

Appeal Decision

Hearing held on 21 January 2016

Site visit made on 21 January 2016

by J Flack BA Solicitor

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

Decision date: 10 February 2016

Appeal Ref: APP/Y2620/W/15/3132403

Priory Maze and Gardens, Cromer Road, Beeston Regis, Sheringham, Norfolk NR26 8SF

- 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 Priory Maze and Gardens against the decision of North Norfolk District Council.
 - The application Ref PF/14/1515, dated 14 November 2014, was refused by notice dated 12 February 2015.
 - The development proposed is change of use of land from D2 (visitor attraction) to siting of thirteen holiday chalets.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are
 - The effect of the proposal on heritage assets and their settings;
 - The effect of the proposal on the character and appearance of the surrounding landscape; and
 - The effect of the proposal on highway safety

Reasons

Heritage assets and their settings

3. The appeal site comprises most of the eastern half of the Priory Maze and Gardens (the broader site). A public byway runs along eastern boundary of the appeal site. On the other side of the byway, opposite the northern end of the site, are the remains of a former Augustinian Priory dedicated to St Mary. These comprise the ruins of the church, chapterhouse and cloisters, and these together with the adjacent fishponds are designated as a scheduled monument. The remains of the church and cloisters are also a Grade I listed building. Their scale is impressive and various fine architectural details survive. The result is a quiet grandeur which powerfully conveys the importance and status of the former priory. This is confirmed by the survival of elements of the former priory gatehouse at the western edge of the broader site, these forming part of the

designated scheduled monument. Only low parts of walls are visible above ground. However, in conjunction with ruined church and cloisters, the gatehouse remains speak clearly of the very substantial scale of the former priory.

4. To the south of the ruined church is Abbey Farmhouse. This is a Grade II listed building, and a range of curtilage listed outbuildings, now converted to residential use, run alongside the byway. The limited information provided to me about the farmhouse indicates that whilst its current form is predominantly of the late C18, it possesses much earlier elements and may well have its origins in a former priory building. Its significance thus arises not only from it being a historic farmhouse but also from its role within the evolution of the priory following the Dissolution.
5. The site lies within the Beeston Regis conservation area, which was designated in 1975. This contains few buildings other than small groups at its north west corner. The principal elements of the conservation area, in addition to the broader site and the curtilages of the listed buildings I have described above, are an area of common to the west of the broader site, and tracts of countryside which border the listed buildings to the east and north. Whilst there is no up to date appraisal of the conservation area, a 1998 form and character description is before me and I have no reason to doubt its statement that the area was designated because of its unspoilt historic landscape, this forming the setting of Beeston Regis Priory.
6. The 1975 designation and 1998 statement do not, of course, take account of the Priory Maze and Gardens as they now exist. I understand that they were initiated in the very late 1980s. It was previously agricultural land associated with Abbey Farmhouse, being in the same ownership until around 2002. The western half of the broader site contains a car park close to the southern boundary with Cromer Road: to one side of this is a small garden centre sales area and a building used principally as a café and restaurant. However, the developed area of the broader site is very small, the western half consisting of the maze itself and extensive areas of landscaped gardens and informal woodland. As to the appeal site, whilst there are two polytunnels adjacent to the Cromer Road, there are no other significant structures. Around the polytunnels is an area used for plant growing and garden maintenance; to the north of this is a pond and a large open grassed area adjacent to Abbey farmhouse, and the remaining area of the site, to the west of the priory ruins, consists of mostly of fairly low shrub planting together with a further pond.
7. The appeal site falls within the extensive precinct of the Priory. The Priory Maze and Gardens are an established tourist attraction, and the landscaping of the appeal site has in part a formal character. However, the lack of structures, the generally open and spacious appearance of the appeal site, and its tranquil nature do not compete with the scheduled monument and the listed buildings. They instead provide a strongly complementary context which is consonant with the countryside to the north and east, and facilitates understanding of the substantial scale and importance of the former priory complex.
8. Moreover, I saw on my visit that whilst intervisibility within the broader site between the gatehouse and church remains is very limited, the former rise prominently above the boundary between the appeal site and the byway, and the appeal site consequently provides significant views and appreciation of the church remains. These can also be seen, albeit in limited views even when

vegetation is not in leaf, across the appeal site from Cromer Road. The boundary between the site and the byway alongside the priory remains and Abbey Farmhouse consists mainly of a high hedgerow, but it is not particularly dense, being quite sparse in places, and there are some gaps and sections of low vegetation along other sections of the boundary. These circumstances allow a considerable degree of appreciation of the existence and nature of the appeal site from the byway. Although this would clearly be reduced during the summer months, I do not consider that the boundary serves to very substantially divorce the appeal site from the priory remains and Abbey farmhouse, instead helpfully allowing them to be read together.

9. I also viewed the site from two high points in the locality. Stone Hill is located some 1km to the south, and from here the appeal site is not a significant element in the view, which is dominated by the intervening built up area of Beeston Regis. However, Beeston Bump, a distinctive small and steep hill on the cliff edge, is a very popular local landmark which is about 500m to the north of the appeal site. From here, whilst panoramic views extend in all directions, the priory ruins appear in the middle ground across fields; the eye is drawn to the ruins as an exceptional feature in the view, and the complementary undeveloped character of the appeal site reads strongly, having the effect of keeping the built-up residential areas of Beeston Regis at an appropriately respectful distance from the ruins and Abbey Farmhouse.
10. For the above reasons, I conclude that the appeal site constitutes a strongly positive contributor to the setting of the scheduled monument and the listed buildings. It also makes the same contribution to the conservation area: its role as part of the Priory Maze and Garden has not substantially diminished the contribution it would previously have made as agricultural land at time of designation.
11. The application was accompanied only by an illustrative site layout and landscape scheme, and there is therefore considerable scope for the detail of these matters to be controlled by condition, together with details of the design and appearance of the chalets. However, the fact remains that permission is sought for some thirteen chalets, and it is inevitable that an adequate access road and car park would need to be provided, together with some site lighting. Although the site is quite generous in relation to the quantum of development proposed and there would be some scope for open areas and planting, these would be subordinate features. The character and appearance of the appeal site would be fundamentally changed, being dominated by the chalets and associated facilities, and these would harmfully compete with the scheduled monument and listed buildings.
12. I acknowledge that whilst the northern part of the site would probably have formed an open area adjacent to the west elevation of the Church, the southern part of the site may once have contained ancillary buildings within the Priory complex. However, this does not materially assist the appeal proposal, given that it would be a substantial self-contained tourism development whose contemporary character would jar with that of the surviving priory remains. I also acknowledge that the visual impact of the proposal could be reduced by additional boundary planting. However, any planting which would provide an effective screening effect in terms of density and height would, at the same time, also serve to harmfully increase the degree of separation between the site and the Priory remains and Abbey Farmhouse. It is also possible that such

planting would obscure or remove views of the church ruins from Cromer Road and diminish the limited intervisibility between the ruins and the gatehouse. Moreover, no amount of planting would be effective to substantially screen the development in views from Beeston Bump.

13. Although the proposed chalets would be likely to appeal to a more mature clientele than ordinary static caravans, the proposal would nevertheless be likely to bring about a materially more intensive degree of activity to the site, diminishing its tranquillity and that of the priory remains. Some lighting within the site would be necessary, and there would be light from the interiors of the chalets. Whilst the priory remains and abbey farmhouse would not normally be experienced at night, artificial light arising from the development would increase its prominence during the dusk and dawn periods. These matters add to my concerns.
14. For the reasons I have given, I conclude that the proposal would materially and unacceptably fail to preserve the setting of the scheduled monument and the listed buildings, the desirability of the latter being a matter to which I am required to have special regard by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. For the same reasons, the proposal would also fail to preserve the character or appearance of the conservation area, the desirability of which is a matter to which special attention must be paid pursuant to section 72 of the Act. The proposal would be contrary to Policy EN 8 of the Core Strategy¹, whose general objective is that proposals should preserve or enhance the character and appearance of designated assets and their settings.
15. The parties concur that the priory precinct is an undesignated heritage asset in its own right in addition to forming part of the setting of designated assets. It is thus also necessary for me to consider the appeal proposal in that context, noting the differences of opinion between the parties as to the archaeological importance of the appeal site. The available evidence is very limited. Whilst it is likely that earthworks, including a likely processional way between the church and the gatehouse have been damaged in the construction of ponds and associated works, it is nevertheless possible that some earthworks remain. In addition, there has been no substantive investigation of the existence and nature of below ground remains.
16. I was told at the hearing that reviews of other priory sites in Norfolk over recent years have resulted in the designation of precinct areas as scheduled monuments. However, there has been no review of this priory as yet, and accordingly I am not fully convinced that the site forms part of an asset of demonstrably equivalent significance to a scheduled monument, or therefore that under paragraph 139 of the National Planning Policy Framework (the Framework) it should be subject to the Framework's policies for designated heritage assets. At the same time, however, the parties concur that the appeal site is likely to have contained ancillary buildings within the Priory complex or other features such as burial grounds. It follows that it is very possible that below ground remains of considerable importance are present within the site.
17. Whilst the chalets would not have conventional foundations, being placed on shallow concrete pads, there would need to be some excavation to construct

¹ North Norfolk Local Development Framework Core Strategy Incorporating Development Control Policies, September 2008.

the access road and services, and the excavations for foul drainage in particular might need to be substantial, the appellant not having yet fully investigated the available options. In the absence of any site or other investigation which materially assists in resolving what remains are likely to be present, I am not satisfied that the archaeological significance of the appeal site would be sufficiently protected by a condition requiring a scheme of investigation. Moreover, the substantial development and additional screening proposed would diminish the contribution which the precinct makes to appreciation of the priory's overall scale and importance, and detract from the relationship between the precinct and the remains of the priory buildings.

18. I conclude therefore that the proposal would be harmful to the appeal site as an important undesignated heritage asset. This would be contrary to Policy EN 8 given that its objectives apply not merely to designated assets but also to other known historic environment assets.
19. For the purposes of the National Planning Policy Framework (the Framework), the listed buildings, scheduled monument and conservation area are designated heritage assets. Within their overall context, noting that the proposal does not involve works to the scheduled monument and listed buildings, I consider that whilst the proposal would lead to clear and material harm to the significance of the designated heritage assets, for the purposes of the Framework the degree of harm would be less than substantial. Paragraph 134 requires that such harm be weighed against the public benefits of the proposal. I have also identified material harm to the precinct as an undesignated heritage asset, and paragraph 135 requires that this be taken into account.
20. My attention has been drawn to a Tourism Sector Study prepared in 2005 which informed the policies of the Core Strategy. I have not been provided with a copy, but I understand that it concluded that woodland lodge developments, such as this would be, represent a growth opportunity for Norfolk. The Council accepts that this remains the case. Moreover, the proposal would include the removal of eight static caravans from a site at East Runton. The Council accepts that this would be in the control of the appellant and therefore capable of being secured by condition, and that this has the result that the proposal conforms to the requirements of Policy EC 10. These include that proposal should be located in the 'rural' and 'resorts and hinterland' Tourism Asset Zones, as this would be, although I observe that nothing in the policy indicates that every location with such zones would necessarily be acceptable or that this policy is to take precedence over any other relevant policies.
21. The proposal's conformity with Policy EC 10 is reflective of its benefits, and both resonate with paragraph 28 of the Framework, which seeks to promote economic growth in rural areas. Although no business plan is before me, I acknowledge that the chalets would contribute to the rural economy in various ways, including the creation of employment and bringing additional visitor spend on local services and facilities, including local tourist attractions. This would be so irrespective of whether the chalets were operated in conjunction with the priory maze and gardens visitor attraction. However, these benefits would be modest given that 8 existing caravans would be lost, even allowing for the likelihood that the high end chalets proposed would make a greater contribution to the rural economy than ordinary static caravans.

22. The appellant points to biodiversity benefits from the proposed new planting, together with the provision of sustainable drainage, high standards of energy efficiency and apparatus for producing renewable energy to meet a proportion of the needs of the chalets. However, these benefits are not quantified or defined by any very specific proposals, and I consider that they would be quite minor. Nor would there be any substantive heritage benefits. The undesignated heritage asset which the appeal site represents already has a beneficial use as part of the successful priory maze and gardens attraction. The appellant refers to the potential for low-level maintenance of the priory church being provided in conjunction with the development. However, no firm proposals are before me and I saw that the priory remains are already well-maintained and do not appear to be suffering from vandalism despite the lack of surveillance.
23. The expectation of the Act is that considerable importance and weight be given to the desirability of preserving the setting of the listed buildings and the character and appearance of the conservation area. That is reinforced by the statement at paragraph 132 of the Framework that when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Whilst the benefits which would arise from the proposal are public in nature, they are collectively modest, and fall some way short of outweighing the harm which the proposal would cause to the designated and undesignated heritage assets. It follows that the proposal would be contrary to the historic environment policies of the Framework.

Character and appearance of the surrounding landscape

24. The appeal site lies within the Sheringham to Overstrand (CTV2) character area identified by the North Norfolk Landscape Character Assessment² (the Assessment). The appeal site lies outside the cliff area and prominent hills identified as key characteristics of the area. However, the Assessment also refers to the large proportion of built up settlement, and it identifies small areas of open space as one of the most vital elements in the character of the area, stating that these have been eroded to a critical level.
25. These issues are powerfully illustrated by the circumstances of the appeal site. As I have noted, this and the broader site contain few buildings or other structures. They thus form an essentially undeveloped gap which serves to separate the built up areas of Sheringham to the north and Beeston Regis to the south, thereby performing an important role in preventing the settlements from coalescing.
26. I acknowledge that the appeal site does not occupy the full extent of this gap, there being a small area of woodland between the north of the site and the nearest houses within Sheringham, and the illustrative layout is indicative that the chalets could be laid out so as to be concentrated in the southern end of the site. However, as I have identified above, the chalets and associated parking and access road would nevertheless fundamentally change the character and appearance of the appeal site. This would be clearly apparent in views from Beeston Bump, from where the current contribution of the site to the separation of the settlements is particularly legible. In the immediate

² North Norfolk Local Development Framework Landscape Character Assessment Supplementary Planning Document June 2009

vicinity of the site, the proposed development would not be apparent from the west or north due to the intervening areas of woodland and other vegetation, but it would be visible, albeit to a limited extent, from the byway to the east of the site and from Cromer Road to the south, particularly in the winter months when the additional planting proposed would be less effective in screening the development.

27. I therefore conclude that the proposal would materially erode the site's important function in separating the adjacent settlements, and it would therefore be unacceptably harmful to the character and appearance of the surrounding landscape. The proposal would be contrary to policy EN 2 of the Core Strategy, given that it requires amongst other things that proposals be sympathetic to the character areas identified by the Assessment and protect gaps between settlements. The proposal would also be contrary to Policy EN 4, which provides that design which fails to have regard to local context and does not preserve the character and quality of area will not be acceptable. The proposal would also be contrary to the expectations of the Framework, at paragraph 58, that developments should, amongst other things, respond to local character and reflect the identity of local surroundings.

Highway safety

28. The proposed development would use the broader site's existing access onto Cromer Road. Although there would be an increase in vehicle movements across the access, this would be limited. There would also be additional pedestrian movements, occupiers of the chalets being likely to take country walks and access local facilities on foot, and in this context it is of concern that Cromer Road is busy and is only served by a footway on the south side. However, at the hearing the appellants and the Council concurred that this could be satisfactorily addressed by a condition requiring pedestrian crossing facilities to be provided to an approved design and specification. There is no reason for me to disagree. I conclude accordingly that the proposal would not be harmful to highway safety, and would comply with Policy CT 5 of the Core Strategy, this requiring safe and convenient access to be provided, and the similar objective contained in paragraph 32 of the Framework.

Other matters

29. The appellant points to the existence of permitted development rights in relation to the appeal site. However, I attach very limited weight to this. The principal rights to which the appellant referred at the hearing were the limited rights to use the land as a caravan site or for camping, and in any case there is no clear indication before me that any proposal relying on permitted development rights would be likely to be implemented in the event that the appeal proposal does not succeed.

Conclusions

30. I have concluded that the proposal would not be harmful to highway safety, and that modest economic and other benefits would arise from the proposal, finding compliance with policies of the Core Strategy in these respects. However, these matters do not come close to outweighing my conclusions on the first two main issues, which are that the proposal would be harmful to heritage assets and their settings, and harmful to the character and appearance of the surrounding landscape. In these respects I have identified

substantial conflict with various policies of the Core Strategy, and I conclude that the proposal would, overall, be contrary to the development plan. Similarly, I have also identified substantial conflict with the policies of the Framework in relation to the first two main issues: this outweighs conformity with policies of the Framework in other respects, and I conclude that the proposal would not amount to sustainable development for the purposes of the Framework.

31. I have taken into account all other matters raised in the evidence before me, but nothing arises which disturbs the foregoing conclusions. The appeal is therefore dismissed.

J Flack

INSPECTOR

APPEARANCES

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DOCUMENTS SUBMITTED AT THE HEARING

- 1 Statement of Common Ground
- 2 Landscape Masterplan with Historic Overlay (appellant)
- 3 Historic England WebGIS Map (NNDC)
- 4 Map annotated with heritage assets and LVIA viewpoints (NNDC)
- 5 List descriptions (NNDC)
- 6 Viewpoint Table - Comparison of Assessment of Significance (NNDC)
- 7 Extract from North Norfolk Design Guide (NNDC)

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