

# Development Committee



**Please contact:** Lauren Gregory

**Please email:** [lauren.gregory@north-norfolk.gov.uk](mailto:lauren.gregory@north-norfolk.gov.uk) Direct Dial: 01263 516108

**TO REGISTER TO SPEAK PLEASE SEE BOX BELOW**

Wednesday, 17 July 2024

A meeting of the **Development Committee** will be held in the **Council Chamber - Council Offices** on **Thursday, 25 July 2024 at 9.30 am.**

At the discretion of the Chairman, a short break will be taken after the meeting has been running for approximately one and a half hours

**Please note that members of the public should not speak to Committee Members prior to or during the meeting.**

## **PUBLIC SPEAKING:**

Members of the public who wish to speak on applications must register **by 9 am on the Tuesday before the meeting** by telephoning **Customer Services on 01263 516150** or by emailing [customer.service@north-norfolk.gov.uk](mailto:customer.service@north-norfolk.gov.uk). Please read the information on the procedure for public speaking at Development Committee on our website or request a copy of "Have Your Say" from Customer Services.

Anyone may take photographs, film or audio-record the proceedings and report on the meeting. You must inform the Chairman if you wish to do so and must not disrupt the meeting. If you are a member of the public and you wish to speak, please be aware that you may be filmed or photographed. Please note that this meeting is livestreamed: <https://www.youtube.com/channel/UCsShJeAVZMS0kSWcz-WyEzq>

*Presentations:* If you wish to view the Officers' presentations for the applications being considered by the Committee please follow the following link:

<https://modgov.north-norfolk.gov.uk/ecCatDisplayClassic.aspx?sch=doc&cat=13644&path=0>

**Emma Denny**

**Democratic Services Manager**

**To:** Cllr P Heinrich, Cllr R Macdonald, Cllr M Batey, Cllr A Brown, Cllr P Fisher, Cllr A Fitch-Tillett, Cllr M Hankins, Cllr V Holliday, Cllr G Mancini-Boyle, Cllr P Neatherway, Cllr J Toye, Cllr K Toye, Cllr A Varley and Cllr L Vickers

**Substitutes:** Cllr T Adams, Cllr P Bailey, Cllr K Bayes, Cllr J Boyle, Cllr S Bütikofer, Cllr N Dixon, Cllr T FitzPatrick, Cllr W Fredericks, Cllr L Paterson, Cllr J Punchard, Cllr C Ringer, Cllr E Spagnola, Cllr E Vardy and Cllr L Withington

All other Members of the Council for information.

Members of the Management Team, appropriate Officers, Press and Public



**If you have any special requirements in order to attend this meeting, please let us know in advance**

If you would like any document in large print, audio, Braille, alternative format or in a different language please contact us

**Chief Executive:** Steve Blatch

**Tel** 01263 513811 **Fax** 01263 515042 **Minicom** 01263 516005

**Email** [districtcouncil@north-norfolk.gov.uk](mailto:districtcouncil@north-norfolk.gov.uk) **Web site** [www.north-norfolk.gov.uk](http://www.north-norfolk.gov.uk)

## A G E N D A

<b>PLEASE NOTE: THE ORDER OF BUSINESS MAY BE CHANGED AT THE DISCRETION OF THE CHAIRMAN</b>
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### **PUBLIC BUSINESS**

**1. CHAIRMAN'S INTRODUCTIONS**

**2. TO RECEIVE APOLOGIES FOR ABSENCE**

**3. SUBSTITUTES**

**4. MINUTES**

(Pages 1 - 32)

To approve as a correct record the Minutes of a meeting of the Committee held on Thursday 9<sup>th</sup> May, Thursday 16<sup>th</sup> May, Thursday 30<sup>th</sup> May and Thursday 13<sup>th</sup> June 2024.

**5. ITEMS OF URGENT BUSINESS**

(a) To determine any other items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B(4)(b) of the Local Government Act 1972.

(b) To consider any objections received to applications which the Head of Planning was authorised to determine at a previous meeting.

**6. ORDER OF BUSINESS**

(a) To consider any requests to defer determination of an application included in this agenda, so as to save any unnecessary waiting by members of the public attending for such applications.

(b) To determine the order of business for the meeting.

**7. DECLARATIONS OF INTEREST**

(Pages 33 - 38)

Members are asked at this stage to declare any interests that they may have in any of the following items on the agenda. The Code of Conduct for Members requires that declarations include the nature of the interest and whether it is a disclosable pecuniary interest. Members are requested to refer to the attached guidance and flowchart.

### **OFFICERS' REPORTS**

**8. BANNINGHAM - PF/22/1068 - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF SINGLE STOREY DETACHED DWELLING AT AMBROSE HOUSE, MILL ROAD, BANNINGHAM NR11 7DT**

(Pages 39 - 50)

**9. WEST BECKHAM - PO/23/2643 - ERECTION OF DWELLING AND CAR PORT WITH ANCILLARY WORKS (ALL MATTERS RESERVED**

(Pages 51 - 86)

**EXCEPT FOR ACCESS) LAND EAST OF WILLIAMS BARN, CHURCH ROAD, WEST BECKHAM, NORFOLK**

10. **CLEY-NEXT-THE-SEA - PF/24/0747 - INSERTION OF 3 WINDOWS IN WESTERN ELEVATION OF BUILDING WITH PERMISSION FOR USE AS A HOTEL/GUEST HOUSE (USE CLASS C1) AT COOKES MARSH, HOLT ROAD, CLEY-NEXT-THE-SEA, HOLT** (Pages 87 - 94)
11. **DILHAM - PF/21/1479 - CONVERSION OF AGRICULTURAL BUILDING WITH ASSOCIATED EXTERNAL ALTERATIONS TO FORM FOUR-BEDROOM HOLIDAY ACCOMMODATION (PART-RETROSPECTIVE) AT AGRICULTURAL BARN, OAK ROAD, DILHAM, NORFOLK, NR28 9PW** (Pages 95 - 106)
12. **DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE** (Pages 107 - 110)
13. **APPEALS SECTION** (Pages 111 - 116)
- (a) New Appeals
  - (b) Inquiries and Hearings – Progress
  - (c) Written Representations Appeals – In Hand
  - (d) Appeal Decisions
  - (e) Court Cases – Progress and Results
14. **DEVELOPMENT COMMITTEE - PERFORMANCE AND IMPROVEMENT REPORT** (Pages 117 - 122)
15. **EXCLUSION OF PRESS AND PUBLIC**

To pass the following resolution, if necessary:-

“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A (as amended) to the Act.”

**PRIVATE BUSINESS**

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## DEVELOPMENT COMMITTEE

Minutes of the meeting of the Development Committee held on Thursday, 9 May 2024 in the Council Chamber - Council Offices at 9.30 am

**Committee Members Present:** Cllr P Heinrich (Chairman) Cllr R Macdonald (Vice-Chairman)  
Cllr M Batey Cllr A Brown  
Cllr A Fitch-Tillett Cllr V Holliday  
Cllr G Mancini-Boyle Cllr J Toye  
Cllr L Vickers

**Substitute Members Present:** Cllr C Ringer

**Officers in Attendance:** Development Manager (DM)  
Senior Planning Officer (SPO-BFC)  
Principal Lawyer (PL)  
Senior Landscape Officer – Arboriculture (SPO-A)  
Democratic Services Officer - Regulatory

**Also in attendance:** Cllr M Taylor  
Cllr K Bayes

### 158 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr A Varley, Cllr P Fisher, Cllr P Neatherway, Cllr K Toye and Cllr M Hankins.

### 159 SUBSTITUTES

Cllr C Ringer was present as a substitute for Cllr K Toye.

### 160 MINUTES

The minutes for the Development Committee meetings held Thursday, 21<sup>st</sup> March and Thursday, 4<sup>th</sup> April were approved as a correct record.

### 161 ITEMS OF URGENT BUSINESS

None.

### 162 DECLARATIONS OF INTEREST

None declared.

### 163 CATFIELD - PF/23/2004 - PART CHANGE OF USE OF EXISTING AGRICULTURAL MACHINERY WORKSHOP/STORE AND HAULAGE DEPOT TO INCORPORATE A CONTAINERISED SELF-STORAGE FACILITY (B8 STORAGE) (RETROSPECTIVE) AT LUDHAM ROAD, CATFIELD FOR MR S HILL.

Officer's report.

The SPO-BFC introduced the Officer's report and recommendation for approval subject to conditions.

He outlined the historic use of the site as an agricultural machinery workshop, store, and haulage depot established after WWII which had been operated as a family-owned businesses. The dwelling, Stanton, had been granted planning permission in January 1975 as an agricultural worker's dwelling and was subject to an occupancy condition ensuring the occupant was either the employer or employed by the adjacent agricultural business. This condition was later removed in April 1991 as the associated business was run down and it was deemed inappropriate and surplus to requirements that the bungalow should be occupied in connection with the business. Later in 1991 permission was obtained to turn the bungalow into an office in association with the business yard. In 1999 Norfolk County Council approved the change of use of the site to a recycle yard and firewood production unit. In March 2000, planning permission was granted to allow the change of use of the office to a dwelling associated with the recycling yard. Due to personal circumstances, the owner sought to move to the site to ensure safety of operations and to exclude public presence on site out of hours. Further, it was determined that 'Stanton' would be inappropriate for occupancy by persons not associated with the business, as it lacked residential amenity.

The Case Officer confirmed that the application was not policy compliant with respect of policies SS1 and SS2 of the North Norfolk Core Strategy but did comply with SS5 of the Core Strategy and paragraph 89 of the NPPF. It was further noted that the operator's license permitted 24 access of the site all year round.

The SPO-BFC advised that the site boundary comprised of a mixture of timber fence, hedge, and corrugated steel. 18 shipping containers measuring approximately 43m in length and between 2.44 and 2.6m in height replaced an existing hedge boundary along the western boundary with Stanton. Concerns had been raised by the owner of Stanton that the proposed development would have a significant adverse impact on their enjoyment of their private garden area. Additional concerns had been raised due to the volume of traffic entering and egressing the site along with noise associated with the operation of the site. In response to these concerns, a vehicle movement survey and acoustic assessment had been undertaken. The Environmental Health Officer had raised no objections subject to conditions restricting hours of use, securing of acoustic measures, drainage, artificial lighting and pest management measures. The vehicle movement survey confirmed that between 3<sup>rd</sup> – 9<sup>th</sup> of December 2023, 5a.m. to 10p.m there were 41 vehicle movements, this compared to 99 vehicle movements per day in the period 2005 to 2016.

The acoustic assessment was carried out at the same time as the vehicle survey. The report concluded that the primary source of noise associated with the existing business was road traffic accessing the site, it was further concluded that noise levels were not particularly high and as such would not adversely affect the area.

It was understood that because of the height and proximity of the shipping containers along the adjoining boundary with Stanton, that there would be some overbearing effects to the detriment of the users of the dwelling and their enjoyment of their private garden area. Moreover, given the position and orientation of the containers are not subject to any degree of control and may change over time, it is considered that the instillation of a 1.8m boundary fence will be required to help soften the boundary between the site and the dwelling.

The SPO-BFC stated that, on balance, whilst there would be some impact to Stanton, many issues could be mitigated against via conditions ensuring proper boundary treatment and restrictions on operational hours. The Case Officer advised that the principle of the scheme was considered to be a departure from North Norfolk Core Strategy Policies SS1 and SS2 but would comply with EN4, EN13, SS5 and Paragraph 89 of the NPPF. Officers considered that there were material considerations which justified a departure from the development plan, including the presence of the existing haulage business on site, environmental benefits with the reduction of 50% of vehicle movements in comparison to the earlier survey, and the scheme was considered to bring economic and social benefits by supporting businesses, communities and private users of the self-storage facility in a rural area.

The SPO-BFC offered images in and around the site including from Stanton.

The DM provided an update to Members following publication of the agenda. He advised that an additional representation had been received from the Parish Council and circulated to Members. The DM advised that the two sites referenced in the letter were not considered by Officers to be relevant in the determination of this scheme. The sites referenced had now been brought to the attention of the enforcement team following the email.

#### Public Speakers

Nicolette Jefferys – Catfield Parish Council  
Glen David Bunting – Objecting  
Graham Tuddenham – Supporting

#### Local Members

- a. The Local Member – Cllr M Taylor – advised that he and his fellow Local Member referred this application to Committee not because they were wholly opposed to the scheme, but because they considered that the conditions proposed were not sufficient and would have an adverse impact on the rights of the occupier of Stanton to enjoy their property. Cllr M Taylor sought the following amendments be imposed should the application be approved:
  1. That the containers be moved by an appropriate distance from Stanton, to ensure they were not visible from the residential dwelling.
  2. Further restrictions on operating hours to remove usage on a Sunday.
  3. Erection of a solidly built acoustic fence with concrete posts and gravel boards to mitigate noise impact.

He argued that these proposed changes were not prohibitive and would positively contribute to the wellbeing of the existing resident who had lived in the property for over 20 years. The Local Member advised this matter had been raised to him over 1 ½ years ago and had been subject to enforcement process resulting in the application before Committee. Cllr M Taylor considered it an appalling situation for the residents physical and mental health in that they were confronted by the wall of metal every time they opened their bedroom window or used their garden. The noise implications from users opening and closing the shipping containers were so severe the occupiers of Stanton had to relocate their bedroom elsewhere in the property in an attempt to escape the noise. The Local Member was not in support of refusal of the application and recognised the benefits from and the need to support local businesses but considered this needed to be weighed in the

balance and be done in a sustainable and sensible way. Cllr M Taylor noted that the 2<sup>nd</sup> and 3<sup>rd</sup> of his amendments had been recommended by the Council's Environmental protection team in an earlier report. Further, he expressed his concern that there was no 24/7 onsite presence and recommended that security gates be added to each row of containers, to be locked up when the site was not in use.

- b. Cllr K Bayes – Local Member – reiterated the same recommendations put forward by Cllr M Taylor, be imposed should the application be approved. He stated that he was not against the proposal in principle but considered that the current conditions attached were not adequate to protect the occupier of Stanton. The Local Member believed that the conditions needed to reflect a fair balance between the operation of the business and the amenity of neighbouring residents, and reflected on the adverse impact the current business, store galore, had on the occupier of Stanton's health and wellbeing. He noted that the access road to the business and Stanton was owned by Anglian Water, and there was no speed restrictions or physical barriers along this road restricting or limiting users who can access the site all hours. The Local Member referenced the Environmental Health Team's report and the right of residents to adequate privacy levels and excessive noise, stating that he was shocked on attending the site by the solid row of blue shipping containers forming a barrier with Stanton and the noise experienced from users accessing the shipping containers. The Local Member was critical of the traffic survey conducted which did not reflect the observations of the local resident.

#### Members Debate

- a. Cllr G Mancini-Boyle expressed sympathy with the local resident, and asked what, if any, consultation was undertaken to determine the operational hours? He suggested it may be more appropriate to reduce the operational hours to limit the shipping containers being accessed late at night.
- b. The SPO – BFC advised that no consultation had been undertaken with local businesses with respect of opening hours. Consideration was given to the historic operational hours which were unlimited, and the consultation response from Environmental Health.
- c. The DM reiterated the Environmental Health suggestion that the operational hours be limited to 7am-8pm Monday to Friday, 7am – 6pm Saturday and closure on Sunday, Bank and Public Holidays. The applicant had put forward their own requested operational hours which were beyond Environmental Health's suggestion. The DM reflected that the Committee in their determination needed consider the balance between the benefits of the scheme against the harms arising to local residents.
- d. Cllr G Mancini-Boyle noted the traffic assessment and considered that the reduction in traffic may justify reduction in opening hours.
- e. The SPO-BFG stated the 50% reduction in traffic movement was in comparison to historic use of the site.
- f. The Chairman noted the historic haulage operation on site allowed for 24/7-hour use, however reflected this proposal was not for a haulage operation, therefore question whether historic use and permissions should be given

much consideration.

- g. The DM advised that each application must be considered on its merits. He also reflected it was important to consider the fallback position in planning terms should the application be refused. The landowner in this instance could choose to revert back to the 24/7-day haulage business which would have a greater impact on residents. The DM advocated for a balanced compromised approach allowing the business to exist without causing adverse harm to the amenity of adjoining properties. Should conditions imposed be breached, this would be a matter for the enforcement team to address.
- h. Cllr J Toye expressed his support for the Environmental Health Team's suggestions, which he considered addressed the concerns put forward by Local Members. With respect of comparative use, whereas vehicle movements could be directly compared, the noise generated from reversing HGV's and the opening and closing of shipping containers was markedly different. He argued that more could be done to limit noise disturbances including a planting scheme in addition to the wooden acoustic fence which would offer a natural acoustic boundary. Cllr J Toye proposed the conditions outlined by Environmental Health be conditioned.
- i. The DM cautioned that the applicant had requested 107 containers on the site, should the boundary between the operational site and Stanton be widened, this may impact the operational functionality of the storage facility. The suggestion that the containers would not be visible from Stanton maybe beyond what could be regarded as reasonable.
- j. Cllr J Toye agreed that even with an acoustic fence it would be reasonable that the containers would be visible from Stanton.
- k. The DM advised that discussion was ongoing regarding the boundary line, though it was understood that the telegraph pole was on the boundary. The DM reflected that planting may not offer the same level of acoustic protection as an acoustic fence.
- l. Cllr J Toye commented that the planting scheme was a suggestion but did not form part of his proposal.
- m. Cllr L Vickers agreed with Cllr J Toye regarding the imposition of an acoustic fence. She considered it would be acceptable to have the shipping containers moved back a few feet allowing for a gap between the containers and the acoustic fence on the boundary.
- n. Cllr V Holliday expressed her support the suggestions put forward by Environmental Health. She noted that within the planning balance both economic and social benefits were considered, and questioned what the economic benefits of this scheme were, including number of employees, whether the business was based in Catfield or elsewhere?
- o. The DM was unable to confirm where the business was based and commented that the applicant had not in the application form detailed the number of jobs associated with the site. With respect of benefits from the proposal, he reflected that many households made use of storage facilities.
- p. Cllr A Fitch-Tillett proposed acceptance of the application inclusive of the

Environmental Health's conditions (as outlined by Cllr J Toye) and the 3 conditions put forward by the Local Members: the provision of acoustic fencing, moving of the shipping containers away from the boundary to an appropriate distance, and closure on a Sunday.

- q. The DM noted the Local Members also suggested use of a security fence to restrict access into the site. He reflected that implementation of the condition would need to be proportionate, and a discussion would need to take place with the applicant regarding how access to the site could be managed.
- r. The PL advised that condition 7 could be expanded to restrict visitors to the development during prohibited hours.
- s. Cllr J Toye seconded the recommendation.

**UNANIMOUSLY RESOLVED** by 10 votes for.

**That Planning Application PF/23/2004 be APPROVED subject to conditions recommended by Environmental health, and those detailed by Local Members. Final wording to be delegated to the Assistant Director – Planning.**

**164 LAND AT DAM HILL PLANTATION - TPO/24/1036 - TO CONSIDER WHETHER TO CONFIRM A TREE PRESERVATION ORDER (TPO) TO PROTECT AN AREA OF WOODLAND NNDC TPO (EDGEFIELD) 2023 NO.23 SHOULD BE CONFIRMED.**

Officer's report

The SLO-A introduced the Officer's report and recommendation that the TPO be confirmed without modifications.

She outlined the site's location, historical context including aerial photographs showing the ancient woodland. The site was located in close proximity to the Holt Lowes SSSI a nationally important heathland and wetland, Holt County Park wildlife site, Edgefield Heath Country wildlife site, Holt Quarry and Edgefield Heath Quarry both geodiversity sites. The site was contained within the Glaven Valley conservation area with outfall to the river from Dam Hill.

The site had been subject to prior planning notifications in May, September and October 2023 – detailed in the officer's report. Concerns were raised about the agriculture report with several trees missing within the plans but visible on site. Officers subsequently became aware that the engineering works to create the access road had resulted in some damage to trees.

The site was subject to two separate felling licenses. It was considered that the felling of the conifers to thin the site had been positive in the management of the site, creating a much better compartment structure.

An exemption certificate was submitted in August 2023 for a camping and caravan site – an illustration was provided of the site map.

The SLO-A spoke highly of the tranquil landscape and special woodland setting which has been adversely impacted by recent works. An enforcement case was

ongoing. Images were provided demonstrating the damage including that to an ancient pollard oak tree, a portion of its roots had been severed by engineering works. It was noted that within the NPPF ancient trees were classed as irreplaceable habitat.

#### Public Speaker's

None.

#### Member's debate

- i. The Local Member – Cllr A Brown - advised that recent changes to the site were a matter of concern for the local community. He was surprised the site was not given designation beyond the Glaven Valley Conservation Area designation as it was an especially sensitive environment. He failed to understand how the applicant had conducted excavation works in such close proximity to the ancient woodland, which would be irreplaceable if damaged. The Local Member noted the owners track record but focused on the damage to the trees on this site. He proposed confirmation of the tree preservation order as set out in the officer's report.
- ii. Cllr J Toye seconded the motion.
- iii. Cllr L Vickers asked if the Oak was salvageable and would survive.
- iv. The SLO-A was unable to confirm at this time.
- v. Cllr C Ringer endorsed comments made by the Local Member. He enquired if the works undertaken were permitted within the exception license for the Shepard Hut, and if, when the license was up for renewal, if the damage inflicted on the site would be a material consideration for future granting.
- vi. The DM advised that some of the development within the site may be classed as permitted development provided it complied with exception permission, other developments however would require planning permission through an application. He noted that there was a live enforcement case and appeal ongoing for the site. The DM expressed his concern how exception licenses were granted by Natural England which were granted to an organiser as opposed to a specific site, and noted instances where exemption certificates were used on land which would typically require planning permission. The exemption process does not negate the need of the applicant to submit a regulation 77 application. The DM advised that in this instance the applicant had sought to pay their GIRAMS tariff.
- vii. Cllr C Ringer asked if more could be done to strengthen protection of the site including seeking special designation for the site.
- viii. The SLO-A stated that she had made a representation to the Norfolk Biodiversity information service who hold the records for ancient woodlands, seeking designation of the ancient woodland.
- ix. Cllr M Batey expressed his support for the protection of the site.

**UNANIMOUSLY RESOLVED** by 10 votes for

**That TPO/24/1036 be confirmed.**

The DM suggested that Officer's write to Natural England raising concern about the process and impact on the environment. This was endorsed by the Committee.

**165 DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE**

- i. The DM introduced the Development Management Report and spoke highly of the speed of decisions. It was noted that there had been recent poor performance for the quality of decisions with one major decision allowed in Bacton – though still within NNDC and governmental targets.
- ii. The PL advised the Milestone former Hospital was out for signature and was expected to complete within the month.
- iii. Cllr A Brown asked how the Thursford application was progressing.
- iv. The PL advised that discussion was ongoing. The applicant were keen to see an expansion beyond what Officer's interpreted the Committee had resolved. This had been a very time-consuming process for a single dwelling application.
- v. The DM advised that should negotiation fail to proceed that a report was drafted, ready to be presented to the Committee.

**166 APPEALS SECTION**

- i. The DM introduced the appeals report and invited questions from the Committee.
- ii. Cllr C ringer noted the decision reached at Baconsthorpe. He suggested this may want to be referenced in communication to Natural England, noting that residents had already taken the matter up with Natural England.

**167 EXCLUSION OF PRESS AND PUBLIC**

None.

The meeting ended at 10.43 am.

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Chairman

# Public Document Pack

## DEVELOPMENT COMMITTEE

Minutes of the meeting of the Development Committee held on Thursday, 16 May 2024  
in the Council Chamber - Council Offices at 9.30 am

**Committee Members Present:** Cllr P Heinrich (Chairman) Cllr R Macdonald (Vice-Chairman)  
Cllr A Brown Cllr P Fisher  
Cllr A Fitch-Tillett Cllr M Hankins  
Cllr V Holliday Cllr G Mancini-Boyle  
Cllr P Neatherway Cllr J Toye  
Cllr A Varley

**Substitute Members Present** Cllr C Ringer

**Officers in Attendance:** Development Manager (DM)  
Principal Lawyer (PL)  
Senior Planning Officer (SPO)  
Democratic Services Officer – Governance

**Also in attendance:** Cllr T FitzPatrick

### 1 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr M Batey and Cllr L Vickers.

### 2 SUBSTITUTES

Cllr C Ringer was present as a substitute for Cllr M Batey.

### 3 ITEMS OF URGENT BUSINESS

None.

### 4 DECLARATIONS OF INTEREST

None.

### 5 BARSHAM - PF/23/2569 - ERECTION OF BUILDING TO PROVIDE PADEL TENNIS FACILITY WITH TWO INDOOR COURTS, CHANGING FACILITIES, BAR AND SITTING AREA; CONSTRUCTION OF OUTDOOR COURT AND PARKING AREA AT LAND AT WATERHOUSE FARM, WATERHOUSE, FAKENHAM, NORFOLK NR21 0LA FOR MR M GOODLEY

#### Officer's report

The SPO introduced the Officer's report and recommendation for approval. She outlined the site location within the wider landscape and proposed site plan, including landscaping, proposed elevations, and images in and around the site. The Case Officer confirmed the key issues for the application and advised that the proposal was recommended for refusal owing to its countryside location,

accessibility, lack of information and justification for farm diversification and, lack of justification of a new tourist attraction in the countryside.

### Public speakers

James Goodly – Supporting

The DM recited an additional letter of support received from Mr Stuart Laws – Vice Chairman of the Parish Council. It was noted that the communication was not from the Parish Council itself.

### Local Member

The Local Member – Cllr T FitzPatrick – expressed his support for the application which he considered was a much-needed facility. He reflected that farms needed to diversify to survive and considered that family generational farming should be supported through this transition, particularly in this instance which offered an alternative to diversification through holiday accommodation.

The Local Member stated that the facility would be easily walkable from Fakenham and could be easily accessed by vehicles as it was located off the A148. Cllr T FitzPatrick affirmed that there was an ongoing obesity crisis with residents lacking appropriate facilities to exercise in rural communities. He noted that Paddle was the fastest growing sport in the world and was considered to be easy to learn.

Further, the Local Member noted the tremendous support for the proposal from the community as well as from the Leader of the Council. The proposal additionally received support from the local enterprise partnership.

### Other Members

The DM recited a letter received from the Leader of the Council, Cllr T Adams, who expressed support for the application. Cllr T Adams considered the application was of some strategic importance as an opportunity to increase sports provision in the district. He recognised it was atypical for the Leader to address the Committee, but considered this application justified communication. He recognised there was a consensus of support from consultees and the community, with no objections received. Further, it was noted that the application received the support of the Economic Growth and Tourism Manager. It was understood that the applicant had secured finance and funding for the application, though this was at risk if the application was refused.

Whilst appreciating the policy considerations outlined by Officers, he considered the material benefits of the scheme justified departure from planning policy on this occasion.

### Members debate and discussion

- i. The DM noted Members were asked to consider a number of competing issues. Officers recognised the health and wellbeing benefits of the scheme, but considered these did not outweigh accessibility considerations and issues with accessing the facility on foot, having to cross a busy carriageway. He reflected that the applicant had been asked to explore alternate sites

closer to built settlements, however details provided were considered to be lacking.

- ii. Cllr J Toye expressed support for the proposal and considered the future expansion of Fakenham, improvements to highway networks and reflected on the need for farm diversification.
- iii. Cllr P Neatherway reflected on the erection of a sports centre in Essex which had been a tremendous success. He accepted Officers concerns regarding accessibility and the reliance on car usage, but argued there was a strong need for such a facility for the benefit of younger residents in this area of the district.
- iv. Cllr G Mancini-Boyle echoed support for the application and noted the lack of objection from the Highway Authority.
- v. Cllr C Ringer asked if there was any provision for cycle parking on site, and asked if this could be conditioned. Additionally, was their provision for electric vehicle parking, and could this also be conditioned?
- vi. Cllr A Fitch-Tillett noted Officer concern that children may walk to the site crossing a busy road.
- vii. The DM clarified that the poor pedestrian access to the site would encourage additional vehicle movements, he encouraged enhancements to the scheme to improve accessibility.
- viii. Cllr A Fitch-Tillett recognised the desperate need for health facilities for young people in the district.
- ix. Cllr A Brown was supportive of the purpose of the scheme. He considered the alternate sites identified in the Officer's report and expressed a preference for site 5, however recognised that a pragmatic approach needed to be taken, noting the funding may not be otherwise secured. Cllr A Brown noted access to the site from the road would be primarily to the facility and not the adjacent farm. Further, the expansion of Fakenham would likely result in highway improvements. He reflected there to be a lack of information for the justification farm diversification and for the alternate sites, which made the application more difficult to consider.
- x. Cllr V Holliday expressed her support for exercise, particularly for children, through considered there shouldn't be a reliance on vehicles to access the facility to exercise. She calculated that with hybrid cars and modest usage the facility would generate 1.47 tons of CO<sub>2</sub> a year, resulting in a sustainability issue. Cllr V Holliday asked if the glass could be reduced visible light transmission glass, in aid of dark skies.
- xi. Cllr G Mancini-Boyle reflected that the facility was proposed for that location given the proximity to existing utilities.
- xii. Cllr V Holliday proposed acceptance of the Officer recommendation for refusal. Cllr Fisher seconded the motion.

**THE VOTE WAS LOST** by 3 votes for and 10 votes against.

- xiii. The DM reflected on the Members debate and noted that Members placed greater weight on the health and wellbeing benefits offered by the scheme, which the Committee considered outweighed accessibility concerns.
- xiv. Cllr A Fitch-Tillett proposed acceptance of the proposal. She considered weight needed to be given to small family farm diversification and the health and wellbeing benefits the proposal would bring, particularly to young people.
- xv. Cllr A Brown seconded the motion. He distinguished approval of this application despite policy constraints was justified as the application site lay in the shadow of the Fakenham extension.
- xvi. Cllr J Toye agreed that the known future expansion of Fakenham provided additional justification for the application in this area. Cllr J Toye endorsed the proposed conditions identified by Cllr C Ringer.

**RESOLVED** by 11 votes for, 1 against and 1 abstention

**That Planning Application PF/23/2569 be approved. Final wording to be delegated to the Assistant Director – Planning.**

The meeting ended at 10.17 am.

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Chairman

## DEVELOPMENT COMMITTEE

Minutes of the meeting of the Development Committee held on Thursday, 30 May 2024  
in the Council Chamber - Council Offices at 9.30 am

**Committee Members Present:**

Cllr P Heinrich (Chairman)	Cllr A Brown
Cllr P Fisher	Cllr A Fitch-Tillett
Cllr M Hankins	Cllr V Holliday
Cllr P Neatherway	Cllr J Toye
Cllr K Toye	Cllr A Varley
Cllr L Vickers	

**Substitute Members Present:**

Cllr C Ringer

**Officers in Attendance:**

Development Manager (DM)  
Principal Lawyer (PL)  
Senior Planning Officer (SPO)  
Senior Planning Officer – JB (SPO-JB)  
Planning Officer (PO)  
Household Planning Assistant (HPA)  
Democratic Services Officer – Governance

### 6 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies were received from Cllr M Batey, Cllr G Mancini-Boyle, and Cllr R Macdonald.

### 7 SUBSTITUTES

Cllr C Ringer present as a substitute for Cllr M Batey.

### 8 ITEMS OF URGENT BUSINESS

None.

### 9 DECLARATIONS OF INTEREST

Cllr V Holliday advised she would abstain from voting on application PF/24/0348.

### 10 HOLT - PF/24/0246 - ERECTION OF 3 NO. DETACHED DWELLINGS ON LAND ON THE EAST SIDE OF GARDEN HOUSE, PEACOCK LANE, HOLT, NR25 6HD

#### Officer's Report

The SPO introduced the Officer's reports and affirmed the recommendation for refusal, per Highways objections. The item was referred to committee by the local member, Cllr M Batey, who was critical of the Highways objection and considered there to be public interest in the item.

It was noted that the site was situated within the settlement boundary of Holt, located within the Conservation Area and subject to an area settlement TPO. An aerial of the

image of the site was shown as well as proposed floor plans and elevations and image in and around the site and peacock lane.

### Public Speakers

Maggie Prior – Holt Town Council  
William Dunne – Supporting

### Local Member

Cllr C Ringer recited a statement prepared by the Local Member- Cllr M Batey who was unable to attend the meeting. Cllr M Batey considered the application was of public interest and would be best addressed by the Committee.

### Highways

The Highway's Authority representative advised that Peacock Lane had been subject to some development in the form of replacement dwellings. He noted in the last 15 years there had been approximately 3 applications on Peacock Lane for new dwellings which had either been granted on appeal or by Development Committee. The Highways Authority did not consider Peacock Lane suitable for further development, the fundamental issue being around the access and the concentrated movements arising from additional dwellings. The Highways Officer advised that for each dwelling there would be approximately 6 daily movements, increasing the level of use by approximately 18 cars per day down the narrow junction. Further, the lack of pedestrian facilities would increase the risk of conflict between pedestrians and vehicles.

The Chairman enquired about accident record for Peacock Lane. The Highway's Officer advised that there were no recorded personal injury accidents on Peacock Lane that he was aware of.

### Members Debate

- i. Cllr J Toye considered, with the exception of Highways concerns, the application was acceptable in all other respects. Councillor J Toye was critical of the vehicle movement database and the information used in the database to form the response. He reflected that Peacock Lane was estimated to serve between 70-80 dwellings, if each dwelling resulted in 6 vehicle movements per day, this would be around 3.75 – 4% of vehicle traffic, something he considered to be an insignificant number. Further Cllr J Toye noted the proximity of Peacock Lane to Holt Town centre and considered that residents would be able to utilise other means of transport to access the town including walking and or cycling.
- ii. Cllr C Ringer echoed comments made by Cllr J Toye that in almost all other respect the application was policy compliant. Whilst accepting the Highways Officers comments relating to replacement development, he considered there to be a marked difference in the traffic generated from the former businesses on peacock lane and that the proposed dwellings. He believed that the traffic generated would be lesser than that of the sites former use. Cllr C Ringer understood anecdotally that the relocation of the post office from the junction of Peacock Lane has improved road safety. He agreed with Cllr J Toye that the site was located within easy walking distance of the town and would be safe owing to the cut through path. Cllr C Ringer reflected on the historic

nature of the town and of its road network, he considered that the junction with Peacock Lane was typical for the Georgian town. He was reticent to see development pushed to the periphery of the town where there would be a reliance on cars.

- iii. Cllr K Toye enquired what pedestrian awareness signs were in situ on the road to remind road users of pedestrian safety, further she asked if the pathway to town was in good condition. Given the lack of personal accident reporting of the road, and its proximity to the town, Cllr K Toye expressed her support for the application.
- iv. Cllr V Holliday proposed acceptance of the Officer's recommendation and reflected on her experience as a GP driving around Holt. She considered the junction to be very dangerous and was critical of the personal injury accident recording, as she believed from personal experience that many accidents went unrecorded.
- v. Cllr P Fisher noted the historic businesses on Peacock Lane, which operated before the introduction of the Holt by-pass. The introduction of the by-pass subsequently re-directed traffic away from the junction with Peacock Lane. He asked if there was any data of the impact of the by-pass?
- vi. The Chairman seconded the Officer's recommendation.

**THE VOTE WAS LOST** by 2 votes for, and 10 votes against.

- vii. The DM noted Member's comments that they did not consider that the Highways impact would be as severe as presented by the Highway's Authority to the Committee, rather the Committee broadly placed greater weight on the benefits of the dwellings and of the sustainability of the location, which they considered outweighed Highway harm.
- viii. Cllr J Toye supported the summary provided by the DM, and further considered the traffic impact assessment was misleading and the volume of traffic generated from the proposal would be insignificant. He proposed acceptance of the application.
- ix. Cllr L Vickers seconded the motion.

**IT WAS RESOLVED** by 10 votes for and 2 against.

**That Planning application PF/24/0246 be APPROVED. Final wording to be delegated to the Assistant Director – Planning.**

- 11 **BRADFIELD - PF/23/1580 - STATIONING OF CARAVAN FOR A MIXED USE COMPRISING SHORT TERM RESIDENTIAL RETREAT / HOLIDAY ACCOMMODATION FOR CARERS AND PEOPLE FROM A CARING PROFESSION (UP TO 84 DAYS PER ANNUM); HOSTED RETREATS FOR CARERS AND PEOPLE FROM A CARING PROFESSION (UP TO 18 DAYS PER ANNUM); FULL-DAY AND HALF-DAY THERAPEUTIC RETREATS FOR CARERS AND PEOPLE FROM A CARING PROFESSION INCLUDING OVERNIGHT ACCOMMODATION FOR THE SITE MANAGER / OPERATOR (UP TO 66 DAYS PER ANNUM) AT LAND EAST OF LINCOLN COTTAGE (KNOWN AS THE COTTAGE), COMMON ROAD, BRADFIELD COMMON, BRADFIELD, NORFOLK**

### Officer's Report

The SPO-JB introduced the Officer's report and recommendation for refusal. He affirmed the site's rural location, proposed site plan, including extensive landscaping resulting to ecological enhancements, photos of the caravan (pre-enhancement) and surrounding landscape. Details were provided for the proposed breakdown of use of the caravan and anticipated number of vehicle movements.

The key issue for consideration was the principle of development. It was noted that the application proposed mixed use which would bring some wellbeing benefits, however Officer's considered the application would principally be classed as residential or tourism use. As such, Officer's did not consider the application site suitable for this form of development having regard to the strategic objectives of the development plan, or the aims of the NPPF with respect of sustainable development.

### Public Speakers

Mark Watts – Objecting  
Isobel Claire-Walters – Supporting

### Local Member

Cllr P Neatherway stated that whilst the therapeutic offering would likely be welcomed by many, he expressed concern with the site's location for such a development, particularly with the narrowness of the roads in the local highway network. He was critical of how use of the site would be monitored given its triple use class and considered this unenforceable.

### Members Discussion

- i. Cllr A Fitch-Tillett shared in Cllr P Neatherway's comments that the wellbeing service was welcomed, but not in this location. She agreed that additional traffic on the narrow Bradfield roads should be avoided. Cllr A Fitch-Tillett proposed acceptance of the Officer's recommendation, with a heavy heart.
- ii. Cllr P Neatherway seconded the motion.

**RESOLVED** by 9 votes for and 3 abstentions.

**That the application be REFUSED in accordance with the Officer's recommendation.**

- 12 **WEST RAYNHAM - PF/23/2330 - DEMOLITION OF EXISTING GARAGE WORKSHOPS AND CONSTRUCTION OF NEW SINGLE STOREY DWELLING AT WEST RAYNHAM AUTO CLINIC, MASSINGHAM ROAD, WEST RAYNHAM, FAKENHAM, NORFOLK, NR21 7AJ**

### Officer's Report

The PO introduced the Officer's report and recommendation for approval. She noted the relevant planning history for the site including recent refusal in September 2023. Images of the site were provided, along with proposed and exiting elevations, proposed site plan including the biological treatment component which would serve

this and the neighbouring dwelling – and would make the development Nutrient Neutral.

The proposal for a new market dwelling in the countryside was considered contrary to NNDC core strategy policies SS1 and SS2, however prior issues with design had been resolved, GIRAM's payment received, and matter of Nutrient Neutrality resolved, and, as the local authority were unable to demonstrate a 5-year Housing Land supply, the tilted balance, as set out in the NPPF must be engaged. Officers considered their sufficient reasons to outweigh the policy conflict and therefore the application should be approved.

### Public Speakers

Kevin Jolliff – Supporting

### Members Discussion

- i. Cllr A Varley thanked the case officer for her thorough report. He did not consider there to be any detrimental harm arising from the scheme and stated it would be an improvement on land landscape and street scene. He proposed acceptance of the officer's recommendation for approval.
- ii. Cllr C Ringer seconded the motion, and agreed it was an improvement on the existing.
- iii. Cllr C Vickers considered the proposal would be a significant improvement on the street scene and would result in a reduction in traffic movements.
- iv. Cllr M Hankins enquired about the condition for the removal if contamination from the site and risk assessment.
- v. The DM advised if contaminated materials were found on site, there would need to be remediation work undertaken. It would be for the owner to ensure remediation works, if required, were undertaken.
- vi. Cllr V Holliday expressed concern for the loss of the car repair facility, she asked where the nearest alternate venue would be. Additionally, she understood that there would be some monitoring of septic tank upgrades and asked how the nutrient effluence would be monitored, and if this could be conditioned.
- vii. The DM advised that a nutrient calculation had been submitted by the applicant, and confirmed the current nutrient output would be assessed and used as a comparative with the package treatment plant to be installed as part of the proposal. The legal agreement was proposed to ensure that the package treatment plant could be delivered.
- viii. Cllr V Holliday argued that effluent monitoring should occur, and with this being the first of perhaps many applications utilising package treatment works, it would be beneficial to ensure the process was in place.
- ix. The DM advised that monitoring responsibility would rest with the owners of the site, and not a matter for the district council to monitor individual package treatment plants, which would be resource intensive.

- x. Cllr J Toye advised he had a package treatment plant, and he was responsible in ensuring the Environment Agency would access to take samples, and the Environment Agency were responsible for monitoring. Cllr J Toye considered the proposal to be a sensible re-use of the site.

**UNANIMOUSLY RESOLVED** by 12 votes for.

**That Planning Application PF/23/2330 be APPORVED in accordance with the Officer's recommendation.**

**13 BLAKENEY - PF/24/0348 - ERECTION OF TWO-STOREY FRONT EXTENSION, RAISING OF ROOF OF SINGLE-STOREY SIDE EXTENSIONS, INSERTION OF DORMER WINDOWS ON FRONT AND REAR AND EXTERNAL ALTERATIONS AT 29 THE PASTURES, BLAKENEY, HOLT, NORFOLK, NR25 7LY**

Officer's Report

The PO introduced the Officer's report and recommendation for approval. She outlined the recent planning application for the site, detailed in the agenda pack. The Case Officer affirmed the sites' location, site plan, proposed and existing floor plans and elevations, and images of the site. It was noted that the first-floor bedroom window, overlooking neighbouring property on the western elevation would be removed as part of the proposal. The current proposal sought to address the reasons for refusal for the previous application (PF/23/2642) by a redesign and a reduction in size of the proposed rear dormer and the submission of Primary Roost Assessment. The scheme was considered to comply with NNDC core Strategy Policies SS3, EN1 , EN 2, EN4 and CT5. The prior scheme was also considered to be acceptable in principle and was not objected to by the Parish Council on residential amenity grounds.

Public Speakers

Rosemary Thew – Blakeny Parish Council  
Jordan Cribb – Supporting

Local Member

The Local Member – Cllr V Holliday – affirmed the community's objection to the proposal, principally due to concerns of overlooking and loss of privacy for neighbours. She noted that the two new dormers would be higher and wider than that already existing which would contribute to further overlooking the neighbour's private outdoor space. The Local Member referenced The North Norfolk Design Guide which states that 'rooms and windows should not create significant overlooking of any other dwelling windows or private garden areas or should they lead to any overbearing impacts'. Further, the current local plan policy states that 'proposals should not have a significant detrimental effect on residential amenity of nearby occupiers' and the emerging local plan states that 'development will not be allowed which causes unacceptable impacts on the amenity of neighbouring occupants'

The Local Member took issue with the separation distance between proposed windows and the neighbours garden (16 meters) which she considered would have a significant detrimental impact. She noted that NNDC classified bedrooms

differently from other Local Authorities including Broadland and South Norfolk which class bedrooms as primary habitable space. Cllr V Holiday suggested outdoor living space be given the same status as indoor living space, which would make the 16m distance insufficient. The Local Member encouraged the Committee refuse the application.

#### Members Discussion

- i. Cllr P Neatherway asked images to be redisplayed of the view from the first-floor windows facing the neighbouring property and enquired about the height of the current window.
- ii. The PO advised the images were taken facing straight on and the height from which they were taken.
- iii. Cllr L Vickers sought confirmation that the window facing the neighbouring property patio and dining area would be removed.
- iv. The PO confirmed the first-floor window on the western elevation would be removed.
- v. Cllr A Varley thanked the Case Officer for her thorough report. Whilst respecting the views of the local member, he contended that the application would not have an adverse impact on neighbouring properties or the wider community and landscape. He was further encouraged by the ecology report and the conditions proposed. Cllr A Varley proposed acceptance of the officer's recommendation for approval.
- vi. Cllr J Toye seconded the motion.

**RESOLVED** by 11 votes for and 1 abstention.

**That Planning Application PF/24/0348 be APPROVED in accordance with the Officer's recommendation.**

#### **14 NORTH WALSHAM - PF/24/0795 - TWO STOREY REAR EXTENSION AND SINGLE STOREY SIDE EXTENSION TO DWELLING AT 1 MILLFIELD ROAD NORTH WALSHAM NORFOLK**

- i. The Chairman noted that the Local Member, Cllr L Shires, had sought delegated approval, however the report had been drafted prior to this communication due to scheduling.
- ii. The HPA introduced the Officers report and recommendation for approval, he outlined the site's location, existing and proposed floor plans and elevations, and images of the site.
- iii. The Chairman proposed acceptance of the Officers recommendation
- iv. Cllr A Varley seconded.

**UNANIMOUSLY RESOLVED** by 12 votes for.

**That Planning Application PF/24/0795 be APPROVED in accordance with the Officer's recommendation.**

## **15 DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE**

The DM confirmed 1 Major decision had been reached in the month in time, and 79 non-major decisions for the same period. The Local Planning Authority continued to perform well and was well within government thresholds for the quality of decision making.

The S106 appendix was noted.

## **16 APPEALS SECTION**

- i. The DM offered an update to the appeals report and advised that a decision had been reached for the Thurning applications which both went in favour of the Council, and against it. He noted that the cost award sought by the appellant was refused by the Planning Inspector.
- ii. Cllr C Ringer enquired about the decision reached at East Beckham and whether the Norfolk County Council decision to allow the recycling facility would have an impact.
- iii. The DM considered there would likely be an impact and the Enforcement Manager would monitor the situation.

## **17 EXCLUSION OF PRESS AND PUBLIC**

The meeting ended at 11.00am

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Chairman

## DEVELOPMENT COMMITTEE

Minutes of the meeting of the Development Committee held on Thursday, 13 June 2024 in the Council Chamber - Council Offices at 9.30 am

**Committee Members Present:** Cllr P Heinrich (Chairman) Cllr R Macdonald (Vice-Chairman)  
Cllr P Fisher Cllr M Hankins  
Cllr V Holliday Cllr J Toye  
Cllr A Varley Cllr L Vickers

**Substitute Members Present:** Cllr C Ringer  
Cllr J Boyle  
Cllr L Paterson

**Officers in Attendance:** Development Manager (DM)  
Principal Lawyer (PL)  
Senior Planning Officer (SPO)  
Senior Planning Officer – MA (SPO-MA)  
Development Management Team Leaser (DMTL)

**Also in attendance:** Cllr P Porter  
Cllr H Blathwayt

### 18 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr M Batey, Cllr A Brown, Cllr A Fitch-Tillett, Cllr G Mancini-Boyle. Cllr P Neatherway, and Cllr K Toye.

### 19 SUBSTITUTES

Cllr C Ringer was present as a substitute for Cllr M Batey.  
Cllr J Boyle was present as a substitute for Cllr K Toye.  
Cllr L Paterson was present as a substitute for Cllr P Neatherway.

### 20 ITEMS OF URGENT BUSINESS

None.

### 21 DECLARATIONS OF INTEREST

Cllr V Holliday advised she would abstain from voting on agenda item 10.

Cllr L Paterson declared a non-pecuniary interest in agenda item 7, he knew the landowner and confirmed they were not a friend or family member.

### 22 BACTON - PF/23/1612 - HYBRID PLANNING APPLICATION SEEKING: DETAILED/FULL PLANNING PERMISSION FOR 47 DWELLINGS (AFFORDABLE HOMES), ASSOCIATED INFRASTRUCTURE AND OPEN SPACE ON 2.80 HECTARES OF LAND (NORTHERN PART OF FIELD BETWEEN COAST ROAD AND MILL LANE) AND ACCESS/HIGHWAYS WORKS; AND 2. OUTLINE PLANNING PERMISSION (ALL MATTERS RESERVED) FOR

## **VILLAGE OPEN SPACE AND CAR PARKING ON 0.65 HECTARES OF LAND (SOUTHERN PART OF FIELD ALONG COAST ROAD FRONTAGE)**

### Officer's Report

The SPO introduced the application and recommendation for approval subject to conditions. He provided an update to the report with respect of the County Council response and confirmed the response remained valid. Additionally, a late representation was received with respect to the historic environment, it was noted that the closest listed buildings were to the southwest of the village hall and that there may be some harm arising to those heritage assets by consequence of the proposal. The SPO advised that the degree of harm was considered to be extremely modest.

The Case Officer outlined the site's location and relationship within the local setting and affirmed the key elements of the proposal as identified in the Officer's report. It was noted that the front portion of the proposed site fell within the settlement boundary, with the rear portion in the designated countryside within policy terms. Samples of site elevations were shown to demonstrated form and use of materials. Images in and around the site were provided by the SPO.

The second portion of the proposal related to the outline element of the scheme (south of the village hall). The outline consent sought permission for Car Parking area to be taken on by the Council, Footpath connecting the housing development and Coast Road to the South, Public open space including play space, and hedgerows and landscaping.

### Public Speakers

Elaine Pugh – Bacton Parish Council  
John Long – Supporting

### Local Member

The Local Member – Cllr P Porter – considered this to be a large development for a relatively small village, which would likely change the character of the village as a consequence. Despite the traffic survey she remained concerned with the volume of traffic joining Coast Road. Additionally, the Local Member queried whether there was sufficient availability in local schools and the doctor's surgery needed to support the development. Cllr P Porter stressed, should the application be approved, the priority would be given to Local People, specifically those from Bacton and neighbouring parishes for the affordable homes.

### Members discussion and debate

- i. Cllr L Paterson asked for additional detail regarding the impact of Coastal erosion on the site. He enquired about the density of housing of the proposal in context of planning policy. Cllr L Paterson sought assurance that the carpark would be protected from anti-social behaviour, as he was concerned that it may be used as an unauthorised campsite. Finally, he questioned the justification for 47 affordable homes and not another figure.
- ii. The SPO recognised the site was within a Coastal location, though it did not appear listed on erosion constraint mapping. He understood the site was not to be at reasonable risk of coastal erosion within the next century. With

respect of density, the proposal was for approximately 16.8 dwellings per hectare, falling short of the 30 dwellings per hectare under policy HO7, the decision to achieve few dwellings per hectare on the site was reflective of the rural nature of the village and the need to not overpopulate the setting. The SPO stated that details regarding management of the carpark including gates could be presented at the reserve matter stage. The proposal had been subject to extensive pre application discussions the SPO was unable to confirm why 47 dwellings was decided upon and not another figure.

- iii. The DM confirmed the Housing Team had discussed the application at length. Housing Officers had reflected on the identified housing need when arriving at their comments. The DM advised that in an allocation site it would not be possible to limit occupancy of the social homes to those already residing in the village, and that anyone from the housing register would be able to apply. The exception housing by contrast could be subject to a legal agreement which specifies that resident of the parish would be given first priority before allocation was opened up to the wider district. This application a hybrid comprising of both elements.
- iv. Cllr L Paterson noted the site was located 160m from the eroding Coast and expressed some concern that the Coastal team had not been consulted.
- v. The SPO confirmed the Coastal Team had not been consulted as the site did not fall within the erosion constraint map.
- vi. The DM advised that a carpark management plan could be requested as part of the outline application and then secured under reserve matters. With respect of Coastal Erosion, it was recognised that a nationally significant piece of infrastructure was located close to the application site, this critical asset was key in securing the sandscaping project and it was highly unlikely that it would be allowed to erode to a point that it would put at risk the Gas Terminal. Consequently, the village of Bacton had benefited from the works to protect the terminal. It was expected that the Coastal Erosion mapping would be updated within the year, the DM did not anticipate this would impact the allocated site.
- vii. Cllr J Toye enquired who would be responsible for the monitoring of the attenuation ponds?
- viii. The DM stated that it would be the responsibility of flagship housing to manage open space on site, matters of maintenance were usually secured by way of legal agreement.
- ix. Cllr J Toye proposed acceptance of the officer's recommendation for approval.
- x. Cllr V Holliday noted that the application was formed of 20 houses within the allocation component of the scheme and 27 houses within the exception housing element of the scheme. She asked how it could be guaranteed that the affordable homes would be affordable in perpetuity? Additionally, Cllr V Holliday noted that the open space contribution was not listed within the S106 contributions listed.
- xi. The PL advised the S106 agreement will require the affordable housing to be held in perpetuity. In some instances, with respect of shared properties they

could 'staircase' to 100% ownership, though this would require for any monies to be rolled back into affordable housing in the district. However, in other instances shared ownership was capped 80% ownership in perpetuity which could also be secured via S106.

- xii. The SPO outlined the financial contributions on p.19 of the agenda – some of which could go towards the parish council to maintain the open space and play space.
- xiii. Cllr C Ringer noted the strategic housing response was provided the 23<sup>rd</sup> August 2023, some time ago, within the response the homes for local need was listed as 12 and the homes for general need 35, with 19 shared ownership homes also within the mix, though unclear which allocation they came from. Cllr C Ringer was supportive of affordable and social housing and expressed sympathy for the views of the Parish Council and Cllr P Porter. He recognised that 47 households were listed on the Housing register with a local connection to Bacton, some of which would not be accommodated by the new development in the proportion of homes given local priority was only 12. He queried if unit 1 was for shared ownership or not as it was unclear from the map. Additionally, if the shared ownership permitted 100% ownership, Cllr C Ringer asked if a restrictive covenant could be added to ensure future owners had a local connection, as the case with many other ex-local authority properties.
- xiv. The Chairman invited the applicant to address questions from the Committee. Mr James Knobbs – Flagship Planning Manager – stated that the site was allocated within the local development framework. It was expected that the shared ownership dwellings within the allocated portion of the site would permit owners to staircase outwards allowing 100% ownership. To limit future ownership would impact the level of interest from potential buyers and young homeowners. Mr Knobbs advised, with respect of the exception portion of the scheme that this would be specific to local need within Bacton.
- xv. Cllr C Ringer sought clarification which of the homes would be shared ownership and under which allocation?
- xvi. Mr Knobbs advised, following pre application advice, that in terms of placemaking it would be better the site be amalgamated into a hybrid allocation and exception site, and be treated as one site. The Housing Plan map established which homes would be affordable rent and which were shared housing.
- xvii. Cllr C Ringer noted the map did not demarcate which were shared ownership or affordable rent. He stressed the community need would not be addressed if a proportion of the 12 homes for local people was allocated to shared ownership.
- xviii. Mr Knobbs stated that the local housing allocations would not be allocated to shared ownership. Conversations were had with the Strategic Housing Team and local housing dwellings designed to benefit those Bacton residents on the housing register (Bands A-C).
- xix. The DM noted the allocations policy for the site expected 20 dwellings, and that it may be assumed that any dwellings above 20 achieved should be defined as an exception within exception allocations. He stated that the

- Committee could choose to alter the balance to seek more homes within the exception category and recognised that it was important to establish the composition to address matter of public benefit.
- xx. Cllr C Ringer considered information was lacking on local need, he was resistant to defer decision making, but felt more was needed to ensure public benefits were achieved.
  - xxi. Cllr A Varley reflected on the eco credentials of the dwellings and noted the conditions requiring air-source heat pumps. He considered it critical to understand the eco credentials of the scheme and if the homes would be passive housing or close to passive housing.
  - xxii. The SPO apologised that eco-credentials were not identified in detail in the report. He noted the agent was present to answer questions.
  - xxiii. The agent advised that as part of the application an energy statement had been submitted, he assured the Committee that at least 10% of energy would come from renewable sources including air-source heat pumps.
  - xxiv. Cllr L Vickers endorsed comments made by Cllr C Ringer and agreed that it should be genuinely affordable homes for local people. She agreed that it could have been made clearer which homes were within the exception site and which were shared ownership.
  - xxv. The agent advised the blue dots on the housing plan were shared ownership.
  - xxvi. The SPO commented the allocation and exception site were amalgamated into one and that it was not possible to draw a line to distinguished which dwellings fell in each designation.
  - xxvii. Cllr M Hankins noted this was a significant development and questioned if it was proportionate for the village. He expressed sympathy for the views of the Local Member and the Parish Council. He asked how the S106 money would be utilised locally?
  - xxviii. The SPO advised that there was currently capacity in early years and secondary sectors, but there was insufficient capacity in the primary sector for the children generated from the development. The education contribution would therefore increase capacity at the primary level, per the correspondence dates 13<sup>th</sup> March. With respect of the care contribution, details would be contained within this respective communication.
  - xxix. Cllr J Toyne noted in the planning statement maps for 2022 and 2023 demonstrated the who initially separate schemes before they combined.
  - xxx. Cllr V Holliday expressed her concerns for the numbers of shared ownership dwellings in the scheme. She enquired about pedestrian access from the site to Mill Lane.
  - xxxi. The SPO advised that connectively out of the site would be in the North-West corner near the chip shop, as well as from the main drive access, and the southern connection to the outline development. He confirmed there was not planned connectivity to the east to Mill Lane.
  - xxxii. Cllr A Varley seconded the motion for approval.

- xxiii. Cllr L Paterson asked if the southern footpath would cut across the carpark.
- xxiv. The SPO showed the indicative layout for the outline component, with the footpath would skirt the edge of the carpark.
- xxv. Cllr C Ringer thanked Cllr J Toye for his comments re the 2022 and 2023 plans – he noted in the earlier design that the exception site contained 18 properties, which was now reduced down to 12.
- xxvi. The agent advised whilst not available in the Committee report, Flagship Housing did have a plot-by-plot accommodation schedule which lists property type, tenure, and classification (exception site or not). Specifics re the exception site would be secured via the S106 agreement.
- xxvii. Cllr C Ringer expressed confusion between the detailed figure and the advice offer by the agent that the final figure for the exception site was negotiable.
- xxviii. The agent advised the figure was 12, but that this was a moving data set. The final figure would be set with the S106 agreement.
- xxix. Cllr C Ringer relayed his preference for an increase on the number of dwellings within the exception classification from 12. He was resistant to hold up determination of the application but was keen to achieve a greater number of homes for local people.

**RESOLVED** by 10 votes for and 1 against.

**That Planning Application PF/23/1612 be APPROVED in accordance with the Officer's recommendation.**

**23 SEA PALLING - PF/24/0362 - HOUSEHOLDER PLANNING APPLICATION SEEKING: SINGLE STOREY EXTENSION TO DWELLING (PART RETROSPECTIVE) AT ST. BENEDICTS, WAXHAM ROAD, SEA PALLING, NORWICH NR12 0UX**

Officer Report

The SPO(MA) introduced the Officer's report and recommendation for approval subject to conditions. He outlined the application site and relationship with neighbouring dwelling, and confirmed, with the application being retrospective, that the proposed extension had already been partly built out. It was noted that applicant had engaged with NNDC through pre-application advise to generate an improved scheme to that previously refused through the redesign and reduction in height of the extension. Proposed floor plans, elevations and images in and around the site were provided to the Committee. The Case Officer advised that the roof structure shown in the photographs would be reduced should the application be approved.

Public Speakers

Ian Riddick – Supporting

### Local Member

The DM received a written statement prepared by the Local Member – Cllr H Blathwayt – who was unable to attend the meeting. The Local Member confirmed his role within the Norfolk Coast Partnership, whose purpose was to manage the AONB. He advised that his objection to the application was independent to the North Coast Partnership. Cllr H Blathwayt wrote that that he referred the application to Committee at the request of the Parish Council who were concerned about the retrospective nature of the application and were dissatisfied with the large enhancement to what was initially a modest building in a sensitive landscape. The Local Member did not consider the application complied with the North Norfolk design guide and reflect the character of this special area. He argued that the application failed to conserve or enhance the area and the continued permitting of development in the AONB would erode the special protected features of the landscape. Cllr H Blathwayt referred emerging Local Plan Policy that development proposals should be appropriate for their location with respect to scale, design and materials to protect and conserve the landscape. Whilst the Local Member would prefer refusal or deferral to allow for the Parish Council to present their views, he asked, if accepted, that stringent restrictions be placed on use of the property as a primary residence or second home, not as a holiday let.

### Members Discussion and Debate

- i. The Chairman noted that the development replaced prior structures and therefore was not seeking to significantly enlarge the overall footprint of the dwelling.
- ii. The SPO(MA) advised the replacement dwelling would have slightly larger in footprint.
- iii. Cllr J Toye welcomed the occupancy condition suggested by Cllr H Blathwayt. He considered the application acceptable on balance and so proposed acceptance of the Officer's recommendation.
- iv. Cllr V Holliday asked for details of the proposed height of the building in comparison to that built.
- v. The SPO(MA) stated the ridge line would sit lower than the main dwelling and that already built.
- vi. Cllr V Holliday noted that landscaping's purpose was not to offer screening to something unattractive, as had been recognised in a planning decision for Cley. She asked if it could be conditioned that the glass used be reduced visible light transmission given the extremely sensitive landscape.
- vii. The SPO(MA) advised discussions had been held with the applicant regard VLT on the glazing, it was understood this could be secured via condition.
- viii. Cllr V Holliday asked this be added to the list of conditions.
- ix. Cllr R Macdonald seconded the motion.

**RESOLVED** by 11 votes for and 1 against.

**That Planning Application PF/24/0362 be APPROVED in accordance with the Officer's recommendation.**

- 24 HINDRINGHAM - RV/24/0496 - VARIATION OF CONDITION 11 (NO DELIVERIES TO BE TAKEN OR DISPATCHED OUTSIDE THE HOURS OF 07:00 TO 19:00 MONDAYS TO SATURDAYS AND NOT AT ANY TIME ON SUNDAYS AND BANK HOLIDAYS) OF PLANNING PERMISSION PF/10/0360 (ERECTION OF POTATO STORAGE BUILDING) TO ALLOW DELIVERY AND DISPATCH BETWEEN THE HOURS OF 07:00 TO 19:00 ON SUNDAYS AND BANK/PUBLIC HOLIDAYS BETWEEN I) 01 APRIL AND 30 JUNE AND II) 01 SEPTEMBER AND 31 NOVEMBER, IN ANY CALENDAR YEAR, ON NO MORE THAN 4 WEEKENDS WITHIN EACH OF THESE PERIODS AT ROW HILL FARM, WALSINGHAM ROAD, HINDRINGHAM, FAKENHAM**

Officer's Report

The DMTL introduced the Officer's report and recommendation for approval. The variation of condition was proposed to meet the demands placed on the operator by the Crisp Manufacturer whom the potatoes were sold too, allowing for delivery and dispatch on Sundays during the proposed period.

The DMTL outlined the sites' location and relationship to dwellings in the landscape and provided images in and around the site. The property to the east was erected after development and operation of the site and was located on a former agricultural site.

With respect of residential amenity, the DMTL confirmed that Sunday operation had taken place over the last few years with the agreement of the Local Planning Authority. This arrangement had been very occasional and only on eight Sundays in the last three years, as set out in the report. The Council had not received complaints regarding noise and disturbance on the site, nor was this one of the main concerns raised in representations in response to the application as first submitted. The applicant considered the proposal would enable them the flexibility to deal with external pressures without the need to contact the Local planning Authority every time Sunday working should be necessary. Varying the condition would not have a material change to the number of vehicle movements as the capacity for the store remains unchanged.

Public Speakers

Sarah Hayden – Hindrigham Parish Council

Local Member

The Local Member – Cllr S Butikofer – noted the extreme concern expressed by the Parish Council regarding the impact on Sunday operation on the village community both with respect of noise generated and the number of vehicle movements. She disagreed with the Officer's assessment that Highways concerns were not a primary issue, and argued that the size and nature of the rural road was a serious concern especially with speeding vehicles. The Local Member affirmed that residents had a right to enjoyment of their properties and to operate their businesses without being impacted by others. Cllr S Butikofer considered the views expressed by the Parish Council to be sensible and constructive to reach a workable solution, addressing the concerns raised by residents. The Local Member noted anecdotal evidence that prior measures had been ineffective, and requested the Committee consider the

conditions presented by the Parish Council, should they be minded to approve.

Members debate and discussion

- i. The Chairman asked Officer's to confirm the feasibility of requiring different routing.
- ii. The DMTL advised that incidents in Hindrigham could not be attributed solely to the business as there were other farms in and around the village. He commented it would be challenging to monitor different routing as this would need to be controlled by traffic order.
- iii. Cllr L Vickers asked for confirmation that the proposal sought permission for use of 8 Sundays in the given periods.
- iv. The DMTL commented that the 8 Sundays per year reflected the last 3 years demand, this would be 4 Sundays in each of the two periods going forward, should the application be approved.
- v. Cllr L Paterson considered the impact in winter months to be limited, and argued that use of 8 weekends, when needed, seemed reasonable. He therefore proposed acceptance of the Officer's recommendation.
- vi. Cllr V Holliday asked if the hours presented by Environmental Health (9am-4pm) could be conditioned. She expressed sympathies with neighbours for disturbances at 7am on a Sunday.
- vii. The DMTL noted the applicant requested hours which aligned with operation on other days.
- viii. The Chairman expressed some scepticism how viable it would be to restrict hours further if lorries were driving from out of the county.
- ix. Cllr J Boyle agreed it may be difficult to control hours as often drivers were given a time slot by the factory to meet. She seconded the Officer's recommendation for approval.
- x. Cllr A Varley reflected on his experience working on the potato harvest for another business. He expressed support for the excellent farming community in the district and the need to support this industry. Cllr A Varley took no issue with the proposed hours and considered restricted hours may not be viable.
- xi. Cllr J Toye confirmed the application would essentially regularise activity already taking place. He commented he would have liked for details of routes in and out, though accepted it may be difficult to control.

**RESOLVED** by 11 votes for.

**That Planning Application RV/24/0496 be APPROVED in accordance with the Officer's recommendation.**

25 **CLEY-NEXT-THE-SEA - CL/24/0447- CERTIFICATE OF LAWFULNESS FOR EXISTING OPERATION - ADDITION OF RENDER ON EXTERNAL WALLS OF BUILDING AT LAND AT COOKS MARSH, CLEY-NEXT-THE-SEA, NR25 7UA**

### Officer's report

The DMTL introduced the Officer's report and recommendation for approval subject to conditions. He noted a minor amendment to p.42, line starting 'moreover' and advised this should be removed as it was not relevant to this application but to another application for the same property. The DMTL defined certificate of lawfulness and how this differed to typical planning applications.

He outlined the site's location and relationship with the local setting, provided aerial images of the site, and photos in and around the site both before and after the render was applied.

### Public speakers

Richard Allen – Cley Parish Council

### Local Member

The Local Member – Cllr V Holliday – advised the development had already been subject to certificate of use through the replacement of the fibre cement sheet roof with metal sheeting and commented that the community disagreed with officer's opinion that this did not represent a material change in the external appearance of the building. The Local Member noted the planning history to the site including a prior application with elevational changes, the Landscape Officer commented on that occasion that they considered render would materially alter the appearance of the building, the Planning Officer also shared in the view that the proposed changes would fundamentally alter the appearance of the building. Cllr V Holliday reflected that the Committee were now being asked if the application or render would materially affect the external appearance of the building as a whole. She considered this could clearly be demonstrated in the before and after photographs. With respect of Officer's reference to Burroughs Day vs Bristol City Council 1996 case, Cllr V Holliday quoted an excerpt from the final judgement, and expressed her opinion that the alteration was 'more than di minimus'. The Local Member considered the alteration would be to highly viable elevations in a protected landscape and placed weight on the prior representations from the landscape and planning officers with respect of a former application for the site. She called on the Committee to refuse the certificate of lawful development.

### Members Debate and Discussion

- i. Cllr A Varley noted within 42 of the report that the colour of the render applied to the walls was only subtly different to that of the exposed block work. He considered that aspects of design could be subjective, and it was important that the Committee be objective. Cllr A Varley did not consider the render had a detrimental impact on the setting and therefore proposed acceptance of the Officer's recommendation for approval.
- ii. Cllr P Fisher expressed his sympathy with Cley Parish Council, though with respect of this specific application for the certificate of lawfulness, he could not see much change from the existing exterior. Cllr P Fisher seconded the motion.
- iii. Cllr J Toye did not consider the appearance of the building to look significant different. He was happy to support the Officer's

recommendation.

**RESOLVED** by 10 votes for and 1 against.

**That the Certificate of Lawfulness be APPROVED in accordance with the Officer's recommendation.**

**26 EXCLUSION OF PRESS AND PUBLIC**

None.

The meeting ended at 11.40 am.

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Chairman

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## Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

**"Disclosable Pecuniary Interest"** means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

**"Partner"** means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

## Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

## Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

## Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
  - a. your own financial interest or well-being;
  - b. a financial interest or well-being of a relative, close associate; or
  - c. a body included in those you need to disclose under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter **affects** your financial interest or well-being:
  - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
  - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

**Table 1: Disclosable Pecuniary Interests**

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

<b>Subject</b>	<b>Description</b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
<b>Sponsorship</b>	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
<b>Contracts</b>	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
<b>Land and Property</b>	<p>Any beneficial interest in land which is within the area of the council.</p> <p>'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
<b>Licenses</b>	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
<b>Corporate tenancies</b>	<p>Any tenancy where (to the councillor's knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
<b>Securities</b>	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were</p>

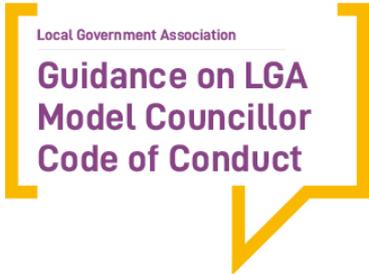
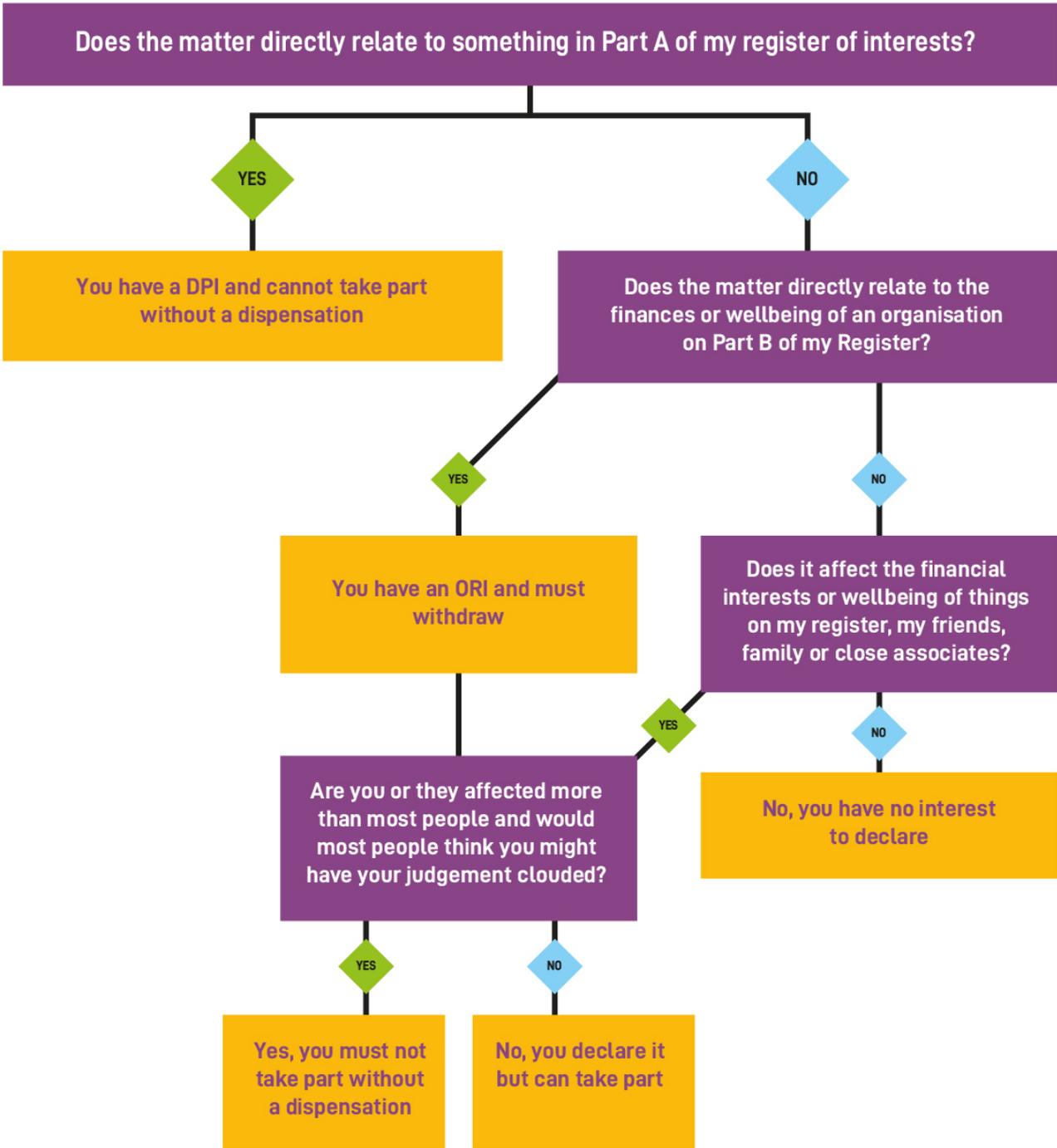
	spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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\* 'director' includes a member of the committee of management of an industrial and provident society.

\* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

**Table 2: Other Registrable Interests**

<p>You have a personal interest in any business of your authority where it relates to or is likely to affect:</p> <ul style="list-style-type: none"> <li>a) any body of which you are in general control or management and to which you are nominated or appointed by your authority</li> <li>b) any body <ul style="list-style-type: none"> <li>(i) exercising functions of a public nature</li> <li>(ii) any body directed to charitable purposes or</li> <li>(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)</li> </ul> </li> </ul>
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**BANNINGHAM – PF/22/1068 – Demolition of existing buildings and erection of single storey detached dwelling at Ambrose House, Mill Road, Banningham NR11 7DT**

**Minor Development**

**Target Date: 12<sup>th</sup> July 2022**

**Extension of time: 19<sup>th</sup> March 2024**

**Case Officer: Mr Joseph Barrow**

**Full Planning Permission**

**RELEVANT SITE CONSTRAINTS**

In the Landscape Character Assessment area: Low Plains Farmland

In the Countryside in policy terms

In the Nutrient Neutrality Foul Water and Surface Water catchments area for the River Bure

Within the Zones of Influence of multiple habitats sites for the purposes of the Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS)

**RELEVANT PLANNING HISTORY**

CL/24/0121: Certificate of Lawfulness for existing use of building as a single dwellinghouse (Class C3) – Refused as not lawful

IS2/21/1795: Replacement dwelling (“in principle only”) - Advice Given

PO/20/0297: Erection of single storey detached dwelling and detached storage building following demolition of existing dwelling. (Outline with approval sought for access and appearance only - details of landscaping, layout and scale reserved) - Withdrawn

Nearby site - Watts Cottage, 2 Mill Road, Banningham

PF/21/2507: Two storey detached dwelling (4-bed) with detached single garage and car port to front with widening and improvements to vehicle access - Approved by Development Committee 22<sup>nd</sup> January 2022 contrary to officer recommendation to refuse.

RV/23/1766: Removal of condition 8A (requiring visibility splays measuring 120 metres x 2.4 metres to each side of the junction of Mill Road (U14239) with Aylsham Road (B1145) where it meets the near edge of the adjacent (B1145) highway carriageway to be provided before the first occupation of the dwelling) and; 8B) (requiring the applicant to notify the Local Planning Authority in writing confirming completion of the works required under 8A) within 14 days of the date of the completion of the works and prior to the occupation of the dwelling; and 8C) requiring the retention of the visibility splays and to be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway of planning permission ref: PF/21/2507 (Two storey detached dwelling (4-bed) with detached single garage and car port to front with widening and improvements to vehicle access) – Approved 29/11/2023

*The officer view was that the imposed condition did not meet the tests of the NPPF in terms of being ‘reasonable’ as, in particular, there was no evidence during the consideration of the original application (PF/21/2507) that the highway improvements were deliverable, particularly as it would involve third-party land, and there were no proposals at the time to improve visibility. Although debatable whether there was ‘no prospect at all’ of the improvements being*

*made, it was considered to be very unlikely to be achievable, noting the need for third party agreement and with potential financial implications. Given this background the Highway Authority did not object to removal of the condition.*

## **THE APPLICATION**

Proposes the demolition of existing domestic outbuildings that were previously ancillary to Chapel Cottage, followed by the erection of a single storey detached dwelling. The dwelling would take the form of three linked elements, each with a dual-pitch roof structure. It would be sited in the north-west corner of the overall plot, with landscaping to the east of the dwelling. Vehicle access connects from the parking area to the front of the dwelling onto Mill Road to the south, between the dwellings sited to the south.

## **REASONS FOR REFERRAL TO COMMITTEE**

The Assistant Director – Planning has called the application in to committee following the decision made by the Development Committee at its meeting on 20/01/2022 to approve planning application PF/21/2507 contrary to the officer recommendation, due to the close proximity of that site to the current application site and as that application was also for a new dwelling.

## **REPRESENTATIONS:**

Five received objecting for the following reasons:

- Application cannot be considered to be a replacement dwelling due to the nature of the existing building.
- The development would be harmful backland development.
- Unacceptable impact in terms of highway safety.
- Ecological and biodiversity concerns
- Concerns regarding construction traffic

## **CONSULTATIONS:**

**Colby Parish Council - Objection** on the following grounds:

- Land should not be classified as brownfield land
- The application should not be accepted as a replacement dwelling
- Lack of compliance with policies SS 1 and SS 2
- Access is below standard

## **Norfolk County Council Highway Authority - Objection**

Mill Road is considered inadequate to serve the development by way of its restricted width, lack of passing provision, lack of pedestrian facilities  
Severely sub-standard junction of Mill Road with the B1145 North Walsham Road due to restricted visibility

## **North Norfolk District Council Landscape Officer - Comments**

*Trees:*

Updated Arboricultural Assessment requested to confirm the previous findings in that dated 23/05/2022 and submitted with application ref. PO/20/0297 with remain relevant. The provision of a revised AMS and TPP to address the issues previously raised, is also requested.

*Ecology:*

There may be the potential for adverse impacts upon habitats and protected species as a result of the proposed development. In order to adequately assess the application in accordance with the Council's statutory duties under the Conservation of Habitats and Species Regulations 2017 (as amended), a Preliminary Ecological Appraisal (PEA) is required. If ecological survey work is not provided, it is recommended that the application should be refused under policy EN 9 of the CS.

*Landscape:*

No objection.

## **HUMAN RIGHTS IMPLICATIONS**

Article 8: The Right to respect for private and family life.

Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the above matters, refusal of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

## **CRIME AND DISORDER**

The application raises no significant crime and disorder issues.

## **LOCAL FINANCE CONSIDERATIONS**

Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application.

Local finance considerations are not considered to be material to this case.

## **RELEVANT PLANNING POLICIES:**

### **North Norfolk Core Strategy (2008):**

SS 1 – Spatial Strategy

SS 2 – Development in the Countryside

SS 4 – Environment

SS 6 – Access and Infrastructure

EN 2 – Protection and Enhancement of Landscape and Settlement Character

EN 4 – Design

EN 6 – Sustainable Construction and Energy Efficiency

EN 9 – Biodiversity and Geology

EN 13 – Pollution and Hazard Prevention and Minimisation

CT 5 – Transport Impact of New Development

CT 6 – Parking Provision

### Material Considerations

### **National Planning Policy Framework (NPPF):**

Chapter 2 – Achieving Sustainable Development  
Chapter 9 – Promoting Sustainable Transport  
Chapter 12 – Achieving Well-Designed and Beautiful Places  
Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change  
Chapter 15 – Conserving and Enhancing the Natural Environment

Supplementary Planning Documents

North Norfolk Design Guide SPD (2008))  
North Norfolk Landscape Character Assessment SPD (2021)

## **OFFICER ASSESSMENT:**

### **Site**

The application site is an area of amenity land to the rear of a small cluster of residential properties along Mill Road which is approximately 1km to the southeast of Banningham village. Mill Road links to the B1145 North Walsham Road to the west. Properties to both the north-west and south-east have gardens which extend as far as the rear boundary of this plot, with the properties to the front of the application site much shorter in their plot depth. The site is bound by trees and hedging, with agricultural land to the north-east. In the northern corner of the site are the current buildings proposed to be demolished, with the new dwelling to be erected in approximately the same location.

### **Background**

The application form described the proposed development as an affordable self/custom build dwelling. At paragraph 1.6 the supporting Planning Statement referred to the proposal as being for a replacement dwelling. It also suggests the site is brownfield land and that the proposal is by a key worker for his family and the applicant to live in.

Officers did, however, have doubts about the status of the existing building (referred to as 'The Lodge' in the planning statement) referred to as a dwelling and advised as previously in respect of IS2/21/1795 that this should be confirmed through a Certificate of Lawfulness. An application (ref CL/24/0121) was eventually submitted in January 2024. The decision on the application was that the existing use of the building as a single dwellinghouse (Class C3) was unlawful as the evidence submitted was not considered sufficiently clear and precise to demonstrate, on the balance of probabilities, an independent residential use of the building sufficient to have established immunity from enforcement action. On the basis of the evidence, it was considered that use of the building was for purposes ancillary to Chapel Cottage which until 2020 was all within the same ownership title.

Taking account of the above, the proposed development has been considered as a new dwelling.

### **Main Issues for consideration:**

#### **1. Principle of development**

- 2. Design of the development and its effect on the character and appearance of the area**
- 3. Amenity**
- 4. Highway safety**
- 5. Trees**
- 6. Ecology and biodiversity**
- 7. Effect on habitats sites**
- 8. Other Considerations**

**1. Principle of Development:**

Planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Policy SS 1 of the CS sets out the spatial strategy for the district and directs development to the areas which have been identified as sustainable locations. The application site is not one of those areas, located in an area of countryside as per Policy SS 1.

Under Policy SS 2 development in the countryside is limited to that which requires a rural location and falls under one of the categories listed in the policy. The only new build residential development which may be permitted in a countryside location is affordable housing (provided it complies with the rural exception policy), or housing where it can be demonstrated that it is required to meet the needs of full time workers in agriculture, forestry or other essential workers connects with the land, or if there are material considerations which would be sufficient to justify a departure from development plan policies. The proposal does not meet these specific criteria and would amount to a departure from the Development Plan. Policy SS 4 place further emphasis on sustainable development and the need to reduce carbon emissions and adapt to future climate change.

Whilst the Council is currently unable to demonstrate either a 5 year or 4 year housing land supply and, as such, Development Plan policies SS 1 and SS 2 are considered “out of date” in accordance with NPPF paragraph 11 d), recent appeal decisions have confirmed that these strategic policies remain broadly consistent with the NPPF in respect of setting an overall strategy for the distribution of sufficient housing and focusing significant amounts in locations which are sustainable, thus limiting the need to travel, offering a choice of transport modes and helping to reduce congestion and emissions, so as to improve air quality and public health.

There are no services/facilities within close proximity to the development site and a lack of any footpaths or regular public transport links to such services, further noting the lack of any street lighting. As such, inevitable reliance will be placed on the use of a private car to meet basic day-to-day needs. With a lack of basic facilities and transportation options, it is considered that a single dwelling in this location would represent an unsustainable form of development. Paragraph 83 of the National Planning Policy Framework (NPPF) states that proposals for new housing in rural areas should be located in sustainable locations where it will enhance or maintain the vitality of rural communities, an approach which current adopted Core Strategy policies follow. Given the lack of a basic level of accessible local services/facilities, it is considered that a single dwelling in the location proposed would not contribute in any meaningful way to maintaining or enhancing the vitality of the local rural community and as such, would not comply with the requirements of Paragraph 83 of the NPPF. No suggestion has been made that there is any essential need, nor any significant mitigating circumstances that should be considered, for a dwelling in this location. It would not fulfil the requirements as set out in Paragraph 84 of the NPPF.

A material consideration that needs to be given some weight in this case is the approval of application ref. PF/21/2507 just over two years ago, given the very similar circumstances – that application was also for a new dwelling on a site on Mill Road that is very close to the current application site (being less than 20 metres away at the closest point) and was considered against the same Core Strategy policies which remains the same other than with regards to housing land supply situation. In the case of the 2021 application, the Development Committee concluded that there were material considerations that outweighed the conflict with Policies SS 1 and SS 2 and the officer recommendation of refusal, including being of high quality design, sustainable in its location and design, and not having an unacceptable highway safety impact.

It is however, considered that despite the similarities, the approval of the 2021 application does not set a precedent that must be followed. Each application must be considered on its own merits and it is considered that in the case of the current application, there are no material considerations that would outweigh the conflict with policies SS 1 and SS 2.

It is therefore concluded that the proposed dwelling would amount to an unsustainable form of development, contrary to Policies SS 1, SS 2 and SS 4 of the adopted North Norfolk Core Strategy, and Paragraphs 83 and 84 of the NPPF.

## **2. Design, character and appearance**

The existing site has a domestic feel, with green space to the majority of the site. The northern portion of the site is where the bulk of the built form is located.

The existing buildings are considered to have little architectural merit, and, prior to the applicant's acquisition of the land, fell into a state of disrepair. The proposed demolition of these structures and their replacement with a building of higher design quality would be welcomed.

The proposed dwelling retains the single storey predominantly timber appearance of the current structures. Three dual pitch roof elements would be asymmetrically linked to provide visual interest and break the massing of what would otherwise be quite a long and uniform style. It is considered that overall, the design of the proposed dwelling is appropriate, and reflects the largely rural nature of the site. The scale and massing are not considered disproportionate to the nearby dwellings, although the footprint of the proposed dwelling is much larger than the buildings currently on site. Officers consider that the single storey form and disrupted massing aid the scheme in respecting the rural character of the area.

The site lies within the Low Plains Farmland landscape character type, as categorised by the North Norfolk Landscape Character Assessment. One of the valued features of this landscape is a sense of remoteness and tranquillity, including dark skies at night between towns and villages. Whilst there is a high level of glazing shown on the proposed south elevation of the dwelling, the significant overhang of the roof and surrounding foliage would minimise external light spill. A condition requiring the approval of any external lighting is also recommended in the event that the application was approved. Given the single storey design of the dwelling and the site's location next to a cluster of existing development, it is considered that the proposal would not result in any harmful effect on the surrounding landscape.

The design and access statement also contains a landscaping plan which, although lacking exact detail at this time, is of a high quality. Key ambitions of this landscaping strategy include hedgerows in line with Royal Society for the Protection of Birds (RSPB) recommendations,

wildflower meadows, an orchard, and oak saplings to replace those which are dead and recommended for removal. Further details could be secured through a condition/s in the event the application was approved.

Overall, the proposed development is considered to be acceptable in terms of its design and its effect on the character and appearance of the surrounding area and complies with Policies EN 2 and EN 4 of the CS.

### **3. Amenity**

The proposed dwelling is well located within the plot, achieving separation distances of at least 40m from nearby dwellings and would be single storey with a shallow pitched roof. These exceed Design Guide recommendations. As such there would be no harmful effects on the living conditions of their occupiers. The landscaping scheme detailed within the design and access statement would likely further improve the amenity relationship between the proposed dwelling and its neighbours. The proposal is therefore considered to be acceptable in this regard and compliant with Policy EN 4 of the CS and the North Norfolk Design Guide SPD.

### **4. Highway Safety**

Aside from general on-site parking provision which would be provided to meet the requirements of Policy CT 6, the site lies on Mill Road which joins the main B1145 North Walsham Road to the west. The road and the junction with B1145 are described by the Highway Authority previously as being 'severely sub-standard', particularly with regard to visibility in both directions at the junction, and with no possibility of improvement. Officers note that, having visited the site and having used the junction in question, visibility is very poor. This being the case, strong concerns are raised with regard to the number of daily vehicular movements generated by a further new dwelling and the resultant increased use of the substandard road and junction.

These concerns were raised in respect of application ref. PF/21/2507 and were also reflected in another reason to refuse the application in the officer recommendation. Condition 8 of the permission required the provision and maintenance thereafter of suitably visibility splays to each side of the junction of Mill Road with the B1145. The condition was subsequently removed under application ref. RV/23/1766 as it was clear that it did not meet the tests of the NPPF in terms of being 'reasonable' as, in particular, there was no evidence during the consideration of the original application (PF/21/2507) that the highway improvements were deliverable, particularly as it would involve third-party land, and there were no proposals at the time to improve visibility. Nothing has been put forward by the current applicant to demonstrate that they would be able to deliver such visibility improvements, so it would not be a matter that could be dealt with through a condition as in particular, it would involve third party land.

Paragraph 115 of the NPPF states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.' In this case, on the basis of the substandard road and visibility at the nearby junction of Mill Road with the B1145, it is considered that the proposed development fails to meet the requirements of Policy CT 5, an approach further supported by Paragraph 115 of the NPPF given the unacceptable impact on highway safety.

## **5. Ecology and Biodiversity**

The site is in a rural location and has been allowed. over time. to become more wild and natural in feel containing trees and hedges. The existing buildings are also over 20 years old and mostly of timber construction. A preliminary ecological appraisal has not been submitted so it is not possible to determine whether or not there are protected species on or using the site, the effect the development would have on them and what mitigation may be required.

In the absence of such information it is not possible to make an informed decision about the development proposals in accordance with the Council's statutory duties under Regulation 9 of the Conservation of Habitats and Species Regulations 2017 (as amended) and is therefore contrary Policy EN 9 of the Core Strategy.

## **6. Trees**

An Arboricultural Assessment (AA) has been submitted in support of the application. The submitted document was provided in support of the previous application (PO/20/0297) when it was found to be unacceptable owing to a discrepancy with the submitted plans, as well as failing to provide an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP).

The same issues are apparent at this time, and as such it cannot be confirmed that the proposal would have an acceptable impact upon arboricultural assets on site. The proposal is therefore considered to be unacceptable in terms of its impact upon trees, contrary to Policies EN 2 and EN 4 of the CS.

## **7. Effect on habitats sites**

### *Nutrient Neutrality*

Alongside all other local planning authorities in Norfolk, the Council received a letter dated 16 March 2022 from Natural England about nutrient pollution in the protected habitats of the River Wensum Special Area of Conservation and the Broads Special Area of Conservation and Ramsar site. The letter advised that new development within the catchment of these habitats comprising overnight accommodation can cause adverse impacts on nutrient pollution.

As the proposal is for a new-build dwelling regard must be had to where foul water will discharge to. The arrangements for the disposal of foul sewage are stated as unknown on the application form, although the design and access statement confirms a connection into mains drainage via Chapel Cottage. Catchment maps indicate that there is a public sewer serving Mill Road which connects to Aylsham Sewage Treatment Works. As such in accordance with the foul drainage hierarchy the development should connect to the public sewer unless it is unfeasible to do so. Where mains drainage connection is not possible the a package treatment plant (or similar) would be required and treated waste from that would discharge into the surface water system. As the site is within the both the foul and surface water catchments of the River Bure which is a component part of the Broads Special Area of Conservation and Ramsar it must be demonstrated that the proposed development would be nutrient neutral.

With regards to the local planning authority's duties as competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended), it is considered that there is insufficient evidence to demonstrate beyond reasonable scientific doubt that the proposed development would not result in adverse effects, either alone or in combination, on the integrity of European Sites arising as a result of the development in relation to nutrient enrichment.

In the absence of evidence to rule out likely significant effects and in the absence of suitable mitigation measures to address likely significant effects, the proposal is considered to be contrary to the requirements of policies SS 4 and EN 9 of the North Norfolk Core Strategy. Permission cannot therefore be reasonably granted for the proposed development.

#### Recreational impacts on habitats sites

Norfolk Local Planning Authorities have worked collaboratively to adopt and deliver a Green Infrastructure and Recreational Impact Avoidance and Mitigation (GIRAM) Strategy to ensure that the cumulative impacts of additional visitors, arising from new developments of housing and tourism, to European sites, will not result in any likely significant effects which cannot be mitigated. The application site lies within the defined Zones of Influence of a number of designated sites.

In line with the RAM strategy a mechanism has been secured to ensure the appropriate financial contribution per dwelling (or equivalent) prior to occupation. The mitigation contribution (£185.93) was paid at the time the application was submitted.

It is considered that this contribution is sufficient to conclude that the project will not have an adverse effect on the integrity of the identified European sites from recreational disturbance, when considered alone or 'in combination' with other development.

The local planning authority may now agree to the plan or project under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended). On that basis it also complies with Policy EN 9 of the CS.

#### Other considerations

Whether the site is previously developed ('brownfield') land:

It is contended within the planning statement that this proposal is on brownfield (or "previously developed" for current NPPF purposes) land.

The NPPF Glossary defines **Previously Developed Land** as:

"Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape".

Paragraph 123 of the NPPF states that 'strategic policies should set out a clear strategy for accommodation objectively assessed needs, in a way that makes as much use as possible of previously-developed or "brownfield" land'.

The adopted development plan does not include any specific policies that address the reuse of brownfield land, however paragraph 124 (d) states that decision should 'support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained'.

Officers consider that, whilst the land in question would likely meet the definition of "previously developed land" and this would attract some positive weight in favour, this does not provide an unqualified basis for allowing development which would otherwise conflict with other policies in the Development Plan or policies within the NPPF. In this case, the matters of "Principle" and "Highway Safety" weigh heavily against the grant of permission for a dwelling in rural setting such as this.

Self/custom build / affordable housing:

The planning statement also contends that the dwelling in question would be a self-build "affordable" development. The Council acknowledge the contribution that self-build dwellings can make to the mix of housing supply. That said, this application is without substance in terms of a mechanism for securing the self-build development type. There is also no submitted mechanism for securing the long term nature of the dwelling as affordable.

Each of these aspects is subsequently afforded very limited weight.

#### **PLANNING BALANCE AND CONCLUSION:**

The Council is not currently able to demonstrate either a five year or four year housing land supply. However, appeal decisions continue to confirm that these strategic policies remain broadly consistent with the NPPF. The position of the application being considered unsustainable, in line with the development plan, is therefore consistent with the NPPF. However, in the absence of a five year or four year housing land supply. The "tilted balance" must be applied under NPPF paragraph 11, which states that permission should be granted 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'.

Sustainable development has three overarching objectives; economic, social, and environmental. In this case it is considered that the economic benefit of the proposal would be small, in terms of the construction industry benefitting from the delivery of a single dwelling, as well as a small boost to the local economy in terms of consumer spending. Officers consider that these benefits attract modest weight only.

Socially, delivery of the proposed dwelling would help to support local services such as schools, as well as contributing to the local community generally. Officers consider that these benefits attract modest weight only.

Environmentally, regard is had to the unsustainable location as defined by the spatial strategy within the CS. It is highly likely that development in this location would create a high dependence upon the private car. Officers consider that these issues attract significant weight against the grant of planning permission. It is also noted that the proposal would incorporate various ecological mitigation and enhancement measures, as well as improvements to the

site's maintenance and appearance. Officers consider that these benefits attract modest weight only.

This report also identifies harm in terms of highway safety, ecology, and arboriculture, although Officers recognise that the latter two matters may be able to be resolved through further surveys and/or imposition of planning conditions.

Critically, the application is not able to demonstrate that it would not have a significant impact on habitats sites by way of nutrient pollution. Consequently, and in line with paragraph 188 of the NPPF, "the presumption in favour of sustainable development does not apply".

For these reasons, it is deemed that the harm caused by the proposal does significantly and demonstrably outweigh any benefits. It is therefore recommended that the proposal be refused.

## **RECOMMENDATION**

REFUSAL for the following reasons:

1. The proposed dwelling would be within an area designated as Countryside where there is a general presumption against unrestricted residential development and in a location with poor access to a full range of basic services and facilities to meet day-to-day needs. The future occupiers would be highly dependent on the use of private car to be able to reach such services and facilities. The proposal would therefore not constitute sustainable development, contrary to policies SS 1, SS 2 and SS 4 of the adopted North Norfolk Core Strategy. In addition, it is considered that the addition of a single dwelling in this Countryside location would not make a significant contribution to supporting any local services and facilities nor those of any nearby rural villages and as such, does not fulfil the requirements of Paragraph 83 of the NPPF. Furthermore, the proposed development does not meet any of the criteria as set out in Paragraph 84 of the NPPF.
2. Mill Road (U14239) serving the site is considered to be inadequate to serve the development proposed, by reason of its restricted width, lack of passing provision, lack of pedestrian facilities and restricted visibility at adjacent road junction. The proposal, if permitted, would be likely to give rise to conditions detrimental to highway safety and as such, is contrary to Policy CT 5 of the adopted North Norfolk Core Strategy and paragraph 115 of the NPPF.
3. The Local Planning Authority considers that the proposed development comprises overnight accommodation that falls within the catchment of the Broads Special Area of Conservation and Ramsar site and is likely to have an adverse impact on European Designations requiring mitigation in relation to nutrient enrichment.  
The applicant has failed to demonstrate that the proposed development would not result in adverse effects, either alone or in combination, on the integrity of European Sites arising as a result of the development including in relation to nutrient enrichment.  
In the absence of evidence to rule out likely significant effects and in the absence of suitable mitigation measures to address likely significant effects, the proposal is contrary to the requirements of policies SS 4 and EN 9 of the North Norfolk Core Strategy and approval of the application would conflict with the legal requirements placed on the Local Planning Authority as competent authority under the Conservation of Habitats and Species

Regulations 2017 (as amended).

4. The application fails to demonstrate that it would not have an unacceptable impact upon protected species contrary to Policy EN 9 of the CS, and paragraph 180 of the NPPF.
5. The application fails to demonstrate that it would not have an unacceptable impact upon arboricultural assets contrary to Policies EN 2 and EN 4 of the CS, and paragraph 135 of the NPPF.

**Final wording of reasons to be delegated to the Assistant Director for Planning**

**WEST BECKHAM – PO/23/2643 - Erection of dwelling and car port with ancillary works (all matters reserved except for access) Land East Of Williams Barn, Church Road, West Beckham, Norfolk**

## **Minor Development**

**Target Date:** 27<sup>th</sup> March 2024

**Extension of time:**

**Case Officer:** Ms Jo Medler

**Outline Planning Permission (all matters reserved except for access)**

## **RELEVANT SITE CONSTRAINTS:**

Countryside LDF

Landscape Character Area - Tributary Farmland

Mineral Safeguarding Area

Advertising Control

NATS

GIRAMS

## **RELEVANT PLANNING HISTORY:**

PF/11/1114

Erection of garden room/double car-port/workshop/garden store with room in roof space, repositioning of gated vehicle access and insertion of window to ground floor west gable - Approved

NMA1/11/1114

Non material amendment request to insert a rooflight, omit a rooflight and insert one high level window in north elevation - Approved

PO/23/1720

Erection of two detached dwellings - outline with all matters reserved - Withdrawn

## **THE APPLICATION**

The application seeks outline planning permission for the erection of a dwelling and car port and associated works. All other matters are reserved apart from access.

The site forms part of the extensive garden area to a property known as William's Barn, to the south of Church Road in West Beckham, which is in the ownership of the applicant. The site is located to the south-east of the existing dwelling, and contains a large number of trees and planting with a grassed clearing towards the southern boundary. William's Barn would continue to retain extensive garden land to the south and east of the property. The existing dwelling has two vehicular access points off Church Road. The eastern access would be solely used by the proposed new dwelling. The western access would be used as it is now by William's Barn and shared with the neighbouring dwelling known as 'Shrublands'.

A Planning Statement has been submitted in support of the application and states that the proposal is for one single storey accessible three-bed self-build home for older people with associated works with all matters reserved except for access. The submitted plans are for illustrative purposes only. A detached car port is also proposed near to the site entrance. In the Planning Statement it confirms the applicant is willing to submit a unilateral undertaking confirming that the dwelling would be self-build or custom built.

There are a mix of types and styles of dwellings in the area, primarily detached with some semi-detached. Whilst there are some traditional brick and flint buildings, including William's Barn itself, there is a variety of use of materials and no single overriding local distinctiveness.

### **REASONS FOR REFERRAL TO COMMITTEE:**

At the request of the Cllr Ringer on the following grounds (summarised):

- A degree of interest within the community has been expressed and indicates a range of viewpoints both in support and against the application.
- There are material considerations that justify a departure from the (in places, out of date) development plan in maintaining the sustainability and vitality of the parish, indicating planning permission should be granted.
- Council has a lack of 5-year land supply.
- There is also a responsibility up on the council to provide a number of self-build dwellings.
- Provision of a new dwelling in this area would help to increase the vitality and sustainability of the parish of West Beckham and be in line with paragraph 79 and 134 of the NPPF.
- Proximity of site to The Wheatsheaf pub, West Beckham's playground and parish church increase the likelihood that this dwelling will make a positive impact on those assets, particularly when as evidenced, there is some vulnerability.
- William's barn has two accesses and so this will not be a new access, but a re-allocation.
- There is little to suggest that there will be any other than a negligible impact on the highway.
- Although there is an acknowledgement that there is likely to be a reliance on the private vehicle, there is some proposed Cycle Parking 1 mile from the site in Bodham where there is a very regular bus service available.
- The applicant has engaged with the process and reduced the plot from two dwellings to one.
- The area of land proposed is not agricultural land but a large but disjointed piece of garden for Williams Barn which appears to not to be being utilized at all by that dwelling.
- It is low density infill rather than genuine development in the countryside.

### **REPRESENTATIONS:**

One representation has been made objecting to this application. The key points raised in **OBJECTION** are as follows (summarised):

- Unsustainable location.
- Lack of facilities.

- Will lead to increased danger to road safety.
- Will encourage use of private car, together with associated pollution, accident potential and road usage.
- Contrary to Policy SS 2.
- West Beckham does not have the facilities for an older market in terms of shops, fuel, health services, banks etc.
- Poor road access.
- Location could lead to isolation of older inhabitants and/or inhabitants with impaired mobility or access issues.
- No medical or social care facilities in the village.
- Will place further pressure on already stretched NHS services in area.
- Public transport very limited, with bus stop approx. half a mile away with poor access on foot.
- Would not add any economic benefits to the village or local rural economy.
- Housing and Economic Land Availability Assessment recently undertaken considered all sites in West Beckham, which failed the suitability assessment and were considered to be “unsuitable as the site is remote from services and facilities”.
- Proposal would have negligible impact on vitality of West Beckham.

In addition, three representations have been made in support of this application. The key points raised in **SUPPORT** are as follows (summarised):

- Will make very little impact to the surrounding area and inhabitants and is carefully sited to make little impact on the surrounding village.
- Promoting homes built of materials that will fit in with the area.
- Reassuring that sustainability has been considered, ask that solar panels and electric vehicle charging points are incorporated into the design.
- Great to see that local landscape and biodiversity net gain have also been considered and that new trees will be planted.
- Management of construction vehicles will be important.
- Will meet the ‘whole life needs’ of the occupiers. These types of houses are much needed in the village.

#### **CONSULTATIONS:**

**Ward Councillor – Comments provided as above.**

**West Beckham Parish Council – No objection.**

**Landscape - Arboriculture (NNDC) – Object.** Insufficient information provided in relation to tree removal and visibility splays in order to be able to fully assess the proposal.

**Landscape – Ecology (NNDC) – No objection subject to conditions.**

**Norfolk County Council Highway Authority – Object.** The proposal would result in a clear increase of 6 daily movements attributable to a new dwelling. There will therefore be an

increase in the use of the vehicular access, which currently has substandard levels of visibility which cannot be resolved without third party land.

## **HUMAN RIGHTS IMPLICATIONS**

It is considered that the proposed development may raise issues relevant to

Article 8: The Right to respect for private and family life.

Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's Human Rights, and the general interest of the public, refusal of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

## **CRIME AND DISORDER ACT 1998 - SECTION 17**

The application raises no significant crime and disorder issues.

## **LOCAL FINANCE CONSIDERATIONS**

Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are not considered to be material to this case.

## **RELEVANT POLICIES:**

### **North Norfolk Core Strategy (September 2008)**

Policy SS 1: Spatial Strategy for North Norfolk

Policy SS 2: Development in the Countryside

Policy SS 4: Environment

Policy SS 6: Access and Infrastructure

Policy EN 2: Protection and enhancement of landscape and settlement character

Policy EN 4: Design

Policy EN 6: Sustainable construction and energy efficiency

Policy EN 9: Biodiversity and geology

Policy EN 10: Development and Flood risk

Policy EN 13: Pollution and hazard prevention and minimisation

Policy CT 5: The transport impact of new development

Policy CT 6: Parking provision

### Material Considerations:

### **Supplementary Planning Documents and Guidance**

North Norfolk Design Guide (December 2008)

North Norfolk Landscape Character Assessment (January 2021)

Conservation of Habitats and Species Regulations 2017 (as amended)

### **National Planning Policy Framework (NPPF) (December 2023)**

Chapter 2: Achieving sustainable development  
Chapter 4: Decision-making  
Chapter 5: Delivering a sufficient supply of homes  
Chapter 9: Promoting sustainable transport  
Chapter 11: Making effective use of land  
Chapter 12: Achieving well-designed places  
Chapter 14: Meeting the challenge of climate change, flooding and coastal change  
Chapter 15: Conserving and enhancing the natural environment

## **OFFICER ASSESSMENT:**

### **Planning Background**

The current application has been submitted following the withdrawal of planning application reference: PO/23/1720. That application was submitted in August 2023 for the 'Erection of two detached dwellings – outline with all matters reserved' on the same application site being considered under the current application.

The previous application was withdrawn following concerns raised by Officers in relation to the principle of the proposed development, and objections received from consultees in relation to landscape impacts, trees and ecology, and a holding objection from the Highway Authority regarding highway safety. As a result Officers were minded to refuse the application.

However, the applicant decided to revise the proposal and reduce the number of dwellings from two to one and withdrew application PO/23/1720, hence the current application.

It is clear that whilst it may have been possible to overcome some of the previous concerns in relation to landscape/trees/ecology and highways, subject to acceptable details being submitted, a revised proposal would not overcome the principle objection. However, any material considerations would be taken into account in the determination of the application.

### **Main issues for consideration:**

- 1. Principle of Development**
- 2. Highway Safety**
- 3. Design and layout**
- 4. Energy efficiency**
- 5. Amenity**
- 6. Landscape/Trees**
- 7. Ecology/ Biodiversity/GIRAMS/NN**
- 8. Drainage**
- 9. Other matters**
- 10. Conclusion and recommendation**

### **1. Principle of Development**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out a statutory

requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) at paragraphs 2 and 12 restates this requirement.

Policy SS 1 of the adopted North Norfolk Core Strategy (NNCS) sets out the spatial strategy for the District and directs development to the areas which have been identified as sustainable locations. West Beckham is not one of those areas and is therefore designated as Countryside under Policy SS 2. Development in the Countryside policy area is limited to that which requires a rural location and falls under one of the categories listed in the policy. The only new build residential development which may be permitted in a countryside location is affordable housing (providing it complies with the rural exception policy), housing where it can be demonstrated that it is required to meet the needs of full-time workers in agriculture, forestry or other essential workers connected with the land or if there are material considerations which would be sufficient to justify a departure from Development Plan policies.

Policy SS 4 of the NNCS requires all developments to contribute to the delivery of sustainable development, ensure protection and enhancement of natural and built environmental assets and geodiversity, and be located and designed so as to reduce carbon emissions and mitigate and adapt to future climate change.

Policy SS 6 of the NNCS requires development to be supported by good access and maximising non-car modes, promoting walking and cycling and the use of public transport.

In the Planning Statement submitted with the application it is acknowledged that the site is located within the Countryside where new residential development is not normally permitted unless there are material considerations which permit otherwise. It is also acknowledged that West Beckham is not well served by public transport and that the proposed dwelling will largely have its transport needs met by the use of private cars. However, the applicant considers there to be material considerations which would outweigh a departure from development plan policies. These material considerations are set out in the Planning Statement as including the emerging Local Plan, the Council's 5 year housing supply, the NPPF, the need for self-build and custom homes, and the North Norfolk Design Guide. The submitted Planning Statement examines what the applicant considers to be two key questions as follows:

1. Whether the application site is in an appropriate location for new development having regard to the development plan and other material considerations; and
2. The effect that the proposed development would have on the character and appearance of the area.

In the supporting Planning Statement reference is made to the Spatial Strategy set out in Policy SS 1, which designates West Beckham as Countryside, and that in such locations development will be restricted to that which supports the rural economy. Although this is correct, it is considered that a single dwelling would have a very limited impact on the rural economy as set out in the 'Sustainability' section of this report.

Reference is also made to Policy SS 2, which limits new residential development in the countryside to that which requires a rural location or for development such as renewables or affordable housing. Whilst under Policy SS 2 'renewable energy projects' are a use permitted

in the countryside this proposal is ultimately seeking permission for a new dwelling. Sustainable construction and energy efficiency methods are indicated in the application, which are addressed under Policy EN 6 of the Core Strategy. With regard to affordable housing and based on the information submitted with this application the proposal is not for an affordable dwelling. Reference has been made in the supporting Planning Statement that “*the scheme provides an opportunity to provide a ‘Discounted market sales’ dwelling in accordance with Annex 2 of the NPPF, under ‘Affordable Homes’. A ‘Discounted market sales housing is sold at a discount of at least 20% below market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households*”. No other information has been provided with the application in relation to this matter.

When assessed against the above policies, the development as proposed is contrary to the aims of Policies SS 1 and SS 2 of the NNCS, which have found to be sound and up to date through numerous appeal decisions in terms of where development should be located in line with sustainable development principles. Policies SS 1 and SS 2 of the Core Strategy are therefore considered to carry significant weight in the determination of applications for new residential development in the Countryside policy area.

The proposal does not therefore comply with the aims and requirements of Policies SS 1, SS 2, nor is it considered to comply with Policy SS 4 and Policy SS 6 of the NNCS.

In terms of material considerations these are taken in turn below:

#### Housing Land Supply

The NPPF requires Local Planning Authorities to identify a five-year supply of specific deliverable sites to meet housing needs.

However, in accordance with paragraph 226 of the new NPPF, which was published on 19<sup>th</sup> December 2023, Local Planning Authorities that have an emerging local plan that has been submitted for examination will only be required to demonstrate a minimum of four years supply rather than five years. This applies to any planning applications seeking permission for new residential development that were validated on or after 19<sup>th</sup> December 2023.

At the current time the council is unable to demonstrate that it has four years’ worth of deliverable sites. Planning applications will therefore be considered in line with paragraph 11(d) of the NPPF, which supports the presumption in favour of sustainable development. The ‘tilted balance’ is therefore applied. Paragraph 11 d) states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission will be granted unless;

- i) The Framework policies that protect areas or assets of particular importance provide a clear reason for refusing the development proposed, or;
- ii) The adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole.

In this case paragraph 11 d) ii) would be applicable, requiring that the starting point in assessing the proposal would be against the adopted policies contained in the Development

Plan. As referred to earlier in this section of the report, given the sites location within West Beckham, which is designated as Countryside under Policy SS 2, it is not considered to be a sustainable location. The proposal would therefore remain contrary to Policies SS 1 and SS 2 of the adopted NNCS.

#### Emerging Plan Policies (North Norfolk Local Plan Proposed Submission Version (Regulation 19 Publication) January 2022)

In response to the Planning Statement which refers to the emerging local plan as a material consideration, the emerging plan policies carry very limited weight at this time. However, for clarity, Policy SS 1 'Spatial Strategy' of the emerging plan supports sustainable growth, and sets out the overall settlement hierarchy for those areas of growth over the new plan period. West Beckham is not identified as a sustainable growth location under this emerging plan policy, and is therefore proposed to remain designated as Countryside, as under the current plan, should the policy be adopted as submitted.

Emerging plan Policy SS 2 'Development in the Countryside' sets out a list of the types of development for which planning permission would be granted, subject to complying with the policies of the plan in this location, and includes the following:

- *affordable homes, replacement dwellings, sub division of dwellings, essential rural workers accommodation;*
- *small scale residential development adjacent to the defined settlement boundaries of Small Growth Villages in accordance with Policy SS 1 'Spatial Strategy';*

The current proposal does not comply with any of these categories.

Emerging plan Policy HOU 1 'Delivering Sufficient Homes' applies to development which accords with the settlement hierarchy, which this proposal does not as the land is designated as Countryside and is proposed to remain as such under the emerging plan. This policy also states that if during the plan period the Council is unable to demonstrate a Five Year Land Supply it will apply a presumption in favour of sustainable development to development proposals.

#### Sustainability

Under the NPPF there is a need to consider whether the development is sustainable. Paragraph 7 of the NPPF states that *'the purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development, and supporting infrastructure in a sustainable manner'*.

In doing so there is a need to consider the three overarching objectives set out in paragraph 8 of the NPPF, which need to be met regarding the application of the presumption in favour of sustainable development. The objectives are as follows:

- a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at

the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

- b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy

In terms of addressing the objectives of sustainable development, whilst there would be some economic benefits generated during the construction phase and consumer spending on goods and services by the occupants of the dwelling within the local economy, given the application is for one dwelling, any benefits in this regard would be very limited. In addition, owing to the lack of services and facilities within the immediate vicinity of the site, or nearby villages, it is unlikely that the proposed dwelling would result in any significant level of local support.

The social aspect of sustainable development would be met through the contribution made to the housing stock. However, given the distances to the nearest services, the benefits of the provision of a dwelling in this location are again very limited in this regard.

With regard to the environmental objective of this development the proposals could reasonably be expected to demonstrate a degree of inherent sustainability through compliance with Council supported energy efficiency and Building Regulations standards, and through the carrying out of the low carbon, energy efficiency claims made in the application and biodiversity net gains proposed.

Notwithstanding the environmental benefits that could be achieved through this proposal, this remains a development for a single dwelling, which would have very limited economic and social benefits. These are not considered to be sufficient to outweigh the conflict with the adopted Development Plan which seeks to promote development within identified settlements to promote sustainability.

In addition to the consideration of the above, Chapter 5 of the NPPF (Delivering a sufficient supply of homes) specifically addresses 'Rural Housing' under paragraphs 82, 83, and 84. Paragraph 82 refers to rural exception sites providing affordable housing to meet identified local needs, which is not applicable in this case, and paragraph 84 refers to criteria applicable to isolated homes in the countryside, which this is not. However, Paragraph 83 is considered applicable and is referred to in the submitted Planning Statement.

Paragraph 83 of the NPPF promotes sustainable development in rural areas and states that '*housing should be located where it will enhance or maintain the vitality of rural communities*'. It goes onto to say that '*Planning policies should identify opportunities for villages to grow and*

*thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby’.*

In the supporting Planning Statement paragraph 89 (formerly 85) of the NPPF has been quoted regarding ‘*Supporting a prosperous rural economy*’. This paragraph states that ‘*policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport*’. Whilst it could be argued that a dwelling would support the rural economy, is on previously developed land (garden) and is physically well related to the existing settlement, such proposals should only be encouraged where suitable opportunities exist. For the reasons already stated in this report it is not considered that a single dwelling in this location is a suitable opportunity as it would make a minimal contribution to the rural economy which would not be sufficient to outweigh the policy conflict in terms of its unsustainable location.

West Beckham is not considered to be a sustainable location, due to its very limited range and number of services/facilities. There is The Wheatsheaf Public House and St Helens and All Saints Church. Both of which are in close proximity to the application site, and in walking distance. However, given this very limited level of services/facilities it is therefore considered that residents are likely to travel to other settlements for the day-to-day services they require. This application seeks the erection of a single dwelling and it is therefore considered that this proposal would make a very limited contribution to supporting local services either in West Beckham or the surrounding settlements. Whilst there is a bus service from West Beckham to surrounding areas, the timings of this service are considered to be limited. It would therefore be inevitable that the occupiers of the dwelling would rely on the private car to access basic services and facilities.

The nearest large settlement would be Sheringham which is a Secondary Settlement as designated in the Spatial Strategy hierarchy. The A149 Coast Road in Sheringham, where the nearest services can be accessed, is approximately 3 miles from the application site. The roads leading to Sheringham from the application site are unlit country lanes, with no footpaths and would require crossing the A148, which is designated a Principal Route and is heavily trafficked. The nearest Principal Settlement would be Holt, which is approximately 5 miles from the application site, and has similar accessibility issues, although when reaching High Kelling there is a footpath into Holt town centre. Bodham is the nearest area of development, approximately 1 mile away along an unlit, country lane with no footpath. Like West Beckham it is not considered to be a sustainable location and is designated as Countryside with limited services and facilities.

Taking the above into account, it is not considered to accord with the aims of Core Strategy Policies SS1, SS 2, SS 4 and SS 6 of the adopted North Norfolk Core Strategy, nor would it align with the overarching sustainable development objectives of paragraphs 7, 8, 9, 10, 11, 12, 83, 84 and 89 of the NPPF.

#### Self build and Custom build

The supporting Planning Statement submitted with this application states that the proposed dwelling would be a self-build/custom build property. The Self-build and Custom Housebuilding Act 2015 (‘The Act’, as amended by the Housing and Planning Act 2016 and

the Levelling-up and Regeneration Act 2023), and the Self build and Custom Housebuilding Regulations 2016, together provide the legislative basis for promoting Self and Custom Build Housing in England.

The Act requires the Council to maintain a register of persons “who are seeking to acquire serviced plots of land in the authority's area for their own self-build and custom housebuilding”.

The Act places a duty on the Council such that the Council “must give development permission for the carrying out of self-build and custom housebuilding on enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area in respect of each base period”.

The Act goes on to set out that:

- “(a)the demand for self-build and custom housebuilding in an authority’s area in respect of a base period is the aggregate of—
  - (i)the demand for self-build and custom housebuilding arising in the authority’s area in the base period; and
  - (ii)any demand for self-build and custom housebuilding that arose in the authority’s area in an earlier base period and in relation to which—
    - (A)the time allowed for complying with the duty in subsection (2) expired during the base period in question, and
    - (B)the duty in subsection (2) has not been met;
- (aa)the demand for self-build and custom housebuilding arising in an authority’s area in a base period is evidenced by the number of entries added during that period to the register under section 1 kept by the authority;

Irrespective of whether a dwelling is custom or self-built, this does not negate the application of the strategic development plan policies, in particular Core Strategy Policies SS 1 and SS 2 to focus development in sustainable locations and for those types of development which require a rural location and falls under the forms of development listed in Policy SS 2.

The Planning Statement submitted with the application refers to the ‘*currently high need for purpose built self build homes for older people both market and affordable*’, and that this proposal ‘*would help to address that need*’. It also refers to the ‘*unmet need for self build and custom build homes in the district*’. However, it is unclear where this need in the District has been evidenced. There is also no requirement for this dwelling to be for ‘older people’. It has not been defined in the application what is meant by ‘older people’.

North Norfolk may well have an ageing population, but that does not mean it is acceptable to build in unsustainable locations. It could be argued that an ageing population need good access to services, facilities and public transport. These are not available in West Beckham.

The ‘*custom and self-build housing*’ Register evidences a very modest requirement for custom and self-build plots in North Norfolk, as published on the Council’s webpages at [Home | Custom and Self-Build Housing Register \(north-norfolk.gov.uk\)](https://www.norfolk.gov.uk/home/custom-and-self-build-housing-register). The Council’s current position is that policies in the emerging Local Plan have been developed in order to address this modest

demand and that, in the interim, officers continue to seek to negotiate provision of self-build plots where appropriate. The Council has been successful in granting suitable development under PO/17/0680 which includes up to 30 serviced custom or self-build plots in Fakenham, secured by S106 agreement. This permission is granted in a sustainable location in accordance with the adopted settlement hierarchy. Emerging plan Policy HOU 2 'Delivering the Right Mix of Homes' includes self-build and custom build homes requirements for at least one plot or 2% of total number of units, whichever is greater for 26 – 150 dwellings, or sites larger than 4 hectares, or for 151 dwellings and above.

The application has been put forward on the basis that the proposed dwelling would be occupied by the applicant and that it should be treated as a self-build proposal. An expression of need for such plots via the self-build register, is a material consideration to which sufficient weight should be attached to justify the policy departure. Very little evidence has been provided with the application to suggest that the proposed plot would be a 'self build' or 'custom build' dwelling, other than in name only, and through the offering of a Unilateral Undertaking to secure this. There is no clear evidence of demand for any other self-build plots in this location or that the Council is failing to meet its duties under the Self Build and Custom Housebuilding Act 2015. Nor is there any evidence of any policy or guidance that suggests that self-build dwellings should be permitted contrary to, or as an exception to, other development plan policies that direct development to suitable, sustainable locations. Whilst Officers recognise the duty placed on the Local Planning Authority under the Act, this does not provide an unqualified basis for allowing development which would otherwise conflict with other relevant policies in the Development Plan or policies within the NPPF. Officers consider that the applicants case does not adequately justify the erection of a new dwelling in an otherwise unsustainable location.

## **2. Highways**

Policy CT 5 requires development to provide safe and convenient access for all modes of transport, including access to the highway network. Policy CT 6 requires new development to have sufficient parking facilities to serve the development's needs.

The submitted application is seeking outline permission with all matters reserved apart from access.

Based on the information submitted with the application, the proposed dwelling would be served by one of two existing vehicular accesses that currently serve William's Barn. The existing eastern access would serve the application site, and the existing western access would serve William's Barn and is shared with the neighbouring property known as 'Shrublands'. Despite the proposed site plan referring to a visibility splay report this has not been submitted with the application. The proposed site plan also requires updating as reference is still being made to the eastern access being shared by the two dwellings which were proposed under the previous application now withdrawn. Clarification has been sought on this matter but it remains unresolved.

Norfolk County Council Highway Authority have been consulted on the application, and initially raised a holding objection until such time as a suitable access and visibility arrangement was submitted, in order for a formal response to be provided. This is due to the fact that the site

would be accessed via an unmade access with substandard levels of visibility which cannot be resolved without third party land. This information was provided to the applicant's agent, in order for them to respond and/or address the objection raised.

In response to the Highway Authority's holding objection the applicants agent stated that *'There are currently two existing accesses to the site. It is proposed that access to the new dwelling would be from the existing dedicated eastern access, with Williams Barn continuing to use the western access. The existing drive would be extended southwards to create an access for the new dwelling. Level access would be provided to the front and rear of the dwelling. There will be a negligible impact on highways resulting from one new dwelling'*.

Reference is also made in the agent's response to the Highway Authority objecting on the locational sustainability of the site. The agent states that the same holding objection was raised on the Broadland Housing Association scheme (PF/23/1065), which is located in close proximity of the application site. However, whilst sustainability of the location is referred to in the Highway Authority's holding objection, they have confirmed in that consultation response that this does not form part of their objection and they are leaving that matter for the consideration of the local planning authority.

The agent again refers to application PF/23/1065, and that under that application it was proposed to mitigate the harm arising and provide new cycle parking provision at the village hall to facilitate more travel by bicycle. This was indeed indicated by the applicant for that application. The village hall in question is in Bodham, not West Beckham, but is shared by both communities. This is approximately 1 mile from the application site. The agent goes on to say that *'there is unlikely to be any substantial harm arising from one new dwelling at Williams Barn and therefore it is not suggested that mitigation is provided. However, the cycle parking provision will be available for the future occupiers to utilise. There are many benefits of the proposed scheme that weigh in its favour and demonstrate it to constitute sustainable development (both social, economic and environmental).'* The agent does not therefore agree with the views of the Highway Authority and have not provided any further information to address the concerns raised.

In light of this the Highway Authority have now confirmed that they are objecting to the application. This is on the grounds that there would be a clear increase of 6 daily movements attributable to a new dwelling. There will therefore be an increase in the use of the vehicular access, which currently has substandard levels of visibility which cannot be resolved without third party land.

Paragraph 115 of the NPPF states that *'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*.

Paragraph 116 of the NPPF states that *'Within this context, applications for development should:*

*a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public*

*transport services, and appropriate facilities that encourage public transport use;*

*b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*

*c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*

*d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and*

*e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations'*

In light of the comments from the Highway Authority the applicant has failed to demonstrate a safe and acceptable access to the site. The proposal would therefore result in an increase in traffic using an access with restricted visibility which would have an unacceptable impact upon highway safety. The proposal is therefore contrary to Policy CT 5 and SS 6 of the Core Strategy.

In terms of car parking, as this is an outline application, all other matters apart from access are reserved and are not therefore for consideration under this application. However, based on the parking standards in Appendix C of the North Norfolk Core Strategy and Policy CT 6, should the development remain as a 3 bedroom dwelling then a minimum of 2 car parking spaces for the proposed dwelling would be required. Car parking for the proposal cannot therefore currently be fully assessed, but based on the indicative plans it would suggest that two car parking spaces could be accommodated on the site (though indicated to be within a car port which is orientated the wrong way in terms of accessibility, though again indicative only), this is subject to the car parking not having a significant impact upon trees or any highway matters. It is not clear, however, whether sufficient parking space would remain for the existing property which is a 5 bedroom holiday let, noting that the parking for the proposed dwelling would take up some of the parking/turning space serving this existing property.

An Electric vehicle charging pointing is shown on the plans, but these are indicative only. No further details are provided, therefore this matter cannot be taken into consideration at this time. The suggestion of an electric vehicle charging point does not outweigh the objections raised by the Highway Authority or those in relation to the unsustainable location of the site.

### **3. Design and layout**

Policy EN 4 states that all development should be designed to a high quality, reinforcing local distinctiveness. Design which fails to have regard to local context and does not preserve or enhance the character and quality of an area will not be acceptable.

The application is in outline form, with only the access for consideration at this stage. Details in relation to the design and appearance of the dwelling, any sustainable construction

measures, energy efficiency and parking arrangements would be determined at the reserved matters stage should outline planning permission be granted.

Whilst plans of the siting and design of the proposed dwelling have been submitted with the application, they are indicative only, and are not for consideration at this stage. By submitting indicative plans the applicant is providing an indication of what the development of the site may involve. There is no guarantee the development shown on the indicative plans would be built should permission be granted. Ultimately what is being considered under this application is the principle of development of the site for a single dwelling, along with the vehicular access. Any design and siting could be submitted at a reserved matters stage.

Notwithstanding this the Planning Statement refers to a 'modest' dwelling. It is not considered that the indicative plans reflect a modest dwelling. The indicative plans would require further consideration in relation to design, scale, siting, orientation and impacts upon trees. Further consideration in relation to the siting of the car port would also be required as this would be poorly related to the dwelling, and would result in a long walk down the driveway. This raises questions over the practicalities of the siting of the car port and how it may be used.

However, should outline planning permission be granted, it is considered that the site is capable of accommodating a dwelling subject to no objections being received from Landscape in relation to harmful impacts upon trees and the character of the area. The proposal would therefore broadly accord with the aims of Policy EN 4 of the Core Strategy in terms of design. Further details of siting and design would be a consideration at Reserved Matters stage.

#### **4. Energy Efficiency**

Whilst matters of energy efficiency are not for consideration under this outline application, the indicative plans show solar PV panels on the roof of the proposed dwelling and an Air Source Heat Pump. The Planning Statement submitted with the application refers to renewable energy uses as part of the proposal, and that the proposed dwelling would be of a low carbon construction, which would provide an energy efficient purpose built home fit for purpose for older people. This may well be the case, but no other details or other information have been provided at this stage, so limited weight can therefore be applied to this matter. In addition, this matter alone does not override the principle objection in terms of the unsustainable location.

Subject to further details being provided at reserved matters stage, the proposed development is capable of complying with Policies EN 6 and SS 4 of the Core Strategy.

#### **5. Amenity**

Policy EN 4 requires that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers. The design and appearance of any dwelling permitted is for consideration at the reserved matters stage. However, given the enclosed nature of the site, due to trees and vegetation and distance/relationship to the neighbouring dwelling to the east and the applicants dwelling to the west it is considered that a proposed new dwelling could be accommodated on the site in a manner which would not have a significant detrimental impact upon any neighbouring properties by way of overlooking,

overshadowing, loss of amenity or outlook and which would therefore satisfactorily accord with Policy EN 4 of the North Norfolk Core Strategy. This is in relation to amenity only and does not negate any further landscape or highways comments which may conclude that a proposed dwelling is not acceptable in this location.

## **6. Landscape and Trees**

### Landscape

Policy EN 2 requires that development proposals should demonstrate that their location, scale, design and materials will protect, conserve and, where possible, enhance the area's special qualities and local distinctiveness (including its historical, biodiversity and cultural character). This policy also highlights that development proposals should protect, conserve and enhance 'gaps between settlements and their landscape setting', whilst ensuring that development is informed by and sympathetic to the distinctive character areas identified in the North Norfolk Landscape Character Assessment (January 2021).

The application site lies within the Tributary Farmland Landscape Type, of which some of the key characteristics are a rural landscape, with hedgerows and mature trees frequent features, settlement is typically rural villages semi-nucleated or nucleated around a church with linear extensions along roadways, a network of quiet lanes. Valued features and qualities include a strong rural character with a sense of remoteness and tranquillity, the woodland cover, hedgerows and hedgerow tress contributing to the visual amenity, rural historic villages and lanes, and long range expansive views. A Force for Change and detractor includes increasing infill development, increases in light pollution associated with new building. The Landscape vision for these landscape character areas requires that new development be successfully integrated within the existing settlements where it reinforces traditional character and vernacular, and the landscape retains a rural character with dark night skies. New planting associated with development should blend with existing features rather than simply trying to screen new development. Layers of vegetation may be more appropriate than one thick screen using species relevant to the local area.

A Landscape and Visual Impact Assessment has been submitted with the application. Having consulted with the Landscape Officer they have confirmed that reduction from two dwellings to one dwelling proportionately reduces the landscape and visual impact that was previously raised as a concern. The proposal for one dwelling allows for the retention of the southern boundary vegetation, which minimises landscape and visual impact from the south.

However, whilst indicative plans have been submitted they cannot be relied upon in terms of what the development of the site may look like. If the plans were to change this could alter Officer opinion. Whilst off-site mitigation planting is proposed, the character of the site will fundamentally alter.

### Trees

An Arboricultural Impact Assessment (AIA) has been submitted with the application. This includes tree surveys of the application site, and shows which trees and vegetation is proposed to be removed on the site to make way for a proposed dwelling. However, given that this is an outline application this appears to have been based on the indicative plans.

The Landscape Officer has been consulted on the application and is currently raising an objection in relation to trees. The Landscape Officer advises that the site has good tree cover, and there are important and good quality trees on site and some lower quality trees. However, the AIA submitted with application provides no detail of vegetation removal to facilitate the visibility splays required by Highways. Since this outline application includes consideration of the access, more detailed plans are required accurately setting out the visibility splays and showing exactly the vegetation that will need to be removed to achieve this.

With regards to the remainder of the site should the application be approved, and the indicative plans submitted as part of a reserved matters application, then further consideration of the proposal in relation to trees would be required. This should include further consideration of the siting of the proposed dwelling, to help reduce the number of trees proposed for removal. It is considered that the indicative plans would incur more tree removal than needed to accommodate a modest dwelling within this garden plot. There is a natural clearing on the site, which could be utilised and further minimise tree removal on the site. Whilst this would bring the proposed dwelling closer to the southern boundary of the site, which faces the wider landscape and open countryside, careful consideration in relation to design would be required so as not to increase the visual impact of the proposed dwelling on the character and appearance of the surrounding countryside, including light pollution. That cannot be fully assessed until such time as a reserved matters application is submitted.

Based on the information currently submitted Officers are not able to support the proposal as insufficient information has been provided in which to be able to make a full assessment, particularly in regards to the site access. The proposal would therefore be contrary to Policies EN 2 and EN 4 of the Core Strategy.

## **7. Ecology/ Biodiversity/ GIRAMS/ NN**

Policy EN 9 requires that all development proposals protect the biodiversity value of land and buildings and incorporate biodiversity conservation features where appropriate. Where there is a reason to suspect the presence of protected species, applications must be accompanied by a survey assessing their presence. If present, the proposal must be sensitive to and make provision for their needs.

### Ecology

The application is supported by an Ecological Assessment Report. A summary of the findings includes:

- The site is currently garden land comprising lawn, shrubs and trees.
- No unexpected impacts upon designated sites or priority habitats are foreseen, with impacts upon designated sites restricted to cumulative recreational impacts which will be dealt with through payment of the Norfolk GIRAMS tariff.
- Most species of conservation concern are scoped out of the assessment with those scoped in including foraging bats, nesting birds, hedgehogs and widespread moths.
- Avoidance and mitigation measures are recommended, including commencing works outside of the nesting bird season (March to August inclusive) and wildlife-friendly

lighting design.

- Grassland enhancement, hedgerow retention and tree planting (approx. 22 trees) is proposed off-site (on a paddock in the applicant's ownership adjacent to (southwest of) the site) for the loss of habitats at the site.
- Enhancement measures recommended include soft landscaping of benefit to wildlife (tree planting, wildflower sward and native shrubs), and the installation of three bird boxes (small-hole, open-fronted and one for tawny owl) and two bat boxes.

Having consulted with the Landscape Officer, they are satisfied with the assessment and recommendations made within the report. Whilst it is never desirable for significant numbers of trees and vegetation to be removed, the report and associated Biodiversity Net Gain calculations demonstrate a net gain could be achieved, albeit 3.5km south-east of the development site.

Due to the low ecological value of the existing site, the Landscape section hold no objection to the proposed development on ecological grounds subject to a condition to secure the following specified mitigation and enhancements:

- Any clearance of woody vegetation to take place outside of the breeding bird period (March to August inclusive) or following a pre-commencement check by a suitably qualified ecologist.
- Any external lighting must be installed following best practice guidance, e.g. operate using motion sensors on a 1 min or less interval, be mounted horizontally to the ground and not tilted upwards, and in the warm white spectrum (preferably <2700K).
- Installation of three bird boxes
- Installation of at least two bat bricks/tubes integrated into the new dwelling.

Subject to the satisfactory implementation of conditions securing the above requirements, it is considered that the proposal will satisfactorily accord with Policy EN 9 of the Core Strategy.

#### Biodiversity Net Gain (BNG)

A Biodiversity Net Gain Estimates Report, along with the Statutory Biodiversity Metric calculation tool and Technical Annexe 1 have been submitted with the application. Whilst the planning application was submitted prior to the 10% BNG mandatory requirement coming into effect for small developments (2<sup>nd</sup> April 2024), this has in any case formed part of the supporting information for this application, and is a material consideration.

The mandatory BNG requirement is an approach to development that aims to leave the natural environment in a measurably better state than before, and requires a commitment by the developer to provide a minimum of 10% BNG for at least 30 years. This is secured through a pre-commencement condition, and planning legal obligations.

There are three ways a developer can achieve 10% BNG:

1. They can enhance and restore biodiversity onsite within the red line boundary of a development site.

2. If developers can only achieve part of their BNG onsite, they can deliver through a mixture of onsite and offsite. Developers can either make offsite biodiversity gains on their land outside the development site or buy offsite biodiversity units on the market.
3. If developers cannot achieve onsite or offsite BNG, they must buy statutory biodiversity credits from the government. It must be a last resort. The government will use the revenue to invest in habitat creation in England.

Developers can combine all three options but must follow the steps to comply with the biodiversity gain hierarchy.

Based on the information submitted with the application it is stated that the minimum 10% requirement can be achieved off-site on a paddock in the applicant's ownership adjacent to (southwest of) the site. The Biodiversity Net Gain Estimate report states that this could be achieved in the form of grassland enhancement, hedgerow retention and tree planting (approx. 22 trees).

Having consulted with the Landscape Officer they have advised that the off-site mitigation is integral to the proposed development minimising biodiversity loss and achieving a net gain in accordance with paragraph 180 of the NPPF and Policy EN 9 of the Council's adopted Core Strategy. Therefore, in order to ensure implementation of the off-site compensatory habitats and ongoing management for the next 30 years, a planning obligation (e.g. S106 agreement) or condition will need to be agreed as part of an approval of this application prior to the issuing of a decision.

The Committee should note that the mandatory 10% BNG requirements do not apply to this application and an increase of 0.1% is the bare minimum required to be achieved. The applicant is therefore proposing a biodiversity net gain above and beyond that required to be achieved. Nonetheless, the offer of 10% BNG would need to be weighed in the planning balance.

#### GIRAMS

The site lies within the Zone of Influence of a number of European sites. The proposed net increase of one dwelling would trigger the requirement for a financial contribution towards the strategic mitigation package in accordance with the Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS). The developer contribution is currently set at £221.17 per dwelling and is index linked with inflation. The Planning Statement submitted with the application states that the GIRAMS payment will be made. However, at the time of writing this report no payment had been received. Should this application be approved then payment will be required prior to issuing the decision.

Subject to securing payment of the fee, should the application be approved, then the proposal would comply with Policy EN 9 of the Core Strategy. If refused, the non-payment of the tariff should be included as a refusal reason (as recommended).

#### Nutrient Neutrality

The application has been assessed against the conservation objectives for the protected habitats of the River Wensum Special Area of Conservation and the Broads Special Area of Conservation and Ramsar site concerning nutrient pollution in accordance with the

Conservation of Species and Habitats Regulations 2017 (as amended) (Habitats Regulations). The proposal will result in additional overnight accommodation; and it is located within the surface water catchment for the River Bure. The Drainage Strategy submitted as part of the planning application confirms that the foul water sewer discharges to the catchment for Cromer Water Recycling Centre (WRC), and then out to sea. Foul water therefore is discharged outside of the nutrient catchments. On this basis, provided these drainage arrangements remain in place, the proposal is not likely to have a significant effect on the conservation objectives either alone or in combination with other projects and there is no requirement for additional information to be submitted to further assess the effects. The application can, with regards nutrient neutrality, be safely determined with regards the Conservation of Species Habitats Regulations 2017 (as amended). For the reasons provided above, it is considered the proposal complies with the requirements of Policy EN 9, and Chapter 15 of the Framework.

In terms of an overall conclusion, subject to the GIRAMS payment being made prior to the determination of the application, should it be approved then the proposal would be acceptable and comply with Policy EN 9 of the Core Strategy.

## **8. Drainage**

A Drainage Strategy has been submitted with the application in respect of both the foul and surface water drainage for the site. Based on the information submitted it is proposed that the site would connect to the existing foul water public sewer in Church Street and use sustainable drainage systems to manage surface water drainage, such as soakaways and permeable surfaces.

It is therefore considered that the proposal is acceptable in terms of drainage and flooding and complies with Policy EN 10 of the Core Strategy and meets the foul and surface drainage hierarchy of the NPPF.

## **9. Other matters**

Members may recall that there have been two recent applications for housing in West Beckham. One along Church Street, in close proximity to the application site, and one along Sheringham Road. However, these applications were for affordable housing through the Council's exception policy, with a Social Registered Landlord on board. The policies for determining such applications for affordable housing under the exceptions policy differ to those for market housing in the countryside. These applications do not alter the fact that market housing in this location is contrary to Policies SS 1 and SS 2 of the adopted North Norfolk Core Strategy, further supported by the policies contained in the emerging local plan subject to adoption of those policies, as outlined above.

## **Conclusion and 'planning balance'**

The site which is the subject of this application is located outside of the established growth locations identified in Policy SS 1 Spatial Strategy and is not in line with the adopted or emerging local plan spatial hierarchy and distribution of growth. Policy SS 2 lists the types of development that can be acceptable in principle in the countryside and the acceptable forms of development listed under Policy SS 2 do not include market dwellings or allow for the

erection of Custom and Self Build dwellings in unsustainable locations. The development would result in a dwelling in a poorly accessible and remote location which would result in a high reliance on the private car for most journeys and provide limited opportunities for future occupiers to access services and facilities by modes of sustainable transport.

Whilst the demand for a serviced self-build plot may be established by the Register, the proliferation of development in an unsustainable location and in clear conflict with the Development Plan weighs very heavily against the grant of planning permission.

A recent appeal decision at Great Snoring (School Farm – the proposed development being for 1 dwelling) was dismissed on 10th June 2024 which raised similar planning issues. This followed another appeal decision at Hempstead (Land to the Rear of the Knoll – the proposed development being for 2 dwellings) which was similarly dismissed on 06<sup>th</sup> June 2024. A copy of these decisions is attached at **Appendix A** of this report.

In relation to the assessment against paragraph 11 (d) of the National Planning Policy Framework, in the light of the Council's lack of a 4-year or 5-year housing land supply, the application has been assessed against the overarching social, economic and environmental objectives of achieving sustainable development. The social and economic benefits of a single dwelling would be limited owing to the lack of services and facilities within the immediate vicinity of the site, or nearby villages. It is therefore considered that the adverse impacts of approving this development would significantly and demonstrably outweigh the benefits which would in this case be limited.

In addition, at the time of writing this report insufficient information has been submitted in relation to tree removal at the site, including the visibility splay.

With regard to highway safety the applicant has failed to demonstrate that the access would be acceptable and not detrimental to highway safety given the increase in the use of the eastern access that would be generated as a result of the proposal and that an acceptable level of visibility has not been demonstrated without third party land without detriment to existing trees.

As such, the proposal is considered to be contrary to Policies SS 1, SS 2, SS 4, SS 6, EN 2, EN 4 and CT 5 of the adopted North Norfolk Core Strategy and paragraph 7, 8, 9, 10, 11, 12, 83, 84 and 89 of the National Planning Policy Framework.

### **RECOMMENDATION:**

#### **REFUSE on the following grounds:**

The District Council adopted the North Norfolk Core Strategy on 24 September 2008, and subsequently adopted Policy HO 9 on 23 February 2011, for all planning purposes. The following policy statements are considered relevant to the proposed development:

Policy SS 1: Spatial Strategy for North Norfolk

Policy SS 2: Development in the Countryside

Policy SS 4: Environment

Policy SS 6: Access and Infrastructure

Policy EN 2: Protection and enhancement of landscape and settlement character

Policy EN 4: Design

Policy CT 5: The transport impact of new development

National Planning Policy Framework (NPPF) (2023): Paragraphs 7, 8, 9, 10, 11, 12, 83, 84 and 89

1. In the opinion of the Local Planning Authority, the proposed development site lies within the Countryside where proposals for new build market dwellings and custom and self-build dwellings are not permitted in principle. Whilst the demand for a serviced self-build plot may be established by the Council's self-build register, the location is remote, lacking in day-to-day services and facilities, and suffers from poor accessibility including limited public transport options, which would result in a high reliance on the private car to access an adequate level of services and facilities. It is not considered that there are any sufficient material considerations, taking account of the very limited social, economic and environmental benefits, along with the proposed self-build nature of the development, and current land supply, which would outweigh the principle policy conflict in this instance. The proposal would therefore be contrary to Policies SS 1, SS 2, SS 4 and SS 6 of the adopted North Norfolk Core Strategy and Paragraphs 7, 8, 9, 10, 11, 12, 83, 84 and 89 of the National Planning Policy Framework.
2. The proposed development would result in an increase in use of an existing access point that suffers from an unacceptable level of visibility, to the detriment of highway safety. The applicant has failed to demonstrate that the access visibility can be improved, without the use of third party land, and without detriment to existing trees which, if removed, would be visually detrimental to the character and appearance of the locality. Accordingly, the proposed development is contrary to Policies CT 5, EN 2 and EN 4 of the adopted North Norfolk Core Strategy.
3. The Local Planning Authority considers that the proposed development falls within Group Area Zones of Influence and affects European Designations as set out in the Norfolk Green Infrastructure and Recreational Impact Avoidance Mitigation Strategy.

The applicant has failed to demonstrate that the proposed development would not result in adverse effects, either alone or in combination on the integrity of European Sites arising as a result of the development including in relation to recreational disturbance.

In the absence of evidence to rule out likely significant effects and in the absence of suitable mitigation measures to address likely significant effects, the proposal is contrary to the requirements of policies SS 4 and EN 9 of the North Norfolk Core Strategy and approval of the application would conflict with the legal requirements placed on the Local Planning Authority as competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended).



# Appeal Decision

Site visit made on 30 April 2024

by **G Dring BA (Hons) MA MRTPI MAUDE**

an Inspector appointed by the Secretary of State

Decision date: 10 June 2024

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**Appeal Ref: APP/Y2620/W/23/3328267**

**School Farm, Fakenham Road, Great Snoring, Norfolk NR21 0HG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
  - The appeal is made by Mr Tim Schofield, Raven Development Company Ltd against the decision of North Norfolk District Council.
  - The application Ref is PO/23/1216.
  - The development proposed is one detached two storey private dwelling house.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The proposal is outline with all matters reserved. I have taken any indication of any reserved matters shown on the submitted drawings to be illustrative.
3. The Government published a revised National Planning Policy Framework (Framework) in December 2023. I have sought comments from the main parties on the revised Framework and have taken them into account in considering the appeal.
4. A Unilateral Undertaking (UU) has been submitted with the appeal which seeks to secure the delivery of self-build and custom housebuilding (SBCH) at the appeal site. I will return to this matter later in this decision.

## Main Issue

5. The main issue is whether the site is a suitable location for development having regard to the Council's spatial strategy, the vitality of the rural community and the accessibility of services and facilities.

## Reasons

6. Policy SS1 of the North Norfolk Local Development Framework Core Strategy September 2008 (CS) sets out the spatial strategy for the area and directs housing developments to towns and certain larger villages. Great Snoring is not a settlement identified for growth by Policy SS1 and is therefore designated as countryside for the purposes of the spatial strategy.
7. Policy SS1 restricts development in the countryside to only particular types of development which would support the rural economy, meet affordable housing needs and provide renewable energy. Policy SS2 of the CS goes on to state that development within countryside locations will be limited to that which

- requires a rural location and where it complies with one or more of a list of exceptions. SBCH housing is not identified as an exception under Policy SS2.
8. The proposal would therefore be contrary to Policies SS1 and SS2 of the CS and would not comply with the requirements of the spatial strategy for the district.
  9. The appeal site is part of an agricultural field which is bound to the east and west by existing dwellings, with frontage onto Fakenham Road. Whilst the wider field appeared to have been worked at the time of my visit, the appeal site was laid to grass. I have not been made aware of nor did I witness any services and facilities within Great Snoring that would meet the day to day needs of future occupants.
  10. The settlement of Little Snoring is located approximately 1.5 miles to the south, which provides a limited number of services and facilities including a primary school, pre-school, village store and post office. Removed from Great Snoring to the north is Little Walsingham, a settlement which also provides a limited number of services and facilities.
  11. However, the routes to both nearby settlements where some day to day needs could be met are along narrow rural lanes, subject to the national speed limit. There are no dedicated footways or street lighting. Whilst I note there are verges in some locations where people could take refuge, there are also areas where it would not be possible for people to stand clear of the road. The nature of the routes and the distance entailed mean that it is unlikely that walking and cycling would be an attractive option to most, particularly those with young children or those with mobility issues.
  12. I have not been made aware of any public transport options that would be available to any future occupants. As a result, residents would be unduly reliant on the private car for even basic services and facilities, even if some journeys would be relatively short.
  13. To promote sustainable development in rural areas the Framework promotes that housing should be located where it will enhance or maintain the vitality of rural communities, this includes where there are groups of smaller settlements, development in one village may support services in a village nearby. However, as stated above, there are no identified services and facilities within Great Snoring that future occupants would support and given the scale of the proposal, any maintenance or enhancement of the vitality of nearby settlements would be very limited.
  14. The appellant has referred me to an appeal decision at North Walsham. I accept that the appeal site before me would not be isolated in terms of the Framework test, given its proximity to other dwellings. However, from reading the appeal decision for North Walsham, that site was considered by the Inspector to be in suitable proximity of a principal settlement, identified for significant levels of growth. That relationship with a larger settlement is not apparent in the case before me and therefore the two are not directly comparable.
  15. I therefore find that the appeal site would not be a suitable location for the proposed development, having regard to the Council's spatial strategy, the vitality of the rural community and with regard to the accessibility of services

and facilities. The proposal would be contrary to Policies SS1 and SS2 which are set out above and Policy CT5 of the CS, which seeks, amongst other things, that developments reduce the need to travel and maximise the use of sustainable forms of transport.

16. The appellant asserts that the Council has incorrectly referenced Policy SS4 in its reason for refusal. However, this policy states that development, as well as being designed to reduce carbon emissions, it should also be located in a way which would achieve this aim. Given my findings above, I find that the proposal would be contrary to Policy SS4 of the CS.
17. Given the overarching aims of CS Policies SS1, SS2, SS4 and CT5 as set out above, I find that they are in general consistency with the Framework.

*Other considerations*

18. Under the Self-build and Custom Housebuilding Act 2015 (as amended) relevant authorities are required to keep a register of individuals seeking SBCH plots. Relevant authorities are also required to grant sufficient permissions to meet the demand for SBCH in their area.
19. Paragraph 63 of the Framework highlights the need for housing for different groups in the community including those people who wish to commission or build their own homes. I acknowledge the case at Droitwich Spa that I have been directed to by the appellant which sets out the importance of the delivery of SBCH and I acknowledge that it is a particular type of development, that needs to be considered.
20. The appellant asserts that the proposal would be a SBCH dwelling and that if the appeal was allowed, it would be advertised for sale as such. I am not aware of any restrictions that preclude the appellant from taking this route to provide a SBCH plot, which could be taken up by someone on the Council's register, should permission be granted. I am also not aware of any requirement for the appellant to be on the Council's register in order for the provision of a SBCH plot to be identified as a benefit.
21. Whilst in other appeal decisions put to me, it appears as though there was not any significant information provided in relation to the Council's performance in meeting SBCH plot provision requirements, the appellant in this case has submitted headline figures from the Right to Build Registers from 2016-2022. This states that there were 13 individuals on the register in the 7<sup>th</sup> base period.
22. The data set provided identifies that only 1 SBCH plot has been granted planning permission. However, whilst not identified on the register, the Council has confirmed that 30 SBCH plots have been secured by a s106 agreement on a development in Fakenham which would exceed the current demand. No further information is provided by the Council in this regard. It is not clear why these figures have not been identified or if there have been other omissions from the data that would impact on the figures.
23. The appellant asserts that the nature of the Fakenham permission, being a large scale development, which would be phased, with no identified developer, means that whilst it might meet needs in the longer term, it is not meeting the current demand. Whilst I acknowledge this point, the Council are required to grant sufficient permissions, rather than ensure delivery by a certain date.

24. The Council has confirmed that policies in the draft plan will deal with the provision of SBCH plots moving forward. However, the draft plan, whilst it has been submitted for examination, it is yet to be adopted and therefore I attach limited weight to this consideration.
25. The Council suggest that there are instances where permission for small scale windfall plots have the potential to be classified as SBCH, even if the applicant is not on the Council's register or there is no legal mechanism in place. However, I have not been provided with any figures or information on this potential source of SBCH plots, if any have been permitted and which base period they would count against.
26. I have been referred to appeal decisions at Hempstead and Tunstead where it was noted that the proposals were not supported by any mechanism for securing SBCH provision, which meant that limited weight could be attached to the matter as a benefit. In the case before me a UU has been submitted. However, it has not been signed or dated and therefore could not take effect should the appeal be allowed.
27. I therefore find that the information before me on SBCH figures does not provide clarity on the current situation. Without further details, such as raw data and more detailed analysis, it is not clear if the demand on the register is being met. It is not obvious when the 30 SBCH were granted and which base period these should be counted against. However, given the UU provided is not complete, the weight I can attribute to the provision of a SBCH plot is limited.
28. The appellant states that the parcel of land that makes up the appeal site is difficult to utilise for farming purposes, given the size and scale of modern farming equipment. Nevertheless, this matter would not outweigh the conflict I have found above.
29. The appellant asserts that a vehicular access into the site would not be harmful to highway safety and that there would be sufficient space to park and turn within the site. They also state that the site would not be at risk of flooding and that a suitable scheme could be designed in terms of the character and appearance of the area. It is also put to me that there are no objections to the proposal from the Parish Council or Local Highway Authority. Nonetheless, these are neutral considerations that weigh neither for nor against the proposal.
30. The Council has provided a plan showing the Great Snoring Conservation Area (CA) boundary which identifies the appeal site within it. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
31. The significance of the CA relates to its rural setting, the presence of trees and hedgerows, traditional buildings, the use of local materials and the linear arrangement of buildings along the narrow rural roads. The proposal is outline with all matters reserved, but I am satisfied, given the size of the appeal site, and the relationship with the road frontage and neighbouring development, that a proposal could be designed that would respect the character and appearance of the CA. I therefore consider that the proposal would preserve or enhance the character and appearance of the CA and that it would not be harmful to its significance.

## Planning Balance

32. I am referred to appeal decisions at Takeley and Briston where the presumption in favour of sustainable development, set out in the Framework, was applied. Whilst there may be some similarities to the case before me, it appears from reading the decisions that other issues are at play relating to character and appearance and the status of the relevant policies in the development plan. In any case, each appeal must be determined on its individual merits.
33. In the context of the development plan, I have found that the proposal would be in conflict with Policies SS1, SS2, SS4 and CT5 of the CS. In this respect, I have found these policies to be generally consistent with the relevant aims of the Framework, in the main issues above. I therefore find that the proposal would not accord with the development plan when considered as a whole.
34. In this case the Council accepts that it cannot demonstrate a sufficient housing land supply at the present time. Therefore paragraph 11 d) ii) of the Framework is engaged. Consequently, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
35. The provision of a new dwelling would assist in boosting the supply of homes as supported in paragraph 60 of the Framework. As a small site, it could be developed quickly. There would be some benefit to the local economy during the construction phase of the development, and subsequently from future occupiers in terms of supporting services and facilities in the wider local area. Given the scale of the scheme however, these benefits would be limited.
36. If the proposal was a SBCH plot it would provide an opportunity for people wishing to commission or build their own homes, which is supported by the Framework. However, given the UU is not complete, I attribute only limited weight to this benefit.
37. The Framework sets out, at paragraph 109, that development should be focussed on locations that are sustainable through limiting the need to travel and offering a genuine choice of transport modes. The paragraph goes on to recognise that opportunities for sustainable transport will vary between urban and rural areas. Nonetheless, by being in a location which would mean occupants are largely reliant on their private cars, the proposal would conflict with this paragraph, and this is a matter which carries significant weight.
38. Paragraph 83 states that housing should be located where it will enhance or maintain the vitality of rural communities. Given that the appeal site is removed from the nearest settlement that would provide services and facilities, that public transport or opportunities for other sustainable modes of travel to those other settlements are very limited and the small scale of development proposed, I am not satisfied that it has been demonstrated that the proposal would enhance or maintain the vitality of the rural community. The conflict with this paragraph also carries weight.
39. Consequently, I consider that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Therefore, the presumption in favour of sustainable development does not apply.

40. The Council has confirmed that a payment has been made in order to mitigate the effects of recreational disturbance on European sites. However, as the appeal is to be dismissed, there is no need to undertake an appropriate assessment or to have regard to the Conservation of Habitats and Species Regulations 2017 (as amended).

**Conclusion**

41. The proposal would be contrary to the development plan and the Framework, taken as a whole, and there are no other considerations that indicate a decision other than in accordance with them. Accordingly, the appeal is dismissed.

*G Dring*  
INSPECTOR



# Appeal Decision

Site visit made on 30 April 2024

**by G Dring BA (Hons) MA MRTPI MAUDE**

**an Inspector appointed by the Secretary of State**

**Decision date: 6 June 2024**

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**Appeal Ref: APP/Y2620/W/23/3325494**

**Land to the rear of The Knoll, Chapel Lane, Hempstead**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
  - The appeal is made by Ms Trudi Seaman against the decision of North Norfolk District Council.
  - The application Ref is PO/23/0695.
  - The development proposed is erection of two detached single storey dwellings.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The appellant's name was spelt differently on the appeal form compared with the application form. The appellant has confirmed that the correct name was that provided on the application form and as such, that is the name I have identified in the banner heading above.
3. The description of development provided on the application form was 'hybrid application for a pairs of semi-detached bungalows and two parking spaces for the village hall', however on the Council's decision notice and the appeal form submitted by the appellant the description of development is described as 'erection of two detached single storey dwellings – outline with all matters reserved'. No parking spaces to serve the adjacent village hall are identified on the indicative details. The appellant has clarified that the description provided on the appeal form is the correct one. I have therefore used the revised description of development in the banner heading above, removing wording that does not form an act of development.
4. The proposal is outline with all matters reserved. I have taken any indication of any reserved matters shown on the submitted drawings to be illustrative.
5. The Government published a revised Framework in December 2023. I have consulted the main parties on the revisions and have taken any comments received into account in my consideration of this case.

## Main Issues

6. The main issues are:
  - whether the site would be a suitable location for the proposal having regard to the Council's spatial strategy, the vitality of the rural community and the accessibility of services and facilities;

- the effect of the development on highway safety; and
- the effect of the development on existing trees and protected species.

## **Reasons**

### *Location*

7. Policy SS1 of the North Norfolk Local Development Framework Core Strategy September 2008 (CS) sets out the spatial strategy for the district and focuses development within the towns and larger villages with only a small amount of development being supported in the smaller designated Service Villages and Coastal Service Villages. Hempstead is not identified under Policy SS1 as falling under any of the categories of settlement where development would be supported and is therefore identified as countryside for the purposes of the spatial strategy.
8. Policy SS1 restricts development in the countryside outside of the identified settlements to only particular types of development which would support the rural economy, meet affordable housing needs and provide renewable energy. Policy SS2 of the CS goes on to state that development within countryside locations will be limited to that which requires a rural location and where it complies with one or more of a list of exceptions. The proposal would not meet any of the identified exceptions under Policy SS2.
9. The proposal would therefore be contrary to Policies SS1 and SS2 of the CS and would not comply with the requirements of the spatial strategy for the district.
10. Hempstead is a small settlement, which has a Church and village hall. I have not been made aware of any other services or facilities nor did I witness any during my site visit. I did note the timber bus shelter located on The Street, however, I am advised that bus services are very limited with only school services and a public service one day per week. There is little evidence before me that suggests the proposal would have any meaningful role in enhancing or maintaining the vitality of Hempstead.
11. The appellant asserts that Hempstead is 2½ miles from Holt and that it would take 7 minutes to drive to it or 16 minutes to cycle. Holt is identified under Policy SS1 as a Principal Settlement which benefits from a range of services and facilities. It is also stated that another Principal Settlement, Cromer, is 11 miles away from the appeal site. It is likely that future occupiers of the proposed dwellings would be likely to make use of services and facilities in both these settlements. However, since only two dwellings are proposed, any associated contribution to their overall vitality, compared to the size of those settlements, would be very limited.
12. The road network from Hempstead to Holt is largely made up of narrow rural lanes that are unlit, have no separate pavements and are in the main subject to the national speed limit. Given these characteristics, and the distance to Holt, it is unlikely that walking or cycling would be an attractive option to most.
13. Therefore, given the lack of services, facilities and public transport provision in Hempstead and the nature of the road network not being conducive to walking and cycling for the majority, future occupants would be heavily reliant on the private car to access services and facilities on a day to day basis, and whilst

some journeys would not be overly far, the need to travel would be relatively frequent.

14. I find that the appeal site would not be a suitable location for the proposal having regard to the spatial strategy, the vitality of the rural community and with regard to the accessibility of services and facilities. The proposal would be contrary to Policies SS1 and SS2 as set out above, and SS4 of the CS, which seek, amongst other things, to direct development towards locations within settlements which provide access to services, facilities and public transport options, minimise the need to travel, especially by car and limit the impact on the environment through reducing carbon emissions.

#### *Highway safety*

15. The site is accessed from an existing unadopted private road, The Knoll, that provides parking and access to the rear of a number of existing properties. Chapel Lane is a narrow rural road subject to a 30mph speed limit. The road has no separate footway and is unlit. During my site visit, whilst only a snapshot in time, the number of vehicles using Chapel Lane was very limited. I also noted that whilst visibility for drivers exiting The Knoll onto Chapel Lane is reasonable to the east, it is significantly restricted to the west due to a raised grass embankment.
16. The Highway Authority state that visibility to the west achieves 24% of the required distance as set out in Manual For Streets and given the width of the road is limited to 2.8m, the risk of vehicle/pedestrian conflicts would increase as a result of the proposal. I also note the photographs provided by the Highway Authority that identify other junctions with restricted visibility in the local area.
17. The site is currently vacant but was previously used as a smallholding with stables. Whilst I noted an area of hardstanding was present, there were no buildings on the site at the time of my visit. I am advised that the stables were restricted to personal use only.
18. In my view, just because the stable building has been removed at the present time, does not mean that the use of the land for smallholding and stabling purposes could not resume in the future. In this case it would be relatively simple to resume that previous use. Therefore, I do not consider that the resuming of the previous use would be purely theoretical or unrealistic.
19. The Highways Authority suggest that the previous stables would have attracted 2 daily visits, whereas the proposal for two dwellings would be likely to attract 6 vehicle movements per weekday for each dwelling. Based on these assumptions, it would result in 4 vehicle movements per day for the previous use and 12 for the proposed.
20. In my view the increase in the amount of vehicle movements that would be associated with the proposed two dwellings compared with the previous use would be relatively small, particularly when considering the nature of the existing use of the private drive by occupants of existing dwellings. Whilst I note that it wouldn't be the case for all, it is likely that local drivers using Chapel Lane would be aware of the possibility of other drivers seeking to exit The Knoll, given the access is in use and has been for some time.

21. The Council state that the lack of any accidents recorded does not mean that they do not occur because they are not always reported. However, I have no substantive evidence before me to suggest that there have been any accidents as a result of drivers exiting The Knoll onto Chapel Lane. It is likely that the speed of vehicles is limited by the narrow characteristics of Chapel Lane, which in turn is likely to lead to less chance of an accident occurring.
22. Therefore, whilst I accept that visibility to the west is restricted, I consider that the proposal would result in a negligible difference in the use of the access road and as such the proposal would not be likely to result in an unacceptable impact on highway safety.
23. I am referred by the Council to the previous appeal decision on the appeal site where the Inspector found that the proposal in that case would be harmful to highway safety. However, that scheme was for two dwellings and a car park which would provide 23 parking spaces to serve the adjacent village hall and therefore would have generated materially more traffic than the scheme before me. The Inspector found that the combined increase in traffic generated by the proposed dwellings and car park would be detrimental to highway safety.
24. However, the Inspector found that the traffic generated by two bungalows would make a negligible difference to the existing and previous use of the access road. I concur with the previous Inspector's view in this regard.
25. Therefore, I do not find that the proposal is likely to result in harm to highway safety. The proposal would therefore comply with Policy CT 5 of the CS which seeks, amongst other things, that the expected nature and volume of traffic generated by proposals can be accommodated by the existing road network, without detriment to highway safety.

#### *Trees and protected species*

26. There are no trees within the appeal site, however, there are a number of trees within neighbouring garden areas to the east, north and west. A hedgerow is located along part of the southern boundary of the site with another located along part of the western boundary. I am satisfied, given the dimensions of the site, that two dwellings could be sited in a way that would limit any impact on neighbouring trees and the existing hedgerows.
27. I consider that ensuring the protection and retention of the neighbouring trees and boundary hedgerows could be dealt with effectively at the reserved matters stage, through the detailed layout and landscaping requirements and through planning conditions.
28. The site itself is rough grassland, other than where the hardstanding is located. The appeal site did not appear significantly overgrown at the time of my site visit. There is no evidence before me, including the identification of specific features, other than the nearby trees and boundary hedgerows, that suggests there are any protected species present on the site, or within the local area that would be potentially affected by the proposed development.
29. I therefore find that the proposal is not likely to result in a harmful effect on trees or protected species. In this regard, the proposal would comply with Policy EN9 of the CS, which seeks to conserve or enhance biodiversity.

### **Other considerations**

30. The appellant asserts that the redevelopment of the site for housing would improve the living conditions of neighbouring residents, but no specific details of any significant issues in this regard have been identified. I have not been made aware of any complaints by neighbouring residents about the previous use of the site. I consider that any betterment to living conditions for neighbours would be limited and therefore I attribute limited weight to this consideration.
31. I note that refuse vehicles already serve the other properties with access from The Knoll and that the proposal would be able to utilise this existing service. The fact that there would be no harm in terms of refuse provision for future occupants would be a neutral consideration that would weigh neither for nor against the proposal.
32. The appellant asserts that the previous use of the site as a smallholding and stables would result in nitrates. However, given the scale of the appeal site, any reduction as a result of the proposed development would be minimal.
33. The Council has provided a plan showing the Hempstead Conservation Area (CA) boundary which identifies that a small part of the appeal site along the western boundary is included within it. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
34. The significance of the CA relates to its rural setting and character along with the presence of buildings of traditional form constructed from locally distinct materials. The proposal is outline with all matters reserved, but I am satisfied, given the size of the appeal site, that two dwellings could be located within the site that would respect the character of the CA in terms of layout, form and use of materials. I therefore consider that a scheme could be designed that would preserve the character and appearance of the CA that would not be harmful to its significance.

### **Planning Balance**

35. The Council accepts that it cannot demonstrate a sufficient housing land supply at the present time. I have found that the proposal would not result in harm to the CA and therefore paragraph 11 d) ii) of the Framework is engaged. In these circumstances footnote 8 of the Framework establishes that the policies which are most important for determining the application are out-of-date. Consequently, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
36. The provision of two houses would assist in boosting the supply of homes as supported in paragraph 60 of the Framework, and they could be small homes, for which the Council's Strategic Housing Market Assessment identifies a particular need. As stated by the appellant, as single storey dwellings, they would be well suited to older people or those with mobility difficulties as advocated in paragraph 63. As a small site, it could be developed quickly, as identified under paragraph 70. The proposal could make efficient use of a site which is in part previously developed and the appearance of the area could

potentially be improved. Given the limited scale of the proposal, these benefits would be modest.

37. There would be some benefit to the local economy during the construction phase of the development, and subsequently from its occupiers in terms of supporting services and facilities in the wider local area. This is supported by Paragraphs 83 and 85 of the Framework. However, given the modest size of the proposal and due to the appeal site being removed from those settlements where the services and facilities are provided, this benefit would be limited.
38. I acknowledge the contribution that self-build developments make to the mix of housing supply, as identified under paragraph 63. The appellant asserts that the proposal is for self-build homes, however, there is no mechanism before me that would ensure that the proposed dwellings would be such a development type, and I do not consider that this could be sufficiently secured by a condition. As such, I afford this very limited weight.
39. I have found that the proposal would not be likely to result in harm to highway safety, trees or protected species. A lack of harm in these respects are neutral considerations that weigh neither for nor against the proposal.
40. The Framework also sets out, at paragraph 109, that development should be focussed on locations that are sustainable through limiting the need to travel and offering a genuine choice of transport modes. The paragraph goes on to recognise that opportunities for sustainable transport will vary between urban and rural areas. Nonetheless, by being in a location which would mean occupants are largely reliant on their private cars, the proposal would conflict with this paragraph, and this is a matter which carries considerable weight.
41. Paragraph 83 of the Framework states that housing should be located where it will enhance or maintain the vitality of rural communities. Given that the appeal site is removed from the nearest settlement that would provide services and facilities, that public transport or opportunities for other sustainable modes of travel to those other settlements are very limited and the small scale of development proposed, I am not satisfied that it has been demonstrated that the proposal would enhance or maintain the vitality of the rural community. The conflict with this paragraph also carries weight.
42. Consequently, the adverse impacts on the housing strategy and of increasing travel by car would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

### **European designated sites**

43. The site lies within the Norfolk Valley Fens Special Protection Area Zone of Influence and the North Norfolk Coast Sites Zone of Influence. The Council has confirmed that the Norfolk wide Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS) is now in place. The GIRAMS aims to deliver strategic mitigation necessary to avoid likely significant effects from planned residential and tourism growth. The GIRAMS sets out a tariff for certain types of new development in order to contribute to the mitigation of any adverse effects.
44. In the Council's Officer Report, it states that the GIRAMS payment in relation to this proposal has not been paid. The appellant has provided a completed

Section 111 form which should accompany a GIRAMS payment, however this relates to a different planning application reference. It is not therefore clear if the GIRAMS payment has been made in relation to this proposal or not. However, as I am dismissing the appeal on other matters, there is no need for me to request further clarification on this matter or for me to undertake an appropriate assessment in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

### **Conclusion**

45. The proposal would conflict with policies SS1, SS2 and SS4 of the CS and as such the appeal site would not be a suitable location for the proposal having regard to the Council's spatial strategy, the vitality of the rural community and with regard to the accessibility of services and facilities. These policies are generally consistent with the Framework in the aim to encourage sustainable patterns of development and reduce the need to travel by private vehicles. Therefore, the conflict between the proposal and Policies SS1, SS2 and SS4 should be given significant weight in this appeal.
46. As there are no policies in the CS which positively favour development of this kind in this location and as the proposal would be contrary to the policies referred to above, there would be a conflict with the development plan as a whole. It would also be contrary to the approach in the Framework. The appeal is therefore dismissed.

*G Dring*

INSPECTOR

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**CLEY-NEXT-THE-SEA – PF/24/0747 – Insertion of 3 windows in western elevation of building with permission for use as a hotel/guest house (Use Class C1) at Cookes Marsh, Holt Road, Cley-next-the-sea, Holt**

## **Minor Development**

**Target Date:** 6<sup>th</sup> June 2024

**Extension of time:** 30<sup>th</sup> July 2024

**Case Officer:** Miss Jamie Smith

**Full Planning Permission**

## **RELEVANT SITE CONSTRAINTS**

Countryside

Norfolk Coast National Landscape (formerly AONB)

Undeveloped Coast

Conservation Area - Cley and Glaven Valley

Landscape Character Assessment – within River Valleys landscape type

Flood Zone 3B

Areas Susceptible to Groundwater SFRA - Classification:  $\geq 25\%$   $< 50\%$

EA Risk Surface Water Flooding 1 in 1000

Tidal 0.1% AEP + CC SFRA

Fluvial 1% AEP + 35% CC SFRA

Flood Warning Area

Agricultural Land Classification - Grade 4

## **RELEVANT PLANNING HISTORY**

CL/24/0447– Certificate of Lawfulness for existing operation - addition of render on external walls of building - Was lawful.

PF/23/0001 - Change of use of the land from agriculture to land associated with Class C1 (Guesthouse) to include the formation of parking and turning areas, 3 door openings in west elevation, 2 window openings in east elevation and rendering of walls – refused.

ENF/22/0315: Enforcement Enquiry (creation of hard standing) – pending.

PF/21/2188: External works including insertion of windows, external doors and vertical boarding to external walls to building with permission for use within Class C1 (guesthouse) – withdrawn,

CL/20/1881: Lawful Development Certificate for an existing operation - replacement of roof material on agricultural building – Was lawful

PND/USE/20/0001: Notification under Class R of Schedule 2, Part 3 of the GPDO, proposed change of use of agricultural building to a flexible commercial use within Class C1 (hotels) of the Schedule to the Use Classes Order. *(Developer only required to notify the local planning authority as the cumulative floor space changing use did not exceed 150 square metres)*

## **THE APPLICATION**

The application proposes the insertion of three glazed window openings within the western elevation of the building

## **REASONS FOR REFERRAL TO COMMITTEE**

At the request of Cllr. Holliday due to non-conformity with Core Strategy polices EN 1, EN 2 and EN 3 and paragraph 182 of the National Planning Policy Framework.

## **HUMAN RIGHTS IMPLICATIONS**

It is considered that the proposed development may raise issues relevant to

Article 8: The Right to respect for private and family life.

Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the above matters, approval of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

## **CRIME AND DISORDER**

The application raises no significant crime and disorder issues.

## **EQUALITY AND DIVERSITY ISSUES**

The application raises no significant equality and diversity issues.

## **LOCAL FINANCE CONSIDERATIONS**

Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application.

Local finance considerations are not considered to be material to this case.

## **CONSULTATIONS:**

**Cley Parish Council - Object**, the animation and suburbanisation of a previously agricultural building is considered harmful and will conflict with Core Strategy polices EN 1, 2, 3 and paragraph 182 of the NPPF. The proposed development will divorce the building from its agrarian function and setting. The drawings also show new glazed doors to the existing opening on the north elevation, which is only 300m south of the North Norfolk Coast SAC/SPA/Ramsar/SSSI and therefore in a highly sensitive location. The building will be more readily apparent in views from the valley sides especially from the north and west and appear as an anomaly in the grazing marsh. Increased lighting and light pollution will not protect or enhance the special qualities and nocturnal landscape of the AONB. It should be noted that the existing roof lights already in situ give added light spill. This application should be refused.

**Landscape (NNDC) - No objection**. Has had regard to the Class R permission. Acknowledges the importance of the wider designated landscape and that the west elevation is the least prominent elevation. Notwithstanding this, whilst additional openings could increase the animation of this elevation, there would be no views of this elevation from Holt Road from the east. Intervening vegetation also restricts any daytime views from roads within Wiveton on the valley side to the west. The increased light spill resulting from three additional single door sized openings could increase the nocturnal visibility of the building within the open undeveloped water meadows and this could harm the inherent dark night skies that are a noted quality of the National Landscape. Light spill could however, be reduced through the use of 0.65 Visible Light Transmission glass and this would assist in mitigating this aspect of

the proposal. If this were to be included within the proposal, it is considered that an objection on grounds of landscape and visual impact would be difficult to sustain.

**Conservation and Design (NNDC) - No objection.** Given the nature of the proposal, an objection is not considered sustainable.

## **REPRESENTATIONS:**

11 received with **objections** on the following summarised grounds.

- Provision of windows would increase the suburbanisation of a rural building.
- Impact upon dark skies status due to light pollution.
- Increased traffic movement.
- Harmful to wildlife.
- Erosion of sense of remoteness and tranquillity of the location and would have an adverse effect on the AONB, and therefore contrary to CS Policies EN 1, EN 2, EN 3 and EN 4.
- Works to the building have taken place without consent (render and groundworks).
- Inappropriate development within an area at risk from flooding.
- Retrospective application calls the integrity of the planning system into question.
- Impact on conservation area.
- Reference to refusal of PF/23/0001, impact of change remains the same.
- Increased sewerage risk.
- Would set a precedent for further inappropriate development.

## **RELEVANT PLANNING POLICIES:**

### **North Norfolk Core Strategy (2008)**

SS 1 - Spatial Strategy for North Norfolk

SS 2 – Development in the Countryside.

EN 1 – Norfolk Coast AONB.

EN 2 – Protection and Enhancement of Landscape and Settlement Character.

EN 3 – Undeveloped Coast.

EN 4 – Design.

EN 8 - Protecting and enhancing the historic environment

### Material Considerations

#### **National Planning Policy Framework (NPPF):**

Section 2: Achieving Sustainable Development.

Section 12: Achieving well designed places.

Section 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change.

Section 15: Conserving and Enhancing the Natural Environment.

Section 16: Conserving and Enhancing the Natural Environment.

#### **Supplementary Planning Documents**

North Norfolk Design Guide(2008)

North Norfolk Landscape Character Assessment (2021)

Cley-next-the-Sea Conservation Area Appraisal and Management Plan (July 2019)

Glaven Valley Conservation Area Appraisal and Management Plan (January 2024)

Schedule 2, Part 3 Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - *Development consisting of a change of*

*use of a building and any land within its curtilage from a use as an agricultural building to a flexible use*

## **OFFICER ASSESSMENT**

### Site description

The application relates to a small modern agricultural building on a small holding off the west side of Holt Road between the main part of the village and Newgate/Cley Green in an area known as Cooks Marsh. The building sits approximately 100 metres back from the road accessed via an unmade private track which also provides access to other agricultural buildings immediately to the west. The A149 Coast Road is approximately 250 metres to the north, Leatherpool Lane the closest public road to the west is 273 metres away and to the south Bridgefoot Lane is over 800 metres away. There are no public rights of way running close to the site.

The building has permission for use as a hotel/guest house (Use Class C1) granted under Schedule 2, Part 3. Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). However, Officers understand that this use has yet to be implemented.

### **Main Issues for Consideration**

- 1. Whether the proposed development is acceptable in principle.**
- 2. The effect on the special qualities of the Norfolk Coast National Landscape.**
- 3. The effect on the Cley an Glaven Valley Conservation Area.**

#### **1. Principle**

The permission granted under Class R of Schedule 2, Part 3 of the GPDO does not include building operations. Therefore, the provision of additional openings as proposed, requires planning permission from the local planning authority. The effect of such building operations are a separate consideration and it does not necessarily follow that operational development will be acceptable just because the change of use is permitted development.

#### **2. The effect on the special qualities of the Norfolk Coast National Landscape.**

The site is located within the designated Norfolk Coast National Landscape, River Valley Landscape Character Type and Undeveloped Coast.

Policy EN 1 of the Core Strategy sets out that the impact of individual proposals, and their cumulative effect on the Norfolk Coast National Landscape, formerly AONB, The Broads and their settings will be carefully considered. Development will be permitted where it is appropriate to the economic, social, and environmental well-being of the area or is desirable for the understanding and enjoyment of the area; does not detract from the special qualities of the AONB or The Broads; and seeks to facilitate delivery of the AONB management plan objectives. Development proposals that would be significantly detrimental to the special qualities of the AONB or The Broads and their settings will not be permitted.

Policy EN 2 states that proposals for development should be informed by, and be sympathetic to, the distinctive character areas identified in the North Norfolk Landscape Character Assessment and features identified in relevant settlement character studies.

Development proposals should demonstrate that their location, scale, design, and materials will protect, conserve and, where possible, enhance the special qualities and local distinctiveness of the area (including its historical, biodiversity and cultural character), gaps between settlements, and their landscape setting, distinctive settlement character, the nocturnal character, and the setting of, and views from, Conservation Areas and Historic Parks and Gardens, amongst other things.

Policy EN 3 states that 'only development that can be demonstrated to require a coastal location and that will not be significantly detrimental to the open coastal character will be permitted'.

Paragraph 180 of the NPPF requires that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan

Paragraph 182 requires that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

Paragraph 191 of the NPPF sets out that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes, and nature conservation.

It is considered that increased light spill resulting from three additional door sized glazed openings proposed could increase the nocturnal visibility of the building within the open undeveloped water meadows and that this could harm the inherent dark night skies that are a noted quality of the National Landscape. However, regard has been given to the proposed location of the three openings, which are to be located on the least prominent, western elevation. Views of this elevation are not available from Holt Road and distant views are limited by virtue of both the close proximity to the mature vegetation on the west boundary and existing agricultural buildings on the adjacent plot. There may be some oblique views, from the Coast Road to the more northerly aspect of the western elevation which would be vegetation/seasonally dependant. Furthermore, a two-metre-high fence is proposed on the northern section of the western boundary. It should be noted that the erection of this fence would, in itself, be permitted development. It has been recommended to the applicant that this should be a willow style fence rather than an urbanising close boarded type.

It is considered that, whilst the additional windows would undoubtedly increase the animation of this elevation, views of it would be limited due to views available including intervening features. Additionally, light spill could be reduced through the use of 0.65 Visible Light Transmission (VLT) glass, and this would further assist in mitigating this aspect of the proposal. The agent has confirmed willingness to use such glazing.

It is therefore considered that subject to a planning condition ensuring the use of 0.65 VLT glass, the proposed development would not have a materially harmful landscape and visual impact and would not harm the special qualities of the designated landscape. It is therefore considered to be acceptable in terms of CS Policies EN 1, EN 2 and EN 3 and the relevant paragraphs in the NPPF.

### **3. The effect on the Cley an Glaven Valley Conservation Area**

The site lies within the Cley and Glaven Valley Conservation Areas where considerable weight must be given to the preservation of heritage assets including their setting.

Policy EN8 requires that development proposals should preserve or enhance the character and appearance of designated assets. Development that would have an adverse impact on their special historic or architectural interest will not be permitted.

Paragraph 208 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Inevitably, it is the intended use of the building as a guesthouse which has generated the need for increased openings and the lawful works that have been carried out to date, have consequently increased animation of the building. This application is however, only considering three openings to the western elevation, which will be located on the least prominent elevation where potential views and light spill are limited. Furthermore, the use of light restricting glass and boundary screening (in part - where the latter is permitted development and outside of the control of the planning application) would assist in mitigating views and light spill, if arisen.

It is therefore considered that the proposed development would not result in harm to the character and appearance of the conservation and their significance as designated heritage assets. The proposed development is therefore considered to be acceptable in terms of CS Policies EN 4, EN 8 and Paragraph 208 of the NPPF.

#### Other considerations

Class R of Schedule 2, Part 3 of the GPDO does not require consideration of flood risk where the area of floor space changing use does not exceed 150 sq. metres, which is the case in respect to this building. Whilst objections have been raised with regards to the building's location in an area at high risk from flooding, the provision of three additional openings does not change the proposed use which is permitted development.

With regards to other issues raised in representations covered above, the insertion of three windows as proposed would not result in increased traffic movement or sewage risk. Each application is considered on its own planning merits and as such approval of the application would be very unlikely to create a precedent. Whilst works have been carried out previously without planning permission being obtained, they have subsequently been found to be lawful. The planning system does allow for planning permission to be sought retrospectively however, this application is not retrospective,

**Planning Balance and Conclusion:**

Building operations to alter the building have taken place previously which were lawful with Lawful Development Certificates granted for the replacement of roof on the agricultural building (ref. CL/20/1881) and application of render to external walls (ref. CL/24/0747). Additionally, the re-opening of two windows to eastern elevation are considered to be permitted development.

It is acknowledged that it is the intended use as a guesthouse which has generated the need for increased openings and the lawful works that have consequently increased animation of the building. However, the current application is only considering three openings to the western elevation and given the limited views including the use of light restricting glass, it is considered that the proposal would not result in any materially harmful effects and is considered acceptable with regards to relevant planning policies for the reasons stated above.

Approval is therefore recommended.

**RECOMMENDATION:**

**APPROVAL subject to conditions relating to the following matters.**

- Time limit
- Approved plans
- Use and retention of glazing with Visible Light Transmission of 0.65.

**Final wording of conditions and any others considered necessary to be delegated to the Assistant Director – Planning**

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**DILHAM – PF/21/1479 – Conversion of agricultural building with associated external alterations to form four-bedroom holiday accommodation (part-retrospective) at Agricultural Barns, Oak Road, Dilham, Norfolk, NR28 9PW**

**Minor Development**

**Target Date:** 31.03.2022

**Extension of Time:** Not agreed

**Case Officer:** Russell Stock

**Full Planning Permission**

## **RELEVANT SITE CONSTRAINTS**

Within the Countryside as designated within the North Norfolk Core Strategy

Within the Low Plains Farmland Landscape Character Area as designated within the North Norfolk Landscape Character Assessment

Within the Nutrient Neutrality Surface Water Catchment Zone

Within various GIRAMS Zones of Influence

## **RELEVANT PLANNING HISTORY**

Adjoining site:

PF/21/1478: Conversion of agricultural building with associated external alterations to indoor swimming pool for private hire - approved 15.09.2023

## **THE APPLICATION**

### Site description:

The site lies within an area designated as Countryside. The barn is located at Oak Farm and is situated in a cluster of agricultural buildings historically associated with the farm. Oak Farm is located 1.5km northeast of Dilham and is accessed via Oak Road. Oak Road is a public highway as it leaves the village of Dilham heading east but reverts to a private road halfway between the Grain Store and the village. The barn, formerly known, as the Pump House is a red brick building with a pan tiled hipped roof measuring approximately 9.5m wide and 14m long.

### Proposal:

This application is for the change of use, together with associated operational development, of the building from agricultural use to a four-bed holiday home. The conversion reuses existing openings to form new windows and doors. Externally, the building would be accessed via the existing private drive, connecting to the private roadway, which in turn joins Oak Road. The area of grass south of the building would be fenced with timber post and rail to create a small garden. Parking and manoeuvring areas would be provided on the existing areas of hardstanding.

This application is part retrospective due to the fact that works to the building, roof and surrounding area have been undertaken whilst consideration was being given to this application. These works consist of the following:

- Installation of a package treatment plant
- Repointing of all brickwork
- Creation of new internal slab
- Old windows have been removed and openings for new windows created and made good
- Replacement of block work ready for timber cladding
- New fascia and guttering installed
- External slab surrounding the building for patio created
- Making good the roof structure, re-ridge roof, re-tiling (including new tiles) and installation of rooflight and sun-tubes
- Internal waste pipes fitted
- Internal walls structurally completed

As a number of these works were not originally shown on the submitted plans, it has been necessary for the applicant to provide revised drawings which reflect the works undertaken. Drawing PL0001 Rev A was received on the 25.06.24 and supersedes PL0001. The changes shown on the plan include the introduction of the rooflights and sun-tubes, creation of an additional opening (window) on the southern elevation, removal and addition of timber cladding.

## **REASONS FOR REFERRAL TO COMMITTEE**

1. At the request of Councillor Dixon who considers the scheme results in environmental harm, lies in an unsustainable location and raises concerns in relation to highway safety arising from the increased use of the poor local road network serving the site.
2. The applicant (Luke Patterson) is a North Norfolk District Council Councillor and therefore in accordance with Chapter 6, paragraph 6.2, (4) (d) of the constitution, the application must be determined by Development Committee.

## **HUMAN RIGHTS IMPLICATIONS**

Article 8: The Right to respect for private and family life.

Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the above matters, approval of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

## **CRIME AND DISORDER**

The application raises no significant crime and disorder issues.

## **EQUALITY AND DIVERSITY ISSUES**

The application raises no significant equality and diversity issues.

## **LOCAL FINANCE CONSIDERATIONS**

Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application.

Local finance considerations are not considered to be material to this case.

## CONSULTATIONS

Dilham Parish Council – **Comment** concern over the increased traffic levels along Oak Road

NNDC Conservation and Design - **No objection** subject to conditions

NNDC Landscape - **No objection** subject to conditions.

NNDC Environmental Health - **No objection** subject to advisory note

Norfolk County Council Highways - **No objection**

NCC Public Rights of Way & Green Infrastructure: **No objection**

Natural England – **No objection** subject to mitigation being secured.

## REPRESENTATIONS

Two received with **objections** on the following summarised grounds:

- The increase in the number of cars results in the increase amount of traffic
- The use of the holiday home will generate noise concerns
- Concerns over the light pollution in such a dark sky remote location

## RELEVANT PLANNING POLICIES

### **North Norfolk Core Strategy (September 2008):**

Policy SS 1: Spatial Strategy for North Norfolk

Policy SS 2: Development in the Countryside

Policy SS 5: Economy

Policy SS 6: Access and Infrastructure

Policy EN 1: Norfolk Coast Area of Outstanding Natural Beauty and The Broads

Policy EN 2: Protection and Enhancement of Landscape and Settlement Character

Policy EN 4: Design

Policy EN 9: Biodiversity & Geology

Policy EN 13: Pollution and Hazard Prevention and Minimisation

Policy EC 1: Farm Diversification

Policy EC 2: The Re-use of Buildings in the Countryside

Policy EC 7: The Location of New Tourism Accommodation

Policy EC 9: Holiday and Seasonal Occupancy Conditions

Policy CT 5: The Transport Impact of New Development

Policy CT 6: Parking Provision

### **Material Considerations:**

### **National Planning Policy Framework (NPPF)**

Chapter 2: Achieving sustainable development

Chapter 4: Decision-making

Chapter 6: Building a strong, competitive economy

Chapter 9: Promoting sustainable transport

Chapter 12: Achieving well-designed and beautiful places

Chapter 15: Conserving and enhancing the natural environment

## **Supplementary Planning Documents and Guidance:**

North Norfolk Design Guide (December 2008)

North Norfolk Landscape Character Assessment (January 2021)

North Norfolk Landscape Sensitivity Assessment (January 2021)

## **Officer Assessment**

### **Main Issues:**

- 1. Principle of development**
- 2. Landscape and settlement character**
- 3. Design**
- 4. Residential amenity**
- 5. Biodiversity**
- 6. Pollution and hazard prevention and minimisation**
- 7. Highway safety**

### **1. Principle of development (Policies SS 1, SS 2, SS 5, SS 6, EC 2, EC 7, and EC 9)**

Policy SS 1 sets out that most of the new development in North Norfolk will take place in the towns and larger villages as defined as Principal and Secondary Settlements and a small amount of new development will be focused on several designated Service and Coastal Service Villages. The rest of North Norfolk, including all settlements that do not fall under the above criteria, will be designated as Countryside. Policy SS 2 limits development in areas designated as Countryside to that, which requires a rural location and accords with the re-use and adaptation of buildings for appropriate purposes and recreation and tourism.

Development in areas designated as Countryside will be constrained, except to support rural communities and rural economic diversification. The site is situated in Dilham, within an area designated as Countryside under Policies SS 1 and SS 2. The proposal involves the re-use and adaptation of the existing building for recreation and tourism use. Development which would support the rural economy is acceptable in this location as it is one of the types listed under Policy SS 2.

Within the Countryside policy area proposals should first re-use existing buildings to protect the countryside from development that could erode the character of the area. Paragraph 88 of the Framework seeks the sustainable growth and expansion of all types of business in rural areas through the conversion of existing buildings, the development, and diversification of agricultural and other land-based rural businesses, and sustainable rural tourism and leisure developments, which respect the character of the countryside. On that basis, Policy EC 7 allows new tourist accommodation in the Countryside providing it complies with Policy EC 2.

Government policy has focused on encouraging the re-use of rural buildings for either business or community purposes as a means of supporting the diversification of farming enterprises and the general vitality of rural communities without necessitating the development of new buildings. Policy EC 2 states that the re-use of buildings in the Countryside for non-residential purposes will be permitted providing that economic uses (including holiday accommodation) are appropriate in scale and nature to the location. Secondly, it can be demonstrated that the building is soundly built and suitable for the proposed use without substantial rebuilding or extension and the proposed alterations protect or enhance the character of the building and its setting. Finally, the proposal must be in accordance with other policies seeking to protect biodiversity, amenity, and character of the area.

The barn is appropriate in scale and nature to the location to accommodate a four-bedroom holiday accommodation given that no alterations to its scale barn are proposed and there are other examples of existing tourism accommodation within the vicinity. Secondly, the structural inspection report submitted with the application concludes the building has performed well as a result of a general maintenance programme and it can readily be converted to domestic accommodation subject to the recommendations set out in the report. Finally, it is considered the proposal complies with the relevant policies concerning biodiversity, amenity, and character of the area, consideration of which are set out in the sections below.

Policy EC 9 requires that holiday occupancy conditions will be placed on new unserviced holiday accommodation with a view that it is used for holiday purposes only and shall not be occupied as the sole or main residence of the occupiers. Secondly, it shall be available for commercial holiday lets for at least 140 days a year and no let must exceed 31 days. Finally, a register of lettings/occupation and advertising will be maintained at all times and shall be made available for inspection by the Local Planning Authority on request.

The scheme comprises of unserviced holiday accommodation in the countryside. On that basis, the intention of the above condition is to create a clear distinction between residential dwellings and properties that are used as commercial holiday lets which therefore bring economic benefit to the area. As a result, commercial holiday lets will create less pressure on local services such as schools, and the economic benefits commercial lettings bring justify allowing such use in the Countryside where permanent residential would not be permitted. Therefore, provided the conditions set out above are appended to the decision notice in the event the application is approved, it is considered the proposal would comply with Policy EC 9.

By virtue that the proposal comprises for the re-use and adaptation of buildings for appropriate purposes and recreation and tourism, it complements the existing tourism activities within Oak Farm, therefore contributing to the sustainability of the wider enterprise. The building to be converted is structurally sound and of appropriate scale and nature for the location and therefore the proposal is compliant with the relevant policies.

To conclude, given that new market dwellings in the Countryside are restricted and the proposed use of the barn is for unserviced holiday accommodation, restrictions apply to its use as a holiday accommodation through planning conditions. For the reasons given above, the scheme complies with Policies, SS 1, SS 2, SS 5, SS 6, EC 2, EC 7, and EC 9 and therefore is acceptable in principle.

## **2. Landscape and settlement character (Policies EN 1 and EN 2)**

The Broads are valuable assets for North Norfolk, in terms of sustainable tourism, quality of life and as wildlife habitats. It has a status equivalent to a National Park and includes several European wildlife designations. Policy EN 1 states that the impact of individual proposals, and their cumulative effects on The Broads and its setting, will be carefully assessed. Development will be permitted where it is appropriate to the economic, social, and environmental well-being of the area or is desirable for the understanding and enjoyment of the area and does not detract from the special qualities of The Broads.

Paragraph 182 of the Framework requires that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks and the Broads, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads. The scale and extent of development

within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

The application site is situated north of The Broads Special Area of Conservation (SAC). The proposal seeks to bring back to use an agricultural store by converting it into a four-bedroom holiday let accommodation. The conversion of the barn would provide economic and social benefits and would support the current tourism activities within the area. Moreover, given the proposal comprises the utilisation of an existing building, the proposed minor alterations would not affect its scale or impact on the setting of The Broads.

Policy EN 2 sets out that proposals should be informed by, and be sympathetic to, the distinctive character areas identified in the North Norfolk Landscape Character Assessment (LCA) (January 2021). Development proposals should demonstrate that their location, scale, design, and materials would protect, conserve, and, where possible, enhance the special qualities and local distinctiveness of the area.

The site lies within the Low Plains Farmland Landscape Character Area as designated within the LCA (January 2021). The Landscape guidelines for this Character Area requires that the redevelopment of redundant barn complexes outside settlement boundaries is sensitively undertaken avoiding use of suburban features such as surfaced drives, domestic style gates and fences, ornamental planting, overly large windows, or excessive external lighting.

Given that the scheme comprises of the redevelopment of an existing building, there is no alteration to its scale and whilst some suburban features, i.e. timber post and rail fences will form part of the design, their location, size and design will be secured by condition. On balance, the proposal would protect and conserve the special qualities and local distinctiveness of the area and therefore would not give rise to significant landscape concerns. On that basis, the scheme complies with Policy EN 1 and EN 2 and paragraph 182 of the Framework.

### **3. Design (Policy EN 4)**

Policy EN 4 requires that all development should be designed to a high quality, reinforcing local distinctiveness, be expected to be suitably designed for the context within which they are set, and ensure that the scale and massing of buildings relate sympathetically to the surrounding area. Paragraph 135(c) of the Framework sets out that developments should be sympathetic to local character and history, including the surrounding built environment, while not preventing or discouraging appropriate innovation or change and optimise the potential of the site to accommodate and sustain an appropriate amount of mix development.

The proposal seeks the creation of one large opening on the south elevation to accommodate a set of French doors and side glazed panels that provide natural light to the living and dining rooms. This large glazing area in combination with the fenestration that replaces the existing vehicular access to the barn on the north elevation are the largest apertures within the historic fabric of the building. Whilst they are large, these do not appear disproportionate in scale in relation to the overall proportions of the existing barn to justify refusal on design grounds. Finally, the proposed palette of materials comprises of Norfolk clay pantiles, red facing brick, black painted timber fascia and cladding and grey UPVC or aluminium windows and doors.

The Conservation and Design Officer has not objected to the proposal subject to a condition requiring the existing roof tiles to be reused, with any shortfall to match the existing. As the works to the roof have already been carried out, this condition is now not necessary. The

works undertaken to the roof, from a design/heritage perspective are however, considered to be acceptable.

Given the proposal is sympathetic to the local character and context of the surrounding area, and subject to conditions securing the proposed materials, as well as aluminium/timber fenestration, it is considered the scheme would not give rise to significant design concerns. As such, it complies with Policy EN 4 and paragraph 135 of the Framework.

#### **4. Residential amenity (Policy EN 4)**

Policy EN 4 requires that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers and new dwellings should provide acceptable residential amenity. Furthermore, paragraph 3.3.10 of the Design Guide sets out that the position of dwellings, and the arrangement of their rooms and windows, should not create significant overlooking of other dwelling windows or private garden areas, nor should they lead to any overbearing impacts upon existing dwellings. As such, regards should be given to recommended distances in the case of conventional single and two-storey dwellings (assuming a level site situation) to ensure a degree of privacy between adjacent properties.

The barn lies 21 metres southwest of the nearest dwellinghouse known as Oak Farmhouse. Given the significant separation distance between both buildings, it is considered the proposal complies with the criteria set out in the Design Guide. Therefore, the scheme would not have a significantly detrimental effect on the residential amenity of nearby occupiers.

Given the limited external amenity space, and the proximity to other buildings, including the adjoining barn which was granted permission to be used as a swimming pool under application PF/21/1478, the converted building would not be suitable as an independent dwelling in amenity terms. The proposed development would however be restricted to holiday accommodation via a condition as noted above. Visitors and guests of the accommodation would not require amenity space in the same way as a dwelling would and sufficient internal space would be provided, providing suitable light levels and outlooks. It is therefore considered that the development would provide acceptable amenities for its future users.

For the reasons given above, the proposal is considered compliant with Policy EN 4 and the relevant criteria set out in the Design Guide.

#### **5. Biodiversity (Policy EN 9)**

Policy EN 9 sets out that development proposals should protect the biodiversity value of land and buildings and minimise fragmentation of habitats, maximise opportunities for restoration, enhancement and connection of natural habitats and incorporate beneficial biodiversity conservation features where appropriate. Development proposals that would cause a direct or indirect adverse effect to nationally designated sites or other designated sites or protected species will not be permitted unless prevention, mitigation and compensation measures are provided.

The application has been supported by a Preliminary Ecological Appraisal, a subsequent Nocturnal Bats Survey report and a recent Ecology Update (20 June 2024). The reports from 2021 concluded that the proposal would result in the destruction of the day roosts for two common pipistrelle bats and potential disturbance of bats if present during the construction phase resulting in minor negative impact on the local bat populations.

During the consideration of this application, the applicant commenced the development. In relation to bats, all the works to the roof and external structure have been carried out. The applicant has provided evidence that the works were undertaken in accordance with a Natural England Licence. The 20 June 2024 Ecology Update confirms that these works were completed under the relevant licence and that no further works are necessary to the newly tiled roof. The report confirms that the roof will remain in its current state with no disturbance to the tiles or lining. Additionally, the barn has been re-pointed throughout and wooden soffits close fitting, which leaves no potential crevices for roosting bats.

The Landscape Officer has assessed the information submitted with the application and has had regard to the works already undertaken on site and raises no objection. The mitigation and enhancement measures set out within the submitted reports, and which remain relevant, will be secured through planning conditions.

Members of the public objected to the proposal due to concerns over light pollution in such a remote location. The Landscape Officer is of the opinion that to ensure that excessive light spill in the countryside is avoided and to protect the Broads National Park and avoid any adverse impacts on protected species populations, a planning condition requiring details of external lighting to be approved the Local Planning Authority is necessary.

### Nutrient Neutrality

The site is within the surface water catchment of Broad Fen Dilham Site of Special Scientific Interest (SSSI) which is a component part of the Broads Special Area of Conservation (SAC) and Ramsar Site which is covered by the advice issued by Natural England in March 2022 about nutrient pollution in this protected habitat and the River Wensum SAC. The letter advised that new development (which includes new holiday lets) within the catchment of these habitats comprising overnight accommodation can cause adverse impacts on nutrient pollution affecting the integrity of these habitats. Mitigation is therefore required to ensure the development would not have an adverse effect on the integrity of Broad Fen SSSI, The Broads SAC and Broadland Ramsar and or damage or destroy the interest features for which the SSSI's has been notified.

The applicant proposes to use the Graf One2Clean biological sewage treatment plant (STP) on the application site. Treated outfall from this plant will then be dissipated in finger drains to groundwater. The proposed development would result in an additional 0.72 kg/yr of Phosphorous and 3.59 kg/yr of Nitrogen (including 20% precautionary buffer). This has been based upon a 110 litres/person/day basis which is reliant on water saving devices. A planning condition would be required to secure this water usage.

To mitigate this additional loading and achieve Nutrient Neutrality for the development, the applicant has proposed to replace an existing septic tank serving a dwelling also within the applicant's ownership (Hillcrest) and positioned approximately 1km west of the application site. The existing septic tank at Hillcrest would be replaced by the more efficient Graf One2Clean STP. The existing septic tank has been calculated to discharge 0.95 kg/yr of Phosphorus and 7.92 kg/yr of Nitrogen. The proposed STP outputs at this site would be 0.13 kg/yr of Phosphorus and 0.65 kg/yr of Nitrogen. Both these figures have been based upon a load of 120 litres/person/day assuming that none of the existing property infrastructure upstream of the plant will be modified.

With this mitigation in place, the applicant has calculated that this would result in a reduction of 0.82 kg/yr of Phosphorus and 7.27 kg/yr of Nitrogen being discharged into the ground at Hillcrest. This saving at the mitigation site would result in a net benefit of 0.1kg less phosphorous per year, and a reduction of 3.68kg nitrogen per year, when taking into account the proposed development outputs.

Natural England were consulted on the Shadow Habitat Regulations Assessment (sHRA) which was provided by the applicants. They have raised no objection to the proposed development, subject to the mitigation being appropriately secured. A legal agreement is required to secure the off-site mitigation which has been proposed. This legal agreement, coupled with conditions on any approval would ensure that the mitigation is provided in accordance with the details approved, by the necessary stages of development. Having considered the submitted evidence and information provided by the applicants and having due regard to the comments made by Natural England, the Council have adopted the sHRA as part of its duty as competent authority. The mitigation proposed and which can be appropriately secured is sufficiently precautionary and the development would achieve nutrient neutrality.

### GIRAMS

Since this application was initially submitted, the Norfolk wide Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS) has been adopted and agreed between the Norfolk planning authorities and Natural England. The Strategy enables growth in the District by implementing the required mitigation to address adverse effects on the integrity of Habitats Sites arising from recreational disturbance caused by an increased level of recreational use on internationally designated Habitat Sites, particularly European sites, through growth from all qualifying development.

The GIRAM Strategy is a strategic approach to ensure no adverse effects are caused to European sites across Norfolk, either alone or in-combination from qualifying developments. Taking a coordinated approach to mitigation has benefits and efficiencies and ensures that developers and the Local Planning Authorities (LPA) meet with the Conservation of Habitats and Species Regulations 2017 (as amended).

The application site falls within the Zones of Influence of a number of designated habitats as defined within the strategy. Increased recreation without mitigation is likely to affect the integrity of these Habitat Sites across Norfolk. All new net residential and tourism development are required to mitigate the effects of the development and show how this will be achieved before approval of planning permission. The tariff is currently collectively set at £221.17 per net new residential dwelling and is index linked. In relation to this application, the tariff required is £247.91. The applicant has provided the necessary mitigation payment.

In addition to the above payment, the Habitat Regulations Assessment for this development found that further mitigation measures were required in order to avoid adverse recreational disturbance impacts at the nearby Broad Fen Dilham SSSI which is a component site of the Broads SAC, Special Protection Area (SPA) and the Broads Ramsar Site. The mitigation measures relate to information to be provided to occupants of the holiday accommodation, as well as information and signage to be located on the boundaries of Broad Fen itself.

Subject to conditions to secure these additional mitigation measures, in combination with the payment already received, the planning application would not have an adverse effect on the integrity of the European Sites identified above from recreational disturbance, when considered 'alone' and 'in combination' with other development.

Natural England considered GIRAMS and within their latest no-objection response, and state that they note that a payment of £247.91 has been made towards GIRAMS and providing appropriate mitigation is secured to avoid impacts upon the European sites occurring Natural England has no objection/ further comment in regard to this mitigation.

### Summary

The introduction of the advice relating to nutrients has resulted in delays in the determination of this application. The information and evidence which has subsequently been submitted by the applicant has now satisfactorily addressed this matter. The ecology reports have also demonstrated that the proposals would not have an adverse impact upon the sites ecological interest. For the reasons stated above, and subject to a legal agreement and relevant conditions, it is considered that the proposal would comply with Policy EN 9, paragraphs 180, 186 and 187 of the Framework and The Conservation of Habitats and Species Regulations 2017 (as amended).

## **6. Pollution and hazard prevention and minimisation (Policy EN 13)**

Policy EN 13 sets out the requirements for all development to minimise, and where possible reduce all emissions and other forms of pollution, including light and noise pollution. Proposals will only be permitted where, individually, or cumulatively there are no unacceptable impacts on the natural environment and general amenity, health, and safety of the public and air quality. Paragraph 191 of the Framework requires that local planning authorities ensure that new development is appropriate for its location considering the effects (including cumulative effects) of pollution on health, living conditions, and the natural environment.

Members of the public objected to the proposal on the grounds that the use of the holiday home will generate noise concerns. The Environmental Protection Officer has considered the information submitted with the application and has no objections subject to advisory notes. Should noise concerns arise from the proposal which would constitute a statutory nuisance, this would be a matter that would be dealt with by the Council's Environmental Protection Team. It is therefore considered that the proposal complies with the requirements of Policy EN 13 and paragraph 191 of the Framework.

## **7. Highways (Policies CT 5 and CT 6)**

Policy CT 5 sets out proposals should provide for safe and convenient access on foot, cycle, public, and private transport addressing the needs of all without detriment to the amenity or character of the surrounding area or highway safety. The Highway Authority have no objections to the application on safety grounds.

Policy CT 6 requires that adequate vehicle/cycle parking should be made in accordance with the Council's parking standards. Appendix C: Parking Standards of the Core Strategy requires a minimum of three car parking spaces for four or more-bedroom units. Parking provision for the development would be provided on the existing areas of hardstanding. Given the size of these, it is considered they will comfortably accommodate the three parking spaces required.

Councillor Dixon objected to the proposal on the grounds of highway safety arising from the increased use of the poor local road network serving the site. Paragraph 115 of the Framework sets out that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The Highways Authority considered that the former farm use would have had a degree of traffic generation, which needs to be compared to the proposed use. Mitigation measures have previously been implemented with passing places and there is adequate space for vehicles to park and turn around. Having due regard to the advice of the Highway Authority, it is considered that the proposal complies with Policies CT 5 and CT 6.

## **8. Other matters**

## Mineral Safeguarding

The application site falls within a Mineral Safeguarding Area whereby Policy 16 of the Norfolk County Council's Minerals Plan is the relevant. This policy seeks to ensure that existing mineral deposits are safeguarded from needless sterilisation. In this instance, given that this application relates to a conversion of a single building on an existing developed site, there would be no significant mineral implication and no substantive conflict would arise with Policy 16 of the Minerals Plan.

## Conditions

As the proposed development has already been implemented with various works already complete, it is no longer necessary to impose a number of the conditions requested by consultees. The conditions which are no longer required include: time limit to implement, roof tiles to be reused, Bat Licence to be submitted, GIRAMS notification at commencement.

## **9. Conclusion**

The development is considered to be in accordance with the requirements of the Development Plan for the reasons stated. There are no material considerations that indicate the application should be determined otherwise.

## **RECOMMENDATION:**

### **APPROVAL subject to:**

- 1. The completion of an agreement under section 106 of the Town and Country Planning Act 1990 to secure nutrient mitigation measures; and**
- 2. The imposition of conditions to cover the matters listed below and any others considered necessary at the discretion by the Assistant Director - Planning; and**
- 3. If the Section 106 Obligation isn't completed and the permission isn't issued within 3 months of the date of this Committee meeting then the Director for Planning and Climate Change will consider whether the application resolution remains appropriate and in doing so will take account of the likelihood of the Section 106 being completed and permission issued in the near future (i.e. within another month) and will consider whether there are any potential / defensible reasons for refusal at that time. If he reaches that view – i.e. that the application should potentially be refused - then the application would be reported back to Committee.**

### **Conditions:**

1. Approved plans
2. External materials
3. Biodiversity mitigation and enhancement
4. External lighting
5. Landscaping scheme
6. Use for holiday accommodation purposes only and to be made available for use as such for at least 140 days per year, no individual let to exceed 31 days, register of lettings

7. Removal of permitted development rights for the erection of fences, gates, walls or other means of enclosure
8. Removal of permitted development rights under Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 for extensions and alterations etc and development within the curtilage and; Classes A and B of Part 14 for installation of solar equipment on the building or free standing
9. Development to meet the higher water efficiency standard of 110 litres/person/day
10. Nutrient mitigation including
  - Replacement of septic tank at Hillcrest
  - The use of the building as holiday accommodation hereby permitted shall not commence until:
    - Connection of holiday accommodation to specified PTP or equivalent
    - Provision of evidence to show completion and connection
    - Maintenance of PTP thereafter
11. Ecological Management Plan

## DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE – 25 July 2023

### 1. INTRODUCTION:

- 1.1 This report briefly sets out performance in relation to the determination of planning applications in Development Management the period **May 2024**.
- 1.2 This report sets out the figures for the number of cases decided and percentage within time set against the relevant target and summary of 24-month average performance.
- 1.3 The tables also set out the percentage of the total number of decisions made that are subsequently overturned at appeal as 24-month average performance.
- 1.4 In addition, the tables set out the number of cases registered and validated within the specified months.

Performance Measure	Actual Performance	Target	Comments
<b>(Speed)</b> <b>Decisions Made</b> <i>(Period May 2024)</i>	<b>Major</b> 5 decisions issued.  100% within time period	60%  (80% NNDC)	24 month average to 31 May 2024 is  <b>100.00%</b> 
	<b>Non-Major</b> 75 decisions issued  <i>97% within time period (two out of time)</i>	70%  (90% NNDC)	24 month average to 31 May 2024 is  <b>96.00%</b> 
<b>(Quality)</b> <b>% of total number of decisions made that are then subsequently overturned at appeal</b>	<b>Major</b>	10%  (5% NNDC)	24 month average to 31 May 2024 is  <b>1.85% (one case RV/22/1661)</b> 
	<b>Non-Major</b>	10%  (5% NNDC)	24 month average to 31 May 2024 is  <b>0.74%</b> 

<b>Performance Measure</b>	<b>Actual Performance</b>	<b>Target</b>	<b>Comments</b>
<b>Validation</b> <i>(Period May 2024)</i>	330 applications registered  278 applications validated	3 days for Non- Major from date of receipt  5 days for Majors from date of receipt	Datasets do not currently breakdown validated apps by Major / Minor or those on PS2 returns, but performance data retrieval being reviewed.

## **2. S106 OBLIGATIONS**

- 2.1 A copy of the list of latest S106 Obligations is attached. There are currently four S106 Obligations being progressed, one of which has been completed and can be removed from the list.

## **3. RECOMMENDATIONS:**

- 3.1 **Members are asked to note the content of this report.**

**SCHEDULE OF S106 AGREEMENTS**

**UPDATE FOR DEVELOPMENT COMMITTEE:**

**25 July 2024**

Application reference	Site Address	Development Proposal	Parish	Planning Case Officer	Committee or Delegated Decision	Date of Resolution to Approve	Eastlaw Officer	Eastlaw Ref:	Current Position	RAG Rating
PF/22/1596 & PF/22/1784 (Duplicate)	Land South Of Norwich Road North Walsham Norfolk	Hybrid planning application, comprising the following elements: 1. Full Planning Application for the construction of 343 dwellings (including affordable homes), garages, parking, vehicular access onto Ewing Road and Hornbeam Road, public open spaces, play areas, landscaping, drainage and other associated infrastructure; 2. Outline Planning Application with all matters reserved for a phased development comprising 7 serviced self-build plots and associated infrastructure; and 3. Outline Planning Application with all matters reserved for the construction of an elderly care facility and associated infrastructure, landscaping and open space	CP071 - North Walsham	Russell Williams	Committee	25/01/2024	Fiona Croxon	21830	Draft s106 agreement nearly settled but application is currently on hold.	
PF/21/3414	Milestones Hospital The Street Catfield Great Yarmouth Norfolk NR29 5BE	Conversion of the former Milestones Hospital to a residential development consisting of 21 dwelling houses and internal renovation works throughout.	CP018 - Catfield	Joseph Barrow	Committee	04/04/2024	Fiona Croxon	23654	Completed	
PO/23/1526	Land To South East Of 1A The Street Thursford Green Norfolk NR21 0AS	Outline application with details of access only (all other matters reserved) for the erection of a self-build dwelling (Class C3)	CP105 - Thursford	Geoff Lyon	Committee	07/12/2023	Fiona Croxon	23285	Draft S106 being negotiated	
PF/23/1612	Land East Of Coast Road Bacton Norfolk	Hybrid planning application seeking: 1. Detailed/full planning consent for 47 dwellings (affordable homes), associated infrastructure and open space on 2.80 hectares of land (northern part of field between Coast Road and Mill Lane) and access/highways works; and 2. Outline consent (all matters reserved) for village open space and car parking on 0.65 hectares of land (southern part of field along Coast Road frontage)	CP007 - Bacton	Joseph Barrow	Committee	13/06/2024	Fiona Croxon	TBC	Draft S106 is nearly settled	

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**APPEALS SECTION**

**NEW APPEALS**

**FIELD DALLING & SAXLINGHAM - PU/23/2274 - Change of use of an agricultural building to one "larger" dwellinghouse and associated building operations necessary for the conversion**

Grain Store, Langham Road, Field Dalling, Norfolk

**For Mr & Mrs Tom Bacon**

WRITTEN REPRESENTATION

**Appeal Start Date:** 04/06/2024

**Appeal Decision:**

**Appeal Decision Date:**

**KNAPTON - PF/23/2228 - Erection of detached dwelling and car port with vehicle access to Mundesley Road**  
Alford Barns, Mundesley Road, Knapton, North Walsham, Norfolk, NR28 0RY

**For Mr John Alford**

WRITTEN REPRESENTATION

**Appeal Start Date:** 25/06/2024

**Appeal Decision:**

**Appeal Decision Date:**

**MORSTON - PF/23/1501 - Erection of timber structure to contain walk-in fridge for kitchen (retrospective)**  
Morston Hall, The Street, Morston, Holt, Norfolk, NR25 7AA

**For Mr Galton Blackiston**

WRITTEN REPRESENTATION

**Appeal Start Date:** 10/07/2024

**Appeal Decision:**

**Appeal Decision Date:**

**WRITTEN REPRESENTATIONS APPEALS - IN HAND**

**BLAKENEY - PF/23/1825 - Erection of single-storey holiday lodge**  
Hilltop Retreats, Langham Road, Blakeney, Holt, Norfolk, NR25 7PR

**For Mr James Bunn**

WRITTEN REPRESENTATION

**Appeal Start Date:** 10/04/2024

**Appeal Decision:**

**Appeal Decision Date:**

**CROMER - PF/23/0958 - Change of use of annexe from ancillary accommodation to allow use for holiday let**  
Annexe At, Great Gable, Metton Road, Cromer, Norfolk, NR27 9JH

**For Mr Duane Wright**

WRITTEN REPRESENTATION

**Appeal Start Date:** 19/03/2024

**Appeal Decision:**

**Appeal Decision Date:**

**CROMER - PF/23/2053 - Reinstatement of first floor balcony with installation of glass balustrade (resubmission of PF/22/2200)**

The Bath House, Promenade, Cromer, Norfolk, NR27 9HE

**For Mrs J Kinnaird**

WRITTEN REPRESENTATION

**Appeal Start Date:** 03/04/2024

**Appeal Decision:**

**Appeal Decision Date:**

**EDGEFIELD - PU/23/1670 - Change of use of agricultural building to 1 'larger' dwellinghouse (Class C3), and building operations reasonably necessary for the conversion**

Land North East Of Wood Farm Barn, Plumstead Road, Edgefield, Norfolk

**For Mr & Mrs Ben & Anita Jones**

WRITTEN REPRESENTATION

**Appeal Start Date:** 09/05/2024

**Appeal Decision:**

**Appeal Decision Date:**

**HINDRINGHAM - PF/22/2657 - Demolition of existing dwelling and erection of two-storey detached dwelling**

Banes Cottage, Blacksmiths Lane, Hindringham, Fakenham, Norfolk, NR21 0QA

**For Mr Tucker**

WRITTEN REPRESENTATION

**Appeal Start Date:** 13/11/2023

**Appeal Decision:**

**Appeal Decision Date:**

**POTTER HEIGHAM - PU/23/2311 - Application to determine if prior approval is required for the change of use and building operations reasonably necessary for the conversion of an agricultural building - Barn B to create 1 Larger and 2 Smaller Dwellinghouses**

Glebe Farm, Marsh Road, Potter Heigham, Great Yarmouth, Norfolk, NR29 5LN

**For Mr Robert Hall**

WRITTEN REPRESENTATION

**Appeal Start Date:** 14/03/2024

**Appeal Decision:**

**Appeal Decision Date:**

**POTTER HEIGHAM - PF/22/1306 - Erection of two storey semi-detached dwelling to side of 14 Reynolds Lane**

14 Reynolds Lane, Potter Heigham, Great Yarmouth, Norfolk, NR29 5LY

**For Alison Vanner**

WRITTEN REPRESENTATION

**Appeal Start Date:** 17/04/2024

**Appeal Decision:**

**Appeal Decision Date:**

**ROUGHTON - CL/23/1650 - Lawful Development Certificate for use of land for siting of static caravan, and use of static caravan as a dwelling.**

Static Caravan At, Woodview, Thorpe Market Road, Roughton, Norwich, Norfolk, NR11 8TB

**For Mr Alexander Brackley**

WRITTEN REPRESENTATION

**Appeal Start Date:** 10/11/2023

**Appeal Decision:**

**Appeal Decision Date:**

**SWANTON ABBOTT - EF/23/2459 - Lawful Development Certificate for proposed siting of modular building within curtilage of dwelling for use as an annexe to the main dwelling**

Ambleside, The Footpath, Aylsham Road, Swanton Abbott, Norwich, Norfolk, NR10 5DL

**For Gibbons**

WRITTEN REPRESENTATION

**Appeal Start Date:** 08/04/2024

**Appeal Decision:**

**Appeal Decision Date:**

**WELLS-NEXT-THE-SEA - PF/23/1018 - Erection of two storey dwelling**

34 Freeman Street, Wells-next-the-sea, Norfolk, NR23 1BA

**For Mr Underwood**

WRITTEN REPRESENTATION

**Appeal Start Date:** 14/05/2024

**Appeal Decision:**

**Appeal Decision Date:**

**APPEAL DECISIONS - RESULTS AND SUMMARIES**

**GREAT SNORING - PO/23/1216 - Erection of self build two storey detached dwelling (outline with all matters reserved)**

Land West Of School Farm, Fakenham Road, Great Snoring, Norfolk

**For Mr Tim Schofield**

WRITTEN REPRESENTATION

**Appeal Start Date:** 06/02/2024

**Appeal Decision:** Appeal Dismissed

**Appeal Decision Date:** 10/06/2024

**HAPPISBURGH - PF/23/0640 - Change of use of detached building ancillary to Wishing Well to single dwelling**

Wishing Well, The Street, Happisburgh, Norwich, Norfolk, NR12 0AB

**For Mr David Pugh**

WRITTEN REPRESENTATION

**Appeal Start Date:** 08/02/2024

**Appeal Decision:** Appeal Dismissed

**Appeal Decision Date:** 07/06/2024

**HEMPSTEAD - PO/23/0695 - Erection of two detached single storey dwellings - outline with all matters reserved**

Land Rear Of , The Knoll, Hempstead, Norfolk

**For Ms Trudi Seaman**

WRITTEN REPRESENTATION

**Appeal Start Date:** 11/01/2024

**Appeal Decision:** Appeal Dismissed

**Appeal Decision Date:** 06/06/2024

**HOLT - PA/22/2683 - Installation of a 15m lattice mast comprising 3 no antennas together with 4 no ground-based cabinets and ancillary development thereto for radio base station**

Land At, Riverside Farm, Riverside Road, Letheringsett, Norfolk

**For Cornerstone**

WRITTEN REPRESENTATION

**Appeal Start Date:** 18/12/2023

**Appeal Decision:** Appeal Dismissed

**Appeal Decision Date:** 05/06/2024

**NORTHREPPS - PF/22/1708 - Siting of 2 glamping pods for holiday use and creation of permissive footpath**

Shrublands Farm Camping Site, Craft Lane, Northrepps, Cromer, Norfolk, NR27 0LL

**For Mr Jeremy Youngman**

WRITTEN REPRESENTATION

**Appeal Start Date:** 27/02/2024

**Appeal Decision:** Appeal Dismissed

**Appeal Decision Date:** 18/06/2024

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**OFFICERS' REPORTS TO  
DEVELOPMENT COMMITTEE (ENFORCEMENTS)**

*Appeals Information for Committee between  
04/06/2024 and 17/07/2024*

**25-July-2024**

**APPEALS SECTION**

**INQUIRIES AND HEARINGS - IN PROGRESS**

**CROMER - ENF/22/0026 - Installation of a flue**  
Lily Mai's, New Street, Cromer, Norfolk, NR27 9HP

INFORMAL HEARING

**Appeal Start Date:** 17/01/2024

**Appeal Decision:**

**Appeal Decision Date:**

**WRITTEN REPRESENTATIONS APPEALS - IN HAND**

**ALBY WITH THWAITE - ENF/20/0066 - Erection of a building for residential use, garage and landscaping to create a garden**  
Field View, Alby Hill, Alby, Norwich, NR11 7PJ

WRITTEN REPRESENTATION

**Appeal Start Date:** 24/07/2023

**Appeal Decision:**

**Appeal Decision Date:**

**BODHAM - ENF/23/0169 - Change of use of the land for residential purposes and the siting of motor vehicles and the siting of a static caravan and unit.**  
Land North Of Hurricane Farm Bungalow, Church Road, Lower Bodham, Norfolk

WRITTEN REPRESENTATION

**Appeal Start Date:** 10/11/2023

**Appeal Decision:**

**Appeal Decision Date:**

**EAST BECKHAM - ENF/22/0289 - Material change of use of agricultural land to storing of machinery and creation of a bund**  
Land North Hwrc, Holt Road (a148), East Beckham, Norwich, Norfolk, NR11 8RP

WRITTEN REPRESENTATION

**Appeal Start Date:** 02/03/2023

**Appeal Decision:**

**Appeal Decision Date:**

**EDGEFIELD - ENF/23/0092 - unauthorised works to a protected trees and new camping activity.**  
Dam Hill Plantation, Holt Road, Edgefield, Norfolk

WRITTEN REPRESENTATION

**Appeal Start Date:** 23/02/2024

**Appeal Decision:**

**Appeal Decision Date:**

**GUNTHORPE - ENF/23/0214 - Erection of a dwelling, the material change of use of the land for residential purposes and the creation access drive.**  
Land On, Holt Road, Bale, Norfolk

WRITTEN REPRESENTATION

**Appeal Start Date:** 19/02/2024

**Appeal Decision:**

**Appeal Decision Date:**

**RUNTON - ENF/23/0027 - Breach of conditions 2, 3,4, 6, 7, 8, 10, 11, 13,15 and 16 of planning permission PF/18/1302.**  
Homewood, Mill Lane, East Runton, Cromer, Norfolk, NR27 9PH

WRITTEN REPRESENTATION

**Appeal Start Date:** 09/01/2024

**Appeal Decision:**

**Appeal Decision Date:**

**SOUTHREPPS - ENF/22/0281 - Stationing of caravan and associated works including installation of septic tank and engineering works.**

Land Rear Pit Street, Southrepps, Norwich, Norfolk, NR11 8UX

WRITTEN REPRESENTATION

**Appeal Start Date:** 23/05/2023

**Appeal Decision:**

**Appeal Decision Date:**

**WELLS-NEXT-THE-SEA - ENF/23/0124 - Material change of use of the land for the siting of a pizza van**

Land West Of 3, The Quay, Wells-next-the-sea, Norfolk

WRITTEN REPRESENTATION

**Appeal Start Date:** 31/08/2023

**Appeal Decision:**

**Appeal Decision Date:**

**WEYBOURNE - ENF/23/0278 - Change of use of barn to a pilates studio**

Weybourne House, The Street, Weybourne, Holt, Norfolk, NR25 7SY

WRITTEN REPRESENTATION

**Appeal Start Date:** 29/04/2024

**Appeal Decision:**

**Appeal Decision Date:**

**Total Number of Appeals listed: 10**

## Development Committee Report

25<sup>th</sup> July 2024

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### Planning Service Improvement Plan Update

1. This report has been written to provide Councillors with an update on progress on the delivery of the Council's Planning Service Improvement Plan (PSIP) and to seek the Committee input on a number of items within the Plan.
2. The Plan was agreed by Overview & Scrutiny in February 2023.
3. It is intended to provide a final report on the Plan – effectively a 'closure report' to Overview and Scrutiny Committee prior to the end of October 2024. Prior to that – and at the August and September 2024 Development Committee meeting, it is anticipated that matters will be tabled for Councillor discussion that cover:
  - (i) A new suite of Key Performance Indicators for Planning;
  - (ii) A new 'Pre-Application' Advice Service;
  - (iii) A new draft Local Validation List;
  - (iv) A new 'standard' set of conditions that would be used by our Officers when issuing decisions on planning applications; and,
  - (v) An update section of the Constitution that sets in place clear / better delegations to Development Committee and the Director for Place and Climate Change.
4. This report focuses on two suggested new initiatives:
  - (i) Planning Training proposals for Councillors; and,
  - (ii) A new system to manage consistently the 'Call-In' process for items ending up on the Committee Agenda.
5. The above two items will be addressed in turn within the next two sections.
  - (i) **Planning Training proposals for Councillors**
6. Following discussions with the Portfolio Holder and Committee Chair, a new programme of training for Councillors is suggested – building on the induction training that is currently undertaken and the recent briefing session on Nutrient Neutrality.
7. It is suggested that four training sessions a year are organised.

8. Of those it is suggested that:
  - (i) Two should be in person – utilising the ‘reserve Committee dates’ that are in the Council timetable – and with those two having a bit more of a focus at ‘Committee Councillors’; and,
  - (ii) Two will be virtual during lunchtimes and covering topics that are likely to be of interest to all Councillors.
9. Separate training sessions will be organised for any Councillor that joins the Committee (or becomes a Substitute) in relation to their role as a member of the Committee.
10. The topics for each session will be determined by the Assistant Director – Planning following consultation with the Portfolio Holder for Planning. In deciding the topics he will also consider any suggestions made by other Councillors.
11. The endorsement of Committee on this proposal is sought. If it is agreed – in principle - then Democratic Services will confirm dates for September, December and March in the coming weeks.
- (ii) **A new system to manage consistently the ‘Call-In’ process for items ending up on the Committee Agenda.**
12. The Council’s Constitution sets the parameters on what applications can end up on the Development Committee and this is then supplemented for Officers by the scheme of authorisation that the Director for Place and Climate Change has put in place – which effectively gives him and the Assistant Director – Planning the ability to decide that any application needs to be considered by Committee.
13. It is recognised that there is some inconsistencies and arguably a lack of transparency as to why some matters end up at Committee.
14. Therefore, it is recommended that a new form is introduced which puts the onus on the person wanting to ‘call’ the matter ‘in’ to Committee to set out a publishable rationale for that – and then giving the Director for Place and Climate Change the final decision on whether the ‘call in’ request should result in the matter being reported to Committee.
15. The proposed form is included as Appendix 1 – and is intended for use by Councillors and Officers. The four underlined ‘questions’ on the form would then be included within any Committee report that follows.
16. Committees’ views on the form are sought – and it is recommended that the use of the form is commenced for all ‘call in’ requests that are made on or after 1<sup>st</sup> September 2024.
17. Whatever system is adopted – it should be reviewed after approximately 6 months of operation - and refined if it felt improvements can be made.

## **Conclusions**

18. The proposals within this report should help improve the Planning Service.
19. Work is underway on the other elements that should be reported to Councillors' during the next two Committee meetings (as set out in paragraph 3). If Councillors would like to contribute to any of those areas prior to the Committee meeting then they should approach the Assistant Director – Planning.

## **Recommendations**

18. It is recommended that:
  - 18.1 Committee endorse the new Training structure proposed within Paragraphs 7 to 10 above..
  - 18.2 Committees views on the new Call In procedure outlined at Paragraph 14 and 15 and Appendix 1 are sought and agreement reached as to the contents of a form (e.g. Appendix 1) that must be used for all 'call in' requests – be they by Councillors or Officers - that are made on or after 1<sup>st</sup> September 2024.

**North Norfolk District Council****Development Committee: Call-In Form**

This form can be completed by either:

- the ward councillor for the site in question – or – if suitable justification provided (e.g. of their interest to the application) then a councillor from an adjacent ward;
- the Council's Director for Place and Climate Change;
- the Council's Assistant Director – Planning; or,
- The Council's Monitoring Officer

The boxes marked (\*) must be completed by the Person completing the form. The other boxes will be completed by a Council Officer prior to the form being made public.

All completed forms will be added to the publicly accessible application file and where items go to Committee the information from the four underlined questions will be included in a '*Reasons for the Item being on the Committee Agenda*' section of the relevant Committee report.

Application Reference (*):		Date Application Validated:	
Application Address (*):			
Application Description (*):			
Date public consultation period finishes:		Initial Determination Target Date:	
<u>Planning / Constitutional Grounds For Call In (*)</u> :			
<u>Form Completed By (*)</u>		<u>Form Submission Date (*)</u> :	
<u>Role of Person Completing Form (*)</u> :			
Next Available Committee:		Number of Forms Submitted by Individual in Municipal Year:	

Ultimately it will be down to the Director of Place and Climate Change to determine whether the application will be on the Agenda or not – i.e. are the 'Grounds' sufficient – and if the proposer is a councillor from a different ward than the application site – whether the explanation in the 'role' box is sufficient. If the Director rejects a proposal his reason will be made public. There will then be a right of Appeal by a Councillor to the Monitoring Officer – and her decision – if an Appeal is made - will be final.

Table below to be completed by Director for Place and Climate Change

Committee: Yes / No		Decision Date:	
Decision Maker			
Explanation: If 'No'			

## Explanatory Notes to Assist Form Completion:

This form must be completed for all applications prior to the item being placed on the Committee Agenda. There will be no exceptions.

The person seeking to call the item in should complete the following 7 boxes of the template:

- (i) Application Reference;
- (ii) Application Address; and,
- (iii) Application Description;
- (iv) Form Completed By;
- (v) Form Submission Date;
- (vi) Role of Person Completing Form; and
- (vii) Planning / Constitutional Grounds For Call In'.

The information for the first three ((i), (ii), and (iii)) will be available via: the yellow site notice, the Council's web-site and / or the weekly list sent to all councillors.

Clearly, it will be obvious what to complete for (iv) and (v).

Un relation to the 'Role of Person Completing Form' box in the template it should be completed with either 'Ward Councillor', 'Adjacent Ward Councillor' or their 'Job Title' – if an Officer.

If the person is an Adjacent Ward Councillor they should also briefly summarise in the box why they believe they should be entitled to call the item in – e.g. '*it is a very large application, just outside the boundary of my ward – and one that will have a significant bearing on my ward*' or '*the ward Councillor has a conflict of interest in the application – and has suggested their constituents approach me about the application*' or '*the Ward Councillor is not available due to INSERT and therefore I am taking this view in their absence*'. An answer along the lines of '*I happen to know the applicant / objector and they asked me to consider calling the application in*' would not be considered an appropriate justification.

In the 'Planning / Constitutional Grounds For Call In' box of the template, if the reason is a simple 'Constitutional' reason (e.g. the applicant is a councillor) then the relevant part of the Constitution should be specified but if it is a personal judgement of a councillor or officer then an appropriate explanation should be provided.

This could be along the lines of one or more of the following statements:

- *"This is a very large application and is therefore considered to be of such a scale that the Committee should determine the application";*
- *"The application is in a particularly sensitive location (with an explanation given as to the sensitivity) and allowing / refusing it could have significant impacts on a wide area or set a precedent that might well apply to other applications";*
- *"The level of public interest is so significant that I believe the application should be put before Committee. So far people from X different local addresses have commented and the Town / Parish Council also object / support the proposal"; or,*
- *"I have considered the planning merits of the case carefully and I do not agree with the Case Officer's conclusions. In particular I believe considerations associated with [specific planning factors to be set out] should be given more / less weight. I intend therefore to speak at Committee in favour of approval / refusal."*

Please Note: If a Councillor complete the form – and in so doing – gives a clear indication of their view e.g. “I am opposed to this application because .....” then they will be deemed to have taken a pre-determined position and should not therefore be part of the Committee when it considers the application.

The following are unlikely to be deemed sufficient reasons for the matter to end up as a Committee item:

- *“The Town / Parish Council and / or neighbour has asked me to call the matter in”;*
- *“I think it should be approved / refused”;*
- *“There is lots of public interest”;* and,
- *“The applicant has a track record (of some type).”*

Officers will complete all the other boxes. Note: the ‘Next Available Committee’ box in the template will normally be completed with the next published main Committee date – i.e. that is after the date the form is completed. That is the date that will normally be used unless the papers for that meeting have already been published – in which case the entry will probably be the meeting after that. That does not mean that that will automatically be the meeting the item would be reported to – but it does mean that the decision wouldn’t be made before then.

All forms should be sent to [planning.department@north-norfolk.gov.uk](mailto:planning.department@north-norfolk.gov.uk) – when completed – with the subject being “Call-In of Application to Committee”.