

# Development Committee



**Please contact:** Democratic Services

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

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

Thursday, 19 June 2025

A meeting of the **Development Committee** will be held in the **Council Chamber - Council Offices** on **Friday, 27 June 2025** 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 Wednesday before the meeting** by telephoning **Reception on 01263 513811** or by emailing [reception@north-norfolk.gov.uk](mailto:reception@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. 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-WyEzg>

*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 P Neatherway, Cllr J Toye, Cllr K Toye, Cllr A Varley, Cllr L Vickers and Cllr L Paterson

**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 J Punchard, Cllr C Ringer, Cllr E Spagnola 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

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## 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 - 8)

To approve as a correct record the Minutes of a meeting of the Committee held on 29<sup>th</sup> May 2025

**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 9 - 14)

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. CROMER - PF/24/2341 - ERECTION OF 5 COMMERCIAL UNITS FOR USES WITHIN USE CLASSES E(C)(I) - FINANCIAL SERVICES, E(G)(I) - OFFICES, E(D) - INDOOR SPORT, RECREATION OR FITNESS, B8 - STORAGE OR DISTRIBUTION AT HOME FARM ENTERPRISE ZONE, HALL ROAD, CROMER, NORFOLK**

(Pages 15 - 50)

**9. LOWER BODHAM - PF/24/2705 - DEMOLITION OF WORKSHOP BUILDING AND ERECTION OF BUILDING FOR USE AS A**

(Pages 51 - 68)

**LIVE/WORK UNIT, RECLADDING OF RETAINED STORAGE BUILDING, DEMOLITION OF OTHER STORAGE BUILDINGS AND ERECTION OF CART SHED AT OLD SCARFE BROTHERS WORKSHOP, CHURCH ROAD, LOWER BODHAM, HOLT, NR25 6PS**

10. **FAKENHAM - PF/24/2184 - ERECTION OF TWO BUILDINGS FOR USE AS A RESTAURANT AND FARM SHOP, AND ASSOCIATED DEVELOPMENT INCLUDING A SEPARATE WC AND BAR, TWO POLYTUNNELS, CAR-PARKING, PATHS AND ACCESS AT SALMONDS LANE, THORPLAND, FAKENHAM, NORFOLK, NR21 0HB** (Pages 69 - 84)
11. **CROMER - PF/25/0724 - INSTALLATION OF 10 SHEDS (1.58M X 1.58M) ON TEMPORARY GARDEN PLOTS, ALLOTMENTS AT, CEMETERY, HOLT ROAD, CROMER** (Pages 85 - 88)
12. **MHCLG CONSULTATION RESPONSE** (Pages 89 - 106)
13. **DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE** (Pages 107 - 110)
14. **APPEALS SECTION** (Pages 111 - 120)
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, 29 May 2025  
in the Council Chamber - Council Offices at 10.00 am

**Committee** Cllr P Heinrich (Chairman) Cllr R Macdonald (Vice-Chair)  
**Members Present:**

Cllr M Batey	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	

**Members attending:** **also** Cllr Ringer (Item 8 only)  
Cllr Cushing (item 9 only)

**Officers in Attendance:** Assistant Director for Planning (ADP)  
Development Manager (DM)  
Lawyer  
Development Manager Team Leader (DM-TL)  
Senior Planning Officer (s) (SPO)  
Democratic Services Officer (s)

### 1 CHAIRMAN'S INTRODUCTIONS

The Chair welcomed everyone to the meeting and explained how he would manage the meeting.

### 2 TO RECEIVE APOLOGIES FOR ABSENCE

None

### 3 SUBSTITUTES

None

### 4 MINUTES

The Minutes of the meetings of the Committee held on 23<sup>rd</sup>, January 6<sup>th</sup> February and 2<sup>nd</sup> May were approved as a correct record and signed by the Chair.

### 5 ITEMS OF URGENT BUSINESS

None

### 6 ORDER OF BUSINESS

The meeting would run in accordance with the agenda.

## 7 DECLARATIONS OF INTEREST

Cllr Paterson declared an interest in relation to item 11 (as he was the Applicant) and would leave the Chamber and not participate in the debate.

## 8 **SHERINGHAM - PF/24/1229 - ERECTION OF 41 RETIREMENT LIVING APARTMENTS WITH ASSOCIATED ACCESS, CAR PARKING, LANDSCAPING, ANCILLARY FACILITIES, AND ASSOCIATED WORKS AT LAND AT, THE ESPLANADE, SHERINGHAM, NORFOLK**

### Officers report

The DM-TL presented the report, highlighting the changes to the site location plan since the matter was considered by the Committee on the 6th March 2025. The Committee was shown the site location plan, the proposed site plan, elevations and street scenes and comparisons with the extant permission. The DM-TL explained to the Committee the planning balance and recommendation, referring in particular to paragraph 11(d) of the NPPF. The recommendation was for approval subject to conditions and a S.106 agreement.

### Public Speakers

Wendy Setchfield-objecting  
Roger Venables- objecting  
Rachel Clare- (Agent)

### Local Member

Cllr Ringer spoke on behalf of Cllr Withington. He raised concern over the scale, density, mass and height of the proposals, believing them to be out of character and inconsistent with the locality. The impact of the mass and density of the proposals was significant for the residents of Upcher Court.

Cllr Ringer suggested policies EM2, EM4 and EM8 were not met by this application and urged the Committee not to allow poor past decisions to set a precedent. Further concern was raised over parking, access and existing congestion. The loss of the iconic view to the War Memorial was of particular concern. He expressed disappointment that the proposed S. 106 agreement made no reference to green space particularly as the proposals have no affordable housing element.

### Members debate

- a. The ADP advised the Committee that, unlike at the meeting of the 6 March 2025, the Committee were now able to make a sound decision given the changes to the red line site plan. He confirmed that the Committee was able to consider all matters at this meeting and that his view was that the matters was finely balanced but that he supported the recommendation made.
- b. The Chair and Cllr J Toye noted the importance of the meaning of “well designed” and its relevance to this decision. The ADP provided clarification - that this mainly referred to the footprint of the building, its scale and appearance and relationship to adjoining land and buildings.
- c. Cllr K Toye and Cllr Brown raised issues surrounding the extant permission and

number of units compared to this proposal, with Cllr Brown noting the previous application was during a period when the area had a 5 year land supply. Cllr Paterson asked for guidance regarding the appropriate weight that should be given to the lack of a 5 year supply of land. The ADP provided the Committee with information as to the relevance of paragraph 11 (d) NPPF in this circumstance.

- d. Cllr Holiday raised concerns whether this development would be utilised by residents already local to the area and Cllr Hankins supported the need for desirable high density residential accommodation. The ADP made it clear that if the application was approved it wouldn't be personal to the applicants-anyone could build it out.

Cllr Paterson proposed and Cllr Hankins seconded the recommendations

It **WAS RESOLVED** by 12 votes in favour and 2 against

**That Planning Application PF/24/1229 be approved in accordance with the Officers recommendations.**

The Committee adjourned at 11.06 and reconvened at 11.17.

**9 FAKENHAM - PF/24/2418 - DEMOLITION OF EXISTING PAVILION, EXTENSION OF THE EXISTING LEISURE CENTRE PROVIDING A NEW 4 LANE 25M COMMUNITY SWIMMING POOL AND A CIRCA. 55 STATION FITNESS SUITE, REFURBISHMENT OF THE EXISTING STUDIO SPACES AND CHANGING AREAS AT FAKENHAM SPORTS & FITNESS CENTRE, TRAP LANE, FAKENHAM**

Officers report

The SPO-JB presented the report and brought the late submission by the County Council (Highways) to the attention of the Committee. The Committee was provided information including site location plan and proposals, elevations, and further information regarding the main issue which was raised by the County-which was parking. The County Council's adopted standards would require 40.5 spaces for the new swimming pool plus other spaces for the other facilities assessed on "individual merit". The current proposal is for 58 car parking spaces. The recommendation is for approval subject to conditions, delegating to the ADP the final wording of those conditions, taking into account the recent submissions from Highways.

Local Member

Cllr Cushing expressed his strong support for this Application. He noted that local residents had been vocal supporters of this proposal for which there had been cross party support. He recognised the vital importance of giving children, in particular, access to a swimming pool to allow them to learn to swim and the locality and connection to the local school would facilitate that. He believed the site was a prime site for this facility. He was mindful of the parking challenges and asked that the number of spaces be maximised.

Members Debate

- a. The DM advised the Committee that the comments from Highways were a material consideration but were not an objection. He confirmed that the existing facility does not currently meet policy requirements in terms of parking spaces and suggested to the Committee that their consideration was whether the deficiency in car parking outweighed the benefits of the scheme in general and suggested that further spaces could be provided.
- b. Cllr Paterson, Cllr Vickers, Cllr Fitch-Tillett and Cllr Varley all expressed strong support noting the considerable benefits of the proposal with Cllr Varley also noting its good sustainability credentials.
- c. Cllr Fitch-Tillett reminded the Committee of the necessity of children learning to swim, particularly given that Norfolk unfortunately experienced a very high number of drownings.
- d. The ADP asked for clarification on the number of car parking spaces the Committee was seeking and both Cllr Paterson and Cllr Vickers confirmed that they were proposing and seconding the recommendation on the basis that as many car parking spaces as possible were secured, leaving it to the discretion of the ADP to finalise the number obtained..

Cllr Paterson proposed and Cllr Vickers seconded the recommendation.

It **WAS RESOLVED** unanimously

**That Planning Application PF/24/2418 be Approved in accordance with the Officers recommendation.**

**10 SOUTH RAYNHAM - PF/25/0091 - INSTALLATION OF 2.408MW OF GROUND-MOUNTED SOLAR PV AND 2.392MW OF BATTERY ENERGY STORAGE SOLUTION (BESS) ON LAND KNOWN AS SANDPITS. LAND AT UPHOUSE FARM, SWAFFHAM ROAD, SOUTH RAYNHAM**

Officers Report

The DM-TL presented the report to the Committee, bringing the main issues to the Committee's attention. The presentation included details of the location, proposed layout and landscaping. The recommendation was for approval subject to conditions.

Public Speakers

Stuart Laws – Applicant.

Members Debate

- a. Cllr Paterson and Cllr Varley expressed support for a well thought out and sustainable scheme.
- b. The Chair, Cllr Vickers, Cllr K Toye and Cllr Holliday all raised concerns relating to the loss of good agricultural land and the wider issue of food security. Cllr

MacDonald acknowledged it was positive that the panels were raised to continue to allow grazing.

- c. Cllr Hankins and Cllr J Toye brought up matters relating to the 40 year limit and the removal of equipment, Cllr J Toye seeing it as a positive that the land was not permanently lost.
- d. Cllr Brown was happy to support the application and was pleased to note the condition regarding fire safety.

Cllr Paterson proposed and Cllr Varley seconded the recommendation.

It **WAS RESOLVED** by 12 votes in favour with 2 abstentions

**That Planning Application PF/25/0091 be approved in accordance with the Officers recommendation.**

Cllr Paterson left the Committee at 12.06

**11 DILHAM - PF/25/0610: INSTALLATION OF 36KW GROUND MOUNTED SOLAR PV ARRAYS AT DILHAM HALL HONING ROAD, DILHAM FOR CLLR L PATERSON**

Officers Report

The SPO-RA presented the report including the site location and photographs and took the Committee through the main issues. The recommendation was for approval subject to conditions.

Member Debate

- a. Cllr J Toye, Cllr Varley and Cllr Brown expressed their support for the proposal.
- b. Cllr Holliday asked for clarification regarding the minimum height of the hedgerow and the SPO-RA confirmed that this was to benefit the wider landscape.
- c. The Chair noted the isolated nature of this area and the height of the panels to allow cattle to graze.

Cllr J Toye proposed and Cllr Varley seconded the recommendation

It **WAS RESOLVED** by 12 votes in favour and 1 abstention

**That the Planning Application PF/25/0610 be approved in accordance with the Officers Recommendation.**

Cllr Paterson rejoined the meeting at 12.13 and the DM left the meeting.

**12 HEMPTON- PF/21/3314 - DEMOLITION OF EXISTING BUILDING AND**

**ERECTION OF 3 NO. TWO-BED DWELLING HOUSES, AT LAND BETWEEN 13  
& 19, SHEREFORD ROAD, HEMPTON, FAKENHAM**

Officers Report

The DM-TL took the Committee through the report, identifying the main issues and providing information on the site location plan, the proposed plan, elevations, site photographs. The Committee was informed that the proposals were contrary to policies SS1 and SS2 but given the lack of a 5 year supply of land paragraph 11(d) of NPPF was relevant and that there was a presumption in favour of sustainable development. The recommendation was for approval subject to conditions.

Public speakers

Mark Banham-Applicant

Members Debate

- a. Cllr Paterson, Cllr Vickers and Cllr Varley all expressed their support for a scheme reusing an existing developed site and with smaller, more affordable properties. Cllr Varley asked if the use of PV panels could be the subject of conditions (the Applicant indicated they would accept this) and the ADP confirmed this could be a condition.
- b. The ADP indicated that this application was a development in the countryside and therefore a recommendation for approval was finely balanced, however factors such as a development for 3 small properties tipped the recommendation in favour of approval, he drew the Committees attention to the relevant parts of the report.
- c. Cllr Brown acknowledged that this application was more unusual than might first be seen. Cllr Holliday expressed discomfort in the suggestion that this should be approved outside policy. Cllr Vickers suggested that this was a site where common sense suggested that the proposals represented both an improvement on what was there currently and provided much needed housing.

Cllr Varley proposed and Cllr Vickers seconded the recommendation

It **WAS RESOLVED** unanimously

**That Planning Application PF/21/3314 be approved in accordance with the Officers recommendation.**

The DM rejoined the Committee at 12.37

**13 DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE**

The DM presented the report to the Committee noting that performance exceeded both local and national targets.

Cllr Vickers queried when the time commenced for applications and the ADP confirmed that validating applications was subject to some delays, but this did not

impact on applicants rather the time the team had to deal with the matter.

The Committee considered the report on S.106 agreements and thanked Officers for obtaining a £20,000 contribution to pedestrian safety on the High Kelling scheme.

#### **14 APPEALS SECTION**

The DM confirmed 27 planning and 12 enforcement appeal cases, with the Inspectorate recently issuing 4 decisions which had all been dismissed. The ADP brought the Committees attention to a very recent decision at Wells-Next-the-Sea which had been decided in favour of the Appellant.

The Committee closed at 12.46

#### **Democratic Services Officer note**

**The members of the Committee decided (by 13 votes for and 1 against) to recommend to the Full Council that all future Development Committee meetings should commence at 9.30 am.**

The meeting ended at 12.46 pm.

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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>

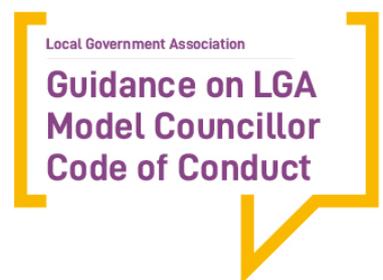
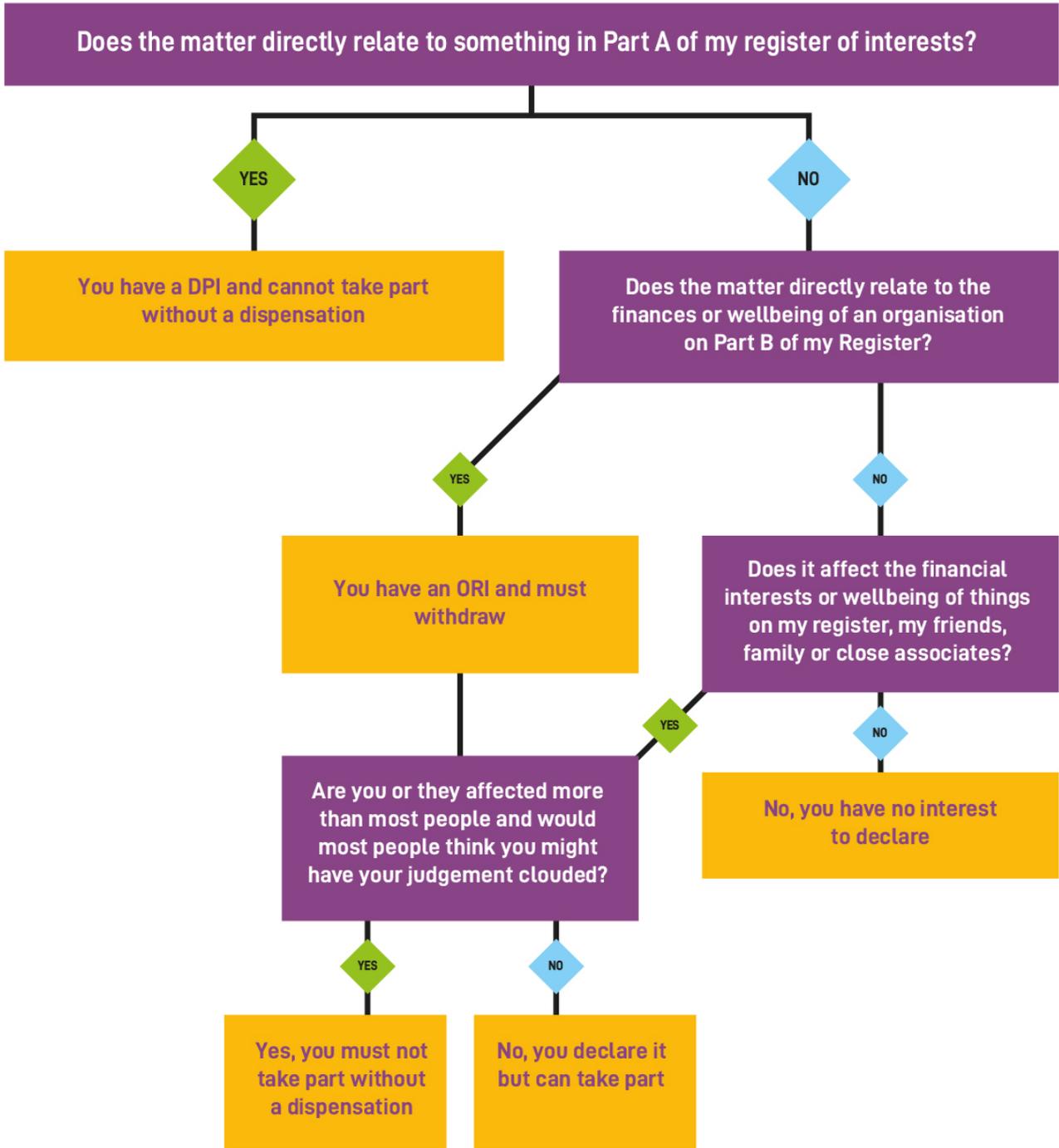
	spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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\* 'director' includes a member of the committee of management of an industrial and provident society.

\* '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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**CROMER – PF/24/2341 - Erection of 5 commercial units for uses within Use Classes E(c)(i) - financial services, E(g)(i) - offices, E(d) - indoor sport, recreation or fitness, B8 - storage or distribution at Home Farm Enterprise Zone, Hall Road, Cromer, Norfolk**

## **ADDENDUM REPORT**

### **Minor Development**

**Target Date:** 09.01.2025

**Extension of Time:** 04.07.2025

**Case Officer:** Russell Stock

**Full Planning Permission**

## **REASON FOR ADDENDUM REPORT**

This Addendum Report is to update members with regards to the matters that led to their deferral of the consideration of this planning application at the meeting of the Development Committee on 6<sup>th</sup> February 2025. This report should be read in conjunction with the Committee Report and the Development Committee Minutes from the meeting of 6<sup>th</sup> February 2025. These are included at **Appendix 1** and **2** of this report.

## **UPDATE**

Following debate at the 6<sup>th</sup> February 2025 Development Committee meeting, the Committee resolved to defer making a decision on the application so that the applicants could provide sufficient information required in order to make an informed decision.

Since the 6<sup>th</sup> February 2025 Development Committee meeting, amended plans and various emails have been provided by the planning agent on behalf of the applicant. Additionally, further consultee comments have been received. A summary of the changes since the meeting on the 6<sup>th</sup> February 2025 are provided within the relevant sections below.

## **CONSULTATIONS (received since the 6<sup>th</sup> February 2025 meeting):**

### **NNDC Conservation and Design: Objection**

No significant changes proposed since previous iteration. The fundamental concerns remain. Vegetation cannot be relied upon to screen inappropriate new development, particularly when it results in 'less than substantial' harm to the significance of a designated heritage asset.

### **NNDC Landscape: Objection**

None of the reports required have been received. There remains a lack of information provided. Impacts on trees, species, habitats all remain unknown.

### **NCC Highway: Objection**

As the proposals have not changed in relation to highway matters, the previous objection remains. There appears scope for the applicant to address the concerns relating to the access width.

### **Historic Buildings and Places: Further information required**

A lack of information has been provided.

### **OFFICER ASSESSMENT:**

The following information has been provided in support of the application since the 6<sup>th</sup> February 2025 meeting:

- Covering letter from Pike Partnership, dated 18 March 2025
- Email from Matthew Boyer (Boyer's Body & Service Centre) to applicant, dated 5<sup>th</sup> March 2025
- Email from Josh Willis (JW Sports and Fitness) to applicant, dated 8<sup>th</sup> March 2025
- Email from Darren (Cromer Electrical Limited) to applicant, dated 10<sup>th</sup> March 2025
- Photographs of drainage areas and surroundings – taken 10<sup>th</sup> March 2025
- Drawing 3082-09 Proposed Site Plan, Floor Plans and Elevations, received 19<sup>th</sup> March 2025
- Drawing 3082-08a Proposed South Elevation, received 19<sup>th</sup> March 2025 (resubmission of plan already provided)

In relation to the amended plans, no physical changes to the site layout, building design or access/parking have been made when compared to the plans considered by Members at the 6<sup>th</sup> February 2025 meeting. The only amendments relate to the inclusion of the words 'larger planting area' and the rearrangement and addition of circles which have been used to indicatively indicate tree planting. The plans have also been re-orientated and have removed the surrounding dwellings and landscaping features, providing less context to the proposed scheme.

In addition to the covering letter from Pike Partnership – which itself does not provide the required information as highlighted within the 6<sup>th</sup> February report; three emails from local businesses have been submitted. These emails indicate that there are local businesses which may require additional or new floorspace, with a desire to remain in the Cromer area. These emails provide limited details of each business's aspirations. They do not provide any tangible evidence to support their requirements, or set out any form of business case. The information provided does not address the evidence base used to inform/support the relevant policies within the Core Strategy, nor Policy E3 of the Council's emerging North Norfolk Local Plan, which is now in its advanced stages.

No information has been provided to satisfy the required sequential and viability/vitality tests as a result of the Main Town Centre/retail uses proposed.

The Highway Authority have provided brief updated comments which set out that as the proposals have not been amended, and no additional highway information has been provided, the original objection comments still remain valid.

No professional reports or meaningful information has been provided since the 6<sup>th</sup> February 2025 meeting to address any of the ten (10) recommended reasons for refusal. In light of this, the planning balance and overall recommendation remains the same as that from the 6<sup>th</sup> February 2025 meeting. The full recommendation is set out below for clarity:

## **PLANNING BALANCE / CONCLUSIONS**

The application form states that the development would create 25 full-time equivalent jobs. Beyond this statement however, very limited information has been provided in support of the business case for the proposals. The applicant has stated that the proposal would bring significant economic benefits, whilst the Ward Councillor expands upon this within their call-in form, stating that the development would support the growth of one of the existing units, and provide homes to several other existing businesses.

Undoubtedly, the development would result in economic benefits; this includes the job creation opportunities which would come from the delivery of 5 commercial units, as well as general economic growth benefits resulting from the increase, provision and diversity of commercial floorspace in the Cromer area. The full extent of these benefits is however, not fully known at this stage given the limited information submitted in support of the application. Nevertheless, modest weight is given to the economic benefits of the development.

The development has been found to conflict with the key strategic Core Strategy Policies, SS 1 and SS 2, which seek to limit development within the Countryside to that which requires a rural location. In this instance, it has not been demonstrated that the proposals would fall within any of the categories which support new-build economic development within Countryside locations. The proposals, through the lack of supporting evidence, have failed to demonstrate that the development would not adversely impact Cromer Town Centre as a result of the use of the buildings for Main Town Centre uses. In this respect, there is conflict with Core Strategy Policy EC 5 and the guidance contained within Chapter 7 of the NPPF.

Insufficient information has been provided to justify the proposed development, which falls within the designated Undeveloped Coast. Without justification, the proposals conflict with the requirements of Policy EN 3.

Ecologically, the application has provided insufficient information to establish the proposal's impact upon protected species and/or sites. Furthermore, the site's baseline for calculating Biodiversity Net Gain requirements has not been agreed, due to discrepancies between site conditions and those used within the baseline categories. Furthermore, the full extent of the works required to deliver the development have not been fully considered by the applicants. In these respects, the proposal fails to comply with Policy EN 9 and the guidance contained within Chapter 15 of the NPPF.

Insufficient information has been provided in relation to the proposal's arboricultural implications, with the site surrounded by a number of important trees, conflicting with the requirements of Policies EN 2 and EN 4 in this respect.

Insufficient information has been provided as part of this application to demonstrate whether or not the proposal would be put at risk from flooding or give rise to flooding elsewhere. This conflicts with the aims of Policy EN 10 and the guidance set out with the NPPF within Chapter 14.

The development would not provide safe access and the traffic generated by the proposals would not be accommodated by the existing road network without detriment to highway safety. Conflict arises with Policy CT 5 of the Core Strategy in this respect, as well as paragraphs 89 and 116 of the NPPF as the proposals would have an unacceptable impact on local roads and highway safety.

The development has been found to result in 'less than substantial' harm to the significance of the Grade II listed South Lodge as a result of the position and sheer scale of the proposed commercial units and the intervisibility between the two. The development would intrude into the important rural setting of the Lodge, disrupting the landscape in which it was originally intended to be appreciated from. Having undertaken the balancing exercise as required by NPPF paragraph 215, the heritage harm resulting from the development has been found to not be outweighed by public benefits.

Matters which are neutral in the overall planning balance in this instance include the development's acceptable impact within the landscape, impacts upon neighbouring amenities and, subject to conditions, energy efficiency and contamination.

In undertaking an overall balance of the competing aspects of the proposal, it is considered that the identified harms resulting from the proposal would not be outweighed by the economic benefits in favour of the development. The proposals would not be in accordance with the requirements of the Development Plan, and it has been concluded that there are no material considerations which would outweigh departure from the Development Plan.

#### **RECOMMENDATION:**

To **REFUSE** permission on the following grounds:

1. The site is located in an area designated as Countryside where Policy SS 2 limits development to that which requires a rural location. The proposals have not demonstrated why departure from the Council's key strategic policies is appropriate for this development. The development would therefore constitute unjustified intrusion of built form into the Countryside, contrary to strategic aims of achieving sustainable development as set out within Policies SS 1 and SS 2 of the adopted North Norfolk Core Strategy.
2. The proposed development would result in Main Town Centre and retail uses within the Countryside. The application has not been supported by any assessment of the development's likely impacts upon the viability or vitality of the Cromer Town Centre. No information has been provided to support a sequential test to demonstrate the suitability of this site to contain Main Town Centre uses. In the absence of such information, the applicant has failed to demonstrate how the proposal would accord with the aims of Core Strategy Policy EC 5, in particular the impact upon Cromer Town Centre. In this respect, conflicts arise with Policy EC 5 of the adopted North Norfolk Core Strategy as well as the guidance contained within Chapter 7 of the National Planning Policy Framework.
3. Insufficient information has been provided in order to sufficiently demonstrate that the proposal requires a coastal location within the designated Undeveloped Coast in order to justify impacts upon the undeveloped character in line with the requirements of Policy EN 3 of the adopted North Norfolk Core Strategy.

4. The proposed development would, by virtue of its location and massing, have a notable impact on the important rural setting of the Grade II Listed South Lodge, disrupting the landscape in which it was originally intended to be appreciated from. The development would cause harm to the significance of South Lodge, falling within the setting of that listed building. Such harm would be within the less than substantial category, as set out in the National Planning Policy Framework and would not be outweighed by the public benefits associated with the development. The proposed development would therefore be in conflict with Policy EN 8 of the adopted North Norfolk Core Strategy and Chapter 16 of the National Planning Policy Framework.
5. Insufficient information has been provided by the applicant in order to establish the site's ecological value and the impacts of the proposal on protected species. Therefore, the potential for adverse impacts upon habitats and protected species cannot be assessed in accordance with the Council's statutory duties under Regulation 9 of the Conservation of Habitats and Species Regulations 2017 (as amended) (also see paragraph 99 of the ODPM Circular 06/2005). Therefore, the proposal would be contrary to Policy EN 9 of the adopted North Norfolk Core Strategy and Chapter 15 of the National Planning Policy Framework.
6. Insufficient information has been provided by the applicant in order to sufficiently establish that the site's Biodiversity Net Gain (BNG) baseline calculations are an accurate reflection of site conditions. Inconsistencies between the information provided and that observed on site brings the accuracy of the baseline calculations into question where no further information or justification has been provided. The proposals therefore conflict with the requirements set out within Article 7A of The Town and Country Planning (Development Management Procedure) (England) Order 2015.
7. Insufficient information has been provided by the applicant in order to sufficiently demonstrate that the proposal would not adversely affect the existing mature trees adjoining the application site, many of which are important to the local landscape. Therefore, in the absence of an up-to-date and reliable Arboricultural Impact Assessment, which fully considers the implications of the proposed impact upon affected trees, the proposal fails to demonstrate the suitable retention of existing important landscaping and natural features, contrary to the requirements of Policies EN 2 and EN 4 of the adopted North Norfolk Core Strategy and paragraphs 136 and 187 of the National Planning Policy Framework.
8. The proposed access is considered unsatisfactory to serve the development by reason of its inadequate width. The proposals would therefore lead to the stopping and waiting of vehicles on the highway to the detriment of highway safety contrary to Policy CT 5 of the adopted North Norfolk Core Strategy and Chapter 9 of the National Planning Policy Framework.
9. The unclassified roads of Hall Road and Metton Road serving the site are inadequate to serve the development proposed, by reason of poor alignment, restricted width, lack of passing provision and restricted visibility at adjacent Road junctions. Consequently, as a result of the additional traffic generated by the development, the proposals would be likely to give rise to conditions detrimental to highway safety contrary to Policy CT 5 of the adopted North Norfolk Core Strategy and Chapter 9 of the National Planning Policy Framework.
10. Insufficient information has been provided by the applicant in order to demonstrate that the proposal would not be at risk itself from, or give rise to, surface water flooding elsewhere. The application has not provided sufficient information to demonstrate this

development would/could incorporate an appropriate sustainable drainage system. The proposal is therefore contrary to Policy EN 10 of the adopted North Norfolk Core Strategy, paragraphs 181 and 182 of the National Planning Policy Framework and the guidance contained within the Government's Planning Practice Guidance in relation to Flood Risk.

# Appendix 1

**CROMER – PF/24/2341 - Erection of 5 commercial units for uses within Use Classes E(c)(i) - financial services, E(g)(i) - offices, E(d) - indoor sport, recreation or fitness, B8 - storage or distribution at Home Farm Enterprise Zone, Hall Road, Cromer, Norfolk**

## **Minor Development**

**Target Date:** 14.02.2025

**Extension of Time:** 14.02.2025

**Case Officer:** Russell Stock

**Full Planning Permission**

## **RELEVANT SITE CONSTRAINTS**

The site lies within a Countryside location in policy terms  
The site lies within the Undeveloped Coast  
The site lies within the Norfolk Coast National Landscape (formerly AONB)  
The site may contain Contaminated Land  
The site lies within an ungraded Historic Park and Garden  
The site is within the setting of a number of Listed Buildings  
The site is within a Mineral Safeguarding Area  
The site contains an area at risk of surface water flooding  
The site lies within various GIRAMS Zones of Influence

## **RELEVANT PLANNING HISTORY**

NP/13/0041

Prior notification of intention to erect re-located agricultural storage building

Prior approval not required 04.02.2013

PF/06/0160

Continued Use of Former B1 (Light Industrial) Premises for Repair and Storage of Coaches

Finally Disposed of 28.02.2017

PF/03/1453

Change of use of buildings from agricultural to industrial use, erection of industrial units and agricultural building

Approved 26.01.2004

S106/22/23 – Unilateral Undertaking securing funding maintenance and repair of the fabric of the Hall. Set up Maintenance Fund following permission of new industrial building (enabling development).

## **THE APPLICATION**

### Site Description:

The site is currently used for ad-hoc informal agricultural storage purposes. The site is located between Hall Road and a large agricultural building, beyond which a number of smaller industrial units are located, along with Home Farm House and barns. Mature trees and

vegetation adjoin the site from the south and east. Cromer Hall and what is referred to within the application as the concert field are located to the north.

### Proposal:

This application seeks full planning permission for the erection of two buildings, containing five separate commercial units. Alongside the proposed buildings, the development would include a significant area of hardstanding for vehicular movements, vehicular parking, the creation of a new access and track to the concert field, and soft landscaping.

The buildings would measure:

#### Units 1-3

34.8m in length, 18.1m in width, 7.06m in height

#### Units 4/5

30m in length, 11.5m in width, 6.15m in height

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

The application has been referred to committee at the request of Cllr Tim Adams for the following reasons:

*“- I believe the proposal is in accordance with EC3, in that this proposal, limited in scale, will have no overall detrimental impact on the area whilst providing for the expansion of an existing enterprise zone/ park business. The expansion will support the growth of one business at the existing units, and a home for several other existing businesses.*

*- The site has existing commercial and agricultural uses, and the business tenants envisaged are unlikely to generate detrimental volumes of traffic – mostly individual cars and vans who are largely using the local road network already due to existing presence in the Town.*

*- Whilst the site of construction itself is not distinctive, it is understood there are concerns about wider landscape impacts. However, I am not sure how well understood this is, as the site is very well concealed by trees and vegetation in every direction – including that immediately East of NNDC offices. I am unable to find any significant visibility of the site from existing footpaths due to extensive landscaping. The setting of South Lodge, also part of the Cromer Hall Estate, is also similarly protected in this respect. I therefore believe that the proposal to be in accordance with relevant ‘EN’ policies.*

*- I also do not believe there are any insurmountable issues with ecology or trees, given the existing use of the land.*

*- Finally, I believe the development would accord with the economic objectives of the National Planning Policy Framework (8a). Given the limited supply of commercial units in the District, there is significant demand. This development is greatly needed in Cromer with several existing businesses needing new premises imminently to ensure continued operation, and access to existing customer base in the locality. I am confident in my knowledge that no other sites are becoming available in the timescales required in the immediate locality, and an expansion of an existing commercial setting is therefore desirable.”*

### **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.

## **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**

**Cromer Town Council: No objection**

**North Norfolk District Council Economic Growth: Support**

**North Norfolk District Council Environmental Health: No objection, subject to conditions**

**North Norfolk District Council Landscape Team: Objection - Further information required**

**North Norfolk District Council Conservation Officer: Objection**

**Norfolk County Council Highways: Objection**

**Norfolk County Council Minerals and Waste: No comment**

**Historic England: No comment**

**Historic Buildings and Places: Further information required**

## **REPRESENTATIONS**

None

## **RELEVANT PLANNING POLICIES**

**North Norfolk Local Development Framework 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 5 (Economy)  
Policy SS 6 (Access and Infrastructure)  
Policy SS 7 (Cromer)  
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 3 (Undeveloped Coast)  
Policy EN 4 (Design)  
Policy EN 6 (Sustainable Construction and Energy Efficiency)  
Policy EN 8 (Protecting and Enhancing the Historic Environment)  
Policy EN 9 (Biodiversity & Geology)  
Policy EN 10 (Development and Flood Risk)  
Policy EN 13 (Pollution and Hazard Prevention and Minimisation)  
Policy CT 2 (Developer Contributions)  
Policy CT 5 (The Transport Impact of New Development)  
Policy CT 6 (Parking Provision)

### **Minerals and Waste Development Framework - Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026**

Policy CS16 (Safeguarding mineral and waste sites and mineral resources)

#### Material Considerations:

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

Design Guide Supplementary Planning Document (December 2008)  
North Norfolk Landscape Character Assessment (January 2021)  
North Norfolk Landscape Sensitivity Assessment (January 2021)

#### **National Planning Policy Framework (December 2024):**

Chapter 2 (Achieving sustainable development)  
Chapter 4 (Decision-making)  
Chapter 6 (Building a strong, competitive economy)  
Chapter 7 (Ensuring the vitality of town centres)  
Chapter 8 (Promoting healthy and safe communities)  
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)  
Chapter 16 (Conserving and enhancing the historic environment)  
Chapter 17 (Facilitating the sustainable use of minerals)

#### **Other material documents/guidance:**

Norfolk Coast Area of Outstanding Natural Beauty Management Strategy 2019 – 2024  
North Norfolk Development and Coastal Erosion (2009)

## **OFFICER ASSESSMENT**

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

- 1. Principle of development**
- 2. Landscape, character of the area and design**
- 3. Historic environment**
- 4. Residential amenities**
- 5. Sustainable construction and energy efficiency**
- 6. Biodiversity & Geology**
- 7. Arboriculture**
- 8. Highways and parking**
- 9. Flooding and drainage**
- 10. Contamination**

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

Core Strategy Policy SS 1 sets out the spatial strategy for North Norfolk seeking to locate the majority of new development within the towns and larger villages, dependent on their local needs, their role as employment, retail and service centres and particular environmental and infrastructure constraints. Policy SS 2 of the Core Strategy states that in areas designated as Countryside development will be limited to that which requires a rural location and is one or more of a list of certain forms of development permissible under the policy.

Core Strategy Policy SS 5 relates to the economy and supports the creation of jobs and economic development through the designation of employment sites. In 'Employment Areas' as designated on the Proposals Map, only employment generating development proposals will be permitted. The rural economy and farm diversification will be supported including extensions to existing businesses of an appropriate scale and re-use of existing buildings, including appropriate re-use of the operational land at redundant defence establishments. Primary Shopping Areas and Primary Retail Frontages are defined in order to concentrate retail development in central areas of towns.

Emerging Policy E 3 states that new employment development outside of designated Employment Areas, Enterprise Zones, Employment Allocations or Mixed Use Allocations will only be permitted where it can be demonstrated that:

- a) there is no suitable and available land on designated or allocated employment areas; and
- b) there are specific reasons for the development not being located on designated or allocated employment areas, including, but not limited to:
  - (i) the expansion of an existing business;
  - (ii) businesses that are based on agriculture, forestry or other industry where there are sustainability advantages to being located in close proximity to the market they serve;
  - (iii) industries and/or businesses which would be detrimental to local amenity if located in settlements, including on designated or allocated employment areas; and,
- c) the development would not adversely affect highway safety.

In terms of the National Planning Policy Framework (NPPF), paragraph 85 states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraph 88, which provides support for a prosperous rural economy, states the planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

Paragraph 89 sets out that “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. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.”

Located within the Countryside, the proposed new-build employment units have no Core Strategy support for the principle of development in this location. Historically, the site appears to have developed and evolved from its agricultural origins. Application PF/03/1453, which was for the change of use and erection of industrial units, was ultimately viewed favourably, despite being contrary to policy at the time, following securing of a heritage maintenance and repair fund for Cromer Hall by legal agreement (a form of enabling development).

In relation to this application, both applicant and local member have suggested that these new units should be considered as extensions to existing businesses, and thus fall within the remit of Policy EC 3, thus subsequently complying with Policy SS 2. For clarity Policy EC 3 (Extensions to Existing Businesses in the Countryside) states:

“Extensions to existing businesses in the Countryside will be permitted where it is of a scale appropriate to the existing development and would not have a detrimental effect on the character of the area.”

The proposals seek permission for use Classes E(c)(i) - financial services, E(g)(i) - offices, E(d) - indoor sport, recreation or fitness, B8 - storage or distribution. No individual existing business at Home Farm has been named as requiring extension, and no business case or needs have been advanced. The large building immediately adjoining the site has an agricultural use, rather than a commercial one.

The applicant has stated that “owning a commercial estate and letting out the buildings on it, is a legitimate business”. Officers do not disagree with this statement, however there is a difference in opinion as to whether the creation of five commercial units, unrelated to any of the individual existing businesses located at Home Farm, would fall within the remit of Policy EC 3. Officers take the view that this policy provides existing businesses, located in the Countryside, support to sensitively extend when required, i.e. where there is a business need/case for doing so. The assertion that this policy applies to landowners/developers seeking to expand built development into the Countryside, for potentially unknown businesses, which are currently not on site, or which may not necessarily require a Countryside location, does not appear to accord with the wider policy aims seeking to achieve sustainable development.

Emerging Policy E 3 sets out the situations as to where employment development outside of allocations, may be appropriate. In relation to this application, insufficient information has been provided to demonstrate compliance with this policy’s aims.

NPPF provisions when it comes to economic development in Countryside locations generally reflect the aims of the local plan strategies discussed above.

The proposals are therefore not supported in principle by Development Plan policies, conflicting with key Core Strategy Policies SS 1 and SS 2.

### Retail Impact

Policy EC 5 states that proposals for retail development in the Countryside will not be permitted unless they comply with other Development Plan policies. Policy EC 5 also sets out that proposals that do not comply with the acceptable retail and commercial leisure location table set out within the policy should demonstrate that:

- a need exists within the catchment area for the scale and type of development proposed; and
- no sequentially preferable site is available, suitable and viable (starting with town centre, edge of centre sites, then out-of-centre locations), and
- the proposed development would not, individually or cumulatively, have a significant adverse impact on the vitality and viability of existing town centres or nearby Service Villages or Coastal Service Villages; and
- and the proposed development would be accessible by a choice of means of transport, including public transport, walking, cycling and the car.

Emerging Policy E 4 states that in the designated Countryside Policy Area proposals for small scale specialist retail services will be supported in principle only where it can be demonstrated that the proposal is to perform a wholly ancillary role to an existing or planned use and is of an appropriate and proportionate small scale. It also states that support for out-of-centre development will be dependent on how it reflects:

1. the capacity available to support the proposal as identified in the Retail Study and subsequent permissions; and,
2. how it seeks to enhance expenditure retention and in relation to the assessment of impacts on the town centre and wider retail catchments, and is in accordance with the locally derived impact thresholds (1000sqm for Cromer).

The guidance contained with chapter 7 of the NPPF seeks to ensure the vitality of town centres. Paragraph 90 states that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Paragraph 91 states:

“Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.”

The application proposes a number of Main Town Centre uses (as defined by the NPPF), including use classes E(c)(i) - financial services, E(g)(i) - offices, and E(d) - indoor sport, recreation or fitness. Core Strategy Policy EC 5 seeks to guide retail and commercial leisure development to the most sustainable places, setting out tables for acceptable locations dependent upon respective floor areas. In this instance, the application site does not fall within the locations included. As set out above, the policy continues to state that proposals which don't comply with these locations should demonstrate that the four bullet points are met.

This application has not been supported by any assessment of the development's likely impacts upon the viability or vitality of the Cromer Town Centre. No information has been provided to support a sequential test, which would be required to demonstrate the suitability of this site to contain main town centre uses.

In the absence of information, it is not possible to fully assess the impacts of the proposal upon the Cromer Town Centre. In this respect, conflicts arise with Core Strategy Policy EC 5 as well as the guidance contained within Chapter 7 of the NPPF.

The proposal is therefore contrary to the Development Plan in respect of Core Strategy Policies SS 1, SS 2, EC 3 and EC 5. This conflict weighs heavily against the grant of planning permission. Unless material considerations in favour are identified which outweigh the identified Development Plan policy conflict, Officers consider the principle of development to be unacceptable in this location.

## **2. Landscape, character of the area and design**

### Policy context

The site lies within the Norfolk Coast National Landscape (NCNL), which is a protected landscape. Therefore, it is necessary to give special regard to section 85(A1) of the Countryside and Rights of Way Act 2000 (as amended) (the CRWA) and the duty imposed by the Levelling Up and Regeneration Act 2023 (the LURA) to seek to further the purposes of protected landscapes.

Core Strategy Policy EN 1 relates to the NCNL (formerly Area of Outstanding Natural Beauty (AONB) and The Broads. The policy states that: the impact of individual proposals, and their cumulative effect, on the NCNL, The Broads and their settings, 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;
- does not detract from the special qualities of the NCNL or The Broads; and
- seeks to facilitate delivery of the NCNL management plan objectives.

The policy continues in stating that opportunities for remediation and improvement of damaged landscapes will be taken as they arise. Proposals that have an adverse effect will not be permitted unless it can be demonstrated that they cannot be located on alternative sites that would cause less harm, and the benefits of the development clearly outweigh any adverse impacts. Development proposals that would be significantly detrimental to the special qualities of the NCNL or The Broads and their settings will not be permitted.

The National Planning Policy Framework (NPPF) sets out within paragraph 189 that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes which have the highest status of protection in relation to these issues. This paragraph also states that the scale and extent of development within NCNL's should be limited.

The Norfolk Coast Management Plan 2019-2024, a working document, provides a summary of the special qualities of the NCNL. Relevant to these proposals the qualities include: the dynamic character of the coast, important habitats and species, and the richness of archaeological heritage and historic environment.

Policy EN 2 states that proposals 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, gaps between settlements, distinctive settlement character, landscape features, visually sensitive areas, nocturnal character, the setting of, and views from, Conservation Areas, Historic Parks and Gardens and the defined Setting of Sheringham Park.

Policy EN 4 states that all development will be of a high-quality design and reinforce 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. Proposals will be expected to have regard to the North Norfolk Design Guide, incorporate sustainable construction principles, make efficient use of land, be suitably designed within their context, retain important landscape and natural features and incorporate landscape enhancements, ensure appropriate scales, make clear distinctions between public and private spaces, create safe places, are accessible to all, incorporate footpaths and green links, ensure that parking is discreet and accessible and where possible, contain a mix of uses, buildings and landscaping.

### Assessment

Located within a rolling and wooded part of the NCNL on the edge of Cromer, the site itself is relatively well contained within the landscape. Views of the site are afforded from Hall Road to the east and the Weavers Way and Public Right of Way (Cromer FP9) to the south. Mature trees surrounding the site filter the views from these locations, however the site is clearly visible during winter months when leaves are not on trees.

No formal assessment has been provided of the development's potential landscape impact. However, the site benefits from being located at a valley bottom, this coupled with the surrounding vegetation, limits its prominence within the landscape. The development would extend the built form found at Home Farm closer to Hall Road, which in turn, would result in it being more visible from both the road and the Weavers Way. The removal or cutting back of boundary trees/hedging would further reveal the site from public vantage points.

The two buildings would consist of five individual commercial units. The proposed buildings scales would be comparable to the other commercial units at Home Farm, albeit not quite so large as the adjoining agricultural building. The form and design of the buildings would give them a simple, generic commercial, appearance. The proposed use of dark materials within both commercial buildings would help limit their visual impacts. The proposed tree planting would also help soften the mass of the buildings, albeit that these would take some time to mature to the size sufficient to provide screening benefits. Full hard and soft landscaping details could be secured by condition. Given the changing ground levels across the site, should permission be granted, it is recommended that full levels plans be provided to ensure that the buildings are suitably set into the landscape.

On balance, and subject to conditions, the proposals are considered to accord with the requirements set out within Policies EN 1, EN 2 and EN 4.

### Undeveloped Coast

As the site falls within the designated Undeveloped Coast, relevant to this application are paragraphs 187 of the NPPF, which states that decision should maintain the character of the undeveloped coast, as well as Core Strategy Policy EN 3, which states that:

“In the Undeveloped Coast 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.”

The supporting text for Policy EN 3 states that non-essential development in a coastal area can have cumulative effects on landscape, biodiversity and recreation. Development that does not require a coastal location should not normally be provided within the coastal zone and it is reasonable to expect provision for housing, employment and other activities to be made elsewhere.

No justification has been provided to demonstrate that a coastal location is required for the five commercial units. In this respect, conflict arises with this element of the policy. Should this first element have been met, it is considered that the second part, relating to the open coastal character, would have been found acceptable in light of the assessment above.

Therefore, in the absence of sufficient information, the proposals conflict with the requirements of Core Strategy Policy EN 3 and this weighs against the grant of planning permission.

### **3. Historic environment**

Policy EN 8 of the Core Strategy states that development proposals should preserve or enhance the character and appearance of designated assets, historic buildings/structures, monuments, landscapes and their settings through high quality, sensitive design. Where required, development proposals affecting sites of known archaeological interest will be required to include an assessment of their implications and ensure that provision is made for the preservation of important archaeological remains. This policy also seeks to ensure that the character and appearance of Conservation Areas is preserved, and where possible enhanced, encouraging the highest quality building design, townscape creation and landscaping in keeping with these defined areas.

It should be noted that the strict ‘*no harm permissible*’ clause in Local Plan Policy EN 8 is not in full conformity with the guidance contained in the latest version of the NPPF. As a result, in considering the proposal for this site, the Local Planning Authority will need to take into consideration the guidance contained within Chapter 16 of the NPPF as a material consideration. A number of these requirements are alluded to below, including the requirement to balance any less than substantial harm to a designated heritage asset against the public benefits of the development.

Paragraph 207 of the NPPF states that “in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset’s importance and no more than is sufficient to understand the potential impact of the proposal on their significance.”

Paragraph 212 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 215 of the NPPF provides 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.

No heritage assessment has been provided by the applicant, including any statement of significance as required by the NPPF.

The application site is situated within the immediate setting of the Grade II listed South Lodge and within the wider setting of the Grade II\* Cromer Hall, both of which are considered designated heritage assets for the purposes of the NPPF.

Setting is a key consideration when assessing an application for its impact on any heritage assets. For the purposes of the NPPF, setting is defined as: “the surroundings in which a heritage asset is experienced. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral”. In accordance with Para 208 of the NPPF, local planning authorities are obliged to identify and assess the significance of any heritage asset that may be affected by a proposal, which includes the setting.

South Lodge is one of two lodges built along Hall Road at the north and south entrances to the Cromer Hall estate, thought to have been constructed around 1879. Although they served a practical purpose, lodges formed part of the wider estate and would often be designed by the same architects who worked on the main house. They were seen as an important way for the estate owner to announce their wealth and status, as well as providing an opportunity for architectural experimentation. South Lodge was built in an ornate Tudor Gothic style and has undergone very little external alteration, retaining much of its original detailing, together with the boundary walls and gate piers to the entrance. As a group they survive in a condition close to the original form, including their rural setting, as originally intended.

The application seeks consent to construct 2 large commercial structures on the site adjacent to South Lodge, the larger of the two is situated to the east of the site in close proximity to the lodge. Despite the presence of mature planting between the two sites, the position and sheer scale of the proposed eastern unit would increase the likelihood of intervisibility between the two. This would be particularly exacerbated during the winter months when the vegetation is not in full leaf, and so the presence of vegetation cannot be relied upon to effectively screen the development. Furthermore, there is no guarantee that the existing or any additional planting would always be there and as such should not be relied upon to mitigate harm to a heritage asset. The Conservation Officer considers that the eastern building in particular would have a notable impact on the important rural setting of the Lodge, disrupting the landscape in which it was originally intended to be appreciated from. Whilst there is pre-existing development further along the track from the application site, this is far enough removed that the Lodge remains at least visually isolated.

The Conservation Officer considers that bringing the built form so close to the boundary with South Lodge would result in ‘less than substantial’ harm to the setting of the heritage asset, which has historically enjoyed a rural setting. Paragraph 213 states that “any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification”. Proposals within the setting should look to preserve those elements which make a positive contribution to the asset in order to be treated favourably (NPPF, Paragraph 219). The rural setting of the lodge forms part of the building’s significance, and should therefore be conserved as far as is reasonably possible.

It is acknowledged that the site is perhaps not in the best condition as it stands, used for ad-hoc informal agricultural storage. However, this is mostly low level and so is not viewed in conjunction with the listed building, accordingly it has a fairly neutral impact on the setting of the heritage asset.

The site forms part of the ungraded Historic Park and Garden of Cromer Hall. The Conservation Officer has raised no objection in relation to this aspect.

Comments have been received from Historic Buildings & Places. These comments highlight their concerns about the impact of the development on the setting, and therefore significance, of South Lodge and the associated gateway and walls. The comments also highlight that no consideration of the potential intervisibility between Cromer Hall or South Lodge has been provided. Historic Buildings & Places recommend that a view and impact analysis is provided to ensure that the development is not visible from Cromer Hall, and to ensure that the new buildings do not harm the setting of Cromer Hall and South Lodge.

In undertaking the balancing exercise as required by NPPF paragraph 215, the public benefits resulting from this development are economic in character. This includes the job creation opportunities which would come from the delivery of 5 commercial units, as well as general economic growth benefits resulting from the increase, provision and diversity of commercial floorspace in the Cromer area.

As expanded upon within the section of this report above, the exact extent of these benefits has not been made clear through the limited information provided with the application. Having regard to the matters set out above, Officers consider that the heritage harm resulting from the development would not be outweighed by public benefits.

Officers concur with the Conservation Officer's assessment and consider, with the public benefits accruing from the development not outweighing such harm and having due regard for the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, that the proposals would not accord with the requirements of Core Strategy Policy EN 8, nor the relevant guidance contained within Chapter 16 of the National Planning Policy Framework. Consequently, this harm is given considerable importance and weight in the planning balance of this application.

#### **4. Residential amenities**

Policy EN 4 states that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers. Policy EN 13 states that all development should minimise and reduce forms of pollution and development will only be permitted where there are not unacceptable impacts on general amenity, health and safety of the public and air quality, amongst other matters.

Paragraph 3.3.10 of the North Norfolk Design Guide states that residents have the right to adequate privacy levels, nor should new development lead to any overbearing impacts upon existing dwellings. Existing residents should also be kept free from excessive noise and unwanted social contact. In order to ensure a degree of privacy between neighbouring properties guidance minimum separation distances are set out within this section of the document.

Paragraph 135 of the NPPF states that developments should create places with a high standard of amenity for existing and future users.

Paragraph 187 states that planning decisions should prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution. Paragraph 198 states that planning decisions should ensure new development is appropriate for its location taking into account the likely effects of pollution on health and living conditions.

The proposal's impact upon the amenities of nearby residential properties as well the operations of the neighbouring businesses and users have been considered. In terms of the latter, regard has been given to paragraph 200 of the NPPF which states "planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established."

There are two residential properties located in close proximity to the site, South Lodge to the north and Home Farm Lodge to the south. Whilst the scale of the proposed buildings is not insignificant, they would be sufficiently distanced from these dwellings as to avoid adverse overbearing, overshadowing or loss of light impacts. The creation of the five commercial units would intensify the noise and disturbance coming from the land, whilst acknowledging that the existing agricultural use would not be silent. In order to protect residential amenities, conditions requiring the prior submission of details for any plant, machinery, ventilation, air con, or extraction would be imposed. Furthermore, in order to limit noise and disturbance extending into unsociable times of the day, conditions restricting opening/operating and delivery hours would be required.

The proposed commercial units would be located adjacent to an existing agricultural building, with other commercial units located beyond. Given the scale and nature of the uses proposed, it is considered that these would not have adverse impacts upon existing neighbouring uses.

The development would therefore accord with Core Strategy Policies EN 4 and EN 13 and paragraphs 135, 187, 198 and 200 of the NPPF in respect to these matters.

## **5. Sustainable construction and energy efficiency**

Core Strategy Policy EN 6 states that all new development will be required to demonstrate how it minimises resource consumption, minimises energy consumption compared to the current minimum required under part L of the Building Regulations, and how it is located and designed to withstand the longer-term impacts of climate change. All developments are encouraged to incorporate on site renewable and / or decentralised renewable or low carbon energy sources, especially in those areas with substation capacity issues. The most appropriate technology for the site and the surrounding area should be used, and proposals should have regard to the North Norfolk Design Guide.

No information relating to the development's energy performance has been provided as part of this application, and no renewable or low carbon energy sources have been detailed. At 926.5sqm of floor space, the proposals fall below the 1000 square metre threshold within EN 6 whereby on-site renewable energy should account for at least 10% of the predicted total energy usage.

Conditions to secure further information in relation to these matters could be included as part of any approval. Any renewable energy scheme would need to be sensitively designed given the heritage and tree constraints of the site. Subject to conditions, the development would accord with Policy EN 6.

## **6. Biodiversity & Geology**

### Policy Context

The Council has a duty under the Natural Environment and Rural Communities Act 2006 to have full regard to the purpose of conserving biodiversity which extends to being mindful of the legislation that considers protected species and their habitats and to the impact of the development upon sites designated for their ecological interest.

Core Strategy Policy SS 4 states that areas of biodiversity interest will be protected from harm, and the restoration, enhancement, expansion and linking of these areas to create green networks will be encouraged. Policy EN 2 states that development should protect, conserve and, where possible, enhance distinctive landscape features, such as woodland, trees and field boundaries, and their function as ecological corridors for dispersal of wildlife.

Policy EN 9 states that all development should protect the biodiversity value of land and buildings and minimise the fragmentation of habitats, maximise opportunities for restoration, enhancement and connection of natural habitats and incorporate beneficial biodiversity conservation features where appropriate. Proposals which cause a direct or indirect adverse effect to nationally designated sites, other designated areas or protected species will not be permitted unless:

- they cannot be located on alternative sites that would cause less or no harm;
- the benefits of the development clearly outweigh the impacts on the features of the site and the wider network of natural habitats; and
- prevention, mitigation and compensation measures are provided.

The policy also states that development proposals that would be significantly detrimental to the nature conservation interests of nationally designated sites will not be permitted.

Paragraph 187 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value, minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs.

Paragraph 193 states that when determining planning applications, significant harm to biodiversity should be avoided, adequately mitigated, or, as a last resort, compensated for. Should this not be possible, then permission should be refused. Development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland) should be refused unless there are wholly exceptional reasons. Opportunities to incorporate biodiversity improvement in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

#### Officer assessment

The habitats present at the site (scrub, scrubbed over spoil mounds, trees and treelines) have strong connectivity to (priority) woodland habitats with the site almost enclosed by woodland between Cromer to the north, Roughton Road to the east, the railway line to the south and Holt Road to the west. These habitats are of potential value to reptiles, breeding birds and foraging/commuting bats.

Officers would usually expect an application of this type and where habitats of ecological value will be impacted to be supported by a Preliminary Ecological Appraisal (PEA) or Ecological Impact Assessment (EclA). The Ecology Officer would not recommend the application is

approved in the absence of further information regarding the potential for adverse impacts upon habitats and protected species. They advise that this would be contrary to paragraph 99 of ODPM Circular 06/2005 and Core Strategy Policy EN 9 and could equate to a failing of the Council's statutory duties under the Conservation of Habitats and Species Regulations 2017 (as amended).

In relation to Biodiversity Net Gain (BNG), the Ecologist has highlighted discrepancies between site conditions and those used within the baseline categorises. These inconsistencies bring the accuracy of the baseline calculations into question where no further information or justification has been provided (e.g. no 'User Comments' have been provided in the metric). There is also concern that additional boundary vegetation will need to be removed to facilitate the creation of required visibility splays, and the red line may need to extend further east as a result. Until the true extent of the site boundary and any habitats which may be impacted by the proposal can be confirmed, the Ecologist cannot agree to the baseline value of the site. The baseline value must be agreed prior to approval.

Officers concur with the Ecologist's concerns regarding the development's potential ecological impacts and consider that in the absence of appropriate assessments addressing the issues raised above, including an updated BNG baseline, the potential impacts of the proposal on habitats and protected species has not been adequately established. The information provided does not enable the Council to discharge its statutory duties under Regulation 9 of the Conservation of Habitats and Species Regulations 2017 (as amended) (also see paragraph 99 of the ODPM Circular 06/2005). The proposal fails to comply with Policy EN 9 of the adopted North Norfolk Core Strategy, and the guidance contained within Chapter 15 of the NPPF.

## **7. Arboriculture**

Policy EN 2 states that development should protect, conserve and, where possible, enhance distinctive landscape features, such as woodland, trees and field boundaries. Policy EN 4 states that development will be expected to retain existing important landscaping and natural features. Policy EN 9 seeks to maximise opportunities for restoration, enhancement and connection of natural habitats.

Paragraph 136 of the NPPF sets out that new developments should ensure that streets are tree-lined, and incorporated elsewhere within the site (including parks and community orchards), along with appropriate measures to secure their long-term maintenance. Existing trees should be retained wherever possible. Paragraph 187 of the NPPF states that decisions should recognise the intrinsic character and beauty of the countryside, including the benefits associated with trees and woodland.

There are significant and mature trees located along the boundary with Hall Road, which contribute positively to the landscape and biodiversity value of the road and wider area. No arboricultural assessment has been provided as part of this application. The proposed works have potential to impact upon trees within and surrounding the site, including those along Hall Road. The proposed field access to be created from the junction with Hall Road would require the removal of trees and vegetation. It is likely some boundary vegetation would need to be removed to create acceptable visibility splays.

Given the significance of a number of the trees within and surrounding the site, the lack of a reliable assessment supporting the proposals could result in the loss of, or harm to these trees occurring should permission be granted. In the absence of adequate information, officers consider the proposal fails to demonstrate that it would be able to retain these existing important landscape and natural features. For that reason, it is considered the proposal would

be contrary to Policies EN 2 and EN 4 of the Core Strategy. Furthermore, the development has not demonstrated that it would retain trees in line with paragraph 136 of the NPPF, nor does it fully recognise the intrinsic character and beauty of the countryside, including the benefits associated with trees and woodland as required by paragraph 187 of the NPPF.

## **8. Highways and parking**

Core Strategy Policy CT 5 requires development to be designed to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to its particular location and to provide safe and convenient access for all modes of transport, including access to the highway network. Proposals should be served by safe access to the highway network without detriment to the amenity or character of the locality. The expected nature and volume of traffic generated by the proposal should be accommodated by the existing road network without detriment to the amenity or character of the area or highway safety.

As set out above, paragraph 89 of the NPPF states that “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. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).”

Paragraph 109 of the NPPF seeks to ensure that developments understand and address potential impacts on transport networks, identify and pursue opportunities to promote walking, cycling and public transport use. Paragraph 115 requires development to prioritise sustainable transport modes, provide safe and suitable access for all, be designed to meet national guidance and standards, and mitigate any significant impacts on the transport network. Paragraph 116 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, following mitigation, would be severe, taking into account all reasonable future scenarios”

### Trip Generation

The proposal would result in increased commercial traffic south of the site at Metton Road and Hall Road. Metton Road and Hall Road are not of a high standard with poor alignment, restricted width, lack of passing provision and also visibility constraints at the respective highway junctions with the B1436. Hall Road to the north is wider but is restricted close to Cromer Hall, where verge erosion is already evident. The Highway Authority have stated that it would not be feasible to improve the roads to a satisfactory standard for the proposed development. Conflict with Policy CT 5 arises as the traffic generated by the proposals would not be accommodated by the existing road network without detriment to highway safety.

### Access

The Highway Authority regards the existing access as being substandard, whereby the width is insufficient for two-way commercial movements and visibility is restricted by roadside hedging. Appropriate visibility splays may be achievable via hedge maintenance/removal, however in the absence of information, the full extent of works required to achieve this are unknown at this stage.

Whilst it may therefore be possible to achieve suitable visibility, the access as existing/proposed would not provide for two-way movements. In the view of the Highway

Authority, improvements would be required so that two goods vehicles could pass within it for it to be ultimately viewed as being acceptable. Conflict with Policy CT 5 arises in that the development would not provide safe access to the highway network.

The creation of a new access track to the concert field, close to the junction with Hall Road, would need to be reconfigured away from the existing intersection and served from the improved arrangements noted above. As presented, this access track is also likely to require the removal of a number of the trees located along the site's boundaries.

### Accessibility

The application site has footway links north into the town centre, and east onto Roughton Road. These footpath connections link to the town's bus and rail connections and would provide employees and customers of the proposed development a choice of travel options. Commercial movements are however, likely to undertaken by road.

### Parking

Policy CT 6 requires the provision of adequate vehicle parking facilities to serve the needs of the development having regard to the Council's parking standards. Relevant to these proposals the Council's parking standards are:

Use Class A2 / E(c)(i) – Financial services – 1 space per 20sqm

Use Class B1 / E(g)(i) – Offices – 1 space per 30sqm

Use Class D2 / E(d) – Indoor sport, recreation or fitness – 1 space per 22sqm (plus coach drop off point)

Use Class B8 Storage and Distribution – 1 space per 150sqm

Based on the above, the development of 926.5sqm of floor space would require 30 vehicular parking spaces. The proposed plans show 30 spaces, however a number of those in the northeast corner would not be easily accessible. Given the size of the 'yard', it is considered that a sufficient vehicular parking arrangement could be provided and could be secured via condition. A condition could also be used to secure the required coach drop-off point. Comments made within the design and access statement indicate that mezzanine floors may be provided. However, as these have not been proposed, the above calculations have been based on the floor space proposed. Given the potential parking implications of creating additional floorspace by insertion of mezzanine floors, conditions could be used to prevent the creation of these without first securing planning permission.

In addition to the above, the Council's parking standards require provision to be made for people with disabilities (6% of total). For this development this would equate to an additional two (2) spaces. Furthermore, the standards require parking for motorcycles, mopeds and scooters at a rate of 1 space per 20 car parking spaces. These should be safe, secure and convenient with fixtures so that vehicles can be locked and secured. A single parking space should measure a minimum of 2.5 m x 1.2m. In the absence of the required information being provided as part of the application, conditions could be used to secure the details and provision of these parking elements.

No electric vehicle charging has been shown or discussed within the submission. Emerging Policy CC 8 requires non-residential development to provide 20% of all new parking spaces with electric vehicle charging points. This equates to the six (6) spaces for the proposed development. This policy broadly aligns with requirement S4 from Part S of Schedule 1 and regulation 44G of the Building Regulations 2010. Conditions could be used to secure details of the charging points and their timely delivery in line with the emerging policy's aims.

In relation to cycle parking and storage the Council's parking standards are:

Use Class A2 / E(c)(i) – Financial services – 1 space per 200sqm for visitors, 1 space per 100sqm for staff

Use Class B1 / E(g)(i) – Offices – 1 space per 100sqm for visitors, 1 space per 50sqm for staff

Use Class D2 / E(d) – Indoor sport, recreation or fitness – 1 space per 4 visitors, 1 space per 4 staff.

Use Class B8 Storage and Distribution - 1 Space per 400sqm for visitors, 1 space per 100sqm for staff

The parking standards state that cycle parking should be secure, under effective surveillance and conveniently located to the entrance or buildings with safe and direct routes to the surrounding road network.

No details have been provided as part of this application in relation to cycle parking. Conditions could be used to secure details and the provision of facilities.

### Summary

The Highway Authority conclude that the development would result in a significant highway safety impact that could not practicably be mitigated, and have provided reasons for refusal. Officers concur with these conclusions, consequently the development would fail to accord with Policy CT 5 of the Core Strategy as it would not provide safe access and the traffic generated by the proposals would not be accommodated by the existing road network without detriment to highway safety. Furthermore, the development would conflict with NPPF paragraphs 89 and 116 as the proposals would have an unacceptable impact on local roads and highway safety.

No objection is raised in relation to parking and subject to conditions, it is considered that the development would accord with Policy CT 6 in this respect.

## **9. Flooding and drainage**

Policy EN 10 of the Core Strategy states that the sequential test will be applied rigorously across North Norfolk and most new development should be located in Flood Risk Zone 1. The policy also states that appropriate surface water drainage arrangements for dealing with surface water runoff from new development will be required. The use of Sustainable Drainage Systems will be the preference unless, following an adequate assessment, soil conditions and / or engineering feasibility dictate otherwise.

NPPF paragraph 182 states that “applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal. These should provide multifunctional benefits wherever possible, through facilitating improvements in water quality and biodiversity, as well as benefits for amenity.”

The Planning Practice Guidance details what sort of sustainable drainage system should be considered. Generally, the aim should be to discharge surface run-off as high up the following hierarchy of drainage options as reasonably practicable. This is 1) Into the ground (infiltration); 2) To a surface water body; 3) To a surface water sewer, highway drain or another drainage system; 4) To a combined sewer. This hierarchy follows the same order of priority of Approved Document H3 of the Building Regulations.

The Environment Agency Flood Risk Maps position the site as falling within Flood Zone 1 giving the site a low risk of flooding (less than 1 in 1000 annual probability). The Government's long-term flood risk mapping shows the site falling within an area at high risk of surface water flooding (more than 3.3% chance each year).

Falling below the relevant thresholds for requiring a site-specific Flood Risk Assessment (FRA) and not constituting 'major development', the application has not been supported by any flooding/drainage information. The applicant has highlighted that the existing surface water runs to a collection point and is then piped under the road to a connection with the mains. This arrangement would not be suitable for the proposed development, without justification, given that connection to a combined sewer is considered to be the least preferable means of dealing with surface water, both in relation to planning and building control guidance and legislation.

The proposal would cover a significant area of land with impermeable surfaces, namely the two buildings and parking and turning areas. Whilst further drainage information could be secured by condition, it is not known at this stage whether infiltration drainage could be successfully delivered at this site. The reliance on such a condition in the absence of more certainty is not considered appropriate in this instance. The existence of areas already at risk of surface water flooding further complicates matters. It is not known whether the development would be put at risk of flooding given its location within an area already at high risk. Should an infiltration basin be required to ensure that the development wouldn't result in increased surface water run-off from the site, the location likely to be most suitable would be outside of the red-line, potentially within the root protection area of important trees, and/or within the setting of the Grade II listed South Lodge.

Consequently, the proposal has, as a result of insufficient information, not demonstrated that it would meet the requirements set out in paragraphs 181 and 182 of the NPPF, nor does it include the necessary supporting information as set out in Paragraph: 059 Reference ID: 7-059-20220825 of the Planning Practice Guidance. Given the unknowns surrounding this matter, including whether a suitable surface water drainage scheme could be achieved within the site given tree and heritage constraints, it is not possible to secure the outstanding information by condition. The application has therefore not provided sufficient information to demonstrate this development would incorporate a sustainable drainage system. The proposal conflicts with Core Strategy Policy EN 10 and paragraphs 181 and 182 of the NPPF in this respect.

## **10. Contamination**

Policy EN 13 of the Core Strategy states that all developments should minimise, and where possible reduce, all emissions and other forms of pollution, and ensure no deterioration in water quality. Development proposals on contaminated land (or where there is reason to suspect contamination) must include an assessment of the extent of contamination and any possible risks. Proposals will only be permitted where the land is, or is made, suitable for the proposed use.

Paragraph 187 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing development from contributing to or being put at risk from unacceptable levels of pollution; along with remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate. Paragraph 196 states that planning policies, and decisions should ensure that sites are suitable for the proposed use, taking account of ground conditions and risks arising from contamination.

The application site is considered to contain potentially contaminated land as a result of the nearby industrial uses, and agricultural storage. The Environmental Health Officer has raised

no objection to the proposals, subject to conditions. This includes a condition securing a contamination assessment to be undertaken prior to works commencing in order to assess the potential for contamination before development that may place those involved in construction, the public, and end users in a position of risk from harmful contaminants. Should contamination be found within the site, appropriate remediation would be required in the interest of public health and safety and that of the end users of the development.

Subject to condition, the proposals therefore accord with Policy EN 13 in respect to these matters.

## **11. 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 relevant. This policy seeks to ensure that existing mineral deposits are safeguarded from needless sterilisation. The Minerals and Waste Officer has raised no objection to this development. The development is considered to comply with Policy CS16-safeguarding of the adopted Norfolk Minerals and Waste Core Strategy.

## **12. Planning balance/conclusions**

The application form states that the development would create 25 full-time equivalent jobs. Beyond this statement however, very limited information has been provided in support of the business case for the proposals. The applicant has stated that the proposal would bring significant economic benefits, whilst the Ward Councillor expands upon this within their call-in form, stating that the development would support the growth of one of the existing units, and provide homes to several other existing businesses.

Undoubtedly, the development would result in economic benefits; this includes the job creation opportunities which would come from the delivery of 5 commercial units, as well as general economic growth benefits resulting from the increase, provision and diversity of commercial floorspace in the Cromer area. The full extent of these benefits is however, not fully known at this stage given the limited information submitted in support of the application. Nevertheless, modest weight is given to the economic benefits of the development.

The development has been found to conflict with the key strategic Core Strategy Policies, SS 1 and SS 2, which seek to limit development within the Countryside to that which requires a rural location. In this instance, it has not been demonstrated that the proposals would fall within any of the categories which support new-build economic development within Countryside locations. The proposals, through the lack of supporting evidence, have failed to demonstrate that the development would not adversely impact Cromer Town Centre as a result of the use of the buildings for Main Town Centre uses. In this respect, there is conflict with Core Strategy Policy EC 5 and the guidance contained within Chapter 7 of the NPPF.

Insufficient information has been provided to justify the proposed development, which falls within the designated Undeveloped Coast. Without justification, the proposals conflict with the requirements of Policy EN 3.

Ecologically, the application has provided insufficient information to establish the proposal's impact upon protected species and/or sites. Furthermore, the site's baseline for calculating Biodiversity Net Gain requirements has not been agreed, due to discrepancies between site conditions and those used within the baseline categories. Furthermore, the full extent of the works required to deliver the development have not been fully considered by the applicants.

In these respects, the proposal fails to comply with Policy EN 9 and the guidance contained within Chapter 15 of the NPPF.

Insufficient information has been provided in relation to the proposal's arboricultural implications, with the site surrounded by a number of important trees, conflicting with the requirements of Policies EN 2 and EN 4 in this respect.

Insufficient information has been provided as part of this application to demonstrate whether or not the proposal would be put at risk from flooding or give rise to flooding elsewhere. This conflicts with the aims of Policy EN 10 and the guidance set out with the NPPF within Chapter 14.

The development would not provide safe access and the traffic generated by the proposals would not be accommodated by the existing road network without detriment to highway safety. Conflict arises with Policy CT 5 of the Core Strategy in this respect, as well as paragraphs 89 and 116 of the NPPF as the proposals would have an unacceptable impact on local roads and highway safety.

The development has been found to result in 'less than substantial' harm to the significance of the Grade II listed South Lodge as a result of the position and sheer scale of the proposed commercial units and the intervisibility between the two. The development would intrude into the important rural setting of the Lodge, disrupting the landscape in which it was originally intended to be appreciated from. Having undertaken the balancing exercise as required by NPPF paragraph 215, the heritage harm resulting from the development has been found to not be outweighed by public benefits.

Matters which are neutral in the overall planning balance in this instance include the development's acceptable impact within the landscape, impacts upon neighbouring amenities and, subject to conditions, energy efficiency and contamination.

In undertaking an overall balance of the competing aspects of the proposal, it is considered that the identified harms resulting from the proposal would not be outweighed by the economic benefits in favour of the development. The proposals would not be in accordance with the requirements of the Development Plan, and it has been concluded that there are no material considerations which would outweigh departure from the Development Plan. Therefore, **REFUSAL** of the application is recommended.

#### **RECOMMENDATION:**

To **REFUSE** permission on the following grounds:

1. The site is located in an area designated as Countryside where Policy SS 2 limits development to that which requires a rural location. The proposals have not demonstrated why departure from the Council's key strategic policies is appropriate for this development. The development would therefore constitute unjustified intrusion of built form into the Countryside, contrary to strategic aims of achieving sustainable development as set out within Policies SS 1 and SS 2 of the adopted North Norfolk Core Strategy.
2. The proposed development would result in Main Town Centre and retail uses within the Countryside. The application has not been supported by any assessment of the development's likely impacts upon the viability or vitality of the Cromer Town Centre. No information has been provided to support a sequential test to demonstrate the suitability of this site to contain Main Town Centre uses. In the absence of such

information, the applicant has failed to demonstrate how the proposal would accord with the aims of Core Strategy Policy EC 5, in particular the impact upon Cromer Town Centre. In this respect, conflicts arise with Policy EC 5 of the adopted North Norfolk Core Strategy as well as the guidance contained within Chapter 7 of the National Planning Policy Framework.

3. Insufficient information has been provided in order to sufficiently demonstrate that the proposal requires a coastal location within the designated Undeveloped Coast in order to justify impacts upon the undeveloped character in line with the requirements of Policy EN 3 of the adopted North Norfolk Core Strategy.
4. The proposed development would, by virtue of its location and massing, have a notable impact on the important rural setting of the Grade II Listed South Lodge, disrupting the landscape in which it was originally intended to be appreciated from. The development would cause harm to the significance of South Lodge, falling within the setting of that listed building. Such harm would be within the less than substantial category, as set out in the National Planning Policy Framework and would not be outweighed by the public benefits associated with the development. The proposed development would therefore be in conflict with Policy EN 8 of the adopted North Norfolk Core Strategy and Chapter 16 of the National Planning Policy Framework.
5. Insufficient information has been provided by the applicant in order to establish the site's ecological value and the impacts of the proposal on protected species. Therefore, the potential for adverse impacts upon habitats and protected species cannot be assessed in accordance with the Council's statutory duties under Regulation 9 of the Conservation of Habitats and Species Regulations 2017 (as amended) (also see paragraph 99 of the ODPM Circular 06/2005). Therefore, the proposal would be contrary to Policy EN 9 of the adopted North Norfolk Core Strategy and Chapter 15 of the National Planning Policy Framework.
6. Insufficient information has been provided by the applicant in order to sufficiently establish that the site's Biodiversity Net Gain (BNG) baseline calculations are an accurate reflection of site conditions. Inconsistencies between the information provided and that observed on site brings the accuracy of the baseline calculations into question where no further information or justification has been provided. The proposals therefore conflict with the requirements set out within Article 7A of The Town and Country Planning (Development Management Procedure) (England) Order 2015.
7. Insufficient information has been provided by the applicant in order to sufficiently demonstrate that the proposal would not adversely affect the existing mature trees adjoining the application site, many of which are important to the local landscape. Therefore, in the absence of an up-to-date and reliable Arboricultural Impact Assessment, which fully considers the implications of the proposed impact upon affected trees, the proposal fails to demonstrate the suitable retention of existing important landscaping and natural features, contrary to the requirements of Policies EN 2 and EN 4 of the adopted North Norfolk Core Strategy and paragraphs 136 and 187 of the National Planning Policy Framework.
8. The proposed access is considered unsatisfactory to serve the development by reason of its inadequate width. The proposals would therefore lead to the stopping and waiting of vehicles on the highway to the detriment of highway safety contrary to Policy CT 5 of the adopted North Norfolk Core Strategy and Chapter 9 of the National Planning Policy Framework.

9. The unclassified roads of Hall Road and Metton Road serving the site are inadequate to serve the development proposed, by reason of poor alignment, restricted width, lack of passing provision and restricted visibility at adjacent Road junctions. Consequently, as a result of the additional traffic generated by the development, the proposals would be likely to give rise to conditions detrimental to highway safety contrary to Policy CT 5 of the adopted North Norfolk Core Strategy and Chapter 9 of the National Planning Policy Framework.
10. Insufficient information has been provided by the applicant in order to demonstrate that the proposal would not be at risk itself from, or give rise to, surface water flooding elsewhere. The application has not provided sufficient information to demonstrate this development would/could incorporate an appropriate sustainable drainage system. The proposal is therefore contrary to Policy EN 10 of the adopted North Norfolk Core Strategy, paragraphs 181 and 182 of the National Planning Policy Framework and the guidance contained within the Government's Planning Practice Guidance in relation to Flood Risk.

#### Informative(s)

- 1 In accordance with paragraph 38 of the National Planning Policy Framework (NPPF) in dealing with this application, the Council has worked with the Applicant in the following positive and creative manner:-
  - proactively offering a pre-application advice (in accordance with paragraphs 39 - 47);
  - seeking further information following receipt of the application;
  - seeking amendments to the proposed development following receipt of the application;
  - considering the imposition of conditions (in accordance with paragraphs 55-58).

In this instance:

- the Applicant was updated of any issues after the initial site visit;
- additional information was submitted by the Applicant and has been given due consideration;
- the details of this application have been passed onto the Council's Economic Development Team with the hope that positive engagement can be made which will help support the applicant and their business needs.

In such ways the Council has demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.

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## APPENDIX 2

### DEVELOPMENT COMMITTEE

Minutes of the meeting of the Development Committee held on Thursday, 6 February 2025 in the Council Chamber - Council Offices at 9.30 am

**Committee Members Present:** Cllr P Heinrich (Chairman) Cllr M Batey  
Cllr A Brown Cllr M Hankins  
Cllr G Mancini-Boyle Cllr P Neatherway  
Cllr J Toye Cllr K Toye  
Cllr A Varley Cllr L Vickers

**Substitutes** Cllr K Boyes

**Members also attending:**

**Officers in Attendance:** Development Manager (DM)  
Planning Officer (PO)  
Principle Lawyer (PL)  
Housing Strategy Manager (HSM)  
Community Housing Enabler (CHE)  
Democratic Services Officer (DSO)

#### 1 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor R Macdonald, Councillor P Fisher, Councillor A Fitch-Tillet and Councillor V Holliday.

#### 2 SUBSTITUTES

Councillor K Boyes was present as a substitute for Councillor V Holliday.

#### 3 MINUTES

The minutes of the Development Committee meeting held on Thursday 23<sup>rd</sup> January will be presented at the next Development Committee meeting.

#### 4 ITEMS OF URGENT BUSINESS

None.

#### 5 DECLARATIONS OF INTEREST

Councillor G Mancini-Boyle declared an interest in Item 8, PF/24/1634 and confirmed he previously employed by the applicant, Broadland Housing Association.

#### 6 LITTLE SNORING - PF/24/1634 - CONSTRUCTION OF 19 DWELLINGS (CLASS C3) WITH ASSOCIATED PARKING, INFRASTRUCTURE, OPEN SPACE AND LANDSCAPING AT LAND NORTH OF KETTLESTONE ROAD, LITTLE SNORING

Officer's Report

The PO-RS introduced the application and outline permission was requested for 10 affordable dwellings cross subsidised by 9 market dwelling as a part of a rural exception scheme in Little Snoring. He explained to the Committee the proposed application was acceptable in line with the policy H03 which was the rural exception policy. The PO-RS highlighted there was a conflict with policy H01 in relation to the market homes as the policy seeks to provide a mix of dwellings in regards to the dwelling size and number of beds.

The PO-RS highlighted to the Committee the application included open space of 3470 metres square and the applicant agreed to pay a contribution of £9004 to Little Snoring recreation ground. There was a conflict with policy CT6 in relation to lack of cycle storage but this was considered waived under the planning considerations.

The PO-RS advised that this application was recommend for approval and that the conflicts with policies mentioned would not significantly outweigh the benefits of the development.

### Public Speakers

Sophie Sadler- Broadland Housing Association- Supporting

*Councillor M Hankins joined the meeting at 9:41am. The Chair reminded Councillor M Hankins that he was unable to speak or vote on this application.*

### Local Members

The Local Member- Councillor T FitzPatrick- expressed the concerns of residents of Walsingham which included the plot was too small for the number of proposed dwellings. He highlight residents felt the village was being expanded in a way the infrastructure would not cope. He outlined there would be a loss of green space and hedgerow. Councillor T FitzPatrick added the development would cause additional concerns and add disturbance to existing highway safety and parking. He highlighted there was no additional pavement for pedestrians proposed as part of the application.

Cllr Fitzpatrick noted the proposal included 10 affordable dwellings and asked the committee to consider appropriate conditions to reflect the concerns of the residents.

### Member's Debate

- a. Councillor P Netherway sought clarification on the location of the School in relation to development site.
- b. The PO-RS highlighted to the Committee the School was located south west to the site.
- c. Councillor G Mancini- Boyle referred page 25 of the report and sought clarification on further information on EV charging points.
- d. The PO-RS confirmed those details of the EV charging point were to be conditioned. He explained it was in relation to the appearance of the EV charging points and provisions to be secured.
- e. Councillor J Toye commented some of the concerns and objections from residents had been mitigated already with adjustments made to the

application.

- f. The PO-RS added the applicant had addressed some residents comments in terms of the scheme and principal of the application.
- g. Cllr Toye proposed acceptance of the officer's recommendation.
- h. Councillor A Varley commented this was a finely balanced decision but acknowledged the local need for both affordable and market dwellings. He was encouraged to see PV, air source heat pumps which contributed towards 2045 net zero position and ensure the tenants and occupiers of these dwellings benefitted from lower energy bills. Cllr Varley seconded the acceptance of the officer's recommendation.
- i. Councillor A Brown acknowledged the understandable nervousness in the community over such a development and reflected that the conditions were important to address those concerns of local residents. He highlighted the need and lack of affordable housing in the district. He noted that there was little objection or comment from any of the consultees and he confirmed his support for the proposal.
- j. Councillor G Mancini-Boyle asked further if capacity of internet connection was relevant for inclusion in the reports for future.
- k. The PO-RS In response to Councillor G Mancini- Boyle's further question, the Local Plan reference the capacity of internet connection.

**UNANIMOUSLY RESOLVED** by 10 votes.

**That Planning Application PF/24/1634 be APPROVED in accordance with the Officers recommendation.**

*Councillor T Adams joined the meeting at 9:55am.*

**7 CROMER - PF/24/2341 - ERECTION OF 5 COMMERCIAL UNITS FOR USES WITHIN USE CLASSES E(C)(I) - FINANCIAL SERVICES, E(G)(I) - OFFICES, E(D) - INDOOR SPORT, RECREATION OR FITNESS, B8 - STORAGE OR DISTRIBUTION AT HOME FARM ENTERPRISE ZONE, HALL ROAD, CROMER, NORFOLK**

Officer's Report

The PO-RS introduced the report and highlighted to the Committee the recommendation was for refusal. The proposal was for 2 buildings containing 5 units with associated hard standing for parking. The PO-RS brought to the Committee's attention the site plans, existing and proposed elevations, photographs and the location of the site which was next to existing agricultural and commercial units. He highlighted the objections which included the impact on the town centre, highways, heritage, drainage, ecological and trees.

The PO-RS outlined the benefits of the application together with the issues raised in the report considered the harm outweighs the benefits of the application at this stage.

Public Speakers

Councillor David Roberts- Town/Parish

### Local Member

Local Member- Councillor J Boyle expressed her support for this application as it complied with both policies EC3 and EC5 allowing additional units alongside the existing use. She highlighted the local community would benefit from the additional units which would not otherwise be available within the town therefore allowing existing business to continue. Councillor J Boyle explained there would be minimal impact on traffic and road structure as existing infrastructure would be used. She believed the site could be suitably concealed, that the area was already used for parking and storage of agricultural vehicles and was not the most attractive use currently and the new building would not be majorly visible.

Local Member- Councillor T Adams expressed support for this application stating one of the units already had permission and his belief that it met the policy criteria and aligned with appropriate economic objective of the national planning policy framework. He commented the development was needed as homes for existing longstanding Cromer businesses which would otherwise not have suitable units available to them. Councillor Adams believed there was unlikely to be detrimental traffic impact given the traffic was already on the local roads and noted the reduction in speed limit on Hall Road to 30mph. He brought to the Committee's attention the site was heavily concealed and was barely visible in the area and in his view would not negatively impact on the listed building. He concluded that the existing use and appearance was relevant and needed to be weighed up in the consideration of benefits given that Cromer in his view needed this development and that there had been no objections from local residents.

### Member's Debate

- a. Councillor J Toye, commented as the Portfolio Holder for sustainable growth, small businesses need the opportunity to expand, as the most of them are rurally located and therefore needed to be sited accordingly. He commented further he did not believe the roads in the area were an issue and suggested that appropriate conditions would enable the development to be approved. He added he did not support the Officer's recommendation as he believed the issues could be resolved by conditions.
- b. Councillor A Varley echoed and agreed with Councillor J Toye comments and felt as a Council businesses and economic development should be encouraged. He believed with suitable conditions the proposal could be acceptable. He did not support the Officer's recommendation.
- c. Councillor P Netherway echoed the comments of Councillor A Varley and Councillor J Toye. He added he did not agree with the recommendation.
- a. The DM provided the committee with further information as to the reasons for the recommendation, stating that the application came before the committee at a relatively early stage because there were many issues including ecology, trees, highways and heritage. He commented if there was a need for units in Cromer there needs to be consideration as to where best to locate those units. He advised, Members could reject the recommendation, or they could defer the matter asking for further information from the applicant to allow a decision to be made.
- d. Councillor A Brown commented the committee were legally required to make decisions in accordance with planning policy unless there were material considerations that dictated otherwise. He commented that with the lack of

information on ecology, bio diversity net gain, and policy EC3 sequential test to determine the need. He was in support of the recommendation of refusal to then defer the decision to a following meeting. Councillor A Brown sought clarification on the reference to a planning application in 2003 and the associated Section 106 agreement included in the report.

- e. The PO-RS confirmed the referred 2003 application and associated permission was relating to what you can currently see on site and explained this was contrary to the policies at the time. He outlined as part of the 2003 application there was a financial contribution which was a material consideration and therefore justified the contradiction to the policies.
- f. The DM commented the Section 106 agreement for that application would be checked to ensure it was fulfilled.
- g. Councillor G Mancini-Boyle commented appendices 3,5,6,7,10 all stated insufficient information was provided and therefore agreed with deferment to allow for more information.
- h. Councillor P Heinrich questioned if there were alternative developments sites in Cromer which could be used.
- i. Councillor T Adams, confirmed there were no other sites available and commented a sequential test could be carried out. He added further he had no concerns on landscape, trees or biodiversity net gain. He added the Highway issues were being mitigated.

Councillor P Heinrich, as Chair proposed and seconded the Officer recommendation.

**The Officer Recommendation was refused.**

Cllr J Toye proposed a deferral of the matter on grounds of insufficient information to make a decision and the matter be brought back with more information to allow a proper decision to be made.

Cllr L Vickers seconded the proposal.

**UNANIMIOUSLY RESOLVED**

**That Planning Application PF/24/2341 be DEFERED.**

*Councillor T Adams left the meeting at 10:24am.*

**8 DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE**

The DM presented the report which referred to the performance for December 2024. He highlighted to the Committee there was 100% for major applications and 97% for non-majors. He commented the authority were below both government and NNDC targets relating to the number of appeals.

Cllr A Brown thanked the Planning team for their efforts.

**9 APPEALS SECTION**

The DM referred the committee to the report and commented on recent decisions from the Planning Inspectorate supporting the NNDC decisions.

Cllr A Brown asked for information about the resourcing of the Panning Inspectorate.

The DM commented on the lack of experienced Planning Officers which the Inspectorate will also be suffering from and there would be recruitment issues.

*Councillor T Adams joined the meeting at 10:34am.*

**10 EXCLUSION OF PRESS AND PUBLIC**

The agenda circulated contained no exempt/confidential business and there was therefore no requirement to exclude the press and public to allow for its consideration.

The meeting ended at 10.35 am.

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Chairman

**LOWER BODHAM – PF/24/2705 – Demolition of workshop building and erection of building for use as a live/work unit, recladding of retained storage building, demolition of other storage buildings and erection of cart shed at Old Scarfe Brothers Workshop, Church Road, Lower Bodham, Holt, NR25 6PS**

## **Minor Development**

**Target Date:** 04.07.2025

**Extension of Time:** 04.07.2025

**Case Officer:** Jamie Smith

**Full Planning Permission**

## **RELEVANT SITE CONSTRAINTS**

The site lies within a Countryside location in policy terms

The site lies within the Tributary Farmland landscape type in the North Norfolk Landscape Character Assessment

The site is within a Mineral Safeguarding Area

The site contains an area at risk of surface water flooding

The site contains an area at risk of ground water flooding

The site lies within the Zone of Influence of a number of habitats sites

## **RELEVANT PLANNING HISTORY**

PF/22/1077: Demolition of existing structures; Conversion of existing building to dwelling - refused due to failure to comply with CS Policy HO 9 (Conversions and re-use of building in the countryside), CS Policy SS 2 (Development in the Countryside), CS Policies EN 2 and EN 4 (Design and Protection and Enhancement of the Landscape Character), Policy EC9 (Ecology)

IS2/20/0130: Proposed erection of two-storey detached dwelling (C3) using highly innovative construction system, following demolition of existing unsafe buildings (B8) - advice given raising concerns regarding compliance with CS Policy SS 2 (Development in the Countryside) for a residential dwelling and Paragraph 79 of the NPPF (now Paragraph 84).

PU/18/1115: Notification for prior approval for change of use from storage or distribution building (Class B8) to dwellinghouse (Class C3) - refuse prior notification

## **THE APPLICATION**

### Site Description:

The site is located on Church Road in Lower Bodham and historically operated as haulage business with lorry and coach workshop. The site contains both disused buildings which are deteriorating and with overgrown vegetation. A woodland with mature trees bounds the site to the south and southwest with agricultural fields to the north, south and southeast.

### Proposal:

This application seeks full planning permission for the demolition of the existing workshop and a storage building and the erection of a new two storey building as a live/work unit, and a cart shed. A retained storage building would be reclad.

The proposed two storey live work building would comprise a five bedroom dwelling on the first floor with a workspace comprising storage, office and sales area on the ground floor for BFR Equestrian Country which sells rural and countryside products. They currently operate online but want to expand by offering retail/showroom space. The proposal is a mixed use and as such would not fall within a specified Use Class.

In terms of the dimensions of the proposal:

- The live work building would measure approximately 28.8 metres in length x 11 metres in width x 9.9 metres in height.
- The cart shed would measure approximately 14 metres in length x 4 metres in width x 6 metres in height.
- The existing store measures approximately 6.4 metres in length x 7.2 metres in width 5.6 in height.

Alongside the proposed buildings, the development would include an area of hardstanding for vehicular movements and parking, soft landscaping and private amenity provision.

## **REASONS FOR REFERRAL TO COMMITTEE**

The application has been referred to committee at the request of Cllr Ringer for the following reasons:

- Paragraphs 124 and 125 of the National Planning Policy Framework (NPPF) support re-use of such land for housing and economic development
- The showroom meets a genuine rural economic function (equestrian retail)
- The development is designed off-grid, relying on renewable energy and appropriate in scale, showing sustainability in construction and operation. This aligns with Core Strategy Policy EN6 (Sustainable Construction) and EN7 (Renewable Energy)
- The proposal would generate local employment and support wider equestrian and tourism-linked activity in the area, satisfying NPPF Paragraph 88 on supporting rural enterprises and diversification.
- The proposal has been designed to reflect the scale and massing of existing structures on the site. This demonstrates compliance with Core Strategy Policy EN2 (Landscape Character) and EN4 (Design), which promote context-sensitive development.
- The shift from a derelict yard to a well-designed, self-sustaining development constitutes a visual and environmental enhancement, not harm
- The site is previously developed (brownfield) land—a disused former lorry yard. Both NPPF Paragraphs 124 and 125 support re-use of such land for housing and economic development
- Core Strategy Policy SS2 new-build employment generating proposals where there is particular environmental or operational justification and in part the re-use and adaptation of buildings for appropriate purposes
- Disagree that this application doesn't comply with Core Strategy Policy EC5 - the proposed development would not, individually or cumulatively, have a significant adverse impact on the vitality and viability of existing town centres or nearby service villages or coastal service village. Whilst it is not accessible by public transport it is by Horse!

## CONSULTATIONS

**Bodham Parish Council: Support**

**North Norfolk District Council Landscape: Object**

Conflict with CS Policies EN 2 and EN 4. *(Currently awaiting further comments regarding ecology and trees which will be reported verbally at the meeting).*

**North Norfolk District Council Environmental Health: No objection subject to conditions.**

**Norfolk County Council Highways: No objection, subject to conditions.**

**Norfolk County Council Minerals and Waste: No objection**

## REPRESENTATIONS

Two **supporting** for the following reasons:

- Development of a disused site.
- Sustainable work/live unit which will lower the carbon footprint of the site.
- Supports North Norfolk's aspiration for carbon neutrality.
- Will bring new life into the derelict site.
- Plans appear well considered from a community and environmental perspective.

## 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.

## 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.

## RELEVANT PLANNING POLICIES

## **North Norfolk Core Strategy**

SS 1: Spatial Strategy for North Norfolk

SS 2: Development in the Countryside

SS 4: Environment

SS 5: Economy

SS 6: Access and Infrastructure

HO 7: Making the most efficient use of land

EN 2: Protection and Enhancement of Landscape and Settlement Character

EN 4: Design

EN 6: Sustainable Construction and Energy Efficiency

EN 9: Biodiversity & Geology

EN 13: Pollution and Hazard Prevention and Minimisation

CT 5: The Transport Impact of New Development

CT 6: Parking Provision

## **Minerals and Waste Development Framework - Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026**

Policy CS16 (Safeguarding mineral and waste sites and mineral resources)

Material Considerations:

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

North Norfolk Design Guide (2008)

North Norfolk Landscape Character Assessment (2021)

North Norfolk Landscape Sensitivity Assessment (2021)

### **National Planning Policy Framework**

Chapter 2: Achieving sustainable development

Chapter 4: Decision-making

Chapter 6: Building a strong, competitive economy

Chapter 7: Ensuring the vitality of town centres

Chapter 8: Promoting healthy and safe communities

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

Chapter 17: Facilitating the sustainable use of minerals

## **OFFICER ASSESSMENT**

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

- 1. Principle of development**
- 2. Design and appearance of the proposed development and its effect on the character of the area**
- 3. Residential amenities**
- 4. Biodiversity & ecology**
- 5. Arboriculture**
- 6. Sustainable construction and energy efficiency**

**7. Highways and parking**  
**8. Environmental considerations**

**1. Principle of development**

In accordance with Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004, planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

At a national level, the National Planning Policy Framework (NPPF) constitutes guidance which the LPA must have regard to. The NPPF does not change the statutory status of the development plan as the starting point for decision making but is a material consideration in any subsequent determination.

The spatial strategy for North Norfolk is set out within Core Strategy (CS) Policy SS 1. This states that the majority of new development within the district will take place in the towns and larger villages dependent on their local housing needs, their role as employment, retail and service centres and particular environmental and infrastructure constraints. The policy lists Principal and Secondary Settlements as well as Service and Coastal Service Villages. The rest of North Norfolk is designated as 'Countryside' where development is restricted to particular types of development to support the rural economy, meet affordable housing needs and provide renewable energy.

Housing in the Countryside

The application site is within the Countryside where CS Policy SS 2 limits development to that which requires a rural location and is for one of the types of development listed in the policy. Other than rural workers dwellings, the only new build residential proposals that are considered acceptable under this is affordable housing under the exceptions policy (HO 3).

As the proposal is not for affordable housing, or a rural workers dwelling, the proposal is contrary to CS Policies SS 1 and SS 2.

Paragraph 84 of the NPPF

Paragraph 84 of the NPPF applies to consideration of development in isolated countryside locations and states:

*“Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;*
- d) the development would involve the subdivision of an existing residential building; or*
- e) the design is of exceptional quality, in that it:*

- i. is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
- ii. would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area”.*

For NPPF paragraph 84 to be applicable then the application site must be isolated in its setting. The Bramshill judgement addresses the interpretation and application of policies in the NPPF against the development of isolated homes in the countryside and on the assessment of harm and benefit to heritage assets. The Bramshill judgement determined that the measure for whether a site is isolated is its proximity to a settlement, not other dwellings, and confirms that the definition of a “settlement”; and whether the development would be “isolated” from a settlement, are both matters of planning judgment for the decision-maker on the facts of the particular case.

Whilst the application site is located approximately 130m and 190m respectively from Church Farm Cottage and Church Farmhouse to the west; and approximately 190m from Highfield House to the northwest, it is approximately 4km from the edge of Holt as the nearest designated settlement. It is therefore concluded that the site can be considered ‘isolated’ in the terms of paragraph 84.

However, the application fails to comply with the relevant criteria (c) and (e) in paragraph 84. With regards to criterion (c), the application fails to ‘re-use redundant or disused buildings’, as required by this criterion as the scheme proposes to demolish the existing structures on site other than a storage building. With regards to criterion (e), whilst there may be some landscape and biodiversity benefits, the design of the proposal is clearly not ‘exceptional or truly outstanding’, given its excessive and suburban appearance such that it would not “significantly enhance” the immediate setting as required by paragraph 84.

#### Economic impact and retail Development in the countryside

CS Policy SS 5 supports the rural economy and farm diversification, including extensions to existing businesses in the countryside of an appropriate scale and re-use of existing buildings. However, as the application is for the erection of a new building as a live work unit, rather than the conversion of the existing building(s), and is not for the expansion of an existing rural business which is currently located at Fulmodeston, the proposed development conflicts with the aims of CS Policy SS 5.

Paragraph 86(e) states that “policies should be flexible to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live work accommodation) and to enable a rapid response to changes in economic circumstances”.

The NPPF states at Paragraph 88 states that:

*“Planning policies and decisions should enable:*

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings and*
- b) the development and diversification of agricultural and other land-based rural businesses”.*

Paragraph 89 further adds that *“planning 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. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). **The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist**”*. [emphasis added]

It is contended within the supporting Planning Statement that this proposal utilises brownfield (or “previously developed land”). The Glossary at Annex 2 of the NPPF 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”*.

Officers consider that the site would meet the definition of “previously developed land” (brownfield).

The CS does not include any specific policies that address the reuse of brownfield land, however, paragraph 125 (d) of the NPPF states that decisions 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...”*.

The proposal includes a mixed use. Whilst there is no current business being operated at the site; consideration has been given to the previous haulage business (use class unclear albeit Use Class B8 - storage and distribution is stated in the application form), as a fallback position in that permission would not be required for such a use to resume.

Officers consider that, whilst the site would meet the definition of previously developed land and this would attract positive weight in favour of the proposal, this does not necessarily provide an unqualified basis for allowing development which would otherwise conflict with other policies in the Development Plan such those relating to the location as housing or retail development.

Therefore, whilst the principle of a new business similar to that previously operating from the site, which would not generate similar levels of traffic movements may well be acceptable at this site, it is considered that a particular environmental or operational justification for residential or retail development in this countryside location has been provided, as required under CS Policies SS 2 and EC 5.

It is also contended by the applicant that the residential element is necessary to provide essential crime prevention and ensure the safe operation of the business. Whilst it is

acknowledged that this would be a concern for the applicant, given that no business is currently operating at the site, there is no evidence available to show that there have been losses, break-ins, or vandalism at the site. Similarly, no information been provided to show that alternative means of improving security, such as CCTV, security alarms, or robust fencing have been explored, or deployed, or why such measures would not successfully overcome the concerns in this regard. Based on this, it is not considered that a residential presence on-site to provide security is adequately justified.

Whilst accepting that an appropriate business use may be acceptable on this site, given the unsustainable location, the proposed live/work development would not comply with the spatial strategy conflicting with CS Policies SS 1 and SS 2.

### Retail Impact

CS Policy EC 5 indicates that proposals for retail development in the Countryside will not be permitted unless they comply with other relevant CS policies. The policy also sets out that proposals that do not comply with the acceptable retail and commercial leisure location table set out within the policy should demonstrate that

- a need exists within the catchment area for the scale and type of development proposed; and
- no sequentially preferable site is available, suitable and viable (starting with town centre, edge of centre sites, then out-of-centre locations), and
- the proposed development would not, individually or cumulatively, have a significant adverse impact on the vitality and viability of existing town centres or nearby Service Villages or Coastal Service Villages; and
- and the proposed development would be accessible by a choice of means of transport, including public transport, walking, cycling and the car.

Chapter 7 of the NPPF emphasises the need to ensure the vitality of town centres and advises that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

The retail element of the proposal is considered to be a Town Centre Use on the basis of the definition in the NPPF, as it would involve the retail sale of goods such as equestrian supplies, pet foods and country clothing, as confirmed within the supporting Planning Statement. CS Policy EC 5 seeks to guide retail and commercial leisure development to the most sustainable locations, specifying acceptable locations dependent upon the floor areas of a proposed development. In this case, the application site does not fall within any of these locations. As set out above, the policy continues to state that proposals which do not comply with these locations should demonstrate that its four criteria are met.

Whilst the application form states that 47 sq. metre trading space will be created, the proposed ground floor plan details a shop/showroom including the counter of approximately 100 sq. metres. The existing business (located elsewhere in Fulmodeston the district) is currently online only, and the Planning Statement refers to *'expanding the business by incorporating a retail and storage space to diversify its offerings and improve customer access' and 'a dedicated area for customer interaction and showcasing products'*.

No information has been provided to demonstrate that there are no sequentially preferable sites available, suitable and viable (starting with town centre, edge of centre sites, then out-of-centre locations). Additionally, no consideration has been given to how the proposed

development would be accessible by a choice of means of transport, other than the private car.

In the absence of information, it is not possible to fully assess the impacts of the proposal. As such the proposal conflicts with CS Policy EC 5 as well as the guidance contained within Chapter 7 of the NPPF.

### Summary

It is considered that whilst the principle of re-using this site for an appropriate economic purpose may be acceptable and would result in some economic benefits. the matters of housing, retail provision and the sustainability of the site's location weigh heavily against the proposal.

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

Policy EN 2 states that proposals 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, gaps between settlements, distinctive settlement character, landscape features, visually sensitive areas, nocturnal character, the setting of, and views from, Conservation Areas, Historic Parks and Gardens and the defined Setting of Sheringham Park.

Policy EN 4 seeks to ensure that all development will be of a high-quality design and reinforce 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. Proposals will be expected to have regard to the North Norfolk Design Guide, incorporate sustainable construction principles, make efficient use of land, be suitably designed within their context, retain important landscape and natural features and incorporate landscape enhancements, ensure appropriate scales, make clear distinctions between public and private spaces, create safe places, are accessible to all, incorporate footpaths and green links, ensure that parking is discreet and accessible and where possible, contain a mix of uses, buildings and landscaping.

The site is located in the Tributary Farmland (TF) Landscape Character Type as defined in the North Norfolk Landscape Character Assessment (SPD 2021) but is located close to the Wooded Glacial Ridge (WGR) which exerts a strong influence on this landscape type. A valued feature and quality of this landscape is the strong rural character with a sense of remoteness and tranquillity, with the rural lanes contributing to the perception of a rural landscape and providing historical continuity. Farm diversification, including change of use to small scale industrial uses and storage facilities, and the conversion of agricultural buildings and scale of new storage structures continue to contribute to development pressures and is a key force for change in the landscape.

The current condition of the site is detracting from the prevailing landscape characteristics. However, it is the decline in the usefulness of the buildings which has led to neglect. The site is situated on Church Road a quiet, rural road directly adjacent to Dark Plantation, a finger of woodland that connects northwards to a large swathe of woodland making up High Kelling.

The site is bounded by hedgerows, all of which are positive features of the local landscape character. The site is currently a mix of unused modern agricultural style buildings constructed in concrete block and corrugated steel. Along Church Road, there is sporadic development in the form of former traditional farmsteads such as Church Farm with associated cottages. In its current condition the site is an incongruous feature but as the buildings are well recessed back into it, it does not significantly detract from the local landscape character.

The proposed live/work unit would occupy the similar position to that of the existing workshop and would retain the same east-west alignment. However, the live/work unit would be significantly larger in overall scale and size. Whilst the existing building is approximately 5.9 metres in height with a varied roofline, the proposed live/work unit is significantly larger at just under 10 metres in height comprising 2.5 storeys and with a continuous 28 metre long ridgeline. It would therefore be significantly more visible from the road frontage.

It is considered that the overall size and scale of the building has not been justified. The size of the building would be more than doubled by the inclusion of the living accommodation at first floor and storage at second floor (within the roof), making it far larger than required solely by the necessity for the proposed business use. Consequently, it would not be appropriate in scale, when applying the principles contained within CS Policy EN 4 which requires *'the scale and massing of buildings to relate sympathetically to the surrounding area'*.

Proposed materials are black slate roof tiles, black bitumen corrugated cladding to the lower elevation and timber cladding to the upper section with anthracite grey aluminium windows and doors. It is considered that due to its scale, height and massing the proposed live/work building would appear incongruous and more as a large suburban building in this highly rural setting.

The extent and impact of the glazing is also of concern, more so within the nocturnal rural setting. The existing building contains limited openings (6 on the north elevation, two on the south elevation, 3 on the west and 1 on the east elevation). In contrast, the proposed north elevation contains 16 glazed openings (11 double height) with 7 rooflights. The proposed south elevation contains 15 openings, the east elevation contains 4 (3 double height) and the west elevation contains 2 openings. Despite the proposed curved canopies on some windows and the roof overhang, the light spill from the significant increase in openings would be very noticeable and detract from the valued dark night skies of the prevailing landscape and potentially impact protected species. The high number of openings is not typical of large farm buildings. The presence of a number of glazed doors, windows and rooflights, would give rise to a suburban rather than rural appearance. The proposed large building will be read neither as a dwelling nor a retail unit and as such will appear as a new built feature that is incompatible with the local vernacular.

Whilst the application refers to the use of blackout blinds and automatic shading systems to control light spill, internal lighting cannot be controlled by way of planning condition. Issues relating to dispersal of internal light remain a material consideration and control of glazing design, position of windows and overall glazing size is therefore the only real way to address these concerns.

Overall, the scale, height and appearance of the new building would not contribute positively to the defined local landscape character. Therefore, the proposed development would not accord with CS Policies EN 2 or EN 4.

### **3. Residential amenities**

CS Policy EN 4 states amongst other things that “*proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers...*”. CS Policy EN 13 requires that all development should minimise and reduce forms of pollution and indicates development will only be permitted where there are not unacceptable impacts on general amenity, health and safety of the public and air quality, amongst other matters.

Paragraph 3.3.10 of the North Norfolk Design Guide refers to residents having the right to adequate privacy levels, and that new development should not lead to any overbearing impacts upon existing dwellings. Existing residents should also be kept free from excessive noise and unwanted social contact.

Paragraph 135 f) of the NPPF refers to the need for developments to create places with a high standard of amenity for existing and future users. Paragraph 187 e) advises that planning decisions should prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution. Paragraph 198 advises that planning decisions should ensure new development is appropriate for its location taking into account the likely effects of pollution on health and living conditions.

The proposal’s impact including the operation of the proposed business on the amenities of nearby residential properties have been considered. The application site has three neighbouring properties - Church Farm Cottage (approximately 130 metres to the west), Church Farmhouse (approx. 190 metres to the west) and Highfield House a similar distance to the northwest. Given the distance between the site and these dwellings there would be no adverse overbearing, overshadowing or loss of light impacts.

With regards to the business element of the proposal, this would re-introduce noise and disturbance emanating from the site, although it must be acknowledged that previous use is not considered to have been abandoned. In order to protect residential amenities, conditions requiring the prior submission of details for any plant, machinery, ventilation, air conditioning or extraction would be imposed. Furthermore, in order to limit noise and disturbance extending into unsociable times of the day, conditions restricting opening/operating and delivery hours would be required. The Environmental Health Officer advises that a condition to ensure that the business premises can only be operated by the occupier/s of the residential element would also help to avoid future impacts of noise and disturbance.

Subject to the imposition of conditions, it is considered that the proposal would comply with relevant elements of CS Policies EN 4 and EN 13.

### **4. Biodiversity and Ecology**

The Council has a duty under the Natural Environment and Rural Communities Act 2006 to have full regard to the purpose of conserving biodiversity which extends to being mindful of the legislation that considers protected species and their habitats and to the impact of the development upon sites designated for their ecological interest.

CS Policy SS 4 indicates that areas of biodiversity interest will be protected from harm, and the restoration, enhancement, expansion and linking of these areas to create green networks will be encouraged.

CS Policy EN 2 aims to ensure that development protects, conserves and, where possible, enhances distinctive landscape features, such as woodland, trees and field boundaries, and their function as ecological corridors for dispersal of wildlife.

CS Policy EN 9 states amongst other things that *“all development should protect the biodiversity value of land and buildings and minimise the fragmentation of habitats, maximise opportunities for restoration, enhancement and connection of natural habitats and incorporate beneficial biodiversity conservation features where appropriate. Proposals which cause a direct or indirect adverse effect to nationally designated sites, other designated areas or protected species will not be permitted unless:*

- *they cannot be located on alternative sites that would cause less or no harm;*
- *the benefits of the development clearly outweigh the impacts on the features of the site and the wider network of natural habitats; and*
- *prevention, mitigation and compensation measures are provided”.*

Paragraph 187 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value, minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs. Paragraph 193 advises that when determining planning applications, significant harm to biodiversity should be avoided, adequately mitigated, or, as a last resort, compensated for. Should this not be possible, then permission should be refused.

### Ecology

The application is supported by an Ecological Assessment. A wind turbine initially proposed has now been removed from the scheme, alleviating concerns raised by the Council's Landscape Officer regarding potential impacts upon protected species, including birds and foraging/commuting bats.

Subject to the Landscape Officer confirming there are no unresolved issues and with the imposition of appropriate conditions regarding mitigation and enhancement measures as detailed in the Ecology Assessment, the proposed development would accord with CS Policies SS 4 and EN 9.

### Biodiversity Net Gain

In relation to Biodiversity Net Gain (BNG), the application is supported by a completed copy of the Council's Biodiversity Gain Statement template and Statutory Metric. The Landscape Officer has confirmed that subject to updating of the metric in relation to comments advised, and agreeing these prior to approval, the baseline calculations have been satisfied.

However, there are concerns regarding post intervention proposals and how 10% habitat can be achieved. However, the use of off-site units or statutory credits to deliver the habitat units necessary to achieve a 10% gain can be established when discharging the statutory

biodiversity gain condition which requires submission of a Biodiversity Gain Plan and Habitat Monitoring and Management Plan. A condition and informative to secure the BNG provisions would be imposed in the event that an approval is granted.

It is therefore considered that the scheme would accord with the requirements of CS Policy EN 9.

### Recreation impacts

Norfolk local planning authorities (LPAs) 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 is within the Zone of Influence of a number of such sites with regards to potential recreational impacts.

In line with the RAM strategy a mechanism has been secured to ensure the appropriate financial contribution per dwelling prior to occupation as part of this proposal at the time planning permission is approved. It is considered that the contribution (£304.17) which has been secured, is sufficient to conclude that the project will not have an adverse effect on the integrity of the above identified European sites from recreational disturbance, when considered alone or 'in combination' with other development. As such the proposal complies with CS policy EN 9.

## **5. Arboriculture**

CS Policy EN 2 aims to ensure that development protects, conserves and, where possible, enhance distinctive landscape features, such as woodland, trees and field boundaries. CS Policy EN 4 advises that development will be expected to retain existing important landscaping and natural features. Policy EN 9 seeks to maximise opportunities for restoration, enhancement and connection of natural habitats.

Paragraph 187 of the NPPF indicates that decisions should recognise the intrinsic character and beauty of the countryside, including the benefits associated with trees and woodland.

The application is supported by an Arboricultural Assessment and Tree Protection Plan. No objection has been received from the Landscape Officer in terms of the impact of the development on trees.

It is therefore considered that with the imposition of appropriate conditions, the proposed development would accord with CS Policies SS 4 and EN 9.

## **6. Sustainable construction and energy efficiency**

CS Policy EN 6 requires that new development demonstrates how it minimises resource and energy consumption and how it is located and designed to withstand the longer-term impacts of climate change. All developments are encouraged to incorporate on site renewable and / or decentralised renewable or low carbon energy sources, and regard should be given to the North Norfolk Design Guide in consideration the most appropriate technology for the site.

Whilst the proposed wind turbine had to be removed due to ecology concerns, PV panels would be provided on the roof of the proposed building. Additionally, the building will be constructed with timber framed Structural Insulated Panels and incorporate water efficiency saving measures, amongst other sustainability features. This approach is considered to be consistent with CS Policy EN 6.

## **7. Highways and parking**

As a remote location which intends to service a single new build live/work unit then Policy CT 5 (The Transport Impact of New Development) is a material consideration. The policy requires that proposals provide safe and convenient access on foot, cycle, public and private transport inclusive of those with a disability; and that they are capable of being served via a safe highway network without detriment to the character or amenity of the locality. The expected nature and volume of traffic generated by the proposal should be able to be accommodated by the existing road network without detriment to the amenity or character of the surrounding area or highway safety. Access to the site is via narrow rural lanes with no pedestrian facilities such that virtually all trips to and from it would be dependent on the use of a private car.

It is recognised that the site has an existing access and an extant use as a haulage business which would have generated a number of daily vehicle movements including by good vehicles. However, to ensure that the site reflects both that which has been proposed, as a live work unit and reduce the potential for more traffic intensive commercial uses at the site, the Highway Authority advise that if permission was granted it should be subject to a condition to limit the use of the site to the applicants only (i.e. a personal permission). On that basis the Highway Authority raises no objection on highway safety grounds and it is considered that the proposed development would accord with Policy CT 5. Officers note the request from the Highway Authority for a "personal permission" type condition. However, such a condition would be unlikely to meet the six tests for conditions. Instead, if permission were to be granted then conditions could be imposed controlling the types of retail activities that can take place and ensuring the retail and the dwelling are tied so that they do not become separate planning units, which could result in increases in traffic movements.

Policy CT 6 requires that adequate vehicle parking facilities will be provided by the developer to serve the needs of the proposed development. Development proposals should make provision for vehicle and cycle parking in accordance with the Council's parking standards at Appendix C of the Core Strategy, including provision for parking for people with disabilities.

Given the size of the site, it has the capacity to accommodate parking and turning associated with the proposed development that would accord with the adopted standards. With conditions to secure this it is considered that the proposed development would accord with CS Policy CT 6.

## **8. Environmental considerations**

Policy EN 13 of the Core Strategy states that all developments should minimise, and where possible reduce, all emissions and other forms of pollution, and ensure no deterioration in water quality. Development proposals on contaminated land (or where there is reason to suspect contamination) must include an assessment of the extent of contamination and any possible risks. Proposals will only be permitted where the land is, or is made, suitable for the proposed use.

Paragraph 187 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing development from contributing to or being put at risk from unacceptable levels of pollution; along with remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate. Paragraph 196 states that planning policies, and decisions should ensure that sites are suitable for the proposed use, taking account of ground conditions and risks arising from contamination.

No objections were received from the Environmental Health Officer subject to conditions in relation to noise, machinery and ventilation, hours of use, contaminated land and lighting. Subject to the imposition of the relevant conditions the proposal is considered to be compliant with CS Policy EN 13 and Chapter 15 of the NPPF.

## **9. Other consideration**

### Mineral Safeguarding

The application site is within a Mineral Safeguarding Area whereby Policy 16 of the Norfolk County Council's Minerals Plan is relevant. This policy seeks to ensure that existing mineral deposits are safeguarded from needless sterilisation. The County Council's Minerals and Waste Officer has raised no objection to the proposed development. The development is therefore considered to comply with Policy CS16 of the adopted Norfolk Minerals and Waste Core Strategy.

## **10. Planning balance/conclusions**

Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004, planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

In terms of the residential element, the development has been found to conflict with CS Policies, SS 1 and SS 2, which seek to limit development within the Countryside to that which requires a rural location.

Whilst the site can be considered 'isolated' and therefore afforded weight under NPPF paragraph 84 as an exception to the plan-led approach, within the context of NPPF paragraph 84, then the proposals do not re-use redundant or disused buildings as required by criterion c) and are not considered to be exceptional in terms of design which may be otherwise supported by paragraph 84e).

The site is considered to meet the definition of "previously developed land" (brownfield) and this would attract moderate weight in favour.

As the council is currently unable to demonstrate deliverable sites sufficient to provide a minimum of five years' worth of housing. Planning applications will therefore be considered in line with paragraph 11(d) "Tilted Balance" of the NPPF which 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, granting permission unless:*

*i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*

*ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination".*

CS Policies SS 1 and SS 2 are therefore considered "out of date" in accordance with NPPF paragraph 11 d). Recent appeal decisions have however, continued to confirm that these 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.

The benefits of the proposal are: *Social* - the proposals would only add a single dwelling to the housing supply. which is afforded limited weight in meeting the undersupply of housing within the district. Further limited positive weight is given to the employment provided during construction and future occupants contribution to spending to the local economy.

*Economic* - these would be provided through the construction of the development with work for local contractors, trades people and suppliers. This, however, would be limited and short lived. Occupiers of the development would contribute to the local economy by spending within the surrounding area and the wider District The relocation and expansion of an existing business would also attract some weight, especially if the proposal helps to maintain employment opportunities in the local area..

*Environmental* – the development would involve the reuse of a site of which is previously developed / brownfield land, albeit demolition rather than conversion. The replacement building would be energy efficient and make use of renewable energy sources. Some minor biodiversity gains could be secured through a condition.

The Committee are being asked to weigh up many competing planning issues. On the one hand, the use of previously developed land for appropriate economic uses would likely be supported in principle enabling an existing business to relocate, expand and improve its offer to its customers. However, the case for a dwelling to accompany the retail unit is less convincing and the design, scale, height and massing of the building(s) would result in a visually discordant and overly dominant element of built form which would be harmful to the character and appearance of the surrounding landscape.

The proposal is therefore considered to be contrary to CS Policies SS 1, SS 2 EN 2 and EN 4 for the reasons stated.

Therefore, **REFUSAL** of the application is recommended.

**RECOMMENDATION:**

To **REFUSE** permission on the following grounds:

- 1 Whilst the site is considered to be “previously developed land” the proposed residential element of the live/work unit would be located on land designated as 'Countryside' where there is a general presumption against residential development and in a location with poor access to a full range of basic services. The future occupiers would therefore be highly dependent on the car to be able to reach such services. There is no overriding justification for the proposed development in this unsustainable location, and the proposal therefore represents an undesirable and sporadic form of residential development in the countryside. The proposal would therefore not be sustainable development and is contrary to policies SS 1, SS 2 and SS 4 of the adopted North Norfolk Core Strategy. Whilst the location of the development is considered to be isolated in terms of paragraph 84 of the National Planning Policy Framework, no evidence has been provided that the provision of such a dwelling would meet the criteria in paragraph 84
  
- 2 The proposed development by reason of design, scale, height and massing would result in a visually discordant and overly dominant element of built form which would be harmful to the character and appearance of the surrounding landscape. As such, the proposal would be contrary to the aims of North Norfolk Core Strategy Policies EN 2 and EN 4.

The proposals are contrary to North Norfolk Core Strategy Policies SS 1, SS 2, SS 4, EN 2 and EN 4

**Final wording of reasons for refusal and any others considered to be necessary, to be delegated to the Assistant Director – Planning**

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**FAKENHAM – PF/24/2184 - Erection of two buildings for use as a restaurant and farm shop, and associated development including a separate wc and bar, two polytunnels, car-parking, paths and access at Salmonds Lane, Thorpland, Fakenham, Norfolk, NR21 0HB**

**Target Date:** 06 June 2025

**Extension of time:** 06 June 2025

**Case Officer:** Miss Isobel McManus

**Full Planning Permission**

## **RELEVANT SITE CONSTRAINTS:**

The site lies within an area of countryside for the purposes of the Core Strategy's spatial strategy

The site lies within the Rolling Open Farmland landscape type as defined in the North Norfolk Landscape Character Assessment

## **RELEVANT PLANNING HISTORY:**

**IS2/22/2999** - Erection of 190 sq.m building for use as restaurant with kitchen and separate WC block; associated development including car-park, paths and service access - Advice Given on 27 March 2023. In summary the advice was as follows:

*"The proposals have been found to conflict with key strategic policies (SS 1, SS 2, EC 1 and EC 5) of the Core Strategy and such conflicts would weigh against the proposed development.*

*Notwithstanding, if any formal application is to be successful, this would need to clearly demonstrate that there would be sufficient public benefits associated with the development, which would comprise material considerations, which would dictate that a decision other than one in accordance with the development plan should be taken.*

*Whilst weight could be given to the economic benefits, as well as to employment opportunities which might be generated, based on information known at this stage, and on balance, it is likely that the proposals would be considered to result in more harm than benefits and that these limited benefits would not outweigh the harm overall, in particular in relation to the unsustainable and limited accessibility of the location."*

## **THE APPLICATION:**

### Site Description

The site is a parcel of agricultural land with an area of approximately 0.8 hectares. It is within the area defined as Countryside by Policy SS 1 of the Core Strategy and Rolling Open Farmland within the North Norfolk Landscape Character Assessment) (LCA). The site is adjoined by agricultural fields and there are a cluster of dwellings situated to the north. The site is bounded by a number of mature Oak trees that run along the eastern, northern and western boundaries, together with other tree groups and mature hedgerow. The southern boundary contains a group of field maple trees.

The site lies to the north of Fakenham, and approximately 200m north of the A148 Fakenham Bypass. Thorpland Road lies to the east of the site and heads to the north from the

A148/A1067 roundabout. The site is approximately 1.2 km from Fakenham's designated Town Centre.

### Proposal

The application proposes the erection of two buildings for use as a restaurant/café, bar, ice cream parlour and a farm shop. Associated development includes a separate WC, two polytunnels, car-parking, paths and access.

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

At the request of Cllr. Cushing for the reasons set out below:

*"I have been informed that Officers intend to refuse this application because "in respect to the information submitted to date, insufficient information has been provided in order to sufficiently demonstrate that the proposal would meet the tests of agricultural diversification as required by Policy EC 1 of the adopted North Norfolk Core Strategy. In particular, it has not been demonstrated that the overall scale of the proposed farm shop, café and associated development as part of the diversification scheme is based on the existing farm operations already in place, as opposed to the creation of a new unrestricted Class E retail development within the area designated as Countryside under Policy SS 1 of the adopted North Norfolk Core Strategy."*

*This refusal is based on the current Core Strategy which was adopted in 2008. I cannot find an equivalent of Policy EC1 in the new proposed Core Strategy (as published on the NNDC website). It seems unfair to me to base a refusal on a soon to be out-dated set of policies.*

*Also this misses the clear support for farm diversification projects that both the Local Plans have - which is also amplified in national planning policy.*

*The application has the support of the Fakenham Town Council and local community.*

*Farming is under considerable pressure from a variety of fronts. As I would expect, the NNDC Economic Development has given the application their strong support in context of the farming challenges stating:*

*"An Economic Growth Officer has reviewed the application, and it is recognised that the proposal is part of a wider business strategy that will not only support the sustainability and economic growth of the applicant business, but it will also contribute to the north Norfolk visitor economy. It is recognised that the applicant is planning to erect two buildings for use as a restaurant and farm shop as part of its farm diversification activities, thus supporting the development of an existing pop-up business and the expansion of business in a rural area.*

*The Economic Growth Team recognises that there are wider economic benefits that would be derived by this application – such as job creation, supporting the local and visitor economies, supporting local supply chain and local businesses etc."*

### **CONSULTATIONS:**

**Fakenham Town Council:** Support.

**North Norfolk District Council Landscape:** Object Proposed development will not protect, conserve or enhance the local area as set out in the Landscape Guidelines within the LCA and there is conflict with Core Strategy Policy EN 2: (Protection and Enhancement of Landscape and Settlement Character).

**Norfolk County Council Highways: Object** The applicant has failed to demonstrate that the site can be accessed safely for pedestrians and cyclists. Accordingly, it is considered that the site is unsustainably located and lacks the opportunity to improve accessibility.

**North Norfolk District Council Economic and Tourism Development Manager: Support**  
It is recognised that the proposal is part of a wider business strategy that will not only support the sustainability and economic growth of the applicant business, but it will also contribute to the north Norfolk visitor economy.

**North Norfolk District Council Environmental Health: No objection** subject to conditions relating to the details of the kitchen extraction prior to the commencement of the use of the site and the hours of deliveries (including waste collections).

## **REPRESENTATIONS:**

14 received **supporting** on the following summarised grounds:

- Current operations are great, fully support improvements.
- The Fat Cow is a real farm diversification success story, the application is a natural progression to develop the business by extending its season.
- Creation of more permanent jobs.
- Use of high quality local produce
- Not a 'drive' through, will save our countryside from discarded waste
- Important to the local economy – would support fellow local businesses and enhance opportunities for local businesses
- The Fat Cow is enjoyed by the community
- Permanent structure would allow a more enjoyable experience for customers
- Invaluable permanent amenity for local residents
- Offer a much needed boost to Norfolk's hospitality landscape, attract residents and visitors
- Aligns with growing demand for sustainable community orientated businesses
- The Fat Cow uses local produce such as cheese for cheeseburgers
- Design is in keeping with an agricultural site
- Site access is well placed near roundabout on main road
- Provision of polytunnels for horticulture is positive in encouraging healthy diet through fruit, herbs and vegetables
- Ideal for families with children
- Farm shop selling local produce is good support for local businesses

## **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.

## **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.

## **RELEVANT POLICIES:**

### **North Norfolk Core Strategy**

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 13: Pollution and Hazard Prevention and Minimisation  
Policy EC 1: Farm Diversification  
Policy EC 5: Location of Retail and Commercial Leisure Development  
Policy CT 5: The Transport Impact of New Development  
Policy CT 6: Parking provision

### Material Considerations:

### **National Planning Policy Framework**

Chapter 2: Achieving sustainable development  
Chapter 4: Decision-making  
Chapter 6: Building a strong, competitive economy  
Chapter 7: Ensuring the vitality of town centres  
Chapter 8: Promoting healthy and safe communities  
Chapter 9: Promoting sustainable transport  
Chapter 12: Achieving well designed places  
Chapter 15: Conserving and enhancing the natural environment

### **Supplementary Planning Documents (SPD):**

North Norfolk Landscape Character Assessment (2021)  
North Norfolk Landscape Sensitivity Assessment (2021)

## **OFFICER ASSESSEMENT:**

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

- 1. Principle of development**
- 2. Location, sustainability and impact on highway network**

3. Design and landscape character
4. Residential amenities
5. Trees
6. Ecology

## 1. Principle of development

The site lies within the area designated as countryside. The spatial strategy for North Norfolk is set out within Core Strategy (CS) Policy SS 1. This states that the majority of new development within the district will take place in the towns and larger villages dependent on their local housing needs, their role as employment, retail and service centres and particular environmental and infrastructure constraints. The policy lists Principal and Secondary Settlements as well as Service and Coastal Service Villages. The rest of North Norfolk is designated as 'Countryside' where development is restricted to particular types to support the rural economy, meet affordable housing needs and provide renewable energy.

The associated Policy SS 2, sets out what types of development can be acceptable within the Countryside provided it can be demonstrated that a rural location is required. Relevant to the current proposal, forms of development which requires a rural location include agriculture and agricultural diversification.

Supporting a prosperous rural economy is a key aim of the National Planning Policy Framework (NPPF) and support is outlined specifically for sustainable growth and expansion of all types of business within paragraph 88 b), including through:

*'the development and diversification of agricultural and other land-based rural businesses'.*

Paragraph 89 continues to state that:

*"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. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist".*

The site comprises a field, a part of which has been used since 2021 during the summer months as a pop-up food venue known as Fat Cow which sells high quality burgers made using local, grass-fed beef, ice cream and locally brewed craft beer. The burger trailer operates 4 days a week with covered seating provided at picnic tables. The existing use has been/is being carried out utilising permitted development rights which allow for use of any land for any purpose (subject to exceptions) for not more than 28 days in total in any calendar year and the provision on the land of any moveable structure for the purposes of the permitted use. Therefore this does not represent a fall-back position which would justify the proposal for permanent development at this site.

A supporting statement at paragraph 1.4 states that the Fat Cow has proved to be hugely popular with both locals from Fakenham and the surrounding villages, as well as with holiday-makers using the Fakenham bypass on their way to the Norfolk Coast and that it has also

significantly boosted the income of Thorpland Lodge Farm which has been essential to the farm's survival at an extremely challenging time for agriculture as profit margins are squeezed and government subsidies phased out.

Ashworths (the applicant) is a family farming partnership farming 214Ha at Thorpland Lodge Farm and a further 100Ha at The Grove and Lodge Farms, Stibbard. It is a mixed farm growing arable crops and grazing cattle on grassland areas. The arable crops include wheat, barley, rape, peas, potatoes and maize. There are also significant areas managed under countryside stewardship schemes.

The statement also refers to the fact that the Fat Cow has also provided seasonal employment for four employees, plus many other part time staff, and helped to maintain the existing farm employment. Further, it has supported the local economy by buying local sourced ingredients such as additional meat coming from the local butcher, beer from a nearby farm based brewery and cheese from a local dairy farm.

The proposals would have a wider offering including a farm shop and a restaurant that would sell produce and products grown and reared on the applicant's farm and local area, and a new kitchen garden within the site will grow the salad and vegetables that will be sold in the restaurant. This would showcase local products and offer a community facility for locals and visitors to enjoy throughout the year, 5 days a week.

CS Policy EC 1 sets out that development in the Countryside for farm diversification (the introduction of non-agricultural enterprises or novel agricultural enterprises into existing farm business / complex to support the agricultural enterprise) will be permitted provided that it can be demonstrated that the proposal would make an ongoing contribution to sustaining the agricultural enterprise as a whole and the proposal would not involve new-build development on undeveloped sites (defined as land upon which no building or the substantial remains of a building currently stands) unless:

- it is directly related to the agricultural business and the reuse or redevelopment of existing buildings on the holding for the intended use, in whole or in part, is not feasible or:
- an opportunity exists to demolish an existing structure and re-build in a more appropriate location and in all cases the proposed floor space is less than 250sqm

To support the application, the applicant has provided viability evidence in the form of four graphs which reflect four different scenarios, being:

- i) no expansion;
- ii) expansion of restaurant and farm shop;
- iii) fat cow discontinued and;
- iv) expansion with restaurant only.

The 'no expansion graph' suggests that from 2025 to 2027 the trajectory of the business will decline to be in a deficit by 2027. The 'expansion' – restaurant and farm shop (as proposed?) graph suggests that the net profit will double from 2025 to 2027. The 'fat cow discontinued' graph suggests that the net profit from 2025 to 2027 will be in deficit. The 'expansion with restaurant only' graph suggests that from 2025 to 2027 there will be a steady decline in net profit.

Officers have reviewed the submitted viability evidence, and the trajectory of the business does not make sense. This is because historically, the livestock have been sold directly to the open market e.g. a slaughterhouse/butcher and have made a profit. The evidence submitted suggests that should permission not be granted the trajectory of the business will decline to

be in a deficit by 2027. For a realistic comparison it would be useful for the applicant to compare what would happen if the Fat Cow as operating on site (a pop up) stopped and the farm reverted back to selling the cattle to the open market.

There are no existing structures on the application site. The proposed floor space is 387sqm. This exceeds the 250sqm set out in policy EC 1. As referred to above, the existing temporary use does not represent a fall-back position which would justify the proposal for permanent development at this site. The proposal therefore constitutes new-build development on an undeveloped site in the countryside.

Whilst the proposal is for a farm shop and cafe, it has not been adequately demonstrated which Class E uses would be directly linked with the farm's produce, and it is not considered that, as submitted this could be controlled by way of a planning condition. There is not a business plan regarding what produce from the farm would be sold in the shop and the café. Additionally, based on the submitted floor plans, it is considered that the café (194sq.m), kitchen (70sq.m) and bar (13.7sq.m) would not be ancillary to the farm shop but a significant part of the development proposal (277 sq.m) as the farm shop accounts for only 80 sq.m. The applicant has argued that a reduction of the scheme to under 250 sq.m in order to comply with the policy, would mean the loss of the farm shop and this would make the scheme unviable and undermine the wider benefits of the scheme, i.e. allowing a large amount of local produce to be directly marketed to users of the development.

Given the level of new retail enterprise proposed, a café, farm shop, ice cream parlour and bar seem to go above and beyond what is produced at the farm, it has not been robustly demonstrated that the focus of the diversification is based on the existing farm operations already in place, as opposed to the creation of a new unconstrained Class E enterprise in the countryside.

Therefore, with proposals such as this in the countryside, regard should be had to the requirements of CS Policy EC 5 which relates to the location of new retail and commercial leisure development. This directs small scale retail development (net sales area less than 500 sq.m) to sites within a development boundary on the best sequentially available site.

For a proposal that does not comply with that requirement it should be demonstrated that:

- a need exists within the catchment area for the scale and type of development proposed
- no sequentially preferable site is available, suitable and viable (starting with town centre, edge of centre sites, then out-of-centre locations)
- the proposed development would not, individually or cumulatively, have a significant adverse impact on the vitality and viability of existing town centres or nearby service villages or coastal service villages
- and the proposed development would be accessible by a choice of means of transport, including public transport, walking, cycling and the car

The policy states that "*proposals for retail development in the countryside will not be permitted unless they comply with other development plan policies. Within the defined development boundaries of service villages and coastal service villages proposals for shops up to 250sqm may be permitted provided the proposed development would not, individually or cumulatively, have a significant adverse impact on the vitality and viability of existing town and Service Village and Coastal Service Village centres*".

The application has not been put forward as new retail development in the countryside. Given the scale of new enterprise created, and lack of information provided within the application to sufficiently demonstrate that the proposal would meet the policy tests of agricultural

diversification, if the application was considered against CS Policy EC 5, it would not comply with the general thrust of this policy given the distance of the application site from Fakenham's designated Town Centre (approx.. 1.2 km) as the level of new 'retail' development proposed would result in the proposed development being considered a town centre use and would require a sequential assessment, and the site is not considered sustainable because it is not accessible by a choice of means of transport..

Paragraph 91 of the NPPF states that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

Paragraph 93 states that this sequential approach should not be applied to applications for small scale rural offices or other small scale rural development. In this case it is difficult to conclude that the proposed development could be considered as a 'small-scale' rural development, given that it is likely to generate and attract large numbers of people from the wider area.

The agent has referred to other examples of similar proposals within North Norfolk. It is considered that none of these are directly comparable or of a similar scale to the current application.

Overall, whilst Core Strategy policy would, in principle, support evidenced and appropriately scaled farm diversification, the application before Committee involves significant amounts of new build development beyond the scale identified within Core Strategy Policy EC 1. The scale of development proposed and the limited evidence of the amount of produce to be sold from the farmshop that is produced by the farm suggests a development that could and should be located in a more sustainable location. It is considered that the proposed development conflicts with the aims and objectives of Policies SS 1, SS 2, EC 1, EC 5 and CT 5 of the North Norfolk Core Strategy.

## **2. Location, Sustainability and Impact upon Highways Network**

CS Policy CT 5 states that development will be designed to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to its particular location.

Development proposals will be considered against the following criteria:

- the proposal provides for safe and convenient access on foot, cycle, public and private transport addressing the needs of all, including those with a disability.
- the proposal is capable of being served by safe access to the highway network without detriment to the amenity or character of the locality.
- outside designated settlement boundaries the proposal does not involve direct access on to a Principal Route, unless the type of development requires a Principal Route location.
- the expected nature and volume of traffic generated by the proposal could be accommodated by the existing road network without detriment to the amenity or character of the surrounding area or highway safety; and
- if the proposal would have significant transport implications, it is accompanied by a transport assessment, the coverage and detail of which reflects the scale of development and the extent of the transport implications, and also, for non-residential schemes, a travel plan.

CS Policy CT 6 requires that adequate vehicle parking facilities must be provided by the developer to serve the needs of the proposed development. Development proposals should make provision for vehicle and cycle parking in accordance with the Council's parking standards, including provision for parking for people with disabilities.

Paragraph 109 of the NPPF sets out that transport issues should be considered from the earliest stages of development proposals so that, amongst other matters, the potential impacts of development on transport networks can be addressed, opportunities to promote walking, cycling and public transport use are identified and pursued, and the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains.

Paragraph 115 of the NPPF states amongst other matters that development should ensure that sustainable transport modes are prioritised taking account of the vision for the site and the type of development and its location, and that safe and suitable access to the site can be achieved for all users.

Paragraph 116 of the NPPF states *“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, following mitigation, would be severe, taking into account all reasonable future scenarios”*.

Paragraph 117 continues by setting out that development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and facilitate access to high quality public transport. Development should also address the needs of all people with disabilities and reduced mobility in relation to all modes of transport. Additionally, create places that are be safe, secure and attractive minimising the scope for conflict between pedestrian, cyclists and vehicles and allow for efficient delivery/access and be designed to enable charging of ultra-low emission vehicles.

#### *Highways safety, accessibility and sustainability*

The site is close to the A148, accessed via the C319 Salmonds Lane from the A148 roundabout some 200m south of the site, giving acceptable access for vehicles and deliveries. The site, however, fails to provide any suitable provision for pedestrians and other road users, requiring any non-car users from the south to cross the A148 and share the C319 with traffic, which would fall short of the requirements of the NPPF. Thorpland Road and the A148 are subject to the national speed limit (60mph).

The applicant's case within the updated Transport Statement is that a farm shop is expected to be in a rural location. However, officers consider that a café or general shop, would normally be expected to be located in an urban area to serve its catchment.

The NPPF does recognise that some facilities will be needed outside of developed areas, noting at Paragraph 89; that in these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).

There are no public transport facilities which serve the site and no public footpaths available either side of Thorpland Road or beyond for users to access by foot, this is confirmed within the applicant's supporting Transport Statement. The nearest bus stop is on Clipbush Lane approximately 500m to the south of the site, however, users would be required to cross the

A148. The nearest train station to the site is Sheringham or Norwich but some distance away. As such, it is considered that the development would be almost wholly reliant upon the use private vehicles/cars to safely access the site and for trips to/from it by the future customers, staff, deliveries and construction.

Section 3.1 of the Transport Statement highlights this, in relation to the Highway Authority's request to consider options for pedestrian routes;

*“The location of the site does not lend itself to pedestrian access; which would need to cross the A148 for the majority of pedestrians. The options for crossing the A148 would be any of the following:*

- *Footbridge*
- *Tunnel*
- *Controlled crossing with/without refuge*
- *Uncontrolled crossing with/without refuge*

*...and the likely costs for provision of any of the pedestrian crossings outlined would vastly outweigh any benefit to be gained from provision of the crossing and would be out of context with the proposed development.”*

Whilst a number of farm shop applications have been highlighted by the applicant and it is put forward that this development is a small-scale farm diversification project in a rural location, it is considered that the development as a whole would create a new destination over and above that of a modest farm shop alone.

Whilst the site is circa 200m from the edge of the settlement of Fakenham, Officers consider that the site does not have good links to this settlements with regards to access sustainability. Clearly in this instance, the applicant has failed to demonstrate that the site can be accessed safely for pedestrians and cyclists.

The proposed development does not adequately provide off-site facilities for pedestrians / cyclists / people with disabilities (those confined to a wheelchair or others with mobility difficulties) to link with existing provision and / or local services, contrary to CS Policy CT 5.

The proposal conflicts with the aims of sustainable development, the need to minimise travel, and the ability to encourage walking, cycling, use of public transport and reduce the reliance on the private car as represented in national and local policy. The proposal is therefore considered to be contrary to paragraphs 115 and 117 of the NPPF and Chapter 5 of Norfolk's Local Transport Plan 4 Strategy 2021-2036.

### **3. Design and Landscape Character**

Policy SS 4 requires that all development proposals will contribute to the delivery of sustainable development, ensuring protection and enhancement of natural and built environmental assets and geodiversity. Open spaces will be protected from harm, and the restoration, enhancement, expansion and linking of these areas to create green networks will be encouraged. New development will incorporate open space and high-quality landscaping to provide attractive, beneficial environments for occupants and wildlife and contribute to a network of green spaces. Where there is no conflict with biodiversity interests, the quiet enjoyment and use of the natural environment will be encouraged, and all proposals should seek to increase public access to the countryside.

Policy EN 2 states that proposals 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 pattern of distinctive landscape features, such as watercourses, woodland, trees and field boundaries, and their function as ecological corridors for dispersal of wildlife
- visually sensitive skylines, hillsides, seascapes, valley sides and geological features
- nocturnal character
- the setting of, and views from, Conservation Areas and Historic Parks and Gardens.
- the defined Setting of Sheringham Park, as shown on the Proposals Map.

Policy EN 4 states that all development will be of a high-quality design and reinforce 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. Proposals will be expected to have regard to the North Norfolk Design Guide, incorporate sustainable construction principles, make efficient use of land, be suitably designed within their context, retain important landscape and natural features and incorporate landscape enhancements, ensure appropriate scales, make clear distinctions between public and private spaces, create safe places, are accessible to all, incorporate footpaths and green links, ensure that parking is discreet and accessible and where possible, contain a mix of uses, buildings and landscaping.

Paragraph 131 of the NPPF advises that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve, with good design a key aspect of sustainable development. Paragraph 135 goes on to state that development should establish or maintain a strong sense of place, be sympathetic to local character and history, landscape setting and be visually attractive. Paragraph 139 states that permission should be refused for development of poor design which fails to take opportunities available for improving the character and quality of an area, taking into account local design standards or guidance contained with SPDs.

Paragraph 187 states that development should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.

The site lies within Rolling Open Farmland (ROF) landscape type as defined in the North Norfolk Landscape Character Assessment. This is predominantly an expansive open arable landscape with a rural character and a sense of remoteness and tranquillity with dark night skies being a defining feature. The settlement pattern is sparse and strongly nucleated as a result of historical land ownership. Conservation of rurality and tranquillity and conserving the nucleated character of settlements as a result of any new development are set out in the Landscape Guidelines for this Type.

The proposed location of the development would be set within Countryside would not reinforce the key characteristics and valued features of the ROF landscape type and would therefore conflict with CS Policy EN2.

The restaurant would comprise timber frame, clad with dark stained timber and a corrugated steel roof, with rooflights on the northern elevation. Black solar panels are proposed on the south facing roof of the restaurant. The south side of the restaurant building will be open but can be closed off during poor weather with transparent roll down PVC screens. The north internal wall of the restaurant is to be enclosed with timber cladding (reclaimed pallets or potato boxes) which conceals the separate kitchen facility which has a servery facing into the barn.

To the west of the restaurant building an external seating area with picnic tables, a circular bar and toilet block is proposed. The bar and toilets comprise of galvanised corrugated steel grain silos.

The proposed farm shop, which is a separate smaller barn with a gable end facing north would be to the east of the restaurant. This would comprise natural timber with metal double glaze doors. A lean to on the eastern elevation provides a small covered sitting area. Painted steel shipping containers are proposed for on site storage between the barns, and to the rear.

Considering the undeveloped and rural nature of the site, the large scale buildings will result in significant built form additions to landscape resulting in some adverse visual impacts within the local and wider area. There will also be harm from the intensification of a currently undeveloped site.

However, mitigation by way of hard and soft landscaping can be secured via condition to secure appropriate planting, surfacing and fencing details. The revised Proposed Site Plan shows a new additional hedgerow to the south and west of the polytunnels and it is now confirmed no existing hedgerow will be removed as part of the development.

Conditions requiring implementation of the approved landscaping scheme, management of it thereafter and replacement of plant failures are also recommended. It is considered that together with the retention of the existing hedgerows to the north and east this will, over time, provide some softening of views from Thorpland Road and from within the site.

External lighting could potentially cause adverse impacts on the dark night skies in the open, elevated rural landscape. A condition requiring details of any external lighting to be approved before installation is therefore recommended. This will also ensure any impacts upon nocturnal wildlife (e.g. foraging/commuting bats) are mitigated.

With the additional planting and recommended conditions , the proposal is considered to comply with CS Policies EN 2 and EN 4.

#### **4. Residential Amenities**

CS Policy EN 4 states that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers.

There are no dwellings immediately adjacent to the site and Environmental Health have raised no objections to the proposals subject to conditions including those relating to the provision of a kitchen extractor system.

Subject to appropriate conditions, the proposal is considered to be in accordance with CS Policies EN 4 and EN 13.

#### **5. Trees**

Paragraph 187 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value, minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

The application is supported by an Arboricultural Impact Assessment by A.T Coombes Associated Ltd. Concerns were previously raised by the Landscape Officer about the loss of hedgerow and the closeness of the proposals to important trees. The revised Proposed Site Plan illustrates more clearly that the section of hedgerow at the south site boundary will not be removed and it has been confirmed that it will remain. The radius of the root protection area of specific Veteran trees has been uplifted as suggested, the proposed restaurant/kitchen building and ice cream bar has been moved away from these important trees and habitats and adequate space is now proposed. The amendments are such that the layout of the site is acceptable. Construction of the site access is confirmed as no-dig and will avoid further compaction and damage to tree roots.

Subject to the tree protection measures as set out within the Arboricultural Impact Assessment being secured through conditions, the proposed development is acceptable on arboricultural grounds.

## 6. Ecology

The application is supported by an Ecology Report. A summary of the report findings include:

- No impacts are foreseen upon designated sites.
- The site was predominantly grassland with some arable and bramble scrub. The boundaries supported native species-rich hedgerows and mature trees. No hedgerows or trees are to be lost.
- Many of the boundary trees supported potential roost features for bats. However, no removal or works to those trees are proposed.
- The boundary trees and hedgerows are suitable for nesting birds. Any removal of woody vegetation must take place outside the main nesting period (March to August inclusive) or following a search for active nests.
- There is a low risk of impact to other transient wildlife, such as reptiles, badger and hedgehog, which can be mitigated effectively through general precautionary measures during the construction phase.
- Biodiversity enhancement recommendations include the installation of bat and bird boxes.

The Landscape Officer considers the reports to be fit-for-purpose and concur with the findings. The existing temporary use of the site and retention of the most ecologically valuable habitats will limit potential harm during the operation phase of the development. Construction impacts can be sufficiently avoided or mitigated through implementation of the recommended precautionary measures. These along with the enhancements recommended in Sections 6 and 7 of the report including the provision of bird boxes can be secured through conditions.

On that basis the proposal is acceptable in terms of CS Policy EN 9.

### *Effect on habitats sites – recreation*

The Norfolk-wide Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS) applies to all net new residential and tourism-related growth. 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. Given that the

proposal does not include overnight accommodation it is not qualifying development for the purposes the GIRAMS and as such a mitigation contribution is not required..

#### *Biodiversity Net Gain (BNG)*

The application is supported by a Biodiversity Statement and an associated Statutory Metric. The Landscape Officer has reviewed the submitted Biodiversity Net Gain information and is satisfied the baseline calculations are an accurate reflection of the current site habitats and conditions. Medium distinctiveness habitats at the site include other neutral grassland, small areas of bramble scrub and rural trees, including three veteran oaks (irreplaceable habitats).

Part of the grassland will be lost, though the scrub and trees will be retained. New habitats of ecological value to be created include other neutral grassland, modified grassland and tree planting. The on-site net change for habitat units is calculated as being -33.18% and off-site intervention or purchase of statutory credits will be required to achieve the mandatory 10% gain.

Conversely, a gain of 12.62% of hedgerow units can be delivered onsite through the enhancement of 118m of native species-rich hedgerow with trees from 'Moderate' condition to 'Good'.

The statutory BNG implementation condition would ensure the biodiversity gain plan (BGP) is submitted and additional implementation conditions will secure delivery.

Subject to the imposition of conditions the proposal would accord with the aims of CS Policy EN 9.

#### **Planning Balance and Conclusion**

It is acknowledged that that the proposed development would deliver some, albeit modest economic benefits. CS Policy EC 1 is supportive in principle of proposals for development in the Countryside for the purposes of farm diversification, but this is subject to its criteria being met. This includes the requirement that the proposed floor space is less than 250sq.m.

Paragraph 88 of the NPPF indicates that decisions should enable the diversification of agricultural and other land-based rural businesses to support a prosperous rural economy.

In this case however, it is considered that the proposed development would clearly go beyond the scale of development envisaged by Policy EC 1 as the supporting text at paragraph 3.4.4 states "*where new building on undeveloped sites is necessary, the intention is to ensure that the size of any such development is limited*". The scale of the proposed development is considered to be excessive and the need for the development has not been adequately justified, with the viability evidence submitted suggesting that the farm is currently profitable

The proposal would introduce a new 'destination' in a Countryside location that is contrary to the sequential approach to the location of such development required by CS Policy EC 5. Furthermore, the Countryside location is such that the development cannot provide for safe and convenient access on foot, cycle, public and private transport to address the needs of all, including those with a disability as sought by CS Policy CT 5. It is apparent that it is not feasible to make the location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport) as suggested in the NPPF.

It is therefore considered that the proposed development is contrary to CS policies EC 1, EC 5 and CT 5. Whilst the proposal is acceptable in other respects and complies with CS policies relevant to those matters, and would also provide economic benefits, it is considered that these benefits do not outweigh the harm from the main policy conflicts.

Therefore, **REFUSAL** of the application is recommended.

**RECOMMENDATION:**

**REFUSAL**

Insufficient information has been provided by the applicant in order to sufficiently demonstrate that the proposal would meet the tests of agricultural diversification as required by Policy EC 1 of the adopted North Norfolk Core Strategy.

In particular, it has not been demonstrated that the overall scale of the proposed farm shop and café as part of the diversification scheme is based on the existing farm operations already in place, as opposed to the creation of a new unrestricted retail development within an area designated as Countryside under Policy SS 1 of the adopted North Norfolk Core Strategy.

The proposal would result in an unsustainable form of development where sustainable modes of transport such as walking and cycling cannot be accessed nor improved, such that the vast majority of trips would be to be made by car. The proposed development would therefore be in conflict with Policy EC 1 of the adopted North Norfolk Core Strategy and contrary to its strategic aims of achieving sustainable development and give rise to accessibility concerns as set out within Policies SS 1, SS 2 and CT 5 of the adopted North Norfolk Core Strategy and paras 115, 116 and 117 of the NPPF.

**Final wording of refusal to be delegated to the Assistant Director - Planning.**

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**CROMER - PF/25/0724 - Installation of 10 sheds (1.58m x 1.58m) on temporary garden plots, Allotments At, Cemetery, Holt Road, Cromer**

**Minor Development**

**Target Date:** 15<sup>th</sup> July 2025

**Extension of time:** n/a

**Case Officer:** Nicola Wray

**Full Planning Permission**

**RELEVANT SITE CONSTRAINTS:**

Within an area of Contaminated Land

Within an area of Undeveloped Coast

Within the Countryside in Policy terms

Within a Mineral Safeguard Area

Within the Norfolk Coast National Landscape

**RELEVANT PLANNING HISTORY:**

No relevant planning history

**THE APPLICATION**

The application seeks permission to install 10 sheds on temporary garden plots.

**REASONS FOR REFERRAL TO COMMITTEE:**

Called in by the Development Manager because an Officer within the Planning Department is an allotment holder on the site. Whilst the Constitution (Part 2 – Functions which are Delegated to Officers, Paragraph 6.2 Note 4(d)) does not necessarily apply, however in the interests of transparency, it is considered appropriate that this matter should be reported to Committee for determination.

**REPRESENTATIONS:**

No representations have been received at the time of the report compilation.

**CONSULTATIONS:**

**Landscape – No objection.**

Given the containment of the site, it is considered this development would not adversely impact the defined special qualities of the National Landscape and would be compliant with Local Plan Policies EN1 and EN2

**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, approval 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)**

SS 1 (Spatial Strategy for North Norfolk)

SS 2 (Development in the Countryside)

EN 1 (Norfolk Coast Area of Outstanding Natural Beauty)

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)

CT 6 (Parking Provision)

### Material Considerations:

### **National Planning Policy Framework (NPPF) (December 2024)**

Chapter 2 (Achieving sustainable development)

Chapter 4 (Decision-making)

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 (2008)

## **OFFICER ASSESSMENT:**

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

- 1. Principle of Development**
- 2. Impact on the character of the area and design**
- 3. Amenity**
- 4. Landscape**
- 5. Highways**

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

Policy SS 1 defines this site as being outside the settlement boundary and therefore within the Countryside, Policy SS 2 supports development within the Countryside where the development proposal is for recreation.

The proposal is for 10 wooden sheds to be sited on land leased by Cromer Town Council to community gardeners and growers. The sheds will be purchased and maintained by the tenants with the function behind them to store garden tools and equipment.

The proposal is therefore considered to comply with Policies SS 1 and SS 2.

## **2. Impact on the character of the area, heritage and design**

Policy EN 3 provides that only development that “will not be significantly detrimental to the open coastal character will be permitted.”

Policy EN 4 states that development proposals will be expected to be suitably designed for the context within which it is set and ensure that the scale and massing of buildings relate sympathetically to the surrounding area.

The sheds proposed would be wooden and located well within the site. Any adverse impacts are also mitigated by the small scale and spaced-out nature of the sheds. The proposal is considered to comply with Policies EN 3 and EN 4.

## **3. Amenity**

Policy EN 4 states that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers. Whilst the proposal site is a good distance from residential areas, the sensitivity of the site must be considered, given the proximity to Cromer’s Crematorium, Chapel of Rest and Cemetery.

The location and site plan shows that the allotments are set to the side of the parking for the crematorium and are quite separate in nature. The proposed sheds would be sited away from the boundary, with appropriate height, scale and massing of the proposal which is small and unobtrusive.

The proposal is therefore considered to comply with Policy EN 4 in this regard.

## **4. Landscape**

Policy EN 1 specifically relates to The Norfolk Coast National Landscape, which the proposal is within the catchment area of. It specifies that development must not detract from the special qualities of The Norfolk Coast National Landscape.

Policy EN 2 provides that development proposals demonstrate that their location, scale, design and materials will protect, conserve and, where possible, enhance the special qualities and local distinctiveness of the area.

Officers advise that the site is bounded by mature woodland to the north, east and south which restrict long range views from these directions. Views of the allotments from the public car park of the Crematorium are softened by a maturing mixed native hedge approx.1.5m high on the west site boundary. Given the containment of the site. it is considered this development would not adversely impact the defined special qualities of the National Landscape and would be compliant with Local Plan Policies EN1 and EN2.

## **5. Highways**

Policy CT 5 seeks to ensure that development proposals provide for safe and convenient access for all modes of transport, addressing the needs of all and safe access to the highway network without detriment to the amenity or character of the locality.

Policy CT 6 provides that “adequate vehicle parking facilities will be provided by the developer to serve the needs of the proposed development”.

The proposal is not anticipated to alter the existing parking provisions or increase the traffic demand to the site. It is therefore considered to comply with Policies CT 5 and CT 6.

**Planning Balance and Conclusion:**

The proposal would accord with the aims of Development Plan policies

**RECOMMENDATION:**

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

- Time limit
- Development in accordance with approved plans
- Materials as submitted

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

<b>REPORT: MHCLG Planning Consultation Documents</b>	
<b>Executive Summary</b>	This report provides information on four Government Consultation documents and suggests how the Council may wish to comment on the proposals within the documents.
<b>Options considered</b>	This report does not consider options.
<b>Consultation(s)</b>	The report is a response to Government papers seeking views. The Council hasn't consulted others in the preparation of this Report. Other organisations and / or people could comment direct to the Government if they so wished.
<b>Recommendations</b>	That the Assistant Director for Planning be authorised to submit 'answers' to the various documents in accordance with the points contained within Appendix 1 of this report to Government as North Norfolk District Council's opinion(s) on the documents.
<b>Reasons for recommendations</b>	Prepared at the request of the Councillors.
<b>Background papers</b>	<p>The Government Papers referred to at paragraph 1.1 below.</p> <p>Development Committee Report titled: <i>MHCLG Working Paper – Planning Reform: Modernising Planning Committees</i> from 23<sup>rd</sup> January 2025.</p> <p>Planning and Infrastructure Bill 2025</p>

<b>Wards affected</b>	All
<b>Cabinet member(s)</b>	Cllr Andrew Brown
<b>Contact Officer</b>	Russell Williams

<b>Links to key documents:</b>	
Corporate Plan:	Customer Focus
Medium Term Financial Strategy (MTFS)	No direct links to the MTFS
Council Policies & Strategies	Not applicable

<b>Corporate Governance:</b>	
Is this a key decision	No
Has the public interest test been applied	N/A
Details of any previous decision(s) on this matter	None

## 1. Purpose of the report

- 1.1 In May 2025 the Government published 4 Consultation Papers related to ‘Planning Reform. The four papers are:
- (a) Planning Reform Working paper: Speeding Up Build Out – closing date 7<sup>th</sup> July
  - (b) Technical Consultation on Implementing Measures to Improve Build Out Transparency – closing date 7<sup>th</sup> July
  - (c) Planning Reform Working paper – Reforming Site Thresholds – closing date 9<sup>th</sup> July
  - (d) Technical Consultation – Reform of Planning Committees – closing dated 23<sup>rd</sup> July.
- 1.2 They are all publicly available at: [Policy papers and consultations - GOV.UK](#).
- 1.3 The published Papers (see paragraph 1.1 above) largely relate to work Government are undertaking that would take forward draft legislation as set out within the Planning and Infrastructure Bill – first published in March 2025. The original and most recent version of the Bill can be found at: [Planning and Infrastructure Bill - UK Parliament](#).
- 1.4 The final paper ((d) above) is a follow up paper to one published on 9<sup>th</sup> December 2024 – titled: *Planning Reform: Modernising Planning Committees*. That Paper was the subject of a report to Committee on 23<sup>rd</sup> January 2025 – where Committee authorised the Assistant Director for Planning to submit comments to the Government on behalf of the Council and in accordance with Appendix 2 to that report (which is included in this report – also as Appendix 2). That submission was duly made in January 2025.
- 1.5 Committee Councillors were notified of all four documents by email on 29<sup>th</sup> May 2025 (from the Assistant Director for Planning). Councillors were given an opportunity to contribute their thought on the documents by 13<sup>th</sup> June 2025. A draft of this report was shared with Councillors Brown (Portfolio Holder), Heinrich (Committee Chair) and Holliday (main opposition group Planning lead) prior to it being finalised and published.
- 1.6 Section 2 of this report focussed on the 4<sup>th</sup> Paper – around Reform of Planning Committees. Section 3 covers the other 3 Papers.

## 2. Technical Consultation – Reform of Planning Committees

- 2.1 The Government’s consultation includes the following statements:

*“In December 2024, we published [Planning Reform Working Paper - Modernising Planning Committees](#) to seek views on 3 proposed actions to reform planning committees:*

- *introducing a national scheme of delegation so there is greater consistency and certainty about which decisions go to committee;*
- *requiring separate, smaller committees for strategic development so there is more professional consideration of key developments; and*
- *introducing a requirement for mandatory training for all planning committee members so they are more informed about key planning principles.*

After careful consideration of the responses, the government has included the following measures in the [Planning and Infrastructure Bill](#) which was introduced into Parliament on 11 March 2025:

- a new power for the Secretary of State to set out which planning functions should be delegated to planning officers for a decision and which should instead go to a planning committee or sub-committee;
- a new power for the Secretary of State to control the size and composition of planning committees; and
- a new requirement for members of planning committees to be trained, and certified, in key elements of planning.

We recognise that some planning committees may discharge certain plan making functions (e.g. the approval of supplementary planning documents) which fall under Schedule 3 of the regulations which covers functions which must not be the sole responsibility of the executive. We do not intend to regulate these functions.

Having taken account of the responses, the government is proposing to introduce a scheme of delegation which categorises planning applications into two tiers:

- **Tier A** which would include types of applications which must be delegated to officers in all cases; and
- **Tier B** which would include types of applications which must be delegated to officers unless the Chief Planner and Chair of Committee agree it should go to Committee based on a gateway test.

This approach will replace the many different approaches across the country, including where individual councillors can call in any application to be considered by committee<sup>[1]</sup>:

In all cases Tier A applications must be delegated to officers.

We propose the following types of applications would be in Tier A. This is in recognition that they are either about technical matters beyond the principle of the development or about minor developments which are best handled by professional planning officers:

- applications for planning permission for:
  - Householder development
  - Minor commercial development
  - Minor residential development
- applications for reserved matter approvals
- applications for s96A non-material amendments to planning permissions
- applications for the approval of conditions
- applications for approval of the BNG Plan
- applications for approval of prior approval (for permitted development rights)
- applications for Lawful Development Certificates
- applications for a Certificate of Appropriate Alternative Development

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<sup>1</sup> Parish and Town Councils were not mentioned in the Government's document.

*The starting point for Tier B is that all applications should be delegated to officers, subject to a gateway test through which the chief planning officer (or equivalent officer in LPAs without a chief planning officer) and chair of planning committee must mutually agree that they should go to committee if they are to depart from the assumed delegation.*

*We propose that the following types of applications should be in Tier B in recognition that it may be appropriate, in some circumstances, for these applications to be subject to committee scrutiny.*

<b>Type of decision</b>	<b>Rationale</b>
<i>Applications for planning permission not in Tier A</i>	<i>Planning permission is the key consent and there will be examples of applications in most categories of different development where committee scrutiny is warranted as the issue will be about the principle of development. This will include all significant new housing and commercial developments. It will enable controversial or complex applications to be considered by committee.</i>
<i>Notwithstanding Tier A, any application for planning permission where the applicant is the local authority, a councillor or officer</i>	<i>This type of application is included to ensure that there can be open scrutiny of applications closely linked to the local authority itself.</i>
<i>Section 73 applications to vary conditions</i>	<i>This type of application is included as, although there will be many instances where officers should consider the variation, there will be some applications which would alert the principle of development which require committee scrutiny. Significant changes to mineral developments are, for instance, made through section 73 applications.</i>
<i>Review of mineral planning conditions</i>	<i>Certain categories of mineral sites are subject to a review of their conditions to ensure these are still.</i>

*Engagement and best practice indicate a committee of 8-11 members is optimal for informed debate on applications<sup>2</sup>. We recognise that there is a need for some local flexibility to take account of political balance requirements and meeting abstentions. We are therefore, proposing to set a maximum of 11 members in the regulations. We will use the statutory guidance to provide a steer on best practice so that 11 members does not unintentionally become to be seen as the requirement. Committees may be smaller if that works best locally.*

<sup>2</sup> The Planning Advisory Service recently undertook a survey of planning committees, noting that majority of committees are between 9 and 12 members: [Modernising Planning Committees National Survey 2025](#).

*Our working paper therefore, sought views on introducing mandatory training for committee members. The proposal was strongly supported and we are taking this forward, subject to Parliamentary approval, in the Planning and Infrastructure Bill.*

*One key feature (which is incorporated into the Bill's provisions) is the need for a member to have some form of training certification to ensure they can only make committee decisions if they have been trained. There are two basic options:*

- *a national certification scheme which would be procured by MHCLG and involve an online test for certification; or*
- *a local based approach where the local planning authority provides certification*

*Our preference is for a national certification scheme as it ensures independence and reduces the burden on individual local planning authorities, however it is likely to mean that the certification is based on national content only. We are aware of different views on this matter and would like to hear views before developing the training package with the sector.”*

2.2 The Paper seeks views on 20 different questions. These are all set out – with suggested answers in Appendix 1. They are written from a perspective that the Government has decided to introduce a ‘national scheme’ so our contribution should focus on trying to make it ‘as good’ a one as possible rather than challenging again the merits of such a scheme’s introduction. The Council’s more critical comments from January 2025 remain relevant and demonstrate that the Council doesn’t support the overall direction of travel. However this report focusses more on suggesting improvements to what the Government are clearly intent on introducing – despite our previously given views.

2.3 Headline elements of the suggested answers are set out below:

1. We would advocate that there should be a three-tier structure for where decisions should be made:
  - (A) Those that should be delegated to officers
  - (B) Those that should be subject to some form of ‘gateway review’
  - (C) Those that should always be considered by Committee.

In both Tier A and B in the above – there should always be discretion for the person with the delegated decision to choose to report a matter to Committee. If they choose to take that route, they should have to set out their reasons for the matter being considered by Committee.

2. The core premise of any scheme of delegation is that the person delegated to doesn’t have to make the decision and can report it ‘up the line’ (e.g. to Committee). It is considered vital that that discretion remains. If not – what happens when the individual doesn’t want to make the decision – or who is liable for any challenge to that decision (and the costs that that might result in).
3. While it shouldn’t automatically be a position that must be on a Council’s most senior management grouping – it is considered that the national scheme would work best if the role of Chief Planning Officer was a statutory role (with required qualifications like for the Section 151 Officer role).

4. Logically a gateway test as to what goes to Committee is sensible – but requiring both the senior professional and the senior politician to agree is a high bar. What if one simply won't agree – despite 'everyone else' thinking the item should go to Committee? It would probably be better as a two out of three scenario – or a third person involvement in the event of a difference of view between the initial two (this could be a role for the Portfolio Holder).
5. The evidence presented in the Consultation paper demonstrates that most committees were of the 8 to 11 range. It did not then demonstrate that that was the optimal range for 'informed debate on applications'. The size of a committee should be left to each Council to determine.
6. As local training will remain a key need it is believed that a 'national certification' system must be complimented by 'local training' prior to a Councillor participating on a Planning Committee.

### 3. Other Consultation Documents.

3.1 As stated at paragraph 1.1 the other three Consultation Papers are:

- (a) Planning Reform Working paper: Speeding Up Build Out
- (b) Technical Consultation on Implementing Measures to Improve Build Out Transparency; and,
- (c) Planning Reform Working paper – Reforming Site Thresholds.

3.2 Realistically these three papers have considerably less day to day impact on the activities of the Development Committee. The following four paragraphs provides a short summary of what each of the Papers covers.

3.3 Speeding Up Build Out: This paper invites views on options the Government suggests that they could pursue to ensure the right incentives exist in the housing market, and local planning authorities have the tools they need, to encourage homes to be built out more quickly. In addition to the transparency and accountability measures set out in the technical consultation, this includes incentivising and supporting models of development that build out faster, such as partnership models, greater affordable housing, public sector master-planned sites, and smaller sites. They also invite views on giving local authorities the ability – as a last resort – to charge developers a new 'Delayed Homes Penalty' when they fall materially behind pre-agreed build out schedules.

3.4 Implementing Measures to Improve Build Out Transparency: This technical consultation seeks to gather views on the proposals within it and, in particular, seeks specific views on:

- the type of development these build out measures will apply to
- introducing and implementing build out statements
- implementing commencement notices
- implementing development progress reports
- sites where multiple developers are involved in build out
- implementing the power to decline to determine applications
- potential impacts of the proposed measures

3.5 Within this paper are proposals to introduce 'build out statements', 'commencement notices', 'development progress reports' and the 'power to decline to determine applications'.

- 3.6 **Reforming Site Thresholds:** This paper seeks views on reforming site size thresholds in the planning system to better support housing delivery on different types of sites. This means taking a graduated approach to the system as a whole – removing – in the Government’s words - and streamlining disproportionate requirements on small and medium sites, while maintaining and strengthening requirements on major development. It explores how different site sizes could be treated within the planning system and considers the case for removing barriers specific to developers in this part of the sector. The paper primarily explores a simplification of planning requirements for the smallest of sites and the introduction of a medium-sized site threshold within the planning system – in recognition of the particular needs of this scale of development. These changes aim to provide certainty to the sector, ensure the planning system is more targeted and proportionate across different scales of development, and help small and medium builders (SMEs) deliver the homes our communities need.
- 3.7 Between the three Papers there are 46 separate questions. Realistically, drafting answers for all of these would not be a good use of officer time. It is considered that the following observations should be made in response to the papers:
- (i) Evidenced proposals that would encourage the speedier build of new homes will be welcomed and are much needed.
  - (ii) Requiring developers to provide better information to councils on build out plans and then progress with them would be welcome.
  - (iii) Providing that they don’t detrimentally impact environmental standards, proposals that would simplify requirements for the SME development sector would be welcomed and should be brought forward speedily.
- 3.8 Those three points are made with an awareness that there will be a further round(s) of consultation and / or Parliamentary scrutiny before any of the main changes proposed within the papers are introduced.

#### 4. Corporate Priorities

- 4.1 The topic covered by this Report closely relates to parts of ‘A Strong, Responsible and Accountable Council’ Priority of the Corporate Plan 2023-2027.

#### 5. Financial and Resource Implications

- 5.1 There are no direct financial implications resulting from this report.

##### Comments from the S151 Officer:

*There are no direct financial implications arising from this paper as it is a response to Government consultations.*

#### 6. Legal Implications

- 6.1 While there are not thought to be any legal implications directly associated with this report, there would be implications – and potentially significant one’s – for the way the Council operates if the Government bring forward mandatory changes to how our Development Committee – and planning decision making – processes operate.

- 6.2 Changes associated with other Papers are likely to be of a more technical nature and while they may result in significant changes to the way the Planning system operates – the changes to Committee and democratic involvement generally would be minimal.

**Comments from the Monitoring Officer**

*There is no obligation to respond to the Government Papers. They are Papers / consultations seeking views. This report sets out a suggested responses.*

**7. Risks**

- 7.1 The key risk is that the Government might make changes without considering the views of the District Council. This Report – if the recommendation is agreed – would ensure that the Government are made aware of the Council’s views. That clearly doesn’t mean that the Government wouldn’t seek to continue with plans to make changes. If that were to be the case, it is believed that there would be – in many areas of the consultation - further and more formal consultation on specific proposals.

**8. Net Zero Target**

- 8.1 No implications for this update report.

**9. Equality, Diversity & Inclusion**

- 9.1 No impact identified with this update report.

**10. Community Safety issues**

- 10.1 No impact on community safety issues with this update.

**11. Recommendations**

- 11.1 It is recommended that:

- (i) the Assistant Director for Planning be authorised to submit the ‘points’ (contained within paragraph 3.7 and Appendix 1 of this Report) to Government as North Norfolk District Council’s opinion on the Consultation Papers listed at paragraph 1.1 of this paper.

**Appendix 1****Draft response on the Government's Technical Consultation from May 2025 entitled Reform of Planning Committees**Question 1: Do you agree with the principle of having a two tier structure for the national scheme of delegation?

No – we would advocate that there is a three tier structure:

- (D) Those that should be delegated to officers
- (E) Those that should be subject to some form of 'gateway review'
- (F) Those that should always be considered by Committee.

In both Tier A and B in the above – there should always be discretion for the person with the delegated decision to choose to report a matter to Committee. If they choose to take that route they should have to set out their reasons for the matter being considered by Committee.

Question 2: Do you agree the following application types should fall within Tier A?

- applications for planning permission for:
  - Householder development
  - Minor commercial development
  - Minor residential development
- applications for reserved matter approvals
- applications for non-material amendments to planning permissions
- applications for the approval of conditions including Schedule 5 mineral planning conditions
- applications for approval of the BNG Plan
- applications for approval of prior approval (for permitted development rights)
- applications for lawful development certificates
- applications for a Certificate of Appropriate Alternative Development

With two exceptions that seems a sensible answer. The exceptions are:

- Major reserved matters submissions should be in Tier B. They can include matters of considerable public interest and matters which would have a wider bearing on the area – such as the location and type of the access junction, the proximity of buildings to neighbours and the heights of buildings;
- Variation of condition applications should fall into the Tier category of the original substantive approval that they are varying. It would seem illogical to have the original application determined under Tier A but the variation of one of the conditions of that approval determined under Tier B.

In addition, the Council believes that this would be a good moment to current an anomaly in the system whereby Lawful Development / Use Certificates do not require any form of public consultation / notification. We believe that these should be made publicly available so that there is ample opportunity for the public to put forward evidence that the planning authority should consider prior to determination.

Question 3: Do you think, further to the working paper on revising development thresholds, we should consider including some applications for medium residential development (10-50 dwellings) within Tier A? If so, what types of application?

No. In addition – the core logic of a standard national scheme is that it should be national and not set different thresholds for different places or types of place.

Question 4: Are there further types of application which should fall within Tier A?

See answer to question 2

The consultation makes no reference to Regulation 77 applications (linked to the GPDO and Habitats Regulations) - these should be included in Tier A. Also, no mention of NSIP Requirement Discharges - these should be included in Tier A (bearing in mind the Government's aim to speed up NSIP schemes).

Question 5: Do you think there should be a mechanism to bring a Tier A application to committee in exceptional circumstances? If so, what would those circumstances be and how would the mechanism operate?

The core premise of any scheme of delegation is that the person delegated to doesn't have to make the decision and can report it 'up the line' (e.g. to Committee). It is considered vital that that discretion remains. If not – what happens when the individual doesn't want to make the decision – or who is liable for any challenge to that decision (and the costs that that might result in).

While it is recognised that that might bring inconsistency in how it operates – to not have it as an option would bring all sorts of legal issues to bear – and bring into question the protections and required qualifications for the 'Chief Planning Officer'.

While it shouldn't automatically be a position that must be on a Council's most senior management grouping – it is considered that the national scheme would work best if the role of Chief Planning Officer was a statutory role (with required qualifications like for the Section 151 Officer role).

Government should also have regard to the fact that all councils will be likely to have schemes of authorisation that flow from the person delegated to other officers who can then make (certain types) of decision on that individuals behalf. Continuing this will need to be factored into the wording of any National Scheme.

Question 6: Do you think the gateway test which requires agreement between the chief planner and the chair of the planning committee is suitable? If not, what other mechanism would you suggest?

Logically a gateway test is sensible – but requiring both the senior professional and the senior politician to agree is a high bar. What if one simply won't agree – despite 'everyone else' thinking the item should go to Committee? It would probably be better as a two out of three scenario – or a third person involvement in the event of a difference of view (this could be a role for the Portfolio Holder).

Question 7: Do you agree that the following types of application should fall within Tier B?

- a) Applications for planning permission aside from:
- Householder applications
  - Minor commercial applications
  - Minor residential development applications

- b) notwithstanding a), any application for planning permission where the applicant is the local authority, a councillor or officer
- c) applications for s73 applications to vary conditions/s73B applications to vary permissions

Generally – yes – subject to the following three points:

- (i) Some s73 variation applications should be in Tier A – see the answer to question 2 above.
- (ii) There should be a Tier C where applications must be considered by Committee (that could be for the major schemes (if a medium level is introduced)
- (iii) There needs to be more finesse to (b). Any application where the Councillor has a disclosable pecuniary interest should be considered at Committee – and likewise any application with the same level of interest of a Council Chief Officer, Deputy Chief Officer or employee in the planning service should be considered at Committee. Major applications by the Council should be Committee items. Minor Council applications and those by other Council employees should be in Tier B.

Question 8: Are there further types of application which should fall within Tier B?

Some reserved matters applications – see the answer to question 2 above.

Question 9: Do you consider that special control applications (Tree Preservation Orders, Listed Building Consent of Advertisement Consent) should be included in:

- Tier A or
- Tier B?

Assuming the scheme allows for appropriate discretion for all matters to be reported to Committee then all three (with the exception highlighted below) should be in Tier A. If such discretion isn't allowed, then they should all be in Tier B.

The exception is that the Council believes that proposals for TPOs that would involve the felling of an individually protected tree, the felling of more than 50% of a protected Group or the felling of more than 50% of a protected Area should be in Tier B – recognising that such proposals can often generate significant interest and have major impacts on visual and natural amenity.

Question 10: Do you think that all section 106 decisions should follow the treatment of the associated planning applications? For section 106 decisions not linked to a planning application should they be in Tier A or Tier B, or treated in some other way?

The decision to sign a Section 106 should be a Tier A function. However, the agreement of 'heads of terms' (to be nationally defined) should be linked to the Tier of the related application(s).

Question 11: Do you think that enforcement decisions should be in Tier A or Tier B, or treated in some other way?

Assuming the scheme allows for appropriate discretion for all matters to be reported to Committee then this should be in Tier A.

Question 12: Do you agree that the regulations should set a maximum for planning committees of 11 members?

No. The evidence presented in the paper demonstrated that most committees were of the 8 to 11 range. It did not then demonstrate that that was the optimal range for 'informed debate on applications'. The size of a committee should be left to each Council to determine.

Question 13: If you do not agree, what if any alternative size restrictions should be placed on committees?

The size of a committee should be left to each Council to determine.

Question 14: Do you think the regulations should additionally set a minimum size requirement?

No - The size of a committee should be left to each Council to determine.

Question 15: Do you agree that certification of planning committee members, and of other relevant decisions makers, should be administered at a national level?

Yes, but there should also be a requirement for local training to be undertaken as well.

Question 16: Do you think we should consider reviewing the thresholds for quality of decision making in the performance regime to ensure the highest standards of decision making are maintained?

Yes – a review would be sensible but it should also factor in the number of appeals made and the proportion allowed as well as the current assessment against number of applications.

Question 17: For quality of decision making the current threshold is 10% for major and non-major applications. We are proposing that in the future the threshold could be lowered to 5% for both. Do you agree?

Consideration of the answer to question 16 should come before discussion of the %ages that might apply if the basic measure remains unchanged.

For Councils with fewer Major planning applications over the assessment period, one or two appeal decisions allowed could result in the suggested 5% threshold being met or exceeded. Lowering the threshold may have unintended consequences – so setting a (small) number of allowed appeals may also be sensible as a second criteria (in addition to %ages) for this threshold.

Question 18: Do you have any views on the implications of the proposals in this consultation for you, or the group or business you represent, and on anyone with a relevant protected characteristic? If so, please explain who, which groups, including those with protected characteristics, or which businesses may be impacted and how.

Removing discretion for matters to go to Committee may well have a negative impact on some people and / or groups. Interested parties often appreciate having the ability to “have their say” directly to Development Committee Members at a meeting. Complaints to the Council will likely increase (especially during the initial period of introduction of a national scheme of delegation) on the basis of people being denied their right to speak at and influence Committee outcomes.

Question 19: Is there anything that could be done to mitigate any impact identified?

Retain discretion for those given delegated decision-making responsibilities to report items to Committee.

Question 20: Do you have any views on the implications of these proposals for the considerations of the 5 environmental principles identified in the Environment Act 2021?

No.

*[Note: The 5 principles as set out in section 17(5) of the Environment Act, are internationally recognised as successful benchmarks for environmental protection and enhancement. When making policy, and where relevant, ministers will need to consider the:*

- *integration principle*
- *prevention principle*
- *rectification at source principle*
- *polluter pays principle*
- *precautionary principle]*

**Appendix 2****Response from North Norfolk District Council to Government Questions (January 2025)**

The rest of this Appendix is taken from the 23<sup>rd</sup> January 2025 Development Committee report on MHCLG Working Paper – Planning Reform: Modernising Planning Committees. It was Appendix 2 within that report – and was endorsed by Committee as the basis for the Council’s consultation response associated with that consultation document.

- a. Do you think this package of reforms would help to improve decision making by planning committees?

Answer:

Each ‘Planning Committee’ is different and the need for change to ‘improve’ decision making isn’t uniform across the country. The experience in North Norfolk would suggest that significant reform isn’t required and indeed it might well be counter-productive to the Government goal of ‘better decision making’.

So the answer to the question would be ‘No’.

The package put forward certainly has no regard to the differing scales and types of applications received by differing planning authorities and any introduction in national standards could well result in greater legal challenges to the form / level of decision – i.e. it isn’t always clear cut as to what is a ‘departure’ from Policy and what isn’t.

All the options put forward would almost certainly reduce the number of applications that would be considered by Committee at North Norfolk (with the average currently being less than 3.5 per meeting).

This would impact negatively on perceptions of the democratic accountability of the planning system and would probably result a higher likelihood of a higher proportion of decisions being reached contrary to recommendation – as councillors get involved in fewer items and become less experienced in dealing with a variety of applications.

It is also unclear how a national scheme of delegation would work in practice. Who would it require delegation to – noting that there isn’t a ‘statutory role’ of Chief Planning Officer – and how would it operate in practice? Currently council constitutions include schemes of delegation that ‘enable’ officers to make certain decisions on behalf of their council, they do not ‘require’ those officers to make those decisions – i.e. officers can always decide to report a matter to a committee / councillors rather than exercise their delegation.

It is not clear how the Government are looking to address this point and it is not clear whether they even can do so legally. If Officers can choose not to exercise a delegation then they may very well choose that option from time to time - especially if they, and / or their employers, do not personally support the national schemes’ provision. If the Government endeavour to require officers to have to make these decisions it will be interesting to understand how that requirement would be enshrined legally and how it would operate in contractual employment terms for the individuals being delegated to.

The proposals appear to be taking a sledge-hammer to crack something – but it really isn’t clear what the something is - – and the main people that may well benefit from them are those opposed to whatever decision is reached (and the legal profession!).

In NNDCs circumstances the proposals are likely to be counter-productive. Our Planning Service is now recognised as one of the very best in the country for speed and quality of its Development Management service - see: [North Norfolk identified as 'platinum' rated planning service by industry experts](#). This shows that our Planning Service was one of twelve nationwide recognised as being at a 'Platinum' (i.e. the top) level (and the second highest district authority). These proposals would threaten that status and our Committee 'performance' played an important role in helping us secure that accolade.

In that regard, the Council would like to draw attention to core statistics associated with its Development Committee over the last 9 months, i.e.:

- (a) 11 meetings of Development Committee took place (in 39 weeks – 1 every 3.55 weeks).
- (b) 35 different applications were considered by Committee – at an average of 3.1 per meeting.
- (c) 3 applications were 'deferred' at their first consideration at Committee (8.6%).
- (d) Two of those have since been reported back to Committee – meaning the 11 Committee meetings considered 37 reports (3.4 per meeting).
- (e) 7 'major' applications were considered by Committee – none of those were deferred.
- (f) All 7 'major' applications were approved – all in line with the Officer recommendation(s) (100%).
- (g) 28 of the 35 applications were recommended for approval (80%) and 7 for refusal (20%).
- (h) 5 of the 34 applications that were determined were determined contrary to the Officer recommendation (14.7%).
- (i) 4 applications where Officers had recommended refusal were approved (4 of 7 that have been determined – 57.1%).
- (j) 1 application where Officers had recommended approval was refused (1 of 27 that have been determined – 3.7%).
- (k) Of the 35 applications – 7 were advertised as a 'Departure from the Development Plan' (20%).
- (l) The proportion of applications determined at Committee was 1.74% (34 of 1954).

Whilst there may well be elements where North Norfolk's Development Committee could be better, the statistics above ((a) to (l)) demonstrate that there is not a clear issue that needs national intervention. Realistically enforced national change would run the risk of actually worsening performance – and in particular reducing the democratic input into decision making and then the mandate such input provides to any such decision(s).

- b. Do you have views on which of the options we have set out in regards to national schemes of delegation would be most effective? Are there any aspects which could be improved?

Answer:

Options 1 and 2 take an overly simplistic view as to what is a 'departure'. It isn't always clear cut as to what is and what isn't a departure. A legally defined system that relates to such judgement calls runs considerable risk of inviting Judicial Review applications for being considered under 'delegation' when objectors might argue it should have been considered at 'Committee' (or even vice versa). For instance, where would proposals be determined where there is a 'viability' issue – and some of those issues only become apparent during the course of an application (i.e. not at submission)?

These options also mean that really significant planning applications would be determined by officers – which misses entirely the significance of planning as part of our local democratic processes. It would also put significant pressure on relatively unaccountable officers and also run the risk of excessive pressure being applied on individual officers.

Option 3 is possibly the most attractive conceptually but getting the 'prescriptive list' right would be a huge challenge bearing in mind the differences between planning authorities in types and scales of application and place.

It is also difficult to see how any such list could factor in the contentiousness of an application (which isn't always defined by either scale or type).

- c. We could take a hybrid approach to any of the options listed. Do you think, for instance, we should introduce a size threshold for applications to go to committees, or delegate all reserved matters applications?

Answer:

It really isn't that clear what 'problem' the Government are trying to fix and collecting data on Committee performance would seem sensible. If that was then used to influence which authorities might be considered for 'Special Measures' then that might result in a lower propensity to refuse (or approve) applications contrary to recommendation or contrary to the Development Plan headline position on them (if those are the 'problems' the Government are trying to fix).

Reserved matters applications are often hugely significant and can be the first time major parts of the proposal are seen (e.g. access proposals, locations of buildings etc). Making all of those applications automatically 'officer' decisions wouldn't be appropriate.

- d. Are there advantages in giving further consideration to a model based on objections?

Answer:

Important applications should be considered by Committee. And importance isn't (solely) determined by the 'number' of – or 'type of' objections. In addition having a target – that by its very nature – would have to be arbitrary – would just act as an aim for well organised individuals / groups and might disadvantage individuals who could well have equally or even more valid planning points.

Experienced officers that decide which applications should be considered by Committee will invariably have some regard to the level of interest in them - but setting a national rule / numbered based approach would be counter-productive. What is deemed 'a lot' of objections is likely to vary from place to place in any event.

- e. Do you agree that targeted planning committees for strategic development could facilitate better decision making?

Answer:

Councils already have the flexibility to set up separate Committee if they so wish – but a prescribed model is unlikely to result in uniformity of better decision making. It is understood that the current legislation already allows Councils to do this – i.e. if they set out appropriate ‘terms of reference’ for such a committee within their individual constitution.

Many of the more major applications that it might be argued would be suitable for such committees might also be ‘in conformity’ with the Development Plan – and therefore potentially fall within any delegated list as required by the ‘national scheme’ put forward (be that Option 1, 2, 3 or hybrid).

There are myriad complications to this notion that would need to be thought through – e.g. could Councillors sit on ‘normal’ and ‘strategic’ committees – could applications be ‘bumped’ from one Committee type to another – what might the role of Cabinet members be on strategic committees.

- f. Do you have a view on the size of these targeted committees?

Answer:

One of the strengths of the Planning Committee system is its political proportionality and – in most cases – political neutrality. Having a far smaller committee would risk these two elements and having more than one large committee would be a challenge in terms of numbers of Councillors, training and ensuring requisite experience on both committees.

- g. How should we define strategic developments?

Answer:

As North Norfolk’s view is that such Committees shouldn’t be prescribed – then this should be a matter for individual Councils – if they decide to set up a ‘strategic committee’. The Government could provide guidance as to when they might think such committees are appropriate but leave it to local places to decide.

- h. Do you think the approach to mandatory training is the right one?

Answer:

Most places – including NNDC – do not have a track record of repeated contentious over-turning of recommendations. What is the evidence to suggest mandatory national training would result in different outcomes for those that do?

In addition, mandatory training – depending on what is proposed and how it would be delivered – may cause serious delays to decision making after each election cycle. The Paper appears to advocate this training being provided at national level and via online learning – which may disadvantage some – and would certainly miss out any component of local training (e.g. around local committee processes and / or local planning policies).

Laying on national courses and / or producing national material that could be delivered locally would be helpful but anything that is purely national would never pick up on local nuances, policies and issues.

It may be that there could be a national scheme of training for committee chairs that would be useful – e.g. where the training needs to be completed within a set period by existing chairs and where each council could put forward a number of people to attend.

Locally organised training before Councillors attend their first meeting could be a recommendation from Government. This already happens at North Norfolk and is mandated within our constitution.

Maybe part of the 'Special Measures' process could include mandatory training for councillors in those councils.

### Additional Points

The Paper makes no reference to a range of factors that tend to be important locally – such as the fact that most – but not all - councils have some scope for 'Councillor Call In' and some also facilitate a greater role for Town and Parish Councils in the process – including some form of influence over what does and doesn't go to Committee.

Any such flexibility would appear to be missing from all the Options being put forward by the Government. Both are considered to be democratically sensible and while arguably such systems could be open to mis-use that isn't the experience at North Norfolk.

Fundamentally, whilst some standardisation might not be a bad thing – getting rid of all areas of local democratic input into what can and can't go to Committee is considered a step too far.

In terms of other ideas that aren't mentioned in the Paper the Government may wish to consider:

1. Some national standardisation(s) around the role(s) that ward councillors should be able to play in applications in their areas might well be worth considering – e.g. why not standardise whether they can or cannot take part in decision making on those applications.
2. Some 'national good practice' guides would be helpful for each Council to consider and would be a lower key way forward – e.g.
  - public speaking at Committee procedures; or,
  - the role of Town and Parish Councils; or,
  - local councillor training schemes; or,
  - model schemes of delegation; or,
  - good practice advice on report formats and presentations to Committee; or,
  - good practices guides to stakeholder attendance at Committees; or,
  - time suggestions for each item and the number of items each Committee should consider.

## DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE – 27 June 2025

### 1. INTRODUCTION:

- 1.1 This report briefly sets out performance in relation to the determination of planning applications in Development Management the period **May 2025**.
- 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 2025)</i>	<b>Major</b> 2 decisions issued  <i>100% within time period</i>	60%  (80% NNDC)	24 month average to 31 May 2025 is  <b>100.00%</b> 
	<b>Non-Major</b> 57 decisions issued  <i>93% within time period (4 cases over time)</i>	70%  (90% NNDC)	24 month average to 31 May 2025 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 2025 is  <b>1.49% (one case RV/22/1661)</b>  
	<b>Non-Major</b>	10%  (5% NNDC)	24 month average to 31 May 2025 is  <b>0.87%</b> 

Performance Measure	Actual Performance	Target	Comments
<b>Validation</b> (Period May 2025)	Information not currently available for this period	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.

**3. RECOMMENDATIONS:**

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

**SCHEDULE OF S106 AGREEMENTS**

**UPDATE FOR DEVELOPMENT COMMITTEE:**

**27 June 2025**

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/24/1892	Pineheath Care Home Cromer Road High Kelling Holt Norfolk NR25 6QD	Change of use of existing buildings from care home to 35 dwellings with associated landscaping, bicycle storage and refuse and recycling storage	CP045 - High Kelling	Mark Brands	Committee	06/03/2025	Fiona Croxon	TBC	The s106 obligation is being signed	Green
PF/22/0229	Colby Hall Farm Church Road Colby Norwich Norfolk NR11 7EE	Change of use of agricultural buildings and external alterations to form short term living accommodation for agricultural students	CP020 - Colby and Banningham	Phillip Rowson	Delegated	TBC	Fiona Croxon	TBC	Draft s106 is with the applicant for approval.	Red
PF/24/0728	Land At Green Lane Pudding Norton Fakenham NR21 7LT	Demolition of existing fire damaged flats and garages and erection of 9 no. residential dwellings (affordable homes) with associated access, parking and landscaping	CP043 - Hempton	Olivia Luckhurst	Delegated	TBC	Fiona Croxon	TBC	S106 Obligation circulating	Green
CD/24/0950	Bristows Farm East Ruston NR12 9YX	Regulation 77 application to determine whether the following proposals are likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects) PU/21/2945 (Change of use of an agricultural building to 3 "smaller" dwellinghouses and building operations reasonably necessary for the conversion) and PU/21/2946 (Change of use of an agricultural building to 2 "larger" dwellinghouses and building operations reasonably necessary for the conversion)	CP027 - East Ruston	Geoff Lyon	Delegated	TBC	Fiona Croxon	TBC	S106 being drafted	Green

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## **OFFICERS' REPORTS TO DEVELOPMENT COMMITTEE 27-June-2025**

### **APPEALS SECTION**

#### **NEW APPEALS**

**FELMINGHAM - PF/22/0213 - Proposed Demolition of Single Storey Link Blocks and Conversion of Existing Care Home into 16 No. Residential Apartments**

The Old Rectory, Aylsham Road, Felmingham, North Walsham, Norfolk, NR28 0LD

**For Mr Paul Bartholomew**

WRITTEN REPRESENTATION

**Appeal Start Date:** 02/06/2025

**Appeal Decision:**

**Appeal Decision Date:**

#### **INQUIRIES AND HEARINGS - IN PROGRESS**

**LUDHAM - PF/23/0861 - Change of use of land for the formation of 1 Gypsy/Traveller pitch comprising the siting of 1no. Mobile Home, and 1no. Portacabin for ancillary residential use, associated hardstanding and fencing and installation of a sealed septic tank (part retrospective)**

Malthouse Corner, Malthouse Lane, Catfield, Great Yarmouth, Norfolk, NR29 5AE

**For Mr Tom Harber**

INFORMAL HEARING

**Appeal Start Date:** 06/05/2025

**Appeal Decision:**

**Appeal Decision Date:**

#### **WRITTEN REPRESENTATIONS APPEALS - IN HAND**

**CATFIELD - CL/24/1249 - Lawful Development Certificate for existing use of land as residential garden**

Fenview, 3 Fenside Cottages, Fenside, Catfield, Great Yarmouth, Norfolk, NR29 5DD

**For Mr J Amos**

WRITTEN REPRESENTATION

**Appeal Start Date:** 12/12/2024

**Appeal Decision:**

**Appeal Decision Date:**

**COLBY AND BANNINGHAM - PF/22/1068 - Demolition of existing buildings and erection of single storey detached dwelling**

Ambrose House, Mill Road, Banningham, Norfolk, NR11 7DT

**For Mr Matthew Ambrose**

WRITTEN REPRESENTATION

**Appeal Start Date:** 11/02/2025

**Appeal Decision:**

**Appeal Decision Date:**

**CROMER - PF/24/1206 - Single storey rear extension to dwelling**

27 Shipden Avenue, Cromer, Norfolk, NR27 9BD

**For Mr Andrew Crane**

FAST TRACK - HOUSEHOLDER

**Appeal Start Date:** 22/11/2024

**Appeal Decision:**

**Appeal Decision Date:**

**CROMER - PF/24/1536 - Replacement of 2 No. first floor windows with Upvc double glazed windows on rear elevation (retrospective)**

Flat 2, Shipden House, High Street, Cromer, Norfolk, NR27 9HG

**For Mr Stuart Parry**

WRITTEN REPRESENTATION

**Appeal Start Date:** 12/12/2024

**Appeal Decision:**

**Appeal Decision Date:**

**CROMER - LA/24/1384 - Replacement of 2 No. first floor windows with Upvc double glazed windows on rear elevation (retention of works already carried out)**

Flat 2, Shipden House, High Street, Cromer, Norfolk, NR27 9HG

**For Mr Stuart Parry**

WRITTEN REPRESENTATION

**Appeal Start Date:** 12/12/2024

**Appeal Decision:**

**Appeal Decision Date:**

**EAST RUSTON - PF/24/0556 - Change of use of building from office and store to a single dwellinghouse (Class C3)**

Crosswinds, Grub Street, Happisburgh, Norwich, Norfolk, NR12 0RX

**For Philip Buskell**

WRITTEN REPRESENTATION

**Appeal Start Date:** 25/04/2025

**Appeal Decision:**

**Appeal Decision Date:**

**HOLT - PF/24/1401 - Change of use from garage and first floor offices to dwelling (retrospective)**

The Gatehouse, The Grove, Cromer Road, Holt, Cromer, Norfolk, NR25 6EB

**For Jamie Rennie**

WRITTEN REPRESENTATION

**Appeal Start Date:** 02/04/2025

**Appeal Decision:**

**Appeal Decision Date:**

**MELTON CONSTABLE - EF/23/2472 - Lawful Development Certificate for proposed conversion of loft to bedroom and installation of rooflights**

Sloley House, 27 Briston Road, Melton Constable, Norfolk, NR24 2DG

**For Mr & Mrs Dean & Sonia James**

WRITTEN REPRESENTATION

**Appeal Start Date:** 18/11/2024

**Appeal Decision:**

**Appeal Decision Date:**

**RAYNHAM - TW/24/0784 - T1 & T2 - Cherry Tree - Take down leaving only Stump  
T3 - Whitebeam - Reduce width to 4m and height to 7m**

19 Earl Of Bandon Avenue, West Raynham, Fakenham, Norfolk, NR21 7DQ

**For Miss Stephanie Inns**  
WRITTEN REPRESENTATION

**Appeal Start Date:** 30/09/2024

**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:**

**SHERINGHAM - PF/24/0476 - Erection of a single storey detached dwelling with rooms in the roof space and associated works.**

Land North Of East Court , Abbey Road, Sheringham, Norfolk

**For GSM Investments Ltd**  
WRITTEN REPRESENTATION

**Appeal Start Date:** 31/10/2024

**Appeal Decision:**

**Appeal Decision Date:**

**SHERINGHAM - PF/24/1827 - Change of use of ground floor former shop (Class E) to hot food takeaway (no specified use class), installation of extraction and ventilation equipment; external alterations**

10 Church Street, Sheringham, Norfolk, NR26 8QR

**For Pegasus N/A**  
WRITTEN REPRESENTATION

**Appeal Start Date:** 14/03/2025

**Appeal Decision:**

**Appeal Decision Date:**

**SMALLBURGH - PF/22/1697 - Erection of single storey building for use as holiday accommodation on site of existing tennis court**

Smallburgh Hall, Hall Drive, Smallburgh, Norwich, Norfolk, NR12 9FW

**For Mr Garry Coaley**  
WRITTEN REPRESENTATION

**Appeal Start Date:** 11/12/2024

**Appeal Decision:**

**Appeal Decision Date:**

**STODY - PF/24/1219 - Erection of 4no. two storey self build dwellings and creation of new access (self build)**

Land Adjacent To Bertha Bloggs Cottage, King Street, Hunworth

**For Mr David Moore**

WRITTEN REPRESENTATION

**Appeal Start Date:** 04/04/2025

**Appeal Decision:**

**Appeal Decision Date:**

**SWAFIELD - PF/24/2625 - Change of use of detached outbuilding to B&B/holiday let (retrospective)**

Lilac Cottage, Knapton Road, Swafield, North Walsham, Norfolk, NR28 0RP

**For Mr Mark Short**

WRITTEN REPRESENTATION

**Appeal Start Date:** 16/05/2025

**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:**

**TUNSTEAD - PF/24/0665 - Erection of 3 single storey dwellings with attached garages; new vehicular access to Market Street; associated external works**

Land To The East Of Market Street , Tunstead, Norfolk

**For Broadleaf Group Ltd.**

WRITTEN REPRESENTATION

**Appeal Start Date:** 07/05/2025

**Appeal Decision:**

**Appeal Decision Date:**

**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

**For Mr Robert McNeil-Wilson**

WRITTEN REPRESENTATION

**Appeal Start Date:** 03/02/2025

**Appeal Decision:**

**Appeal Decision Date:**

## **APPEAL DECISIONS - RESULTS AND SUMMARIES**

### **COLBY AND BANNINGHAM - PF/23/0913 - Erection of five bedroom detached dwelling and detached garage**

Land East Of Archway, Bridge Road, Colby, Norfolk

**For Mr James Walker**

WRITTEN REPRESENTATION

**Appeal Start Date:** 04/03/2025

**Appeal Decision:** Appeal Dismissed

**Appeal Decision Date:** 27/05/2025

### **ITTERINGHAM - PF/23/2299 - Change of use of the building known as "The Muster" and "Willow Barn" office-studio and associated outbuildings to a residential dwelling (C3)**

The Muster, The Street, Itteringham, Norwich, Norfolk, NR11 7AX

**For Mr Eric and Penelope Goodman and Blake**

WRITTEN REPRESENTATION

**Appeal Start Date:** 06/08/2024

**Appeal Decision:** Appeal Dismissed

**Appeal Decision Date:** 03/06/2025

### **WELLS-NEXT-THE-SEA - PF/24/0639 - Conversion of First floor restaurant into Air B&B holiday accommodation**

Plattens Fish and Chips, 12 & 13 The Quay, Wells-next-the-sea, Norfolk, NR23 1AH

WRITTEN REPRESENTATION

**Appeal Start Date:** 16/09/2024

**Appeal Decision:** Appeal Allowed

**Appeal Decision Date:** 28/05/2025

### **WELLS-NEXT-THE-SEA - LA/24/0640 - Works associated with conversion of first floor restaurant to holiday accommodation**

Plattens Fish and Chips, 12 & 13 The Quay, Wells-next-the-sea, Norfolk, NR23 1AH

WRITTEN REPRESENTATION

**Appeal Start Date:** 16/09/2024

**Appeal Decision:** Appeal Allowed

**Appeal Decision Date:** 28/05/2025

**Total Number of Appeals listed: 24**

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

*Appeals Information for Committee between  
21/05/2025 and 17/06/2025*

**27-June-2025**

**APPEALS SECTION**

**INQUIRIES AND HEARINGS - IN PROGRESS**

**CATFIELD - ENF/22/0259 - Use of land for residential purposes**

Caravan On, Malthouse Lane, Catfield, Great Yarmouth, Norfolk, NR29 5AE

INFORMAL HEARING

**Appeal Start Date:** 30/04/2025

**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:**

**BLAKENEY - ENF/24/0158 - Change of use of the land for the siting of a static caravan**

Villeroche, Langham Road, Blakeney, Holt, Norfolk, NR25 7PW

WRITTEN REPRESENTATION

**Appeal Start Date:** 26/02/2025

**Appeal Decision:**

**Appeal Decision Date:**

**CROMER - ENF/24/0079 - Two twelve-light windows have been replaced with uPVC windows in Grade II listed building**

Flat 2, Shipden House, High Street, Cromer, Norfolk

WRITTEN REPRESENTATION

**Appeal Start Date:** 19/02/2025

**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:**

**HOLT - ENF/24/0026 - Material change of use of the land for the siting of shipping containers.**

Oakhill House, Thornage Road, Holt, Norfolk, NR25 6SZ

WRITTEN REPRESENTATION

**Appeal Start Date:** 06/02/2025

**Appeal Decision:**

**Appeal Decision Date:**

**ROUGHTON - ENF/24/0060 - Siting of caravans for residential purposes, storage of scrap vehicles and scaffold poles.**

Fern Bank, Carr Lane, Roughton, Norwich, Norfolk, NR11 8PG

WRITTEN REPRESENTATION

**Appeal Start Date:** 12/05/2025

**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:**

**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:**

**APPEAL DECISIONS - RESULTS AND SUMMARIES**

**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 Withdrawn

**Appeal Decision Date:** 11/06/2025

**Total Number of Appeals listed: 11**

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