



Appeal Decisions

Site visit made on 20 May 2025

by Sarah Dyer BA BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st July 2025

Appeal A Ref: APP/K2610/C/24/3347136

Land at Great Oak Equestrian, Mill Lane, Postwick, Norwich NR13 5DR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Steven Small against an enforcement notice issued by Broadland District Council.
 - The notice was issued on 30 May 2024.
 - The breach of planning control as alleged in the notice is without planning permission, the material change of use of the land from a mixed use comprising the keeping of horses (equestrian use) to a mixed use comprising the keeping of horses (equestrian use), and residential use facilitated by the stationing of residential caravan shown hatched orange on the attached plan.
 - The requirements of the notice are to:
 - (a) Cease the unauthorised mixed use by ceasing the residential component.
 - (b) Remove from the land the residential caravan (hatched orange on the attached plan) and other paraphernalia associated with the residential occupation of the land.
 - The periods for compliance with the requirements are:
 - (a) Within one year of the notice taking effect.
 - (b) Within 14 months of the notice taking effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(d) and (g) of the Town and Country Planning Act 1990 (as amended).
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Appeal B Ref: APP/K2610/W/24/3347126

Great Oak Equestrian, Witton Lane, Witton, Norwich, Norfolk NR13 5DR

- 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 Steven Small against the decision of Broadland District Council.
 - The application Ref is 2023/0437.
 - The development proposed is occupation of mobile home to provide security and to provide welfare facilities for staff and customers for approved livery facility.
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Decisions

Appeal A

1. It is directed that the enforcement notice is corrected by:
 - the deletion of the words 'hatched in blue' and their substitution with the words 'edged in blue' in section 2.
 - the deletion of the words 'a mixed use comprising the keeping of horses' and their substitution with the words 'a use comprising the keeping of horses' in section 3.
 - the deletion of the phrase 'by ceasing the residential component' from section 5.

Subject to the corrections Appeal A is dismissed, and the enforcement notice is upheld.

Appeal B

2. Appeal B is dismissed.

Preliminary Matters

3. The site addresses given on the enforcement notice (EN) and the planning application form are not consistent, but I am satisfied that appeals relate to the same site as shown on the submitted plans for both appeals.

Appeal B

4. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises the 'siting of caravan for residential purposes'. This is the description of development which is set out in the Appeal form. The Council dealt with the proposal on this basis and so have I.

The Notice

5. I have a duty to try to get the EN in order through correcting or varying the allegation and/or the requirements. In this case the allegation refers to 'change of use of the land from a mixed use for the keeping of horses (equestrian use)...'. In the absence of any reference to another component of a mixed use, this reference is incorrect. However, I can correct the notice to remove the reference to 'mixed' from the description of the previous use of the appeal site.
6. The EN also refers to site being 'hatched in blue' on the enforcement notice plan. However, the site is shown 'edged in blue' on the plan which has been submitted to me by the appellant and on that provided by the Council. I can make this correction to the notice.
7. In terms of the requirements of the notice, reference is made to 'the residential caravan (hatched orange on the attached plan)', but the site of the caravan is shown shaded orange on the plan provided by the appellant, which is a photograph of the notice. The version of the EN plan provided by the Council shows the site of the caravan hatched in orange and this is a copy of the original document. This inconsistency is due to the quality of the submissions, and I do not need to correct the notice in this respect.
8. The EN relates to a single mixed use. The reference in the requirements to the cessation of the residential element is both unnecessary and unclear. Section 57(4) of the Act provides that where an EN has been issued in respect of any development of land, planning permission is not required for its use for the purposes for which it could lawfully be used, if that development had not been carried out. Therefore, if the equestrian use is lawful then that can continue after the EN is complied with. I shall correct the EN to remove this part of the requirement.
9. None of these corrections would give rise to injustice to either party.

Appeal A – ground (d)

10. An appeal on ground (d) is on the basis that, at the date when the EN was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters. In this case no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach. Ground (d) is assessed against the allegation as corrected above.
11. The appellant has provided his own statutory declaration (SD) and provided SDs by the previous owner of the site, and his partner in support of his appeal.
12. The SDs do not refer to the necessary form of words set out in the Schedule to the 1835 Act although the Act is referenced and there is a declaration that it is a true statement. None of the SDs are signed by a solicitor or commissioner for Oaths. As a result they cannot be regarded as sworn first-hand evidence and carry less weight.

The Appellant's SD

13. The appellant states that he moved onto the site on the weekend of 24/25 May 2014 which he recalls because he brought his horse directly from attending an event that weekend. Since that date he 'resided' at the site while his purchase of it was progressing. He worked on clearing the site, restoring land and buildings, and cleaning.

Witness 1's SD

14. Witness 1 is the previous owner of the site which he states he sold to the appellant in September 2014. He says that he allowed the appellant to move onto the site while the purchase was going through. He confirms that the appellant moved there on the weekend of 24/25 May 2014 and refers to the same event as the appellant.
15. He says that the appellant initially lived on the site in a horse lorry, then a touring caravan, he upgraded to a static caravan and then he moved into the lodge which he now lives in. Witness 1 says he has sight of the area where the appellant lives and it causes no concerns to him.

Witness 2's SD

16. Witness 2 is the appellant's partner. He says that they moved onto the site straight after the event on the weekend of 24/25 May 2014. They lived initially in a horse lorry, then a caravan, a static caravan and now in the lodge. He says that the appellant has lived at Great Oak Equestrian and run a business from there for over 10 years.

Evidence from an interested party

17. Information has been submitted by an interested party (IP) which contradicts the evidence provided by the appellant. This information is in the form of written statements and supporting material. It is not in the form of a SD or affidavit but given the shortcomings of the appellant's evidence in this respect it can be afforded equal weight.
18. The IP points out that in his planning application form for the siting of the caravan, which is the subject of Appeal A, the appellant states that this commenced on 21 June 2014. The IP has provided four aerial images of the site from 2014, 2017,

2020 and 2022. He states that the comparison assessment fails to demonstrate and contradicts the appellant's evidence.

19. The IP has submitted a 'statement of truth' which he provided to the Council in April 2022. In his statement he describes how his property faces the stable block at the appeal site and that he has uninterrupted views of it. He says that the appellant bought the site in 2014 and for the first few years he visited the site in the morning and at the end of the day. The IP observed that the appellant employed a groom who visited the site daily.
20. In his statement the IP confirms no one was living on the site prior to September 2016. He says he recalls this because the appellant had given the IP his contact details and asked him and his wife to 'keep an eye' on the site as it was left unattended at night. As they were going on holiday in September 2016, the IP and his wife were concerned whether to advise the appellant of this.
21. With regard to the appellant's submissions that the horse lorry was brought onto the site, the IP says that he does not recall any horse lorry being parked and lived in prior to September 2016. He argues that given the close proximity and clear view he and his wife would have noticed this. The IP's property is shown on the enforcement notice plan and abuts the appeal site.
22. The IP recalls that in September 2016 a small touring caravan was brought onto the site. At the same time the IP states that the appellant advertised for a groom offering on-site accommodation. As part of a Council investigation the appellant provided two letters of support, claiming that he had been living at the site for 5 years, one of which was signed by the IP. However, the IP says that he knew nothing of planning law and was 'duped into providing false information'.
23. According to the IP a static caravan was brought onto the site in November 2020, which was subsequently moved and another static caravan, which the appellant refers to as a 'lodge', was brought on in December 2021. The IP says that he can be specific about these dates as he reported these actions to the Council at the time.
24. The IP says that the appellant did not tell him where he was living but the IP thought it was local as the appellant sometimes visited the site on foot. The IP also states that the appellant told him that he had a four bedroom house within walking distance of the site which was not sold until 2021. Reference is also made by the IP to conveyancing documents which list the appellant's address as in a local village on 12 September 2014 and 5 February 2015.
25. The IP also alleges that the appellant told him that for the 'first year or two after his purchase' he was working as a casino manager in Great Yarmouth.

Assessment of the evidence of mixed use as set out in the allegation

26. There is no issue with the use of the land for the keeping of horses. Therefore my assessment turns on the evidence relating to the residential use component of the mixed use being the stationing of a residential caravan shown shaded orange on the enforcement notice plan.
27. The IP has raised the question of whether the use of the horse lorry for sleeping accommodation constitutes the alleged breach of planning control as set out in the

notice. The evidence provided by the appellant does not address this point and I shall set it aside until I have assessed the submissions which have been made.

28. There is no other evidence provided to support the statements in the SDs for example publicity material from the event, copies of tickets etc nor are there any details of the horse lorry, touring caravan or static caravan. There is a caravan on the site which could be described as 'a lodge' and I was shown other caravans and a horse lorry during the site visit. However, save for the statements, the evidence does not demonstrate when they were brought onto the site and where they were parked/stationed.
29. There is a consistency in the SDs provided by the appellant, including his own, about the timing of his arrival on the site. However, they are all limited in scope and in the absence of a signature by a solicitor or commissioner for oaths their value as evidence is reduced. Had there been evidence to corroborate the SDs this would have enhanced their weight, but this has not been provided.
30. Turning to the evidence from the IP, some of this directly contradicts statements made in the appellant's submissions.
31. In relation to the aerial photographs, save for the year there is no date given on these images. Thus, while there is evidence of changes taking place on the appeal site over time, the images are not conclusive in terms of when those changes took place. They do not refute the possibility that residential use took place as described by the appellant. The IP's observations regarding the bringing on of various caravans onto the site are consistent with the evidence provided by Witness 1 and Witness 2 in terms of the type accommodation available to the appellant and Witness 2 but not when it became available to them.
32. With regard to the IP's knowledge of when a small touring caravan was brought onto the site, whilst this could be evidence that there was no residential use taking place on the site before that time, such a statement does not necessarily conflict with the witnesses' statements that the appellant and Witness 2 were living in the horse lorry when they first arrived.
33. The observations which the IP makes in relation to the availability of alternative accommodation or where the appellant may have been employed do not necessarily conflict with the appellant's submissions that he was living at the appeal site. Similarly it is possible that the appellant was employed elsewhere but was still running the business from the appeal site as set out by Witness 2.
34. Nevertheless, the IP's references to the appellant and his employee visiting the site daily and having contact details because the site was unattended at night between 2014 and September 2016, directly contradict the submissions of the appellant that he was living on the site from 24/25 May 2014.
35. Similarly, given the proximity of the IP's property to the site, the IP's statement that he did not see a horse lorry being parked and lived in at the site or anyone living at the site prior to September 2016 conflicts with the appellant's evidence.
36. The onus is on the appellant to provide evidence of when the breach occurred. His SD sets out that he resided on the site from the weekend of 24/25 May 2014 but does not establish what type of residential accommodation was used. Witnesses 1 and 2 refer to a horse lorry being brought onto the site. In order to succeed on

ground (d) in this case the appellant would need to demonstrate that if the breach of planning control did occur on the weekend of 24/25 May 2014, then the mixed use was continuous without substantial interruption for a period of 10 years i.e. until 24 May 2024.

37. The evidence provided by the appellant is not precise. There is no reference to the type of accommodation he used when he first moved onto the site. The witnesses refer to the use of a horse lorry, but the appellant does not confirm this. The appellant and the witnesses refer to an event which took place on the weekend when the appellant moved on but there is no information to substantiate this. There is also very limited evidence in terms of the continuity of use once the appellant had moved onto the site. As it stands the evidence of the mixed use of the site is essentially statements of fact by the appellant and his witnesses which are only supported by evidence to a very limited extent.
38. The evidence provided by the IP is much more thorough and includes some supporting information. It has not been given under oath, but it does directly contradict some of the statements made by the appellant.
39. The evidence from the appellant and the witnesses is limited by the lack of any information to corroborate the statements which they make about the timing of the change to mixed use. It is also contradicted by the evidence provided by the IP. Taking the evidence in the round, it has not been precisely and unambiguously established that the breach of planning control took place on the weekend of 24/25 May 2014 as advocated by the appellant.
40. I have found that the evidence does not demonstrate that the horse lorry was brought onto the site and lived in at the date when the appellant stated it was. Therefore, it is not necessary for me to go on to consider whether or not the horse lorry meets the definition of a caravan under the terms of the Caravan Sites and Control of Development Act 1960 and that bringing the horse lorry onto the site amounted to a material change of use to a mixed use as set out in the notice.
41. I conclude on the balance of probabilities that the material change of use did not take place for more than 10 years prior to the issue of the enforcement notice and so, at the date that the enforcement notice was issued, the time for taking enforcement action as set out in section 171B (3) of the 1990 Act as amended had not expired. Therefore, the appeal on ground (d) does not succeed.

Appeal A – ground (g)

42. An appeal on ground (g) is on the basis that the period specified in the EN for compliance with the EN falls short of what should reasonably be allowed. The appellant requests that the EN be held in abeyance until the outcome of the planning appeal has been received. As the appeals are to be determined concurrently it is not necessary to vary the compliance period to achieve this outcome. The appellant has not submitted any evidence to show that the compliance period set out in the EN is unreasonable.
43. A consequence of compliance with the EN is that the appellant and his partner could lose their home. Therefore, I have had regard to the rights of the appellant under Article 8 of the European Convention on Human Rights as incorporated into the Human Rights Act 1988. Article 8 affords the right for respect for private and

family life and home. It is a qualified right, and interference may be justified where that is lawful and in the public interest. The concept of proportionality is crucial.

44. Under the terms of the EN the appellant and his partner can stay on the site for a period of up to 12 months. This is a reasonable period within which the appellant could find alternative accommodation. Any extended period beyond 12 months would call into question whether it was expedient for the Council to issue the EN in the first place.
45. Consequently a decision not to vary the compliance period is proportionate in this case and the appeal on ground (g) does not succeed.

Appeal B

Main Issues

46. Appeal B relates to the siting of a caravan for residential purposes. The main issues are:
 - Whether having regard to local planning policy that seeks to avoid isolated new homes in the countryside, there is an essential need for a rural worker to live permanently at their place of work.
 - The effect of the development on:
 - the character and appearance of the site and the surrounding area.
 - the integrity of European sites, with particular reference to nutrient neutrality and recreational pressures

Reasons

Whether there is an essential need for the development

47. There is no dispute between the parties that the site lies beyond any settlement limit. Policy GC2 of the Broadland District Council Development Management DPD 2015 (the DPD) states that, outside such limits, development which does not result in any significant adverse impact will be permitted where it accords with a policy in the local plan. Policy H1 of the DPD relates to dwellings which are connected with rural enterprises and sets out two criteria that need to be met in order to justify a rural location for the dwelling.
48. The first criterion in Policy H1 is that there is a functional need which relates to a full-time worker that cannot be fulfilled by an existing dwelling. Whilst historically there was a dwelling associated with the equestrian use, this was not acquired by the appellant when he purchased the site. The IP refers to the appellant having a house in the local area and appearing to service the site from there. However, there is limited evidence before me to substantiate this and in any event the IP thought the house had been sold.
49. Prior to the appellant's acquisition of the appeal site it formed part of a larger land holding. At one time this included a property known as Witton House Lodge where the previous owner of the business lived. The owner then built another house on his land, The Coach House, and Witton House Lodge was sold. Neither Witton House Lodge nor The Coach House were acquired by the appellant and there is

no 'existing dwelling' on the site. The appellant says that there has always been a 24/7 on site presence since the 1970s.

50. As part of the business the appellant provides full livery to his customers. On the basis of the submissions before me the expectation of his customers is that there is someone on the site at all times for three key reasons. Firstly, there is a lot of expensive equipment on the site including that owned by the customers. The appellant has provided a detailed list and considered likelihood of theft and impact for each item. The only mitigation he suggests is the owners being on site.
51. There are 6 tack rooms on site and the appellant's customers also store their own equipment on site. Taken together that amounts to a significant number of high value items. Nevertheless, there is limited information on which to reach the assumption that the likelihood of theft is high and other options in terms of increased security have not been ruled out. This argument therefore attracts limited weight.
52. The second reason the appellant argues for an on-site presence at all times is the potential effects on the horses. Again these are set out and assessed in terms of risk. The highest likelihood and greatest impact are assigned to horse theft or a stable fire.
53. The appellant says that the business has 16 stables. Bearing in mind that the appellant has his own horses plus the 17 for which full livery is provided, it is not clear where all of the horses are accommodated when they are not let out to graze. In any event, 16 horses are a substantial number to move efficiently in a fire or to round up if they are let out due to vandalism. There is limited information to demonstrate that the potential for a stable fire is high, nor that the likelihood could not be reduced by changes on the site. Nevertheless, given the number of horses involved, I attach moderate weight to this argument.
54. Reference is also made by the appellant and interested parties to the potential for horses to escape from the site and to access the adjacent A47 trunk road. However, there is limited evidence to demonstrate that the likelihood of such an occurrence is high or that enhancement of the current boundary treatments and planting could not be carried out to securely contain the horses. Consequently, this potential harm attracts limited weight.
55. One of the customers of the business who wrote in in support of the planning application refers to the theft of horses in the area. However, there is no further information about the proximity to the appeal site or the degree of security available at those stables. Therefore, this point also attracts limited weight.
56. The third reason relates to the welfare of the horses and includes circumstances where the horse would require immediate attention. These have been assessed in terms of likelihood and outcome. It is not clear if the number of horses on the site has been taken into consideration in assessing the likelihood of a horse becoming ill, stressed or injured. Although the business has been operating for several years there are no records of the number of these instances which have occurred and whether they have influenced the consideration of 'likelihood'. However, in line with my reasoning above, given the number of horses accommodated at the site, it is reasonable to assume that the risk is heightened, and this attracts moderate weight.

57. One of the customers of the business who wrote in to support the planning application refers to her horse having a medical condition which requires a consistent level of attention. If this is not possible, she is concerned that this would impact on the horse's quality of life and may also be in violation of the Animal Rights Act. However, there is limited information to substantiate these points. Furthermore compliance or otherwise with legislation relating to animal welfare is not a matter which is determinative in a planning appeal. I have applied limited weight to this point.
58. The appellant says that he has not been able to find any suitable residential properties within 5 miles of the site and that any further away are not within his budget and too far away to enable the site to be accessed immediately. However, there is very limited information regarding the appellant's actions in securing alternative accommodation nearby.
59. Drawing all of these strands together in respect of the first criterion of Policy H1, it is clear that the equestrian use has benefited from 24/7 supervision for many years. It is the result of the original land holding being subdivided and sold off as separate parcels which has meant that the equestrian use no longer benefits from a lawful 24/7 residential presence. There is no evidence to suggest that there were any planning conditions linking the dwellings which have been sold to the business or that the appellant had any control over the separation of the dwellings from it.
60. There is some reference to alternatives to permanent residential accommodation on the site being considered but that information is limited. For example there is no assessment of whether secure storage or security systems to protect expensive equipment would be a feasible option. Arguments have been made that for the safety and wellbeing on the horses an on-site presence is essential. Given the numbers of animals involved it is clear that even a limited delay in accessing the site could be very serious, for instance in the relation to fire, sabotage or in some cases illness and accident.
61. I find that most of the arguments put forward by the appellant and his customer generally attract limited weight in view of the limitations of the supporting information before me. However, given the number of horses accommodated on the site, the arguments in relation to their safety and wellbeing attract moderate weight. Nevertheless, my concerns in this respect are outweighed by the lack of evidence regarding the availability of alternative accommodation close to the site and I find that the first criterion of Policy H1 has not been met.
62. The second criterion of Policy H1 is that the enterprise has been established for at least 3 years, is financially sound and has a clear prospect of remaining so.
63. The appellant says that an equestrian business has been operating from the land for 40 years. Since he acquired the business, the appellant states that it has grown, and he now rents additional land from a local farmer. He refers to his investment in the land in terms of restoration and maintenance and that he rents out space to local trainers. He also explains that he works closely with training establishments to provide work experience for students.
64. The appellant has not provided any financial information about the financial stability of the business before he acquired it or his own business plan. He adds that having to live off site would be an additional outgoing which would result in the

closure of the business. However, there is no information to substantiate this argument.

65. There is no evidence of any formal arrangement with the local farmer regarding the land which is rented. Consequently, there is no certainty that this land will be available to the business in the long term. Similarly, the formal arrangements with the local trainers and training establishments have not been evidenced. Therefore the effect of paying rent or receiving payments for services on the financial stability of the business has not been demonstrated.
66. Full livery is currently provided for 17 horses. As a consequence of the appellant advising his livery customers that he might not be able to remain living on the site, 5 customers removed their horses. The importance of this aspect of the business is reflected in the letters of support from the appellant's customers. This resulted in a loss of income and 3 full time members of staff being let go. The appellant says that the business was almost lost altogether. There is very limited information regarding whether the business is back up to full capacity nor any financial information to demonstrate the long term impact on the appellant's business.
67. The appellant states that they do not have the financial capacity to purchase a dwelling nearby because he has significantly invested in the business. Again, this has not been demonstrated by evidence.
68. The appellant argues that he has invested a significant amount of money in the business which he would not have done if it were not considered to be a viable operation that he would eventually regain his money from. Whilst this is a reasonable assumption to make there is no financial information to support it.
69. Taken as a whole, it has not been demonstrated that the enterprise is financially sound and has a clear prospect of remaining so, and the second criterion of Policy H1 has therefore not been met.
70. I have found that the development does not accord with Policy H1 of the DPD. No other policies in the local plan have been cited as providing support for a dwelling outside a settlement limit. It follows that the development does not accord with Policy GC2 of the DPD.
71. In conclusion, it has not been demonstrated that there is an essential need for the development, and it is contrary to Policies GC2 and H1 of the Broadland Development Management DPD 2015.
72. Both parties have referred to the levels of connectivity of the site to local services and facilities. However, as I have found that the development does not accord with Policy H1 it is unnecessary for me to go on to consider this argument as it would not affect my conclusion on this main issue.

Character and appearance

73. Mill Lane has the character of a country lane. There is no street lighting and no pavements; the edges of one side of the road are defined by hedges some of which are managed but others allowed to grow unrestricted. On the opposite side of the road there is more limited hedging which allows mainly unrestricted views across flat arable land and open skies.

74. Adjacent to the site is the A47 trunk road which bisects Mill Lane. This generates noise which is apparent on the site. Otherwise the caravan, which is identified on the plans as 'Mobile Unit 1 currently lived in' (Mobile 1), is distant from any settlement, and save for similarly isolated dwellings close by, has the sense of being in open countryside.
75. The evidence shows that a number of features were present on the site before Mobile 1 was moved onto the land. These included the stable block which is close to Mill Lane, a storage container, a menage and subdivided paddock areas. A second caravan is shown on the plans as 'Mobile Unit 2 used as staff refuge, toilets, training room for students'.
76. The stable block is the largest building on the site. It is generally screened from the road by hedging. The stables, the storage container, the menage and subdivided paddocks are typical of an equestrian use of the site, which is not in dispute. It is reasonable to expect staff refuge space, toilets etc to be provided. The appellant refers to the Council officer's report which states that 'other mobile structures/caravans on site are being used in association with the equestrian business and as mobile structures do not need permission'. Thus Mobile Unit 2 is part of the baseline condition of the land before the development took place.
77. The evidence before me shows that before the works were carried out to enable Mobile 1 to be brought onto the site, there was a mature hedge along the boundary with Mill Lane. Thus, the character and appearance of the site was consistent with surrounding development, and it made a positive contribution to the rural character of Mill Lane.
78. From the information that has been submitted, including from interested parties, it appears that in order to facilitate the bringing on of Mobile 1, part of the roadside hedge was removed. Although replacement hedging has been planted, which has not yet reached maturity, Mobile 1 is very visible when viewed from Mill Lane. This is chiefly because as a result of its height, length and elevated position, it looms over the hedge plants. Furthermore, it is also highly visible from the driveway serving the development off Mill Road by virtue of its width and elevated position relative to the road.
79. There is an amenity space associated with Mobile 1 which at the time of my site visit contained outdoor furniture. It is generally screened from views by the hedge plants and by the caravan itself. To that extent the domestic paraphernalia commonly associated with a residential use is not particularly apparent from the wider area.
80. The replacement hedge planting provides some visual softening of the appearance of Mobile 1 but even at full maturity it is unlikely to completely screen it from the road. The proximity of Mobile 1 to the boundary also negates the potential for a more substantial screen to be provided in the form of trees and larger plants.
81. Whilst there is a caravan on the land in the form of Mobile 2, Mobile 1 is much larger and its size and its dominant appearance is in conflict with the rural character of Mill Lane and the immediate vicinity of the site. If I allow the appeal and grant planning permission it would be for the stationing of a caravan, not specifically Mobile 1 and it is possible that a smaller caravan could replace Mobile 1. However, even a smaller caravan in the same location, elevated above the road and not fully screened from view would have a harmful impact.

82. The appellant argues that the harmful impact of Mobile 1 is reduced because it is a 'moveable structure' and does not constitute permanent built form. However, there is no information before me to suggest that the appellant intends to move it to a different location or that such alternatives have been assessed in terms of their impact on the character and appearance of the site and the surrounding area.
83. The appellant also argues that the siting of a mobile home in connection with the business would not require planning permission, therefore the impact on the character and appearance of the area is not 'up for assessment'. Nevertheless, the development which is the subject of this application constitutes development which requires planning permission and needs to be fully assessed against relevant planning policies, including those related to the protection of the character and appearance of the area.
84. Mobile 1 is screened from the A47 trunk road and from distant views along Mill Lane by vegetation. Whilst given that it is a 'dead end' and this part of Mill Lane has limited passing traffic, Mobile 1 would be clearly visible to any road users. The IP also refers to walkers using this part of Mill Lane to access a crossing on the A47 trunk road but given the speed of traffic on this road it is reasonable to assume that it is not a heavily used route.
85. The appellant contends that his appeal relates only to the use of the land for the siting of a caravan and not for other works such as the removal of the hedgerow. The application was limited in extent and the subsequent appeal relates to the same development. Nevertheless, the removal of the hedgerow has an effect on the visibility of Mobile 1 and I have had regard to those works and the fact that replacement planting has been carried out.
86. Drawing all of these points together, Mobile 1 is an incongruous element in Mill Lane by virtue of its position relative to the road both in terms of proximity and elevated level and the limitations of screening by the boundary hedge in terms of relative height. Mobile 1 is of a tidy appearance and good quality finish but this does not outweigh its harmful visual impact given its size and siting.
87. In conclusion, the siting of Mobile 1 has a harmful effect on the character and appearance of the site and the surrounding area. Therefore the development is contrary to Policy 2 of the Greater Norwich Local Plan (2024) (the Local Plan) and Policy GC4 of the DPD. These policies require that new development respects the character of the local area, achieves a high standard of design through having adequate regard for the environment, character, and appearance of the area and that local distinctiveness is reinforced through its appearance.

The integrity of European sites, with particular reference to nutrient neutrality and recreational pressures

88. The appellant argues that the caravan has been on site since 2014 and therefore it was being used for residential purposes prior to the regulations and legislation which require mitigation measures to be provided in relation to nutrient neutrality and recreational pressures. However, his planning application was not submitted until February 2023 and those regulations and the related local planning policies were relevant when the application was determined and hence to the determination of this appeal. There is no dispute that the development has given rise to a net increase in population against which the impact on the European sites is considered.

89. In respect of the impact of the development on nutrient neutrality, there is no dispute between the parties that the site lies within the catchment areas for the Broads and the River Wensum nor that there are unfavourable conditions in those areas in terms of nitrates and phosphates.
90. The development is currently served by a septic tank, but the appellant says that he would accept a planning condition to require that that be replaced by a package treatment plant. There is no information before me regarding the implications of either of these waste water drainage systems on levels of nitrates and phosphates in the catchment areas referred to above. On this basis I cannot be sure that mitigation measures are not required to ensure that there is no adverse impact on those watercourses and ultimately the Broads Special Area of Conservation (SAC).
91. Turning to recreational pressures, the site is within the zones of influence for the Broads SAC and also the East Coast and North Norfolk Coast. These European sites are vulnerable in terms of disturbance to breeding birds. The Norfolk Recreational Impact Avoidance and Mitigation Strategy Action Plan (RAMS) sets out the approach which the Council and other local planning authorities have adopted to address the need for mitigation in the light of new residential development which is proposed across the county and the recreational pressures which will arise. The form of mitigation which is appropriate in this case is a commuted sum payment.
92. The appellant states that the development will not result in any harm to the North Coast zones of influence. However, there is no evidence to support his view and given the proximity of the European sites it is reasonable to assume that they will be accessed for recreation by the occupiers of the site. The appellant has not provided a means by which the commuted sum payment in accordance with RAMS can be secured. In the absence of this it has not been shown that the European sites which I have identified above have been sufficiently protected from the impact of the development.
93. It has not been demonstrated that the development would not have a harmful effect on the integrity of European sites, either alone or in combination with other development, with particular reference to nutrient neutrality and recreational pressures. Therefore, the development is contrary to Policy 3 of the Local Plan and Policy EN1 of the DPD which relate to the protection of European sites, and which require that adequate mitigation is incorporated into development including specific requirements to address impacts.

Other Matters

Previously developed land

94. The appellant contends that the site constitutes previously developed land (PDL), and that its development attracts support from the National Planning Policy Framework (the Framework). On the basis of the site plan submitted with the planning application the appeal site is extensive. It includes the land on which the caravan is sited, the immediate area, which is used as amenity space, the stable buildings, the menage and the pasture land.
95. The definition of PDL in the Framework refers to land occupied by a permanent structure, or any fixed surface infrastructure associated with it, such as

hardstanding. This excludes parts of the site from being PDL such as the pasture land. The Council has not raised any issue with the lawfulness of the menage and on that basis it constitutes PDL.

96. Looking exclusively at the area within which the caravan is sited. The space occupied by the caravan and its associated amenity space is also not PDL as it has not been lawfully developed. Neither is there any evidence of any permanent structure or fixed surface present before the caravan was brought onto the site. Thus, in respect of the stationing of the caravan the development has not made use of PDL. Nevertheless, considering the site as a whole the development would involve the use of PDL and its reuse weighs in favour of the development to a moderate extent.

Fallback

97. The appellant argues that if planning permission is not granted, he intends to retain Mobile 1 on site to provide welfare facilities or an office connected with the business. In those circumstances the harm to the character and appearance of the area which I have found would remain. Given the likelihood that Mobile 1 would be retained on the site for these purposes, bearing in mind that it would not be fulfilling the function of providing living accommodation and that other welfare facilities are available on the site, this fallback position attracts moderate weight in favour of the appeal.

Local economic benefits

98. If the appeal succeeds the appellant and his partner will continue to contribute to the local economy through using local services and facilities. However, given the scale of the development and the absence of any information to suggest otherwise, this attracts limited weight in favour of the appeal.

Effect on vehicle movements

99. The appellant argues that if he was unable to live at the site, he would need to visit it two or three times a day to tend to the horses and supervise training sessions. Consequently he argues that allowing the appeal would result in a cumulative reduction in vehicle movements. However, this would not be the result. In practice, it would mean that these journeys would not be made as opposed to leading to a reduction in the current vehicle movements. Nevertheless, this does amount to an argument in favour of the development which attracts limited weight by virtue of the small number of trips likely to be generated by these activities.

Impact on users of the livery services

100. The equestrian use to which the occupation of Mobile 1 relates does not constitute a community facility. However, the appellant's customers refer to the sense of community which they experience when using the facilities and that it provides a valued service. Whilst there is no certainty that the equestrian use would cease if the appeal were dismissed and as a consequence there was no longer a 24/7 presence on the site, this is a possibility which has been raised by the appellant.
101. One of the customers who wrote in in support of the planning application states that they are a disabled rider. They rely on a presence on the site when they are riding as they would require assistance in the event of an accident. They often use the facilities at unsocial hours which is why they chose this establishment where

they would be in sight of the appellant when using the arena. Their view is that if the appellant was removed from the site this would violate their rights to 'live a full life and enjoy my horse'.

102. The loss of the current livery service could have a detrimental effect on the appellant's customers but there is limited information before me regarding the availability of alternatives in the area or their affordability which is an issue which has been touched on by some of the customers. For that reason this impact attracts limited weight in favour of the appeal.

Personal circumstances

103. The appellant says that if the appeal is dismissed this would result in the loss of his and his partner's home. He does not provide any details regarding the availability of alternative accommodation or the timescale within which this could be accessed.

Conditions

104. The appellant says that he would be prepared to accept a planning condition which restricts the occupancy of Mobile 1 to himself and his partner only to cease upon cessation of the business or if they sell the business to another party. This would limit the harm to the character and appearance of the area and to the European sites to a temporary duration. However, given that there is no indication how long this temporary period would last and that the harm would endure throughout, imposing a personal occupancy condition would not fully address the harm which I have found.

Planning Balance and Conclusion

105. I have determined that an essential need for a rural dwelling in this location has not been demonstrated as required by local planning policies which seek to avoid isolated new homes in the countryside. I have also found that the siting of Mobile 1 causes serious and unacceptable harm to the character and appearance of the site and the surrounding area. Furthermore, it has not been demonstrated that the occupation of Mobile 1 does not give rise to harm to European sites in the form of The Broads, the East Coast and the North Norfolk Coast SACs.
106. In favour of the appeal I have found that the development would involve the use of PDL and that there is a potential fallback position in terms of the retention of Mobile 1 on the site. These factors attract moderate weight in favour of the appeal.
107. The local economic benefits arising from the development, the limitation on vehicular movements and the effects on users of the livery services attract limited weight in favour of the appeal.
108. The Council is content that the development does not have any harmful effects in terms of highway safety or residential amenity. I have considered the points made by interested parties in relation to these matters, but they have not led me to a different conclusion to that reached by the Council. Consequently, these issues have a neutral effect in the planning balance.
109. The Council has confirmed that it cannot demonstrate a five year supply of deliverable housing sites. On this basis the appellant considers that the circumstances set out in footnote 8 of the Framework are engaged and that the

policies which are most important for determining the application should be deemed out-of-date.

110. The site falls within the Broads Authority which is set out in footnote 7 of the Framework as a 'protected area'. In such areas in accordance with paragraph 11(d) (i) of the Framework planning permission should be granted unless the application of policies in the Framework that protect such areas provide a strong reason for refusing the development proposal.
111. The Framework sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in the Broads. Whilst the Council found that development has a harmful effect on the site and the surrounding area, it did not find that it harms the wider landscape. As set out in its officer report, upon which it relies to set out its case, the Council stated that it 'does not result in significant harm to the wider landscape so does not conflict with policy 3 of the GNLP and policy EN2 of the DM DPD'. There is no evidence before me to counter that view and for that reason, I do not find that the development conflicts with the Framework in this respect. The other policies which protect the Broads in terms of its wildlife and cultural heritage and which relate to major development and mineral extraction are not relevant to the determination of the appeal.
112. Therefore, in this case the application of policies in the Framework which protect the Broads do not provide a strong reason for refusing the development.
113. In addition to the relevance of its location in the Broads Authority, paragraph 11(d) (i) also covers habitats sites which include Special Areas of Conservation like the Broads, the East Coast and North Norfolk Coast SACs. I have found that it has not been demonstrated, through adequate mitigation mechanisms, that these European Habitats sites will not be adversely affected by the development. This outcome provides a strong reason for refusing the development and as a result the presumption in favour of sustainable development does not apply.
114. Drawing all of these points together, the development would conflict with the development plan as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it.
115. In common with my consideration of ground (g) of Appeal A, I have had regard to the rights of the appellant under Article 8 because dismissing the appeal would interfere with the appellant's rights since the consequence might be that he and his partner no longer have a home. However, under the terms of the EN the appellant and his partner can stay on the site for a period of up to 12 months. Bearing in mind that the requirement for on-site residential accommodation has not been demonstrated and set against the harms arising from the development, this is a reasonable period within which the appellant could find alternative accommodation. Therefore a decision to dismiss Appeal B would be proportionate in this case.
116. Given the evidence before me regarding the use of the equestrian facilities by a disabled rider and their reliance on an on-site presence while they do so, I have also had regard to the Public Sector Equality Duty (PSED). Dismissing the appeal could have the effect of discriminating against a person with a protected characteristic. However, that person would have the opportunity to seek alternative

facilities to meet their needs while the appellant was also looking for alternative residential accommodation.

117. Furthermore, the harm arising from the provision of an isolated dwelling in the countryside, the impact of the development on the character of the area and the effects on the European sites outweigh the benefits in terms of eliminating discrimination against persons with protected characteristics. Therefore, I conclude that it is proportionate and necessary to dismiss Appeal B.

118. For the reasons set out above, and having regard for the rights of the appellant under Article 8 and the PSED, Appeal B is dismissed.

Sarah Dyer

INSPECTOR