
Appeal Decision

Site visit made on 12 August 2025

by **I A Dyer BSc (Eng) FCIHT**

an Inspector appointed by the Secretary of State

Decision date: 16 September 2025

Appeal Ref: APP/K2610/W/25/3365648

Black Barn Farm, Norwich Road, Salhouse, NR13 6QG

- 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 Trevor Thain against the decision of Broadland District Council.
 - The application reference is 20222076.
 - The development proposed is change of use of the land for the retention of caravan pitches.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form did not provide a full address for the site. I have used the address provided in the Decision Notice as this precisely identifies the site location.
3. At the time of my site visit some caravans and tents occupied pitches on the site.

Main Issue

4. The main issue in this appeal is the effect of the proposal on protected European designated sites, having particular regard to nutrients and recreation.

Reasons

Background

5. The site lies adjacent to a farm shop, granted permission in 2022¹ (the 2022 development). That permission originally included the caravan pitches that are the subject of this appeal, together with a connection to the mains drainage. It was intended that the caravan pitches would use toilet and other facilities associated with the building to the north of the appeal site, which would become a retail complex, including a farm shop and a café, using the main sewer connection.
6. During the course of the application for the 2022 development, a package treatment plant was proposed, seeking to avoid nutrient neutrality effects by removing the need for a connection to the main sewer.
7. However, this was subsequently found by the Council to lack acceptable justification. The development proposal was subsequently amended to remove the caravan pitches and the appellant in the appeal before me confirmed their

¹ Council Ref 20212212

intention to connect to the mains sewer. The 2022 development was granted permission on this basis.

8. Subsequently the appellant submitted the application related to this appeal, seeking to secure the caravan pitches omitted from the 2022 development. This proposal, again, included a proposal to connect to the main sewer.
9. In his statement, the appellant states that it is still his ultimate aim to achieve a connection to the main sewer located in Norwich Road. At such a time the discharge from the appeal site would be released into the main sewer.
10. In the interim the effluent from the existing toilets associated with the retail complex is to be dealt with by the package treatment plant and does not discharge into the catchment of the River Bure or any other riparian watercourse that is prescribed within the River Wensum Special Area of Conservation and The Broads Special Area of Conservation and Ramsar site.

Policy

11. Policy 3 of the Greater Norwich Local Plan (2024) (the GNLP) confirms that all new developments should avoid harm to designated assets of the natural environment, having regard to their level of significance (local, national, and international) in accordance with the requirements of the National Planning Policy Framework (the Framework) and relevant policies in other Development Plan Documents and Neighbourhood Plans.
12. The policy further requires that all residential development that results in an increase in the level of overnight stays will address the potential visitor pressure caused by residents of the development that would detrimentally impact on sites protected under the Habitats Regulations through the payment of a contribution towards the cost of mitigation measures at the protected sites.
13. Policy EN1 of the Broadland District Council Development Management DPD (2015) (the DPD) seeks to ensure that biodiversity is protected and enhanced within the Borough and that harmful impacts on international sites are adequately mitigated.

Nutrients

14. Natural England (NE) has advised the Council that nutrient pollution is having an adverse effect on Habitats Sites within the district, namely The Broads Special Area of Conservation (SAC) and the River Wensum SAC which are protected European designated sites. The Habitats Regulations require the Competent Authority to consider whether or not the proposal could adversely affect the integrity of a protected site, either alone or in combination with other plans and projects. This responsibility falls to me in the context of this appeal. An Appropriate Assessment (AA) must contain complete, precise and definitive findings which are capable of removing all reasonable scientific doubt as to the absence of adverse effects on the integrity of a protected site.
15. Whilst the site lies outside of the rainwater runoff catchment of The Broads SAC, the Council has advised that part of the site lies within the Belaugh Water Recycling Centre (WRC) catchment and so any connection to the mains sewer would feed into the River Bure catchment area and thereby into The Broads SAC. Table 2 appended to NE's 'Advice for development proposals with the potential to

affect water quality resulting in adverse nutrient impacts on habitats sites' (16 March 2022) (NE's advice) confirms The Broads SAC is in unfavourable condition due to excessive nutrients, namely nitrogen and phosphorus.

16. The government's Chief Planner has also advised that, where habitats sites are in an unfavourable conservation status and additional nutrient loads, such as from development, may have an adverse effect, proposals affecting such sites should be carefully considered and mitigation should be used to ensure that there are no adverse effects.
17. The appellant has identified that rainwater runoff from the proposal would not enter the catchment of The Broads. In the matter of disposal of foul waste, the proposal has potential for a connection of the sanitation for the site into the main foul sewer.
18. The proposal would increase overnight occupation of the site. Whilst the application is retrospective, its intent is to regularise that increase. Whilst the proposal would use existing toilet and shower facilities, it would increase the amount of nutrients being discharged by the site by occupiers of that site. Whilst no new facilities are proposed within the site itself, the amount of discharge is dependent upon the number of occupiers, rather than the number of points feeding into the system. The usage of those existing points would be intensified and, in keeping with the intent of the Government's approach to reducing nutrient impact on the environment, the impact of the nutrients generated within the appeal site needs to be addressed.
19. Whilst a degree of usage of the site for camping is permissible under the permitted development order, the proposal seeks to extend the use beyond that level. It is reasonable to assume that this would result in an increase in the discharge of nutrients.
20. The appellant identifies that, by taking the area of the site out of agricultural use, a reduction of nutrient discharge in runoff would result. However, this has not been quantified, nor has it been demonstrated that it would offset the increase in nutrient discharge completely. Nor, given that surface water runoff does not discharge into the catchment of The Broads, would this offset the discharge of nutrients via the foul sewer network into the catchment of The Broads.
21. The appellant has identified that connection of the retail complex to the mains has not been possible due to prohibitive costs and technical difficulties in doing so. However, there is no evidence demonstrating that an exemption permit has been issued to the site under the General Binding Rules, under which a mains connexion is the starting default position. Whilst the retail complex has not been connected to the main sewer, the appellant states that such a connection remains their intention and the application form confirms this. Thus, such a future connection cannot be ruled out.
22. In the interim, the retail complex and any use of the camping pitches connects to the package treatment plant. No details of that plant have been provided, either to demonstrate compliance with the drainage hierarchy, or to verify that it has physical capacity.
23. In these circumstances I have not been provided with enough information to determine whether the proposal would be likely to have significant effects on the SAC in terms of nutrient impacts so as to enable me to determine whether nutrient

neutrality could be achieved as a potential solution. Therefore, and noting the need to take a precautionary approach, I cannot fulfil my statutory duty under the Habitats Regulations.

24. The appellant has suggested that a condition to ensure the caravan /camping site is used solely in conjunction with the use of the barn complex would address the issue. However, the issue at hand is the use of the caravan/camping site being so used and so this would not resolve that matter.

Recreation

25. In regard to recreational activities, there is no dispute between the parties that the proposal lies within the Zone of Influence (Zoi) of one or more protected European designated sites (European sites). In this particular case the relevant Zois are those of The Broads, Valley Fens, East Coast and North Coast.
26. I have not been provided with detailed information on the potential recreational impacts of overnight tourist development on protected habitats in the district to reach an informed judgement. However, I understand that the Council adopted the Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS). The Recreational Avoidance Mitigation tariff set out in the GIRAMS, calculated on an occupancy basis for overnight accommodation and a costed programme of strategic mitigation, should allow a conclusion through an AA that a development will not have any adverse impact on the integrity of the habitats site as a result of increased recreation usage.
27. The appellant has suggested that a condition be used to secure the Recreational Avoidance Mitigation contribution, and they identify that such a condition has been used elsewhere. However, the Planning Practice Guidance (PPG) is clear that positively worded conditions cannot be imposed which require the payment of money². The PPG also advises that a positively worded condition which requires the applicant to enter into a planning obligation under section 106 of the Town and Country Planning Act 1990 or an agreement under other powers, is unlikely to pass the test of enforceability.³ It goes on to advise that negatively worded conditions requiring a planning obligation to be entered into should only be used in exceptional circumstances where there is clear evidence that the delivery of the development would otherwise be at serious risk. There is no clear evidence to suggest this would be the case in this instance.
28. Whilst the appellant states that the Council have not requested a contribution, that is a matter between the parties, and I have determined this appeal on the basis of the evidence before me and planning policy.
29. It would typically be necessary for me to consult NE to undertake the AA and to assess the effectiveness of any mitigation put forward. However, a consultation with NE would not resolve the matters detailed above.

Conclusion regarding effect on European Sites

30. I conclude that I cannot be certain that the proposal would not adversely affect the integrity of European Sites and, in the event that it would, I am not in a position to ensure that this would be suitably mitigated. In these circumstances, the proposal

² PPG paragraph 21a-005-20190723

³ PPG Paragraph: 21a-010-20190723

would conflict with the requirements of Policy 3 of the GNLP and Policy EN1 of the DPD as well as the nature conservation requirements of the Framework and the Habitats Regulations.

Other Considerations

31. The proposal would provide some economic benefits through likely increased tourist numbers, with associated benefits to local shops and businesses and thereby provide local employment opportunities. The Framework and the DPD both support a prosperous rural economy. These are public benefits that, given the scale of the development, provide modest support to the proposal.
32. I have found that the proposal would be materially harmful to strategic biodiversity assets. Government Policy places great value on these and the harm resultant from the proposal counts significantly against the proposal. The resulting harm from the proposal therefore outweighs any benefits.

Conclusion

33. 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.

I A Dyer

INSPECTOR