



Appeal Decision

Site visit made on 25 June 2025

by **S Rawle BA (Hons) Dip TP Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 24TH July 2025

Appeal Ref: APP/F2605/W/24/3355944

Sycamore House, Yaxham Road, Mattishall, Norfolk, NR20 3PE

- 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 Page against the decision of Breckland Council.
 - The application Ref is 3PL/2023/1164/F.
 - The development proposed is the change of use of detached outbuilding to provide holiday accommodation as a "Well-Being Retreat" providing overnight accommodation with the option to purchase wellbeing treatments.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have amended the description from that on the application form to that on the Council's decision notice to clarify that the change of use relates to the existing detached outbuilding.

Main Issues

3. The main issues are:
 - Whether or not sufficient information has been provided, or adequate measures have been proposed, to ensure that the proposal would not have adverse effects on the integrity of the Broads Special Area of Conservation due to nutrient pollution or on other European sites due to recreational impact; and
 - Whether or not the proposal would cause an unacceptable impact to highway safety

Reasons

The Natural Environment

4. The appeal site is located within the Broads zone of influence which includes The Broads Special Area of Conservation (SAC). It also falls within the zone of influence of the River Wensum SAC. These European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (The Habitat Regulations).
5. Where a proposal is likely to have significant effects on European sites, Regulation 63 of the Habitat Regulations requires the competent authority to carry out an Appropriate Assessment (AA).

6. The proposal would result in the creation of additional overnight accommodation. The Council consider that the proposed development would be likely to have a significant effect on the conservation objectives of the European Sites. The appellant has not provided any compelling information to dispute the Council's view and on balance I also consider that the proposal would be likely to have a significant effect on the conservation objectives of the European Sites.
7. The appellant has indicated that they would have no reservations about meeting any nutrient neutrality requirements. However, they have not provided any detailed information about how they would approach this matter or how they would ensure that the proposal would avoid adverse effects on the European sites. Without this information I am unable to satisfy myself that the proposal would not have an adverse effect on the integrity of the Broads SAC due to nutrient pollution. This weighs significantly against the proposed development.
8. I note that the appellant refers to approved developments at Forge Close, which is near the appeal site and a large development at The Kingfishers, Larwood Drive, Dereham Road which they indicate must have a greater impact on pollution levels than this proposal. However, each case must be determined on its own merits, and I have no reason to doubt that adequate information was provided in support of the cases that have been brought to my attention. The problem here is the lack of information. As outlined above, without it I am unable to satisfy myself that the proposal would not have an adverse effect on the integrity of the Broads SAC due to nutrient pollution.
9. The Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS) advises that unless it is possible to rule out visitors using European sites, including the Broads, the North Norfolk coast, Norfolk Valley Fens and the Brecks, overnight guests will place additional recreational pressure on these protected European sites.
10. On that basis the Council consider that the proposal is likely to have a significant effect on European sites and in accordance with the strategic approach outlined in the GIRAMS consider a one-off tariff would be required to provide the necessary mitigation measures identified by the GIRAMS. I accept this is a reasonable approach.
11. While again I note that the appellant indicates that they are willing to pay the tariff and missed the original deadline to do so, they have not provided a unilateral undertaking or made any arrangements to make the necessary financial contribution as part of the appeal proposal. Accordingly, I am not satisfied that appropriate mitigation measures have been put in place to ensure that the proposal would not have adverse effects on the integrity of European sites due to recreational impact. Again, this weighs significantly against the proposed development.
12. I therefore conclude that insufficient information has been provided, and inadequate measures have been put in place to ensure that the proposal would not have adverse effects on the integrity of the Broads Special Area of Conservation due to nutrient pollution or on other European sites due to recreational impact. Consequently, the proposal would be at odds with Policy ENV02 of Breckland Local Plan, September 2023 (BLP) which among other things sets out that the highest

level of protection will be given to European Sites with development only permitted if it accords with the Habitat Regulations.

Highway Safety

13. One of the reasons for refusal related to the shared private drive being inadequate to serve the proposed development by reason of its restricted width and lack of passing provision. Following further consideration of the site plan, the Highway Authority (HA) has confirmed that their previous concerns have been resolved and no longer object to the proposal on this ground. I agree with that analysis, and I have determined the appeal on that basis.
14. I observed at the site visit that visibility in both directions is not significantly constrained and I could see some distance in both directions standing back at the existing access point. The speed limit along this stretch of road is 40 mph, however I note that the HA indicate that the observed speed when driving this section of the road (using the moving observer method) was 37mph and a survey undertaken some years ago recorded average 85th percentile traffic speeds being 39.4mph eastbound and 38mph westbound.
15. Although I accept that the proposal would increase traffic movements in comparison to the existing situation, such increase would be modest and would not have an unacceptable impact on the capacity of the local highway network.
16. The HA has made reference to The Design Manual for Roads and Bridges (DRMB) and on that basis, indicate that visibility splays in both directions should be 2.4m x 120m. However, the DRMB sets out standards which apply to the design, assessment and operation of motorways and all-purpose trunk roads in the UK which have been specially developed for the strategic road network. To my mind, given the scale of the proposal and existing traffic conditions along the road, the strict application of DMRB standards to a non-trunk road is not necessary. What is more important is whether the proposal would result in any unacceptable highway safety concerns.
17. The HA confirm that visibility to the west is 70m. The appellant considers that it is much greater than that. However, even using the HA's figures and taking account of my own observations at the site visit, I am satisfied that vehicles entering and exiting the appeal site would be able to do so safely.
18. In relation to visibility to the east, again there is significant difference between the HA and the appellants figures. The HA calculate that the visibility splay is 44m. However, they accept that visibility in that direction is greater than that, but it looks over private land of neighbouring frontages and is not land within the control of the appellants. As a result, they consider that visibility over third party land cannot be secured in perpetuity and could be lost by construction of walls, buildings or planning of vegetation.
19. I understand the point being made. However, this is a modest proposal to change the use of an existing building which already has access to and from the road. As outlined above, I accept traffic movements would increase. However, given the existing context I consider it appropriate to assess whether or not vehicles could enter and exit the appeal site safely taking account of the existing visibility available to the east and the general speed of vehicles travelling along the road. On that

basis, I am satisfied that there is adequate visibility to the east to allow vehicles to enter and exit the appeal site safely.

20. I therefore conclude that the proposal would not cause an unacceptable impact to highway safety. Consequently, the proposal would accord with Policies COM 01 and TR 02 of the BLP and Policy ECON3 of the Mattishall Neighbourhood Plan Review 2024-2036 which among other things seek to ensure that development does not compromise highway safety enabling safe access for vehicles, provides safe access for all users and does not have an unacceptable impact on the capacity of the local highway network.
21. The proposal would also accord with the National Planning Policy Framework which sets out that safe and suitable access to a site should be achieved for all users and that development should only be refused on highway safety grounds if it would have an unacceptable impact on highway safety.

Planning Balance

22. I have found that the proposal would not cause an unacceptable impact on highway safety. However, that does not outweigh my finding that insufficient information has been provided, and inadequate measures have been put in place to ensure that the proposal would not have adverse effects on the integrity of the Broads Special Area of Conservation due to nutrient pollution or on other European sites due to recreational impact.

Conclusion

23. 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. Consequently, the appeal should be dismissed.

S Rawle

INSPECTOR