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## Appeal Decision

Hearing held on 12 and 13 May 2015

Site visit made on 13 May 2015

**by Anne Napier-Derere BA(Hons) MRTPI AIEMA**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 25/06/2015**

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**Appeal Ref: APP/Y2620/A/14/2228049**

**Land to the south of North Walsham Road, Happisburgh, Norfolk**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Chris Lomax (Happisburgh Estates) against the decision of North Norfolk District Council.
  - The application Ref PF/14/0120, dated 30 January 2014, was refused by notice dated 29 April 2014.
  - The development proposed is described as 'relocation of Manor Caravan Park, comprising 134 static caravans, 60 touring caravan pitches and camping area, and office/warden accommodation, to include new access to site and new wash block building and landscaping'.
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### Decision

1. The appeal is allowed and planning permission is granted for the relocation of Manor Caravan Park, comprising 134 static caravans, 60 touring caravan pitches and camping area, and office/warden accommodation, to include new access to site and new wash block building and landscaping, at Land to the south of North Walsham Road, Happisburgh, Norfolk in accordance with the terms of the application, Ref PF/14/0120, dated 30 January 2014, subject to the conditions in the attached Annexes.

### Application for costs

2. At the Hearing an application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

### Preliminary Matter

3. The masterplan and entrance sketch plan, Refs 662/01RevE and 662/02RevD, submitted with the appeal planning application are marked as illustrative. Notwithstanding this, it was confirmed by the appellant at the Hearing that these drawings are regarded as definitive representations of the development proposed on site. Furthermore, it was also confirmed that the application had been considered on this basis by the Council. As such, I am satisfied that my intention to consider the appeal proposal in the same way will not be prejudicial to the interests of any party.

### Main Issues

4. It is not a matter of contention between the parties that the current Manor Caravan Park site has existed for many years in its present location, on the north-eastern edge of the village between the church and the cliff edge, or that this

location is now under threat, due to coastal erosion. Compelling evidence was provided in relation to this threat, including comments from the Council's Coastal Management Team on the appeal application, which confirm that the adopted *Kelling to Lowestoft Ness Shoreline Management Plan* (SMP) indicates that almost the entire caravan park will be lost to erosion by 2025.

5. I understand that the sea defences close to the site have failed, or are failing, and it was confirmed at the Hearing that there are no schemes to replace these. It is also not a matter of dispute that the overall number of static caravans on the site has been reduced in recent years as a result, with a number temporarily relocated to a part of the site previously used for touring caravans and camping. From the evidence before me, including the information provided about the Pathfinder Project, it is clear that the appeal proposal has arisen as a direct result of this threat and is proposed as a replacement for this existing facility. I intend to consider the appeal accordingly.
6. The *North Norfolk District Council Core Strategy 2008* (CS) sets out the local planning policy approach to the management of coastal change in the area. This includes CS Policy EN12 which, amongst other matters, provides for proposals for the relocation and replacement of community facilities, commercial and business uses that are considered important to the well-being of a coastal community affected by coastal erosion to be permitted, subject to certain criteria. These criteria require that: the development is proposed to replace a facility that is affected or threatened by erosion within 50 years; the new development would be beyond the identified Coastal Erosion Constraint Area and in a location well related to the coastal community from which it was displaced; the existing site is cleared and managed or appropriately temporarily re-used; and taken overall (considering both the new development and that which is being replaced) the proposal should result in no detrimental impact upon the landscape, townscape or biodiversity of the area, having regard to any special designations.
7. The appeal site is located outside, but adjacent to, the Happisburgh Conservation Area; the existing site is partly located within the Conservation Area. There are also a number of listed buildings within the locality, including the grade I listed St Mary's Church, the grade II\* listed Happisburgh Manor, also known as St Mary's, and its grade II registered park and garden, and the grade II listed Happisburgh lighthouse. These are designated heritage assets and I am mindful of my statutory duties in these respects. In addition, the Happisburgh Cliffs Site of Special Scientific Interest (SSSI) is included within the existing site, and I am also mindful of my statutory duties in that respect.
8. In light of all that I have read, seen and heard, I consider the main issues in this appeal to be the effect of the proposal on:
  - The local landscape;
  - The significance of nearby heritage assets, with particular regard to whether or not it would preserve or enhance the character or appearance of the Conservation Area, and preserve the setting of nearby listed buildings and the registered park and garden of Happisburgh Manor;
  - The local community;
  - Biodiversity and ecology, having particular regard to whether or not it would conserve or enhance the special interest features of the SSSI;
  - The local highway network, including in relation to public footpaths and the Norfolk coastal path; and

- Whether or not the proposal represents an appropriate site for a caravan park, having particular regard to the principles of sustainable development.

## Reasons

### *Landscape*

9. The village of Happisburgh is located on the north Norfolk coast and forms part of an area described within the *North Norfolk Landscape Character Assessment Supplementary Planning Document 2009* (LCA) as 'Coastal Plain'. This character area is described within the LCA as a relatively small distinct area, with an open flat landscape with long, uninterrupted views and dominant skies. Certain factors are identified within the LCA as having the potential to erode this landscape character, including further development within coastal areas beyond current limits and significant numbers of new properties sited within or outside existing settlements. Amongst other matters, it states that 'Further development should [...] seek to address the 'hard edge' lack of integration of the settlements into the surrounding landscape.'<sup>1</sup>
10. The elevated main part of Happisburgh is largely contained and, in contrast to the surrounding landscape, contains many trees. These trees are a strong visual characteristic of the area and make an important contribution to the setting of the village. In addition, the prominent and distinctive skyline features of Happisburgh, such as the parish church and the lighthouse, also make an important and positive contribution to the local landscape. The wider area mainly comprises relatively large, open fields, with low levels of woodland cover. The strong contrast between the settlement and the surrounding countryside reflects the distinctive landscape character of the area.
11. From the details provided, it is evident that facilitating the relocation of the existing caravan site was identified as a specific objective of the Pathfinder Project in relation to Happisburgh. To this end, the *Landscape and Visual Impact Assessment for the Pathfinder Project to Re-locate Manor Caravan Park, Happisburgh, October 2011* (LVIA) was undertaken by Norfolk County Council, as part of a scoping exercise carried out to identify a potentially suitable site for the relocated facility, outside the Coastal Erosion Constraint Area but within the immediate locality. Given the purpose of the LVIA, its assessment does not extend to a specific analysis of the detailed appeal proposal. Nonetheless, it provides an independent assessment of the potential impact of such a development and provides a considered analysis in relation to its identified preferred site. Given this and, insofar as it relates to the appeal site, I accord this document significant weight.
12. The LVIA considers a number of possible sites and provides an explanation for the choice of its preferred site. Whilst these possible alternatives provide a useful context for the appeal proposal, the merits or otherwise of these other sites are not matters that are primarily before me as part of this appeal. Consequently, I intend to consider the findings of the LVIA principally in relation to the appeal site before me. Notwithstanding the relatively minor variation in the extent of land involved, the preferred site identified within the LVIA is largely comparable to the current appeal site.
13. The appeal site is situated on the landward side of the village and is comprised of two fields, of some 7.9ha in area, separated by an established hedgerow. The site adjoins the North Walsham Road to the north, opposite a row of existing dwellings, with the village school, playing fields and gardens of neighbouring dwellings to the

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<sup>1</sup> LCA, Table 10.3, p.124

east, as well as an approved site for the development of 9 dwellings. Open agricultural land lies to the south and west of the site, with a footpath running along the southern boundary and another crossing the site from north to south along the line of the existing hedgerow.

14. As a result of its location to the west of the village, the proposed site would have a negligible visual impact on the coastal edge and shoreline landscape. The LVIA considers that the significant visual effects of the proposal would be restricted to views in the immediate vicinity of the site, with only local landscape impacts. However, it identifies that, in the absence of mitigation, these local effects would be major to moderate on the local landscape. It would also have a major effect on some viewpoints within the locality.<sup>2</sup> Even taking into account the recent development of a new classroom facility at the school, there is nothing substantive before me that would lead me to a different finding overall in these respects.
15. Nonetheless, the LVIA concludes that the landscape and visual effects of the proposal would be acceptable. The author of the report confirmed at the Hearing that this conclusion takes into account the potential for mitigation. Although no increase in the historic number of caravans is proposed, the appeal site area would be considerably larger than that of the existing site, which would enable a layout with greater space between the pitches, with areas of significant landscaping and tree planting. From the evidence before me, one of the principal areas of contention between the two main parties concerns whether or not the effect of this landscaping would be beneficial in mitigating the impacts of the proposed development.
16. Caravan parks are recognised as a distinctive key characteristic of the local landscape.<sup>3</sup> However, these sites are also generally perceived to have a negative effect on its character due to, amongst other matters, a lack of integration by suitable or sufficient landscaping.<sup>4</sup> The LCA indicates that landscaping which builds upon and enhances existing trees, hedges and other features on and adjacent to a proposed development site is a factor which may enhance or actively contribute to the maintenance of the landscape character. In this particular case, the landscaping of the site as proposed would avoid creating a hard edge to the settlement, as encouraged by the LCA. However, the proposal would result in the introduction of significant areas of tree planting and an extension of development into the surrounding low lying agricultural landscape. Woodland is not characteristic of this landscape type and the development and planting proposed would result in a change to the local landscape character, which would be evident in local views from the west.
17. Nonetheless, although considerably larger than the existing site, the appeal site forms a relatively small part of the extensive surrounding predominantly arable landscape and the development and planting proposed would be in close proximity to the village. Furthermore, the layout of the proposal indicates that the static caravans would be positioned away from the western boundary of the site, with the area to the west of the site proposed for touring caravans and camping, and thus more transitional in character. The proposal would be experienced in this context and generally seen against the backdrop of the existing trees and buildings within the settlement. Consequently, whilst the proposal would result in some alteration to the setting of the village, I consider that its impact on the character of the surrounding rural landscape would be relatively modest, due to this context, the

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<sup>2</sup> LVIA, p.66-67

<sup>3</sup> LCA, 10.1

<sup>4</sup> Ibid., 10.0.16

particular characteristics of the site, the landscaping mitigation proposed and the low density appeal scheme.

18. The proposal would alter some existing views, such as those of the school buildings from North Walsham Road, and those available from the public footpaths on or near the site. However, the Council does not dispute that there would only be limited longer views of the appeal site and its relationship with the village. Furthermore, whilst full details of the proposed landscape mitigation scheme have not been provided, there is nothing substantive before me that would lead me to disagree with the conclusion of the LVIA that, from the more distant viewpoints that are available, the landscaping proposed would 'reflect the scene around St Mary's house to the north' and 'appear as an extension of this tree cover'.<sup>5</sup> Moreover, the nature of the development proposed, including the siting and height of the caravans, the topography and existing hedgerow field boundaries, some of which are raised above the level of adjacent roads, would further limit the visual impact of the proposal in local views of the village and its setting, including during winter months and whilst the landscaping proposed becomes fully established.
19. In addition, I am mindful that the proposed development would be a replacement for an existing facility, which has a significant landscape impact. Whilst recognising the Council's concerns about the proposal and acknowledging the limited life of the existing site, I consider that the layout proposed and the incorporation of substantial areas of planting within the appeal site, in comparison with the existing, would represent a considerable overall improvement in landscape impact terms on the setting of the village as a whole. Detailed concerns about certain aspects of the landscaping proposals, such as the suggested planted bund to the eastern boundary of the site, are matters which I consider could be appropriately addressed by condition.
20. As a result, overall and for the above reasons, I conclude that the effect of the proposal on the surrounding landscape would be acceptable. It would meet the aims of CS Policies EN2, EN3 and EN4, where they seek to protect local landscape character and the undeveloped coast, whilst allowing for the relocation of facilities threatened by coastal erosion. It would also meet the aims of paragraphs 109 and 17 of the National Planning Policy Framework (the Framework), to protect valued landscapes, take account of the different roles and character of different areas and recognise the intrinsic character and beauty of the countryside.

#### *Heritage Assets*

21. The Conservation Area covers the historic core of the village and is largely comprised of older properties, which vary in scale and design. There is an identifiable pattern of development along The Street, which is generally of a single plot in depth. However, within this, there are elements of tight-knit built form, as well as examples of individual properties in generous gardens. The area is predominantly residential, but contains a number of other commercial and community uses that make an important contribution to its overall character, particularly given the relatively small size of the village.
22. From the evidence before me, including the Council's *Happisburgh Conservation Area Form and Character Description 1998* and the comments of Historic England (HE)<sup>6</sup>, I consider that the significance of the Conservation Area is largely derived from its coastal edge location, its dominant nucleus centred around the main road junction within the village, the quality and variety of historic buildings within it, its

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<sup>5</sup> LVIA, p.67

<sup>6</sup> Provided as English Heritage, 7 March 2014

pattern of development, the relationship of buildings with the spaces around them, its vibrant mix of uses and its rural setting.

23. Happisburgh contains a number of listed buildings, some of which are referred to above. From the details available to me, including the listing descriptions, I consider that the significance of these buildings is primarily derived from their form, fabric, architectural features and their function or use. In addition, their setting makes a valuable contribution to their significance. The commanding position of the church within the village and the interrelationship of the extensive views over the surrounding countryside and the sea that are available from its large churchyard are particularly important. Similarly, the siting of the lighthouse is fundamental to its significance and its relationship with the enclosed small cluster of keepers cottages gathered at its foot, in an elevated position within surrounding farmland, clearly visible but detached from the remainder of the village, is of considerable value.
24. A number of listed dwellings, as well as the public house, are situated within the heart of the village. This location and the historic and current physical and visual relationship of these properties with the other buildings around them are important elements to their value as heritage assets. Similarly the location and setting of Happisburgh Manor, set back from the main road, approached by a long driveway and situated within formal landscaped gardens to one side, with uninterrupted sweeping views of the coastline to the other, makes a substantial contribution to its significance. The registration of these gardens reflects their importance. Their design and location, surrounding the Manor and situated between the main body of the village and the sea, is intrinsic to their value.
25. Due to its location and relationship with other neighbouring development, the existing caravan site is not widely visible in the landscape from its landward side. However, it is partly within the Conservation Area and, as such, can be considered to contribute to its character and appearance. Its position between the village and the sea, and in close proximity to the church, public house and Happisburgh Manor, results in it being dominant in many views of the Conservation Area and some important listed buildings from the seaward side of the settlement, including from the national coastal path and paths through the registered park and garden. The established nature of the caravan park and the limited, and decreasing, site area offer restricted scope in terms of layout. The rather regimented rows of static caravans reflect other sites in not dissimilar positions elsewhere along the coast. Nonetheless, their visual impact is not sympathetic to the otherwise largely undeveloped coastal landscape, the appearance of the remainder of the Conservation Area, or complementary to the important setting of the nearby listed buildings and adjacent historic garden.
26. It is not a matter of contention between the parties that, in terms of its impact on the coastline and these important heritage assets, the removal of the caravan site from this location and the appropriate reinstatement of the land would be a benefit. However, the SMP indicates that the extent of predicted coastal change is likely to lead to the loss of the existing site within the next ten years, and predicts the loss of the church, the public house, Happisburgh Manor and much of its historic gardens within the next 40 years. As such, whilst I am satisfied that the removal of the existing site and the reinstatement of the land would be a clear benefit of the appeal proposal, I consider that it is one that should attract only limited weight in these circumstances.
27. HE has raised concerns about the impact of the proposal on nearby heritage assets. From the detail of those comments, it is not readily apparent that the LVIA, which includes some analysis in this respect, was made available to HE prior

to its response on the application and no further comments were provided as part of the appeal process. Nonetheless, I have had careful regard to the concerns expressed and accept that there is a strong relationship between the Conservation Area and its setting within an arable landscape on the appeal site side of the village. The proposal would result in a clear extension of development in this sensitive location. As a result, taking into account the size and location of the site and the scale of the proposal, I consider that the appeal scheme would result in some erosion of this important relationship, which would have an adverse effect on the character and setting of the Conservation Area.

28. Having regard to my findings above and the details of the scheme, including its proposed landscaping, layout and form of development, I consider that the effect of this would be relatively limited in its impact. Due to its location relative to the local highway network, the relocation as proposed would also be likely to result in a reduction in the amount of caravan park traffic within the Conservation Area. However, considered overall, this benefit would not be sufficient to outweigh the impact arising from the loss of the agricultural landscape that would result from the development of the appeal site as proposed.
29. The development of the site as proposed would also result in an alteration to the context of nearby listed buildings and the historic garden. Having regard to the details of the scheme and the relationship of the appeal site to these heritage assets, including the separation distances involved and the difference in land levels, the proposal would not compete for dominance with the church or the lighthouse. Nonetheless, due to the size and scale of the proposal and its relationship with the village, the appeal development would lead to some alteration in the perception of those buildings, the other listed buildings nearby and, to a lesser extent, the historic garden. For reasons similar to those above, I consider that this change to the setting of the heritage assets would be modest in its impact. However, it would result in some limited harm to their significance.
30. It is not disputed that the appeal site has the potential to include heritage assets with an archaeological interest. However, it is suggested that this matter could be appropriately addressed by way of a suitably worded condition. Having regard to the evidence available to me, including the geophysical survey, there is nothing that would lead me to a different view in this respect.
31. Accordingly, whilst there would be some benefits in removing the caravan park from its existing site, its relocation to the appeal site as proposed would also lead to harm to the significance of the designated heritage assets and, considered overall, these benefits would not be sufficient, either individually or cumulatively, to outweigh this harm. As such, I conclude that the proposal would not preserve the character and appearance of the Conservation Area, the setting of nearby listed buildings, or the historic garden, and would not accord with CS Policy EN8, which seeks to protect and enhance the historic environment.

#### *Local community*

32. Evidence was provided of the social and economic impact of the existing caravan site on the local community. Currently, I understand that this relatively small coastal village is able to support two shops, including a post office, as well as a public house, a community centre and a church. Although the caravan park is not open all year round, from the compelling evidence available to me, including that from local businesses, I have no doubt that the effect of the existing caravan park is considerable in its support for these facilities and its economic impact on the local community.

33. The details provided of the Pathfinder Project<sup>7</sup>, which identifies the caravan site as providing a 'vital contribution' to the local economy, add further weight to this finding. In addition, my attention has been drawn to development plan policies that recognise the importance of tourism to the local economy and encourage the provision of a diverse range of appropriate tourist accommodation within the locality. Consequently, overall, I find that the loss of the park would have a considerable negative impact on the local economy, whereas its suitable relocation would enable it to continue to play a very important role in supporting the vitality and vibrancy of this coastal community.
34. In addition, I understand that many occupants of the caravan park are regular visitors to the site and participate in local events, such as the church fete. Whilst the composition of visitors and the length of their stay may alter in the future, it is not unreasonable to consider that some of these future visitors may also wish to participate in local events during their stay within the village. In addition, whilst the relocation of the proposed site away from the coastal edge may deter some visitors, the location of the site would not be remote from the coast and its proposed layout, with greater space about the pitches, may make it a more attractive destination for others. As such, I consider it very likely that these social and community benefits would continue with the relocation of the park.
35. Local concerns have been expressed about the potential impact of the proposal on the living conditions of neighbouring occupiers, in particular in relation to the potential for disturbance from noise and lighting, and from cooking smells from barbecues. However, given the characteristics of the site proposed, the separation distances involved and the level of activity likely to be associated with a site of this size, I consider that the impacts of the proposal in these respects would not be materially different to those experienced from residential or domestic activity. As such, I find that the proposal would be very unlikely to be harmful to the living conditions of its neighbouring occupiers. The clear evidence provided by the neighbouring residential occupier of the existing site further supports this view.
36. Concerns were also expressed about the impact of the proposal on the students of the village school and on the security of local residential occupiers. Whilst I acknowledge the fears expressed, there is nothing substantive before me to demonstrate that the proposal would be reasonably likely to have a detrimental effect in these respects. Accordingly, I consider that it would not be appropriate to find against it for these reasons.
37. Consequently, I conclude that the proposed relocation of the caravan site would not be detrimental to neighbouring living conditions or security and would have clear social and economic benefits to the local community. As such, it would be in accordance with CS Policies SS1, SS2, SS5, EN4 and EC10, where they seek to support local coastal communities in the face of coastal erosion, provide for the relocation of static caravan sites in such areas and protect the residential amenity of nearby occupiers. It would also meet the aims of paragraphs 106 and 107 of the Framework in this respect, as well as those of paragraphs 28 and 17, to support a prosperous rural economy, achieve a good standard of amenity for all existing and future occupants of land and buildings, and take full account of coastal change.

#### *Biodiversity and ecology*

38. The *Ecological Assessment* indicates that the special interest feature of the Happisburgh Cliffs SSSI relates to its geological interest. It was confirmed at the

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<sup>7</sup> Appellant's Statement, Appendix 9



Hearing that, in particular, this relates to the repeated exposure of the cliff face resulting from the on-going coastal erosion. On the evidence before me, there is nothing that would lead me to disagree with the view of Natural England that the relocation of the existing site as proposed would not damage or destroy the special interest features of the SSSI. As such, I am satisfied that the proposal would be acceptable in this respect.

39. In addition, having regard to the submitted *Ecological Assessment*, I am satisfied that the restoration and management of the existing site and the appropriate mitigation of the appeal site would result in the development proposal having an overall neutral effect on ecology and biodiversity. Such mitigation measures could be appropriately secured by condition. Furthermore, I understand that the appeal site comprises Grade 1 agricultural land. However, the LCA indicates that the surrounding area contains some of the largest areas of such land in the country. As such, in this particular case, having regard to the size of the site and the background to the proposal, including its locational requirements, I consider that this is not an issue that would justify finding against the scheme.
40. Accordingly, I conclude that the proposal would conserve the special interest features of the SSSI and the effect of the proposal on ecology and biodiversity would be acceptable. As such, it would not conflict with CS Policies EN2 and EN9, which seek to conserve and enhance the special qualities of the area and protect the biodiversity value of nationally designated sites. It would also meet the aims of paragraphs 17, 109, 117 and 118 of the Framework, to conserve and enhance the natural environment and biodiversity, and protect geological conservation interests.

#### *Highway network, including footpaths*

41. Whilst the traffic impact of the proposed development would be likely to be significantly greater than that associated with the existing use of the agricultural land, it would also replace the traffic generation of the existing site. Manor Park is currently accessed from a narrow, unmade, steep track, which also provides access to a number of other properties, including the public house, and has limited forward visibility. The use of this existing access also requires the negotiation of the main road junction within the village, which is located on a sharp bend.
42. Given the location of the proposed site on the edge of the village and its relationship with the surrounding road network, the proposal would be very likely to result in a significant reduction in use by the caravan park traffic of this junction, as well as avoiding the need for the use of the existing shared access. Furthermore, due to the scale of the appeal site and its proposed access arrangements, I am satisfied that, with the use of appropriate conditions, the proposal would not be detrimental to highway safety or cause significant inconvenience to other road users. In reaching this view, I have taken into account the local concerns raised but, in the absence of substantive evidence to the contrary, have given greater weight to the lack of an objection to the proposal from the highway authority in this regard.
43. The existing site includes footpaths within it, including the Norfolk coastal path and footpaths linking to routes through the adjacent historic gardens. The coastal path forms part of a recently opened new section, which is part of the national coastal path trail. As such, I concur with the view that it is likely to be well-used. There is nothing to suggest that the relocation and restoration of the site would jeopardise the continued operation of these paths and I understand that, as the coast erodes, the coastal path is rolled back further inland. As such, I am satisfied that the proposal would be acceptable in these respects.

44. Two public footpaths are adjacent to, or within, the site. The details provided indicate that it is the intention to divert the footpath FP9 that runs north-south within the site, so that it would follow its western boundary. If the footpath needs to be diverted that is a matter for other mechanisms. However, I see no reason why the current footpath route could not be successfully included within the proposed caravan park, with appropriate landscaping maintaining the amenity of the route, or in another approved alternative location. As a result, I am satisfied that this issue is not one that should be decisive in this appeal.
45. Local concerns have been raised about the effect of the proposal on the local road network, due to the relationship of the appeal site to the beach. Whilst it is possible that some holidaymakers would choose to drive to the beach from this site, taking into account the distances involved, I consider that this is unlikely to be necessary for most. Furthermore, although no footpath currently exists along the road from the site to the village, the appeal proposals include provision for a link within the site to the road, with a path proposed along the frontage of the adjoining site approved for residential development. There is nothing before me to demonstrate that an appropriately designed pedestrian link could not be provided as proposed. As such, subject to the control of these details, I am satisfied that the provision of such a footpath in this location would be acceptable, as it would significantly improve the accessibility of the site to the village and the beach, whilst not causing material detriment to the character of the area.
46. In addition, the details provided indicate that the use of the existing public footpaths within or adjacent to the site (FP8 and FP9) would have the potential to provide for an alternative route to the beach, which would avoid the use of the road adjacent to the site. As such, subject to the control of appropriate details, I consider that the relationship for pedestrians of the site to the village and its facilities, including the beach, would be acceptable.
47. Accordingly, overall and for the above reasons, I conclude that the proposal would have an acceptable effect on the local highway network, including in respect of highway safety and the convenience of other road users. It would not have a detrimental impact on the continued operation of the existing footpaths within the area and has the potential to make appropriate provision for improved pedestrian links to the site. As such, it would be in accordance with CS Policies EN4, CT5 and CT6, which seek to provide safe and convenient access for all, and adequate parking for new developments. It would also meet the aims of paragraphs 32 and 75 of the Framework, to achieve safe and suitable access for all people, and protect and enhance public rights of way.

#### *Sustainable development*

48. I have found above that the proposal would cause harm to nearby designated heritage assets, to which I give considerable importance and weight. However, the scheme would not lead to the loss or destruction of those assets, or a major erosion of their significance. As such, whilst material, I consider that the harm would be less than substantial. Paragraph 134 of the Framework requires that, in the case of designated heritage assets, the harm should be weighed against the public benefits of the proposal. Furthermore, paragraphs 6-9 of the Framework indicate that 'sustainability' should not be interpreted narrowly. Elements of sustainable development cannot be undertaken in isolation but should be sought jointly and simultaneously. Sustainable development also includes 'seeking positive improvements in the quality of the built, natural and historic environment as well as in people's quality of life'.

49. The proposal relates to the relocation of an existing caravan park, which is important to the well-being of the Happisburgh coastal community. For the reasons given above, the proposal would have demonstrable local economic and social benefits. Furthermore, the appeal site would be beyond the identified Coastal Erosion Constraint Area, but in a location well related to the coastal community from which the existing facility would be displaced. The details of the appeal scheme indicate that the existing site would be restored and managed as open space as part of this relocation, which are matters that can be appropriately controlled by condition.
50. Consequently, the proposal would result in substantial public benefits, to which I give great weight. These are matters that weigh in its favour and contribute towards the aim of achieving sustainable development. In addition, I have found overall (considering both the new development and that which is being replaced) that the proposal would not have a detrimental impact upon the landscape or biodiversity of the area, including on the SSSI. Furthermore, the proposal would not cause harm to neighbouring living conditions, security or the local highway network, including public footpaths.
51. Paragraph 132 of the Framework advises that great weight should be given to the conservation of a heritage asset in considering the impact of a proposal on its significance and, as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. For the reasons given above, I find that the great weight given to the harm identified to the significance of the heritage assets is outweighed by the greater weight given to the substantial public benefits of the proposal. As such, in this particular case, there would be a convincing justification for this resulting harm and the proposal would be in accordance with the aims of section 12 of the Framework. Accordingly, for these reasons, I conclude that the proposal would not conflict with the overall aims of CS Policy EN12 and would meet the overarching aims of the Framework to achieve sustainable development.

#### *Other matters*

52. There are strongly held views both for and against the appeal scheme within the locality and I have had careful regard to these in my consideration of the appeal. Concerns have been expressed about the potential effect of the proposal on a number of issues, many of which have been addressed above. In terms of other matters raised, these include the potential for the proposal to lead to flooding within the area. However, from the evidence before me, including the submitted *Flood Risk Assessment* (FRA) and its addendum, I consider that this issue could be appropriately addressed by condition and, as such, would not be a reason to find against the proposal.
53. External lighting within the site could also be adequately controlled by condition. In addition, whilst I note the concerns raised about the effect of the proposal on local house prices, I am mindful of the guidance within the Planning Practice Guidance (PPG) in this respect, which indicates that such a concern is generally a purely private matter. Accordingly, it is not an issue that leads me to alter my findings above.
54. It has been suggested that an alternative layout of the appeal site, or an alternative site for the relocation of the caravan park within the locality, would have less harmful environmental and other impacts on the local area. Reference has also been made to the approach taken in respect of the Council's decision to approve the development of nine dwellings on land adjacent to the appeal site and the relocation of a caravan park elsewhere, as replacements for development

affected by coastal erosion. However, given the evidence available to me and my findings above that the development of the appeal site as proposed would be acceptable, it is not necessary for me to consider any of these matters further.

### **Conditions and conclusion**

55. I have considered the Council's suggested conditions in the light of the PPG and for clarity and to ensure compliance with the Guidance, I have amended some of the suggested wordings. Whilst it is necessary to apply a time limit for commencement, there is nothing before me to demonstrate why a five year period would be appropriate in this case. Consequently, I have amended the suggested time limit to three years. Otherwise than as set out in this decision and conditions, it is necessary that the development be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning.
56. Given that the proposal seeks to replace an existing facility, it is both reasonable and necessary to control details of the transfer from the existing to the proposed sites and to control details of the restoration and management of the existing site, and it is essential to ensure that these details are agreed before development takes place. However, for precision and clarity, I have amended the detailed wording suggested, to require the approval and implementation of an appropriate scheme.
57. It was agreed by the main parties at the Hearing that, for clarity and precision, and in the interests of the character and appearance of the area and the local landscape, it would be appropriate to control the number and layout of the pitches. To ensure that the accommodation provided would continue to be used as holiday accommodation, it was also agreed that it would be reasonable to limit the occupancy of the caravan site to prevent its use in the winter months. This would reflect the restrictions on the existing site. Although such a restriction would not fully reflect that required by CS Policy EC9, given that the proposal would be a replacement for the existing site, I consider that it would be unreasonable to impose more onerous limitations on use in this particular case.
58. In the interests of the character and appearance of the area, the local landscape, neighbouring living conditions, ecology and the biodiversity of the site, it is necessary to control the details and implementation of the roofing materials for the warden's accommodation, the external lighting and the detailed landscaping scheme for the site, including in respect of the green roof of the toilet and shower block. In the case of the landscaping scheme, as the works involved would potentially involve groundworks, it is essential that these details are agreed before development takes place. It is also necessary to ensure the appropriate management of the landscaping, including replacement planting required during the period of establishment. However, for precision and clarity, I have amended some of the wording suggested. In addition, there is nothing before me to demonstrate why a ten year period would be necessary in this regard. Therefore, I have reduced the period for replacement planting to five years, which would be a reasonable time frame to allow for the new planting to become established.
59. In the interests of the living conditions of neighbouring occupiers, the local environment and the well-being of the occupants of the caravan park, it is necessary to require the provision a water supply on site, for use in the event of fire, and refuse storage areas. Given the potential archaeological interest of the site, it is necessary to require the implementation of a programme of archaeological work in accordance with a written scheme of investigation. Furthermore, due to the nature of this potential interest, it is essential to require the submission of the scheme before any development takes place. I have had regard to the concerns expressed about the wording of the condition. However,

taking into account the results of the submitted geophysical survey, I consider that it would not be unreasonable to apply the condition suggested in this case.

60. In the interests of highway safety, accessibility and the character and appearance of the local area, it is both reasonable and necessary to control details of the vehicular access, parking arrangements, circulation and servicing areas for the proposal. Whilst not specifically referred to within the suggested conditions, the details submitted clearly demonstrate that the proposed pedestrian link to the site is intended to form part of the appeal development. As such, I am satisfied that my intention to apply a condition that also secures this element of the scheme would not be prejudicial to the interests of any party. To prevent flooding and pollution, it is also necessary to control the drainage details of the site. Furthermore, given the findings of the FRA, it is reasonable to require the surface water details to incorporate methods of sustainable drainage.
61. The access to the site from North Walsham Road would be located beyond the existing 30mph speed limit for the village and the Council's suggested condition would prevent any works on the site until this limit were extended westward to a point beyond the site access. However, having regard to the tests for conditions within the PPG, I am not satisfied that the application of the condition as suggested would be reasonable, as it would concern a matter entirely outside the control of the appellant and subject to consideration by another authority. Furthermore, having regard to the evidence before me, including the comments of the highway authority and the alignment and characteristics of the highway in the immediate vicinity of the site, I am not satisfied that it has been adequately demonstrated that the extension of the speed limit would be necessary in order to make the development acceptable.
62. Similarly, given my findings above in relation to FP9 and having regard to the advice within the PPG, I consider that it would not be appropriate to apply a condition requiring the submission of an application seeking to divert the public footpath, or one that prevents the commencement of the appeal development until such a diversion takes place. Accordingly, I have not applied the Council's suggested conditions in either of these respects.
63. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be allowed.

*Anne Napier-Derere*

INSPECTOR

## Annexe

### Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) Other than as required in this decision and conditions, the development hereby permitted shall be carried out in accordance with the following approved plans: site location plan, 662/01RevE, 662/02RevD, 01, 02 and 03.
- 3) No development shall take place until details of a scheme to transfer the caravan park from its existing site, as shown in Figure 1b of the *Ecological Assessment and Restoration Proposals Report, February 2013*, to the site hereby approved, which shall include any transitional arrangements and provide for the restoration and management of the existing site, has been submitted to and approved in writing by the local planning authority. These details shall have reference to the recommendations of the Report and include a timetable for the implementation and any necessary phasing of the works concerned. The development hereby approved and the restoration of the existing site shall be carried out in accordance with the approved details and within any such timescale as specified.
- 4) For the avoidance of doubt, the layout of the caravan park and the siting of the caravans hereby permitted shall be in accordance with plan Ref 662/01RevE. No more than 194 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 134 shall be a static caravan) shall be stationed on the site at any time.
- 5) No caravan on the site shall be occupied between 31 October in any one year and 1 April or Easter, whichever is the earlier, in the succeeding year.
- 6) No development of the site office and warden's accommodation building hereby permitted shall take place until details of the materials to be used in the construction of the external roof surface of that building have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) No use of the site as hereby permitted shall take place until details of any external lighting have been submitted to and approved in writing by the local planning authority and no external lighting shall be installed within the site unless in accordance with those approved details.
- 8) (i) Notwithstanding any details shown on the approved plans, no development shall take place until full details of both hard and soft landscape works, including details of the green roof of the toilet and shower block hereby permitted, have been submitted to and approved in writing by the local planning authority.  
  
(ii) These details shall include: proposed finished levels or contours; means of enclosure; hard surfacing materials; and minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs).  
  
(iii) Soft landscape works, which shall have reference to the mitigation recommendations of the submitted *Ecological Assessment and Restoration Proposals Report, February 2013* and the *Site Layout and Landscape Proposals Supporting Statement, Rev A, January 2014*, and include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting

species, plant sizes and proposed numbers/densities where appropriate; an implementation programme and a landscape management plan.

(iv) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the use of any part of the development hereby permitted or in accordance with the approved implementation programme.

(v) Any new tree or shrub, or any part of the green roof of the toilet and shower block, which within a period of five years from the date of planting dies, is removed or becomes seriously damaged or diseased, shall be replaced within the next planting season with another of a similar size and species, unless prior written approval to any variation is given by the local planning authority.

- 9) No use of the site as hereby permitted shall take place until a fire hydrant or other means of water supply for use in the event of a fire has been provided in accordance with details submitted to and approved in writing by the local planning authority. Once provided, this provision shall be retained as such thereafter.
- 10) No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation that has been submitted to and approved in writing by the local planning authority.
- 11) No use of the site as hereby permitted shall take place until the site access, visibility splays of 59 metres x 2.4 metres to each side of the access where it meets the highway, parking areas, circulation and servicing areas, and pedestrian links to the site have been provided in accordance with specification details submitted to and approved in writing by the local planning authority. These specifications shall accord with the details shown in drawing Ref 662/02RevD and, once provided, these areas and the access provision shall be retained as such thereafter and, in the case of the visibility splays, shall remain free from any obstruction exceeding 0.6 metre above the level of the adjacent highway carriageway.
- 12) No use of the site as hereby permitted shall take place until drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. The submitted surface water details shall:
  - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
  - ii) include a timetable for its implementation; and
  - iii) provide a management and maintenance plan for the lifetime of the development, which shall include arrangements to secure the operation of the scheme throughout its lifetime.

## **APPEARANCES**

### **FOR THE APPELLANT:**

Mr Chris Lomax	Appellant
Mr Simon Randle	of Counsel
Mr Hugh Ivins	Planning Consultant
Mr Christopher Yardley BA(Hons), MSc, MCIEEM	Landscape Consultant
Mr David Yates BSc(Hons), MLD, CMLI	Landscape Architect, Norfolk County Council

### **FOR THE LOCAL PLANNING AUTHORITY:**

Mr Gary Linder DipTP, MRTPI, IHBC	Team Leader, Major Projects
Ms Cathy Batchelar BA(Hons), MA Landscape Design, CMLI, IHBC	Landscape Officer
Mr Roger Howe FCILEX	Planning Legal Manager

### **INTERESTED PERSONS:**

Cllr Lee Walker	District Council ward member and local resident
Mr Glenn Berry	Chair of Parish Council and local resident
Mr Clive Stockton	Local resident
Ms Rita Price	Local resident
Mr Stephen Burke	Local resident
Ms Bryony Nierop-Reading	Local resident
Mr Jack Hall	Local resident
Ms Frances Bailey	Local resident
Mr Julian Stock	Local resident
Mr Malcolm Kerby	Local resident
Ms Tessa Beane	Local resident
Ms Elaine Batt	Local resident



## **DOCUMENTS SUBMITTED AT THE HEARING**

1. Details of Norfolk Coast Path
  2. Photographs from viewpoints identified in agreed Statement of Common Ground
  3. Aerial photograph of Happisburgh
  4. The Council's Happisburgh Conservation Area, Form and Character Description, dated 1998
  5. Descriptions of listed buildings and registered park and garden
  6. Corrected versions of descriptions for the Church of St Mary and Happisburgh Manor park and garden
  7. Copy of planning permission, Ref PF/13/0143, dated 3 April 2013, granting temporary permission for the re-location of 12 mobile homes at Manor Caravan Park
  8. Closing remarks of the local planning
  9. g authority
  10. Written notes for the Council's response to the application for costs
  11. Final remarks of the appellant
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