

AGENDA ITEM NO.8/2(c)

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| Parish: | Heacham | |
| Proposal: | Retrospective change of use of agricultural land to provide access, parking and turning to adjacent holiday accommodation granted planning permission under ref:12/00197/F | |
| Location: | Land W of 70 South Beach Road, Heacham, Norfolk, PE31 7BD | |
| Applicant: | Mr Nigel Marsh | |
| Case No: | 21/00080/F (Full Application) | |
| Case Officer: | Kelly Sweeney | Date for Determination: 15 March 2021 Extension of Time Expiry Date: 11 November 2022 |

Reason for Referral to Planning Committee – Called in by Cllr Parish

Neighbourhood Plan: Yes

CASE SUMMARY

This application is for the change of use of agricultural land to provide access, parking and turning space for the adjacent holiday accommodation that was granted in 2012 (Ref 12/00197/F. This would overcome an issue of access for the approved holiday let barn conversion, as it is understood that there are difficulties in the availability of the land to facilitate a route from South Beach Road to the holiday conversion site.

The application site is west of the holiday conversion site. The proposal takes access from the north off South Beach Road. The land drops in level from the main carriageway and comprises a bound gravel surface. A decked path has been created adjacent to the vehicular access from South Beach Road. Parking space has been provided within the site for six vehicles and is intended for the use of the occupiers of the adjacent converted Holiday site.

This application has been made retrospectively and the key are:

Principle of development
Effect on visual amenity
Highway matters
Impact on neighbouring land uses
Flood risk
Other matters requiring consideration

Recommendation:

APPROVE

THE APPLICATION

As discussed above this application seeks retrospective planning consent for the creation of a new access leading from South Beach Road to the west of No. 70 South Beach Road. The access leads to existing holiday accommodation which has the benefit of planning permission, granted in 2012 under the ref: 12/00197/F. The application also includes the provision of six new parking spaces located along the western side of the access and an associated turning area.

The site comprises the area of agricultural land which has been changed to the subject access, parking and turning area. No 70 South Beach Road to the east and outside the applicant's ownership is a large, detached dwelling and the approved holiday accommodation (within the applicant's ownership) is made up of several units to the south of No 70. It is noted that to the west of the site there is an unauthorised campsite which is the subject of an enforcement investigation and is separate from this subject application.

SUPPORTING STATEMENT

None submitted to date.

PLANNING HISTORY

20/00543/PACU3: Prior Approval - Refused: 12/06/20 - Prior notification for the proposed change of use from agricultural building to dwelling house - Agricultural Buildings at Beach Farm S of 70 South Beach Road Heacham

20/00523/F: Refused 2/07/20: Conversion of agricultural Building into 3 holiday Homes, 1 x Guest coffee lounge, 4 x games rooms, 1 x store room, 1 x staff rest room, addition of office/reception

19/01626/F: Application Permitted: 12/02/20 - Change of use from the agricultural building with one existing chemical toilet facility into a staff toilet for 6 or more staff working in agriculture

18/01969/F: Application Refused: 16/05/19 - Change of use from agricultural land to short stay non-permanent camp site and erection of a proposed toilet block

18/01920/F: Application Permitted: 09/01/19 - Installation of new timber fencing, including removal of vegetation and low level boundary

18/00507/F: Application Refused: 12/06/18 - Proposed caravan park including 10 pitches for touring caravans/motorhomes and 10 No. static camping pods, site officer/shower block, new vehicular entrance and

16/01494/PACU3: Application Withdrawn: 20/09/16 - Change of use from agricultural building to dwelling house

12/00197/NMA_1: Non-determined. Invalid - now returned: 03/02/17 - NON-MATERIAL AMENDMENT TO PLANNING CONSENT 12/00197/F: Proposed change of use of existing agricultural buildings to holiday home use -

12/00197/F: Application Permitted: 24/05/12 - Proposed change of use of existing agricultural buildings to holiday home use

RESPONSE TO CONSULTATION

Heacham Parish Council: OBJECT on the following grounds:

‘Heacham Parish Council wishes to object strongly to this application, these are some of the reasons: -

Change of use of agricultural land to provide access to ‘holiday accommodation’. It is not clear what this accommodation is as the access proposed serves the campsite, which was refused planning permission and has, intermittently, operated outside the limitations imposed by membership of the camping club ever since (planning enforcement involved we think). The site of the access also had highway concerns which contributed to the earlier refusal. We note that historical farm traffic is quoted as justification for any new traffic generated by the ‘holiday accommodation’. Whatever traffic the farm may have generated is way back in the past and would have been very little. Since then, traffic along South Beach Road has very significantly increased hence the double yellow lines which were installed last year and the large new car park under consideration.

Please note that this is a retrospective application as the Application form states that the work was started and completed on 18th May 2020.

Surely the 1st paragraph of the Planning Statement (below) is a deliberate attempt to mislead the planners by not admitting to the rejection of the application for the camp site and that it is now being run illegally with no planning consent.

... 1. BACKGROUND

This application is necessary as the land for access, parking etc. for Approval 12/00197/F was not sold to the Applicant when he bought the application site. There is currently a legal dispute about the matter, but in the meantime the Applicant has started the development and needs an access, with approval, as soon as possible...

This application is for a separate parcel of land and must be considered in isolation from the original rejected application for change of use to trade as a campsite in 2012 for a different area of land albeit adjacent. If this application is allowed to proceed, then the planning authorities will be seen knowingly to allow access to an illegally run camp site and as such must be held to be in breach of their responsibilities to uphold the law`.

Highway Authority: NO OBJECTION

Having visited the site it is evident that currently visibility is poor due to the existing boundary fence/hedge and vegetation being too high / wide and the access is unmade, which would not form an appropriate access for private car use.

It is however evident that the applicant has the ability to improve visibility. I am mindful of the existing class uses of the site and the permitted class uses that that would carry. As a result, and on balance I therefore recommend the conditions relating to access, splays and parking in the interest of highway safety.

Planning Committee
05th December 2022

NCC PROW Officer: NO OBJECTION

Environment Agency: No comments received

CSNN: No comments received

Environmental Quality: NO OBJECTION and recommended an informative

Natural England: NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

REPRESENTATIONS

ONE representation received and whilst it objects to the use of land for the existing holiday lets granted permission in 2012 it is in support of this current application as it is considered to be a better location for the access than what was previously approved set further away from the detached dwelling at No. 70.

LDF CORE STRATEGY POLICIES

CS12 - Environmental Assets

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS07 - Development in Coastal Areas

CS08 - Sustainable Development

CS10 - The Economy

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM11 – Touring and Permanent Holiday Sites

DM12 - Strategic Road Network

DM17 - Parking Provision in New Development

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

NEIGHBOURHOOD PLAN POLICIES

Policy 8: New Business Developments combining living and modest employment

Policy 9: Holiday Accommodation

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Planning Policy Framework – sets out the Government’s planning policies for England and how these are expected to be applied.

National Design Guide 2019

PLANNING CONSIDERATIONS

The main considerations are:

- Principle of development
- Effect on visual amenity
- Highway matters
- Impact on neighbouring land uses
- Flood risk
- Other matters requiring consideration

Principle of development

The application site is within the countryside as defined by the Local Plan and the Heacham Neighbourhood Plan. The site is also in Flood Zone 2 and 3.

It is noted that the application does not propose any new form of accommodation and mainly comprises works that would normally constitute engineering operations and boundary treatments. However, taking into account the planning history the application description includes a change of use from agriculture to enable the site to be used in conjunction with the existing form of recreational accommodation, namely the barn conversion development that is east of the application site permitted under 12/00197/F.

The holiday accommodation approved under 12/00197/F is extant. The purpose of this application is to provide a safe means of access and parking provision for the use of the existing approved holiday let development. The original authorised access to the site was also associated and shared with an adjacent property, but that was sold into separate ownership, without it seems, the retention of rights over the access to the holiday accommodation. The submitted proposal is therefore a pragmatic approach to overcome a technical breach of a condition, and to provide access and parking for the approved holiday let development only. Although the application includes a change of use to the land, no further accommodation is proposed. The red line boundary of the site has been amended during the course of the application, so it does not include land associated with the adjacent unauthorised camping site. The alternative means of access, turning space and parking areas would support the continued operation of the authorised holiday let business. As such

it is considered there is a genuine reason for the proposed development which is a material consideration against the policy framework.

SADMP Policy DM2 identifies that areas outside of settlement boundaries will be treated as countryside where new development will be more restricted. Notwithstanding the use of this access for an unauthorised campsite, which is the subject of a separate enforcement notice, this is an existing access point, that previously served a farm.

The main issue to consider with this application, therefore, is whether or not the use of the former farm access is acceptable, when used in conjunction with the approved barn conversion permitted under 12/00197/F. There is also the reconfigured parking and other associated minor development to consider.

It is therefore considered taking into account the overarching policies within the Local Plan which includes the Heacham Neighbourhood Plan that the principle of the land use change is acceptable.

Effect on visual amenity

Policy CS06 advocates that development will protect the countryside for its intrinsic character and beauty. Policy DM15 seeks to protect and enhance the amenity of the wider environment by assessing proposals against its visual impact.

Notwithstanding the application has been made retrospectively, it is noted there was previously an access and track that lead from South Beach Road which served the previous agricultural use. It is acknowledged that the proposal has increased the hardstanding area and involves the decked pathway.

The site drops from the height of South Beach Road and would not necessarily involve a significant incursion into the countryside with the hardstanding and decked pathway. The materials are a bound gravel which would not appear overly prominent and would still be read visually in conjunction with the existing adjacent built form of the buildings. The boundary fencing is synonymous with an agricultural setting and would not appear incongruous with the wider setting of the site or its surroundings.

It is therefore considered that the development does not cause harm to the visual appearance of the site or it's wider area and therefore the development satisfies policies CS06 and DM15 in respect of its visual amenity.

Highway matters

The development involves the use of an existing means of access off South Beach Road. To accommodate the change in nature of its use the access has been widened with the area in the site for the turning and parking of vehicles to be used in conjunction with the approved holiday lets.

The Highway Authority has acknowledged there to be poor visibility for the access due to the existing boundary fence and unmade ground material. However, it has been established that the applicant has the ability to improve visibility, and taking into account the historic use, they raise no objection subject to planning conditions to improve visibility and the ground material.

The adjacent and associated holiday let development comprises three units with one unit providing three bedrooms and two units accommodating two bedrooms. The proposal

shows that six parking spaces are to be provided to serve the adjacent holiday let development.

Using the recently revised NCC parking standards as a guide, accommodation comprising 2 and 3 bedrooled units should provide two spaces per unit. As such it is considered the development would provide adequate parking provision for the adjacent holiday lets.

It is therefore considered, subject to planning conditions relating to securing visibility splay improvements and ground construction, that the development, once the conditions have been adhered to, will not have a significant negative impact on the local highway or traffic levels, and in fact would be a marginal beneficial one, and as such it is deemed to accord with Local Plan Policies CS08 and CS11.

Impact on neighbouring land uses

The subject development does not harm surrounding land uses. It is noted that the new access is positioned further away from the detached dwelling at No. 70 than the access which was approved under the 2012 application. There are no other residential dwellings within close proximity to the site that could be affected by the access which is the subject of this application.

As such the development does not have a negative impact upon residential amenity and accords with DM15 and NP Policy 8.

Flood Risk

The application site is within Flood zone 2 and 3 of the SFRA however the proposed change of use would be a `less vulnerable` use – not subject to sequential or exceptions tests.

The proposal would therefore comply with Policy CS08 of the Core Strategy and the NPPF.

Other Matters

It is acknowledged the Parish Council has raised an objection to the planning application on the grounds that the parking and access (subject of this application) does not relate to the holiday home use as it is believed that permission has been refused. The Parish Council also places less weight on the generation of traffic using the access onto South Beach Road, noting the uplift in traffic in the area.

The submitted Site Plan identifies the application site and the land to which the access and parking provision would serve. To reiterate this application is for the purposes of the holiday let development approved under 12/00197/F, and a condition can be attached confirming this.

There is an enforcement notice covering the campsite use (to the west) adjacent to the authorised barn conversion. This is separate from this very specific application, to allow access improvements and other associated developments, to serve that authorised holiday use.

The effect of an uplift in traffic levels have been taken into account in respect of the proposed use of the existing access. Planning conditions have been recommended to ensure the improvement of the access in respect of visibility and ground materials to aid highway safety in its future use. Furthermore, a condition has been imposed to ensure that the parking area is to be used in connection the approved holiday lets only.

It is considered the proposal would not affect designated wildlife sites and the Public Right of Way. No objection has been received from Natural England and NCC in respect of the PRoW.

CONCLUSION

The development is of a modest scale and of a relatively low impact. The purpose of the application is to regularise the use of an existing access which provides a safe means of access, turning and parking area for use in conjunction with the adjacent holiday let business which was granted planning permission in 2012. As such, there is justification for the subject development and it is considered the development does not prejudice the character of the countryside with no discernible impact on the nearby neighbour, No. 70 South Beach Road. Assessed on its own merits, separate from the adjacent campsite, the development is considered to be acceptable. The development therefore complies with Core Strategy policies CS06, CS08, CS10 and CS11, Site Allocations and Development Management Policies DM11, DM15 and Heacham Neighbourhood Plan Policies 8 and 9.

It is recommended that planning permission is approved, subject to suitable conditions, as it is considered the proposed development would improve an existing access and would be utilised in conjunction with the holiday home previously approved.

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.

Drawing Number: MAR.20.2 1 Rev A - Site Plan

- 1 Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 Condition: The parking areas hereby permitted shall be for the use of the holiday let accommodation approved under 12/00197/F and identified by the yellow line on Drawing Number MAR.20.2 1 Rev A. The use of the parking area shall be made available for Units 1, 2, 3 and Games room approved under 12/00197/F at all times.
- 2 Reason: To ensure the permanent availability of the parking/manoeuvring areas for the approved development, 12/00197/F in the interests of satisfactory development and highway safety.
- 3 Condition: Within 3 months of the date of this permission the vehicular access indicated for improvement on Drawing Number: MAR.20.2 1 Rev A shall be upgraded/widened to a minimum width of 4.5 metres in accordance with the Norfolk County Council industrial access construction specification for the first 3 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.
- 3 Reason: To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety and traffic movement.

- 4 Condition: Within 3 months of the date of this permission visibility splays shall be provided in full accordance with the details indicated on the approved plan. The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.

- 4 Reason: In the interests of highway safety in accordance with the principles of the NPPF.