not necessary for me to take the matter further.
14. Finally, it is necessary to consider whether it is reasonable to require a financial contribution for the provision or enhancement of the quality and/or accessibility of public open space in the locality. On the basis that there is a single household occupying the site, there is no justification for such a contribution. If the new mobile home were to be used as separate accommodation, the reverse might be true, but since I am dismissing the appeal, this is again is not a matter for me to take further.
15. In light of all the above matters, the appeal will be dismissed.

Terrence Kemmann-Lane

INSPECTOR