



Appeal Decision

Site visit made on 10 June 2025

by G Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 September 2025

Appeal Ref: APP/Y2620/W/24/3356340

Smallburgh Hall, Hall Drive, Smallburgh NR12 9FW

- 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 Coaley against the decision of North Norfolk District Council.
- The application Ref is PF/22/1697.
- The development proposed is Erection of single storey building for use as holiday accommodation on site of existing tennis court.

Decision

1. The appeal is allowed and planning permission is granted for erection of single storey building for use as holiday accommodation on site of existing tennis court at Smallburgh Hall, Hall Drive, Smallburgh NR12 9FW in accordance with the terms of the application, Ref PF/22/1697, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published in December 2024. The views of both main parties have been sought on the implications of the revised Framework for their respective cases which, along with changes to paragraph numbering and paragraph structure between the current and previous version of the Framework, I have taken into account in my determination of this appeal.
3. I have used the appeal site location address and appellant details as set out on the initial planning application form which, I note differ slightly from those subsequently adopted by the Council on the decision notice, in the banner heading, above. I am satisfied that in doing so no harm would be caused to either of the main parties, or any other interested parties.

Main Issue

4. The main issue is whether the appeal site is an appropriate location for new-build holiday accommodation, with particular regard to development plan policy and national planning policy.

Reasons

5. The appeal site lies within the landscaped grounds of the grade II listed Smallburgh Hall. The site of the proposed holiday accommodation, previously laid to a hard-surfaced as a tennis court, had at the time of my visit to the site appeared to have fallen into disuse and was, in part, overgrown, its perimeter fence largely absent and thus largely open to the wider lawned and landscaped grounds.
6. The appellant resides at Smallburgh Hall. Two self-catered holiday lets are also located within the grounds of Smallburgh Hall, roughly opposite the site of the

proposed new holiday let on the other side of the gravelled access drive that serves those properties and would also serve the appeal building. Guests have access to the landscaped grounds and play equipment, as well as a snooker room and a swimming pool building associated with the main hall.

7. NNCS Policy EC3 relates to extensions to existing businesses in the countryside, supporting such proposals where they are of a scale appropriate to existing development and would not have a detrimental effect on the character of the area. The policy itself does not expressly refer to the provision of holiday accommodation in its reference to existing businesses, but NNCS Policy EC2 (albeit not cited in the refusal reason) does include holiday accommodation within its definition of economic uses, in relation to the re-use of buildings in the countryside.
8. The appellant lives within the wider site (at Smallburgh Hall), from where two self-catered holiday lets are operated within the site, opposite the proposed appeal building. Those lets are, it is agreed by the Council, viable holiday lets and, as such, are capable of amounting to an economic use. However, NNCS Policy EC3 refers to existing businesses and it appears that the Council does not accept the appellant's operations to amount to such, despite having accepted the existing two holiday lets as viable lets.
9. In this respect, I disagree with the Council. The appellant has submitted evidence with the appeal in response to the stated reason for refusal that demonstrates that both existing holiday lets generate substantial income and have been frequently and consistently occupied over for a number of years now. It is common ground that the local area is one where tourism is identified as one of the district's main economic generators and the site lies within the defined 'Rural tourism asset zone'. A further holiday let in an area close to both the North Norfolk coast and the Norfolk Broads, together with local services, facilities and attractions is something that would contribute modestly to the local tourist economy, for which the appellant has provided support from a local letting agent expressing support for a further let in this location on the basis of the performance of the existing lets. These are, I am satisfied, and in the absence of compelling evidence to the contrary, sufficient to demonstrate that the two existing holiday lets constitute an economic use and an established existing business in the countryside. As such, the development of a further holiday let is capable of amounting to the extension of an existing business for the purposes of NNCS Policy EC3.
10. That being the case, the support of NNCS Policy EC3 is dependent upon the proposal being of a scale appropriate to the existing development and that it would not have a detrimental effect on the character of the area. The proposal is for a single, additional self-catered holiday let. With provision for five bedrooms, a large open-plan living / dining area and a generous and enclosed outside yard area it would be larger than the two existing lets and capable of accommodating larger families or groups. Nevertheless, the proposed building would be limited to the existing footprint of the former tennis court. Moreover, it would be constructed in a manner akin to a traditional walled garden; red stock brick with flat-topped coping, external buttresses and, on its west elevation, two single and one double timber gate. On its rear elevation there would be a number of glazed openings with a strong vertical emphasis, with only the internal courtyard elevations featuring substantial areas of glazing.

11. There is no dispute between the parties that the proposal's appearance would be acceptable, appropriate and in keeping with its setting on the site of the former tennis court. The site lies within the grounds of the grade II listed Smallburgh Hall and whilst I agree that the tennis court does not contribute positively to the setting of the heritage asset, it is agreed by all parties that the access drive, gardens and hall grounds all contribute positively thereto.
12. Nevertheless, and whilst the design of the proposed building in a manner akin to a formal walled garden is considered to be acceptable, the development of a building here would result in harm to the setting of the heritage asset, albeit that that harm would be less than substantial, and towards the lower end of that categorisation. As per Framework paragraph 215, any such harm should be weighed against the public benefits of the proposal.
13. It is acknowledged and accepted by the Council that the proposal would contribute positively to and improve the local tourism offer, support the local and tourist economy and increase spending in the local area, albeit modestly for just a single additional holiday let. The appeal scheme would also support the upkeep and maintenance of an existing heritage asset and, through a linked scheme to upgrade an existing sewerage treatment facility, provide improvements in respect of nutrient neutrality and nutrient pollution.
14. The Council concluded in the delegated officer report that the public benefits outweighed the less than substantial harm that would arise, and that that harm would be towards the lower end of the harm-spectrum. No further submissions have been made in this respect at the appeal stage and I have no reason before me to reach an alternative conclusion, having considered the provisions of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and section 16 (and particularly paragraphs 212 to 215) of the Framework. The appeal scheme would therefore be appropriate in both scale and in terms of its effect on the character and appearance of the surrounding area, and public benefits outweigh any less than substantial harm that would otherwise arise. As such, I am satisfied that there would be no conflict with the provisions of NNCS Policy EC3 in that the proposal would amount to an extension to an existing business in a countryside location, and in a form that would be appropriate in its scale without harm to the character of the area.
15. There remains dispute between the parties as to the nature of the holiday accommodation provided at the existing lets, and also the nature of that which would be provided within the proposed building, and whether or not this amounts to serviced, or un-serviced, holiday accommodation. The distinction is important because Policy EC7 of the North Norfolk Core Strategy (NNCS) sets out the Council's approach to the location of new tourism development. Whilst also setting out a sequential approach to the location of such development, it also states that un-serviced holiday accommodation in the countryside will be treated 'as though' a permanent residential dwelling. In such instances, it states, proposals will not be permitted.
16. NNCS Policy EC3 does not appear to seek to distinguish between serviced and un-serviced holiday-let accommodation, that distinction instead being made within NNCS Policy EC7. Whilst the Council maintains its position that the proposal would amount to un-serviced accommodation, the appellant has demonstrated that the accommodation, whilst self-catered, would nevertheless be serviced in a

manner that un-serviced accommodation would not, with staff employed to do so. Thus, the wider site and Smallburgh Hall provide guest facilities that would not otherwise be typically provided in un-serviced accommodation through, for example, the relationship of the existing holiday lets, and also of the proposed let, to the swimming pool building and snooker room, to play equipment and with wider access across the Hall's grounds. This leads me to conclude that the existing business, and the proposed addition to it with the appeal scheme, would amount to serviced tourist let accommodation.

17. The appeal scheme has not been tested sequentially in the manner described by NNCS Policy EC7. However, the supporting text to this policy¹ states that '*Within the.....Countryside policy area proposals should first look to the re-use of existing buildings and extensions to existing businesses in order to protect the countryside from development that could erode the character of the area*'. As I have concluded that the proposal represents an extension to an existing business in the countryside area, and it is commonly agreed that the proposed building would not cause harm to the character or appearance of the site or the surrounding countryside, I am persuaded by the appellant's argument that the provisions of NNCS Policy EC7 should not be determinative.
18. Thus, as the proposal would amount to the extension of an existing business in a countryside location that would support the tourist and rural economy, this would be consistent with the provisions of NNCS Policies SS1 and SS2, and with Policy EC3. I do not therefore consider the provisions of NNCS Policy EC7 to be determinative in this instance, and the absence of a sequential test in this respect is not fatal to the outcome of the proposal.

Other Matters

19. The Council has made it clear in their officer report (and have not subsequently contradicted) that the proposal is considered to be acceptable in terms of its effects on living conditions and amenity; its design and effects upon character and appearance; highway safety and the effects on trees. From all that I have seen on site and read in submissions I have no compelling reasons before me to reason a different conclusion in respect of these matters.
20. With regard to effects upon habitats and ecology, the proposal would provide benefits in terms of a combined sewerage treatment facility to serve the proposed unit as well to serve Smallburgh Hall as a replacement for that property's existing treatment plant. This would, the parties agree, more than offset the additional nutrient load likely to arise from an additional unit of holiday let accommodation. It is also stated that it has been agreed between the parties that an appropriate mitigation payment has already been secured and thus the mitigation requirements of GIRAMS² have been met.
21. I have noted the comments of both main parties regarding the Council's housing supply position and whether or not the development plan policies most important for determining the application are out of date. I am also mindful that a holiday let property is effectively a dwelling with occupancy restricted by condition. The appellant has also set out brief details of other proposals that it is suggested are comparable with the appeal scheme that is before me. However, for the reasons I

¹ paragraph 3.4.26

² Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS)

have set out, I am satisfied that the proposal represents an acceptable extension to an existing business that is of a scale, design, appearance and nature that would not cause harm to the character or appearance of the appeal site or surrounding area. As I have found the proposal to be acceptable subject to the planning conditions set out below, I have not found these other matters to be determinative in this instance, or necessary to apply the provisions of Framework paragraph 11 in the manner suggested by the appellant.

Conditions

22. I have considered the list of suggested conditions set out in the Council's appeal submissions in the context of the Framework and Planning Practice Guidance (the Guidance). Where necessary I have made minor amendments in the interests of precision and clarity.
23. Conditions specifying the approved plans and a time limit are necessary and reasonable in the interests of good planning and to provide certainty. A materials condition would also be reasonably expected and necessary in the interests of character and appearance and good planning. To this end, the Council has suggested that materials to be used in accordance with the details submitted with the application. I have however revised this condition as whilst the submitted details do specify the external brick and brick bond detail, the information before me is, for example, less specific in terms of the nature, material and colour of the horizontal boarding on the internal courtyard elevations, and fenestration details. I am satisfied that the alternative wording as set out below in the schedule would not be unduly onerous upon either main party.
24. Conditions relating to the timing of the installation of the replacement package treatment plant, demonstration of water efficiency measures and ecological enhancement and mitigation measures are necessary and reasonable in the interests of nutrient neutrality and the efficient use of water resources. I have imposed the suggested conditions in these respects.
25. For reasons set out in my decision I consider the construction of the proposed building as a holiday let to be acceptable in this location. A condition to restrict its occupancy as such is therefore necessary and I have imposed the suggested condition to this effect.
26. A safe access to the site from the highway is a reasonable expectation and conditions to secure access and visibility improvements, and the provision of parking and turning facilities, can be reasonably secured by way of planning conditions.

Conclusion

27. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should succeed. The appeal is allowed in the terms set out in the decision, above.

G Robbie

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents, except as may be required by specific conditions:

Drg No. 21.052_010 Rev. A – Proposed Site Plan (Roof) – Dated March 2021
Drg No. 21.052_011 Rev. B – Proposed Site Plan (GF) – Dated March 2021
Drg No. 21.052_015 – Site Section – Dated June 2022
Drg No. 21.052_021 – Footprint of Existing Tennis Court – Dated May 2022
Drg No. 21.052_050 – Typical Side Section – Buttress – Dated June 2022
Drg No. 21.052_051 – Typical Front Section – Buttress – Dated June 2022
Drg No. 21.052_101 Rev. C – Proposed Ground Floor Plan – Dated March 2021
Drg No. 21.052_103 Rev. A – Proposed Roof Plan – Dated March 2021
Drg No. 21.052_200 Rev. B – Proposed West Elevation – Dated March 2021
Drg No. 21.052_201 Rev. A – Proposed North Elevation – Dated March 2021
Drg No. 21.052_202 Rev. B – Proposed East Elevation – Dated March 2021
Drg No. 21.052_203 Rev. A – Proposed South Elevation – Dated March 2021
Drg No. 21.052_204 Rev. A – Proposed West Elevation (Courtyard) – Dated March 2021
Drg No. 21.052_205 Rev. B – Proposed South Elevation (Courtyard) – Dated March 2021
Drg No. 21.052_206 Rev. B – Proposed North Elevation (Courtyard) – Dated March 2021
Drg No. 21.052_002 Rev. B – Site Location Plan – Dated June 2022

- 3) No development above ground level shall take place until details / samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples.
- 4) The use of the building as holiday let accommodation hereby permitted shall not commence until:
 - A. the existing septic tank at the adjacent property (Smallburgh Hall) has been replaced by a Graf One2Clean “Standard” Package Treatment Plant (PTP) (or any biological PTP with a performance certificate compliant with British Standards demonstrating nutrient discharge at rates no greater than 0.86 kg/year Total Phosphorus and 4.25 kg/year Total Nitrogen).
 - B. foul drainage from the holiday accommodation hereby permitted and Smallburgh Hall has been connected to the PTP referred to in A above.
 - C. evidence has been submitted to and approved in writing by the Local Planning Authority showing that the installation of the package treatment plant has been completed and, that the holiday let accommodation hereby permitted and the property known as Smallburgh Hall have been connected to the PTP referred to in A above and that the PTP is operational.

The PTP shall thereafter be maintained in accordance with the manufacturer's recommended standards. Any subsequent replacement of the PTP must operate biologically and have a performance certificate compliant with British Standards demonstrating nutrient discharge at rates no greater than 0.86 kg/year Total Phosphorus and 4.25 kg/year Total Nitrogen.

- 5) The use of the building as holiday let accommodation hereby permitted shall not commence until:
- A. details of water efficiency measures to demonstrate how the optional higher water efficiency standard of 110 litres/person/day will be achieved have been submitted to and approved in writing by the local planning authority.
 - B. Evidence that the approved water efficiency measures have been installed/implemented and are operational has been submitted to and approved in writing by the local planning authority.

The approved water efficiency measures shall thereafter be retained. Any replacement that is subsequently required shall be of at least the equivalent specification as originally approved, or better.

- 6) The unit of holiday accommodation hereby permitted shall be used for holiday accommodation purposes only and shall not be used as the sole or main residence of the occupiers. The holiday accommodation hereby permitted shall be made available for commercial holiday letting for at least 140 days a year and no individual let shall exceed 31 days. A register of lettings, occupation and advertising shall be maintained at all times and shall be made available for inspection by the Local Planning Authority if requested.
- 7) Prior to the first occupation of the development hereby permitted the vehicular access indicated for improvement on Drawing No. 216006-CCL-XX-00-DR-C-5002 P01) shall be altered as detailed in accordance with the Norfolk County Council residential access construction specification (Drawing TRAD 5 attached) for the first 5 metres as measured back from the near channel edge of the adjacent carriageway. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
- 8) Prior to the first occupation of the development hereby permitted access visibility splays shall be provided in full accordance with the details indicated on the approved plan (Drawing 216006-CCL-XX-00-DR-C-5002 P01). The splays shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.
- 9) Prior to the first occupation of the development hereby permitted the proposed on-site car parking and turning area shall be laid out in accordance with the approved plan and retained thereafter available for that specific use.
- 10) The development hereby approved shall be carried out in strict accordance with the mitigation and enhancement measures outlined in Sections 6 and 7 of the Preliminary Ecological Appraisal prepared by Gray Ecology.

The specific details of all of the required mitigation and enhancement measures aforementioned, including dimensions, location and construction methodology together with a scaled plan or drawing illustrating the requirements, shall be submitted to and approved in writing by the local planning authority prior to installation. The mitigation and enhancement measures shall be carried out in accordance with the approved details and thereafter retained in a suitable condition to serve the intended purpose.

- 11) The applicant / developer shall notify the Local Planning Authority in writing of the date of commencement of the development hereby permitted. Such notification shall be provided within 14 days of the date of commencement.

****end of schedule****