

Parish:	Heacham	
Proposal:	Change of use of Annex to holiday let	
Location:	37 South Moor Drive Heacham Norfolk PE31 7BW	
Applicant:	Mr And Mrs Beecroft	
Case No:	20/01978/CU (Change of Use Application)	
Case Officer:	Mrs N Osler	Date for Determination: 20 January 2021 Extension of Time Expiry Date: 16 April 2021

Reason for Referral to Planning Committee – Appeal History and Recommendation is Contrary to Parish Council view

Neighbourhood Plan: No

Case Summary

The application site is situated on the west side of South Moor Drive, Heacham at the end of a cul-de-sac. The site consists of a single-storey detached bungalow and garden. In the rear garden is a small garden building, stated to have been previously used as an annexe, which has been converted to a short-stay holiday let.

The site is within the development boundary.

The proposal seeks retrospective permission for the change of use of the annexe to a holiday let.

An application for the same came before Planning Committee on 2 March 2020 with a recommendation of approval, but was refused on the basis of insufficient parking and turning.

The application was dismissed at appeal with the Inspector concluding that whilst parking and turning was sufficient due consideration had not been given to the impact on European Protected Sites.

Key Issues

- Planning History
- Impact on European Protected Sites
- Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

The application site is situated on the west side of South Moor Drive, Heacham at the end of a cul-de-sac. The site consists of a single-storey detached bungalow and garden. In the rear garden is a small garden building, previously used as an annexe, which has been converted to a short-stay holiday let.

The site is within the development boundary.

The proposal seeks retrospective permission for the change of use of the annexe to a holiday let.

The holiday let will share the parking, garden and utilities of the existing bungalow and will be held in the same ownership.

SUPPORTING CASE

Information to enable the Local Planning Authority to fully consider the impacts of the development on European Protected Sites was submitted with the application together with the £50 Habitat Mitigation Fee (HMF).

The information relating to Protected Sites concludes that the £50 HMF is suitable to mitigate any impacts from the proposed development.

PLANNING HISTORY

19/02128/F: Application Refused: 02/03/2020 – Change of use from annex to summerhouse / holiday let (Committee): Dismissed at Appeal 13/11/2020 (APP/V2635/W/20/3252842)

14/00675/F: Application Permitted: 02/07/14 - Single storey extension and garage (Delegated)

14/00159/F: Application Permitted: 01/04/14 - Single storey side extensions and construction of a new garage (Delegated)

RESPONSE TO CONSULTATION

Parish Council: Heacham Parish Council **OBJECT** to this planning application on the following grounds:-

The application goes against a Policy contained in the emerging Heacham Neighbourhood Plan which reflects the strong community objection to any increase in holiday accommodation within the village.

The Holiday let development fails to provide adequate on-site parking and manoeuvring space for the holiday let and existing dwelling contrary to policies DM15 and DM17 of the Site Allocations and Development Management Policies Plan (2016).

We can't find any evidence to prove this building was previously recognised as an annex and therefore object to the change of use.

Planning Committee
12 April 2021

Highways Authority: NO OBJECTION With consideration to the cul-de-sac location and the availability of 3 parking places within the frontage, I am able to comment that in relation to highways issues only, as this proposal does not affect the current traffic patterns or the free flow of traffic, that Norfolk County Council does not wish to resist the grant of consent subject to a condition securing the parking and turning area in perpetuity.

Natural England: NO OBJECTION Based on the information submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

European sites: Based on the information submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development. **To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out.**

Sites of Special Scientific Interest: Based on the information submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development.

REPRESENTATIONS

One third party supports the application although they give no reasons for this support.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS08 - Sustainable Development

CS10 - The Economy

CS11 – Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM11 – Touring and Permanent Holiday Sites

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

DM19 - Green Infrastructure/Habitats Monitoring & Mitigation

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
National Design Guide 2019

PLANNING CONSIDERATIONS

The Principle of Development (tourism development within the development boundary of a Key Rural Service Centre), Form and Character and Neighbour Amenity were all fully considered in the determination of the previous application / appeal (which is identical to this proposal) and found to be acceptable subject to conditions requiring the use be only for holiday accommodation in association with the main dwelling.

As such the main issue for consideration in the determination of this application, given the Inspector's findings in relation to highway safety, is the Impact on European Protected Sites.

Planning History

The same application as currently proposed came before committee on 2 March 2020 with a recommendation of approval. However, committee members concluded that: *The development fails to provide adequate on site car parking and manoeuvring space for the holiday let and existing dwelling contrary to Policies DM15 and DM17 of the Site Allocations and Development Management Policies Plan (2016).* The application was refused on these grounds.

The applicant appealed the decision. The Inspector concluded that there were two main issues for consideration: *(i) the effect of the development on European sites; and (ii) the effect of the development on highway safety.*

The LPA had not considered the first point was a material consideration to be given weight in the determination of the application given the very small-scale nature of the development and the fact that Natural England had stated the development would not likely have a significant effect on European Protected Sites, and that any impact could be suitably mitigated by payment of the £50 Habitat Mitigation Fee (HMF) required under Development Plan Policy DM15.

However, the Inspector concluded that the impact on European Protected Sites had not been suitably considered to conclude that the development would not have a likely significant effect on such sites concluding:

In light of the above, following Appropriate Assessment and adopting a precautionary approach, as I am required to do, I am unable to conclude that likely significant effects on the integrity of the European sites, due to the potential increased disturbance through recreational activity generated by the appeal development, in combination with other plans and projects, can be excluded. The proposal would therefore fail to comply with the requirements of the Regs as well as Paragraph 175(a) of the National Planning Policy Framework 2019 (the Framework) which states that where significant harm to biodiversity resulting from a development cannot be adequately mitigated, then planning permission should be refused.

The Inspector's main concern regarding this aspect was that for the LPA to require payment of the Habitat Mitigation Fee (as required by Development Plan Policy DM15) the Local Planning Authority had to consider there was an impact (otherwise we could not reasonably

require the fee to be paid) and that the LPA should therefore have given more consideration to European Protected sites.

The Inspector also raised concerns in relation to how the fee was collected and control over how it was spent because he did not have sufficient information on this issue. In relation to collection of the fee, where the development does not require a S106 to secure other contributions, the fee is paid prior to the issue of a decision (although the applicant does have the option to pay via S106, this route is very rarely taken as the cost of a standalone S106 would in many cases be far greater than the HMF itself). In relation to the spending of the HMF, the HRA Monitoring & Mitigation & GI Coordination Panel (HRAMMGI) meets quarterly to determine this. Further details of this are set out below.

In relation to highway safety, the Inspector concluded that there were no highway grounds for refusing the application stating:

Taking all of the above matters into consideration, I conclude that the development does not give rise to an unacceptable risk to highway safety. Thus, it accords with DMP Policies DM15 and DM17 which together and amongst other matters, require safe access and adequate parking facilities.

Those other matters were parking provision which is in accordance with policy requirements, albeit the garage is below the recommended size it was noted that the provision of a garden shed provides storage; and the limited size of the holiday accommodation would not generate a significant increase in vehicular movements or parking demand.

Impact on European Protected Sites (Appropriate Assessment)

The site is located close to The Wash and North Norfolk Coast Special Area of Conservation (SAC), The Wash Special Protection Area (SPA) and The Wash Ramsar Site (RAMS) all of which are designated Natura 2000 sites (European Protected Sites (EPS)). The Wash and Heacham Brick Pit Sites of Special Scientific Interest are also within the local area.

All European Protected Sites (EPS's) receive statutory protection under the conservation of Habitats and Species Regulations 2019 (the Regulations). These regulations transpose into UK legislation the 'Habitats Directive' 1992 and 'the Birds Directive' 2009.

The Regulations impart a duty on local planning authorities to carefully consider whether any proposals (including individual developments) may have a significant effect on a European site, either alone or alongside other plans / developments in the area.

It is clear from the appeal decision that the Inspector did not have sufficient information in relation to how the Local Planning Authority (LPA) considers the impact of small-scale development on EPS's to consider that the proposed development would not have a significant effect on them.

The Inspector therefore concluded that, due to a lack of information he must adopt a precautionary approach, and concluded that a Habitats Regulation Assessment (HRA) was required to determine if any likely significant effect would result from the development.

The LPA deals with small-scale development via the Habitat Mitigation Fee (HMF) which is a £50 fee paid for any new dwelling or unit of holiday accommodation. There is a formal process for dealing with the funds raised, and they are ring-fenced to go towards specific measures, which are determined through the HRA Monitoring & Mitigation & GI Coordination Panel (HRAMMGI). This is a group of interested bodies, such as the Norfolk Coastal Partnership, the Norfolk Wildlife Trust, and the RSPB, and is chaired by a Borough councillor. The panel

meets quarterly to determine how to best utilise the funds raised for the benefit of the European Protected Sites. Projects funded out of the HMF have included additional wardens during bird nesting season, monitoring of the reserves and species, publicity and information for visitors, and physical works to reserves.

The amount of HRF charged in the future will be taken forward as part of the Local Plan review process, and potentially on a county-wide basis.

This is as broadly outlined in, and in accordance with, Development Management Policy DM19 'Green Infrastructure / Habitats Monitoring and Mitigation'.

The HRA is a multi-stage assessment process. The first stage is known as screening and is necessary to determine if the proposals will result in any likely significant effect on the features of the EPS's.

If it is concluded that there are unlikely to be any significant effects no further assessment is necessary; if any likely significant effects are identified or it is unclear if effects will be significant the assessment should move to the second stage. Stage two is the Appropriate Assessment (AA).

Natural England confirmed that the proposed development would not likely have a significant effect on EPS's. In addition, the LPA is confident that the concerns of the Inspector have been dealt with through the further explanation of how the LPA specifically addresses this issue. There is therefore no need to undertake an Appropriate Assessment.

Notwithstanding this, the applicant has submitted information to enable the LPA to carry out an AA, as part of its application. In essence the conclusion of the submitted information confirms Natural England's determination that, subject to payment of the £50 HMF, the development would not have a likely significant effect on EPS's.

Although it is the responsibility of the LPA as competent authority to produce the HRA and be accountable for the conclusions, officers confirm that they fully concur with the conclusions of the HRA prepared by Hillier ecology dated February 2021. An Appropriate Assessment, has therefore also been submitted and is available to view on the public file.

Your officers can confirm that the HMF has been paid in this case.

Other Material Considerations

Parish Council Comments

In relation to issues raised by the Parish Council that are not covered above your officers respond as follows:

- The emerging Heacham Neighbourhood Plan is not at a stage where it is being given material weight in planning decisions.
- Regardless of the previous use of the building and whether it was formally permitted for use as an annex the Committee and Inspector found the principle of its use as a holiday let acceptable. The application has been considered on the basis of its end use as a holiday let.

There are no specific Crime and Disorder issues with the proposed application.

CONCLUSION

The applicant has provided sufficient additional information to enable the Local Planning Authority and Natural England to conclude that the proposed development would not have a likely significant effect on European Protected Sites.

The highway concerns that the Committee previously had were dealt with by the Inspector and felt to be acceptable.

The single reason for dismissal of the previous application at appeal has therefore been suitably addressed, and it is recommended that the application be approved subject to the following conditions.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition: The development hereby permitted shall be carried out in accordance with the following approved plan: DWG H6725-01A.
- 1 Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 Condition: The approved parking and turning area (as shown on the approved plan) shall be retained in perpetuity available for that specific use.
- 2 Reason: To ensure the permanent availability of the parking areas, in the interests of satisfactory development and highway safety.
- 3 Condition: The holiday let hereby approved shall be held at all times and owned in conjunction with 37 South Moor Drive, Heacham.

The accommodation shall be limited to occupation for holiday purposes only shall be for short stay accommodation only (no more than 28 days per single let); and shall not be occupied as a person's sole or main place of residence.

The owners/operators shall maintain an up-to-date register of lettings/occupation and shall make the register available at all reasonable times to the Local Planning Authority.

- 3 Reason: The site lies within in an area in which the Local Planning Authority would not normally permit permanent residential development. This permission is granted because accommodation is to be used for holiday purposes only in accordance with the NPPF.