

# Planning Committee

04 December 2020

Agenda item number 8.1

## BA/2020/0335/FUL – Land at Redbeck adjacent Dilham Restricted Byway 11, Dilham

Report by Planning Officer

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### Proposal

Use of land for siting of three glamping pods with associated car/cycle parking, landscaping and installation of package treatment plant.

### Applicant

Mr Luke Paterson

### Recommendation

That planning permission be refused.

### Reason for referral to committee

Objections received by the Landscape Officer and a member of the public raise material planning considerations of significant weight.

### Application target date

23 November 2020

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# 1. Description of site and proposals

- 1.1. The application site is a parcel of land known as 'Redbeck' that lies to the east of the village of Dilham. The Redbeck site is a narrow field with higher ground to the north, a short slope and lower ground to the south. To the west of the site are dry grassland fields currently grazed by horses. There is a shallow and largely dry ditch between the horse fields and Redbeck. There are two ways to access the site. One way is from Oak Road which runs west perpendicular of Honing Road just north of the village of Dilham; this route then follows Oak Road to its most eastern extent and the access is then via Restricted Byway 11 (RB11) heading south approximately 800 metres to the site gates. The other way to access the site is to turn right onto Broad Fen Lane at the most southern point of Honing Road; this is where the river runs to the end of its navigable channel at Tylers Cut and from here the access is then along Broad Fen Lane and onto RB11 which leads to the site gates.
- 1.2. The land to the east and south-east of the site is designated as a RAMSAR site, a Special Area of Conservation, a Special Protection Area and is a Site of Special Scientific Interest (SSSI). The site lies within the first SSSI Impact Risk Zone, which makes the ecology of the site very sensitive to any development and land use. To the east of the designated land is the North Walsham and Dilham Canal.
- 1.3. This application is a resubmission of BA/2020/0002/FUL and seeks consent to create a new tourism facility at the site. The proposed development includes the siting of 3 glamping pods with a maximum capacity of 2 people per pod. The glamping pods would measure 4m by 6 m and be 3.1m in height. A cellular grid mesh is proposed to formalise the entrance to the site where the car and cycle parking and bin stores are proposed. An underground water treatment plant would be located to the south of the proposed glamping area. Native hedging is proposed to screen the glamping pods, bin stores, and parking area from views from the Restricted Byway and site wide landscaping is proposed, including the planting of trees and wildflower.
- 1.4. Access to the site is proposed from Oak Road and along RB11. The western end of Oak Road is an adopted highway and the eastern end is privately owned by the applicant; the Restricted Byway forms part of Broad Fen Lane and runs alongside the site and the section which runs from Oak Road to the site is in the ownership of the applicant. At the southern end of the Restricted Byway is a property known as Keepers Lodge. The northern end of the Restricted Byway joins to the private part of Oak Road, where there is a group of three residential dwellings and the Tonnage Bridge Glamping Site. This site offers 10 glamping pods and is in the ownership of the applicant.

# 2. Site history

- 2.1. BA/2020/0002/FUL Use of land for siting five 'glamping' pods with associated car/cycle parking, siting of package treatment plant and polishing reedbed. Application withdrawn.

### 3. Consultations received

#### NNDC Environmental Health

- 3.1. No objection

#### Norfolk County Council (NCC) Highways

- 3.2. No objections – To the principle of the development subject to conditions.

#### Natural England

- 3.3. No objection

#### BA Landscape

- 3.4. Objection – Objection to the application on the grounds of impact on the landscape character and the wider area.

#### BA Senior Environment Officer

- 3.5. No objection

#### Broads Authority Arboricultural Officer

- 3.6. No objection

### 4. Representations

- 4.1. In total 7 representations were received, 6 supporting the application on the grounds of rural economy, employment and tourism and 1 representation objecting to the application on the grounds of impact on the natural environment, landscape, amenity and the local highway network.

### 5. Policies

- 5.1. The adopted development plan policies for the area are set out in the [Local Plan for the Broads](#) (adopted 2019).

- 5.2. The following policies were used in the determination of the application:

DM13 – Natural Environment

DM16 – Development and landscape

DM21 – Amenity

DM23 – Transport Highways and Access

DM27 – Business and Farm diversification

DM29 – Sustainable tourism and recreation development

DM30 – Holiday accommodation – new provision and retention

DM43 – Design

- 5.3. Both the National Planning Policy Framework (NPPF) and the National Planning Practice Guide (NPPG) are material considerations in the determination of this application.

## 6. Assessment

- 6.1. The proposal is for the development of a new tourism site in Dilham, consisting of three glamping pods. The key issues that need to be considered in determining this application relate to the principle of development, the impact the proposal would have on the surrounding landscape, highway network, natural environment and amenity of neighbouring occupiers.

### Principle of development

- 6.2. In terms of the principle of development, national planning policies and the Broads Local Plan are supportive of encouraging a prosperous rural economy. In particular, Paragraph 83 of the NPPF highlights the importance of diversification projects and sustainable rural tourism in the rural economy. Paragraph 84 of the NPPF, however, places great emphasis on the suitability of the location where the development is proposed specifically with regards to connections to existing settlements, impact on local roads and sensitivity to surroundings and Paragraph 172 places great weight on conserving and enhancing the landscape, wildlife, and cultural heritage in the Broads.
- 6.3. Considering local planning policies, the principle of this development is assessed against policies SP1, SP12, DM27, and DM29.
- 6.4. Policy SP1 (PINS Model Policy/Sustainable Development) is a strategic policy and sets out the overarching principles. It relates to sustainable development within the Broads and requires the local planning authority (LPA) to take a positive approach that reflects the presumption in favour of sustainable development set out in the NPPF. The Policy requires a proactive response to planning applications and encourages the LPA to find solutions. This is an important policy in that it sets out the principle of the desirability of supporting sustainable development, but it must be read and applied in conjunction with the other policies in the development plan.
- 6.5. Policy SP12 (Sustainable Tourism) develops this approach and seeks to strengthen the tourism offer in the Broads through the creation, enhancement and expansion of high quality tourism facilities. It recognises the need to support a vibrant tourism industry, but, as in SP1, recognises that this must be in accordance with the other policies in the Plan to ensure that the Broads' resources are protected.
- 6.6. The approach of the strategic policies is then developed into the more detailed DM policies, which apply these principles to specific development types and proposals. In this case, the main policies relevant to the determination of this application are DM27 (Business and farm diversification) and DM29 (Sustainable tourism development). They are both criteria based policies and it is appropriate to consider the proposal against each criteria in turn.
- 6.7. The objective of DM27 is to support rural businesses and agricultural enterprises by

allowing them to diversify and generate new income streams to ensure their continued viability. Criterion (a) requires that the new uses proposed are complementary in scale and kind and support the original farm operation. In this case, the use of part of the holding for a small scale tourism operation does not conflict with this requirement and the applicant indicates that the revenue generated would support the farm. There is similarly no conflict with criterion (b) which states that there should be no loss of local or visitor facilities.

- 6.8. Criterion (c) relates to the local transport network and requires that there should be no unacceptable impact. The application site is proposed to be accessed off Oak Road and RB11 and, subject to this being achieved, there is no objection from the Highways Authority. There are, however, concerns from the Highways Authority about the practical achievability and enforceability of this route, as there is a simpler and faster route available, and these matters, along with the impact on the Public Right of Way (PROW), are discussed in further detail below (see paras 6.36 – 6.40). For the purpose of criterion (c), however, the requirement is somewhat met. Criterion (d) is not relevant, as it relates to diversification using buildings. Finally, criterion (e) requires the proposal is in accordance with other policies of the Local Plan and this will be discussed further in the coming paragraphs.
- 6.9. In addition to the criteria in the first part of the policy, the second part of DM27 sets out the requirements in relation to the construction of buildings to support the proposed development. It states that new build development will only be permitted when it can be satisfactorily demonstrated that the diversified use cannot be accommodated through the conversion of an existing building and that such proposals shall not involve a significant amount of new build development, with any new buildings relating well to existing buildings or a farm group.
- 6.10. The Planning Statement states that the nature of a glamping proposal means that it cannot be accommodated within existing buildings, but there are, in any case, no existing, suitable buildings that could viably be converted to holiday accommodation at the farm operation. A Brownfield Land Assessment of land in the applicant's ownership and the wider Dilham parish area has been submitted in support of this.
- 6.11. This application proposes three new structures in the form of glamping pods. Although the Planning Statement submitted in support of the application makes a point of saying that glamping pods are not development, the pods are proposed as permanent structures which would be connected to facilities and this justifies the LPA's interpretation that these are 'new build' development.
- 6.12. It must be considered whether or not the three pods represent a 'significant amount of new build development' for the purposes of the policy. It is noted that whilst they may not be large (in an objective sense), it is nonetheless new build development in a previously undeveloped part of the holding and this must make it significant relative to what was there before. It is also remote from other buildings associated with the farm. Overall therefore it is concluded that the requirements of the second part of

the policy are not met.

- 6.13. The third part of DM27 requires that any diversification proposal be complementary in scale and kind to the main operation, and this has been covered in criteria (a); and that the new use should not prejudice any existing or future agricultural use, which this would not.
- 6.14. The second main policy to assess the proposal against is DM29. The objective of this policy is to direct tourism and recreational development to appropriate and sustainable locations with the necessary infrastructure and facilities.
- 6.15. Criterion (a) seeks to direct such development to sites within development boundaries or to locations associated with existing visitor or tourism activities, however proposals arising from farm diversifications schemes are specifically excluded from this requirement so parts (i) and (ii) of this criterion do not apply to this application.
- 6.16. There is a supplementary part to criterion (a) which requires that the development must be satisfactorily accessed by sustainable means, which could include public transport, walking, cycling, horse riding or by water. The site's nearest train station is in Worstead approximately 3.5 miles away, and the nearest bus stop is 1.2 miles away. Given the limited level of facilities offered at the site, and the need to bring in provisions due to the remote location, it is considered more likely therefore that visitors to the site will in most cases arrive by car. Whilst the site is accessible via public rights of way (see below), it is not considered likely that visitors would use these to access the site for arrival and it is more likely that these will be used by the visitors during the holiday. It is not considered that the proposal meets this part of criterion (a).
- 6.17. The additional parts of criterion (a) require that (iii) the proposal is in accordance with other policies in the plan and (iv) that they do not involve a significant amount of new build development, with any new build development being of a scale that is compatible with the location and setting. The question of the principle of the new build development and whether or not this was 'significant' in the context of the policy was discussed in the assessment against DM27 above (see para 6.12). Similar arguments apply when assessing it against DM29, in that whilst the scale of development may not be large (in an objective sense), it is significant in the local context as the site and its surroundings are currently undeveloped. The second part of (iv) requires any new build development to be compatible with the location and setting and, again, in the context of an undeveloped site it can be concluded that any development on a locally significant scale (such as is proposed) will be incompatible.
- 6.18. The final part of criterion (a) requires that the development should not adversely affect a range of environmental factors, including water quality, landscape character, historic environment, protected species or habitats and where possible

make a positive contribution. The impact on landscape character and protected species are discussed in detail below (see para 6.26 – 6.30), but in summary it is concluded that the requirement is not met.

- 6.19. The second part of DM29, criterion (b) sets out the principles of sustainable tourism and recreation. The requirements for sufficient capacity of the highway network at part (vi), sufficient on-site parking at part (vii) and no adverse impact on navigation at (x) are broadly met and this is noted.
- 6.20. There are concerns, however, when considering the proposal against the remaining parts of the policy covering (viii) dealing with landscape character and protected species, (ix) high design quality suitable for the setting and (xi) the compatibility of the scale of the proposal for the location. The issues at (viii) and (ix) are discussed below, whilst (xi) covering compatibility of the scale is discussed above. Overall, it is considered that these latter three parts are not wholly met.
- 6.21. The final part of DM29 requires that regard be given to the cumulative impacts of tourism and recreation proposals on landscape character, nature conservation value and local transport movement. This is supported by the reasoned justification which sets out the importance the quality of the natural environment has on the tourism economy and notes that intensive tourism and leisure uses can detract from the special qualities of the Broads upon which tourism relies. It is worth noting that a use does not have to involve a large area or high visitor numbers for it to be intensive, but that intensity is relative, so a modest level of activity in a small geographical or constrained area can result in use that is experienced as intensive.
- 6.22. In this case, there is an existing glamping site approximately 900 metres to the north of the application site. It was granted planning permission in 2018 and hosts ten glamping pods with associated facilities and car parking. It is also accessed via Oak Road and visitors to Redbeck would pass it before arriving at this site. This is Tonnage Bridge Glamping and is owned by the applicant.
- 6.23. There is also an existing camping site approximately 2.5 miles to the north on the edge of Dilham village. This was initially granted planning permission in 2017 and then extended in 2018 and has planning permission for 60 camping pitches, a toilet and shower block, car parking and associated facilities. This is Canal Camping and is owned by the applicant.
- 6.24. Given the proximity of Tonnage Bridge Glamping to the proposed site, it is considered that the development of a new tourism offer for three glamping pods accessed via the same road would lead to an inappropriate intensification of tourism within the area that would detract from the tranquil nature of this part of the Broads. It is also considered that adding a further three to the existing 70 units in this part of Dilham would also result in an unacceptable cumulative impact. On this basis, the final part of DM29 is not met.
- 6.25. Overall, it is considered that the principle of the application for three glamping pods

at the Redbeck site is not acceptable as it is contrary to the requirements of Policies DM27 and DM29 of the Local Plan for the Broads (2019). Even considering that the application is a form of business and farm diversification, which national policy and the Local Plan for the Broads do generally support, the principle of the development nonetheless remains unacceptable.

### Impact upon the landscape

- 6.26. The application site is located in in the upper Ant valley in an area identified as Local Character Area (LCA 27) and characterised by a high overall landscape sensitivity to development due to the remoteness and tranquil rural nature. Policy DM16 (Development and landscape) requires planning applications to clearly demonstrate that the development proposals are informed by the Broads Landscape Character Assessment (2017). Accordingly a Landscape Visual Impact Assessment (LVIA) has been submitted in support of the application and the LVIA makes reference to the Broads Authority's Landscape Character Assessment (LCA) and Landscape Sensitivity Study.
- 6.27. The LVIA submitted has been amended following the withdrawal of the previous application. Additional recreational pressures, noise and disturbance would inevitably arise due to the increase in visitors generated by the development. The LVIA assumes that visitors will use the site quietly, but realistically it is not possible to fully control what behaviours and activities may take place. Both the LVIA and Planning Statement note that the concept of tranquillity is experiential rather than visual, with an implied suggestion that this makes it is less important. Tranquillity, although a perceptual quality is nonetheless a notable element of the landscape character of this area. The NPPF (paragraph 123) states that 'planning policies and decisions should aim to: identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason'.
- 6.28. Furthermore, the impacts of the construction works on the site have not been taken into account and whilst these may be temporary, the clearance of trees and hedges required for the equipment to access the site will have a longer effects, as well as potentially opening up the site to longer range views. The off-site passing bays proposed on Oak Road have also not been considered in terms of landscape effects by the LVIA.
- 6.29. Whilst it is acknowledged that the development is not of a large scale, the cumulative landscape and visual impacts of the proposed glamping site in combination with the existing Tonnage Bridge site and the Canal Camping site will give rise to changes in the landscape character of the area to such an extent as to have significant effects on its key characteristics and these impacts would be permanent.
- 6.30. Policy DM16, seeks to conserve key landscape characteristics of the Broads and states that development proposals that would have an adverse impact on either the character of the immediate or the wider landscape or special qualities of the Broads will not be permitted. This application proposes development that would introduce adverse landscape impacts and is therefore contrary to Policy DM16.



## Ecology

- 6.31. The application site is located adjacent to areas which are subject to a high level of designation for their conservation value and any development proposal must demonstrate that this can be undertaken without harm to these protected interests. A revised Habitats Regulation Assessment and a Site Investigation Report have been submitted alongside the application to address previous concerns. Instead of routing all grey and foul water from the Klargester through a water quality polishing wetland, it is instead proposed to pump it from the Klargester to a storage tank off-site. The tank would be a 500m<sup>3</sup> Enviroseal FB500 Digestive Storage Unit, which can store an entire year's output from the site. The water will then be fed into the farm irrigation network and disposed on to growing crops, where it will be absorbed and digested. There would be no discharge to local dykes or groundwater. The area of low ground between the horse fields and the SSSI would not be altered and would remain as described in the Site Investigation Report (Harding 2019a). There is therefore no objection to this on ecological grounds.
- 6.32. The applicant has an agreement with Natural England to allow people to access the Broad Fen SSSI along a marked route, between the hours 10.00 -16.00. The agreement covers the period from 16 June 2020 – 1 November 2021. Natural England will review the agreement at the end of this period. Natural England have no objections to the application and considered that the proposed development would not have significant adverse impacts on the designated sites.

## Amenity of residential properties

- 6.33. Moving to the issue of amenity, Policy DM21 protects existing neighbouring properties from unacceptable impacts on their amenity. Access to the proposed Redbeck site is along Oak Road and then down (southwards) RB11 and the access would therefore take all visitors past each property located on Oak Road.
- 6.34. The residents of Oak Road have noted the increase of traffic generated by the ten glamping pod site at Tonnage Bridge and the detrimental impact on the condition of the road resulting from the increased vehicular traffic. They state that the addition of a new glamping site offering a further three pods, will exacerbate the traffic using the road and increase the adverse impact on the condition of the road.
- 6.35. The planning application for the Tonnage Bridge Glamping site was not considered to have a significant adverse impact on the amenity of the neighbouring properties, however, it is considered that the additional increase in vehicular traffic on Oak Road that this proposed development would introduce, would have an adverse impact on the condition of the road, the use of the road, and the noise generated from the road, contrary to Policy DM21.

## Highways and public rights of way

- 6.36. The application proposes access from Oak Road and then onto RB11 and heading southward to the application site. The first 0.5 mile section of Oak Road is a public road maintained by the Highway Authority, with the following 0.6 mile section a private road

owned by the applicant. The access to this development site has highway and Public Rights of Way (PROW) implications.

- 6.37. Looking first at the highways issues, whilst the proposed access is along Oak Road and the northern section of RB11, there is an alternative route into the site using Broad Fen Lane and then onto the southern section of RB11, which is quicker and easier, being more direct. The Highways Authority is satisfied that the proposed Oak Road route is acceptable, but the Broad Fen Lane route is not. It requested details of measures proposed to prevent motorised access to and from Broad Fen Lane and the applicant has provided details of signage pointing drivers in the direction of Oak Road and has also stated that bollards in the form of a Kent Carriage Gap could be installed on the RB11 to physically exclude motorised traffic whilst allowing PROW traffic to continue.
- 6.38. It is considered that the provision of signage would be effective in diverting traffic initially, until a holiday-maker heads south on RB11 and finds out that the route along Broad Fen Lane is faster, so it would need to be supplemented by the proposed physical restriction in order to successfully prevent use of the faster route. Whilst the applicant is prepared to install a Kent Carriage Gap, it is the case that it is unlawful to block a PROW and the Highways Authority state that they could not support this, therefore whilst they continue to have concerns they advise that an objection on highways grounds could not be sustained. The Highways Authority also require the provision of passing bays on Oak Road and this too can be the subject of a condition.
- 6.39. Looking then at the PROW issues, at the time of writing the LPA has not received a written response from Norfolk County Council PROW team although there was objection to the previous application on the grounds that the impacts on the public use of the RB11 would be unacceptable as it is not suitable in terms of width to accommodate safely both vehicles and public users. Members will be updated orally.
- 6.40. The applicant argues that provided guests are advised to take care whilst driving along RB11, there is no reason public nuisance should frustrate the granting of planning permission, and this is noted, however it is the case that the applicant will have no control over the behaviour of guests on the route. In commenting on the previous application, Norfolk County Council as the body responsible for PROWs advised that a public right to use the route safely takes precedence over a private right and this public right would be compromised by use of RB11 by private cars. Policy DM23 states: "When determining development proposals, the Authority will safeguard public rights of way" and it is considered that the proposal is in conflict with this.

## 7. Conclusion

- 7.1. The proposed development of a new tourism facility at the Redbeck site, comprising three individual glamping pods, a package treatment plant, car and cycle parking and bin stores has not been adequately demonstrated to be a sustainable form of tourism development. The landscape character of the site would permanently change and the effect on the wider landscape character area would be significantly detrimental to the

tranquil nature and the special qualities of the Broads. Furthermore, the impacts on the amenity of the local residents as a consequence of the additional vehicle movements would be detrimental to their amenity. Access to the site would predominantly be reliant on the use of a private motor car and would take guests, third parties (for example, food deliveries, friends of guests), and anyone wishing to view the site along RB11 which would conflict with the public's right to use the Byway and cause a public nuisance. For these reasons, the proposed development is not in accordance with the provisions of the Policies in the Local Plan for the Broads (2019).

## **8. Recommendation**

- 8.1. That planning permission be refused.

## **9. Reason for recommendation**

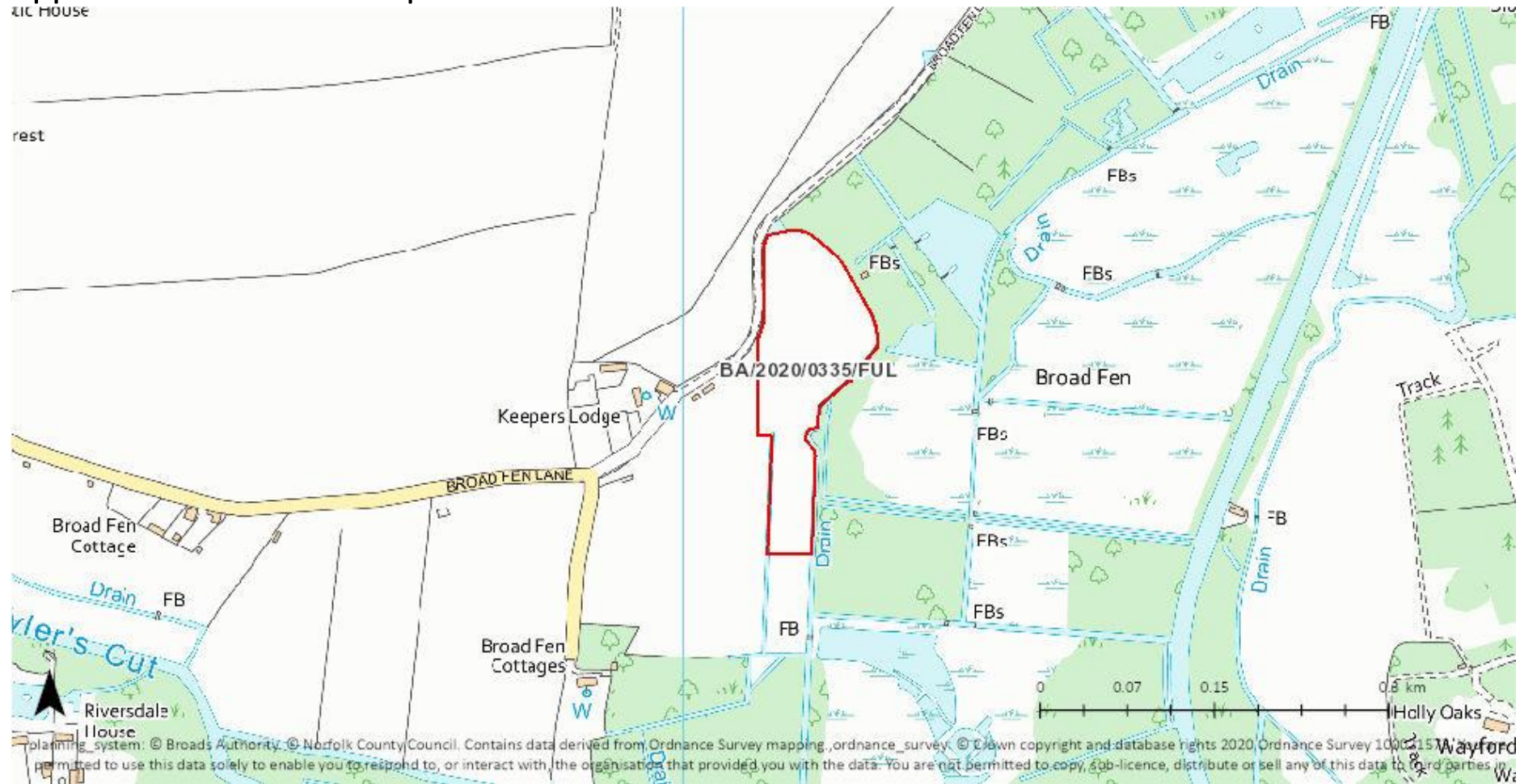
- 9.1. The principle of the proposed development is considered contrary to Policies DM27 and DM29 of the Local Plan for the Broads (2019). The proposed development is found to be contrary to Policies DM16, DM21, and DM23 of the Local Plan for the Broads (2019) and the National Planning Policy Framework (2019) which is a material consideration in the determination of this application.

Author: Calum Pollock

Date of report: 20 November 2020

Appendix 1 – Location map

# Appendix 1 – Location map



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