

Development Committee



Please contact: Democratic Services

Please email: democraticservices@north-norfolk.gov.uk Direct Dial: 01263 516108

TO REGISTER TO SPEAK PLEASE SEE BOX BELOW

Wednesday, 22 April 2026

A meeting of the **Development Committee** will be held in the **Council Chamber - Council Offices** on **Thursday, 30 April 2026** at **9.30 am**.

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

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

PUBLIC SPEAKING :

Members of the public who wish to speak on applications must register **by 9 am on the Tuesday before the meeting** by telephoning **Reception on 01263 513811** or by emailing 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 L Paterson, Cllr J Toye, Cllr K Toye, Cllr A Varley and Cllr L Vickers

Substitutes: Cllr T Adams, Cllr P Bailey, Cllr K Bayes, Cllr J Boyle, Cllr S Bütikofer, Cllr N Dixon, Cllr T FitzPatrick, Cllr W Fredericks, Cllr J Punchard, Cllr C Ringer, Cllr M Taylor, Cllr E Tooke 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

PLEASE NOTE: THE ORDER OF BUSINESS MAY BE CHANGED AT THE DISCRETION OF THE CHAIRMAN
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PUBLIC BUSINESS

1. CHAIRMAN'S INTRODUCTIONS

2. TO RECEIVE APOLOGIES FOR ABSENCE

3. SUBSTITUTES

4. 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.

5. 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.

6. DECLARATIONS OF INTEREST

(Pages 1 - 6)

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

7. HUNWORTH - PF/24/2458 - ALTERATIONS TO PUBLIC HOUSE TO REDUCE BAR AREA AND ADD 4 GUEST BEDROOMS, DEMOLITION OF AGRICULTURAL BUILDING AND ERECTION OF 6 DWELLINGS (2 AFFORDABLE), LANDSCAPING AND ALTERATIONS TO EXISTING ACCESS AT THE HUNNY BELL, THE GREEN, HUNWORTH, MELTON CONSTABLE

(Pages 7 - 42)

8. SCOTTOW - PF/25/2438: CONSTRUCTION OF TWO-STOREY DWELLING (RETROSPECTIVE) AT SCOTTOW BARN, NORTH WALSHAM ROAD, SCOTTOW, NORWICH, NORFOLK

(Pages 43 - 58)

9. LUDHAM - PF/25/2736 - ERECTION OF NEW SELF-BUILD DWELLING AND ASSOCIATED ACCESS AT LAND NORTH OF

(Pages 59 - 74)

REEDLANDS, HORSEFEN ROAD, LUDHAM, NORFOLK

- 10. HIGH KELLING - PP/26/0186 - RESIDENTIAL DEVELOPMENT COMPRISING 9 DWELLINGS (APPLICATION FOR PERMISSION IN PRINCIPLE) AT LAND OFF OF HEATHFIELD ROAD, HIGH KELLING** (Pages 75 - 82)
- 11. PLANNING COMMITTEE REFORM** (Pages 83 - 96)
- 12. 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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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](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	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.
Contracts	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>
Land and Property	<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>
Licenses	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<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>
Securities	<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>

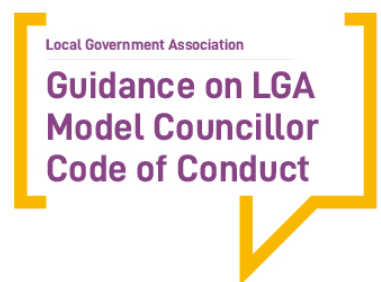
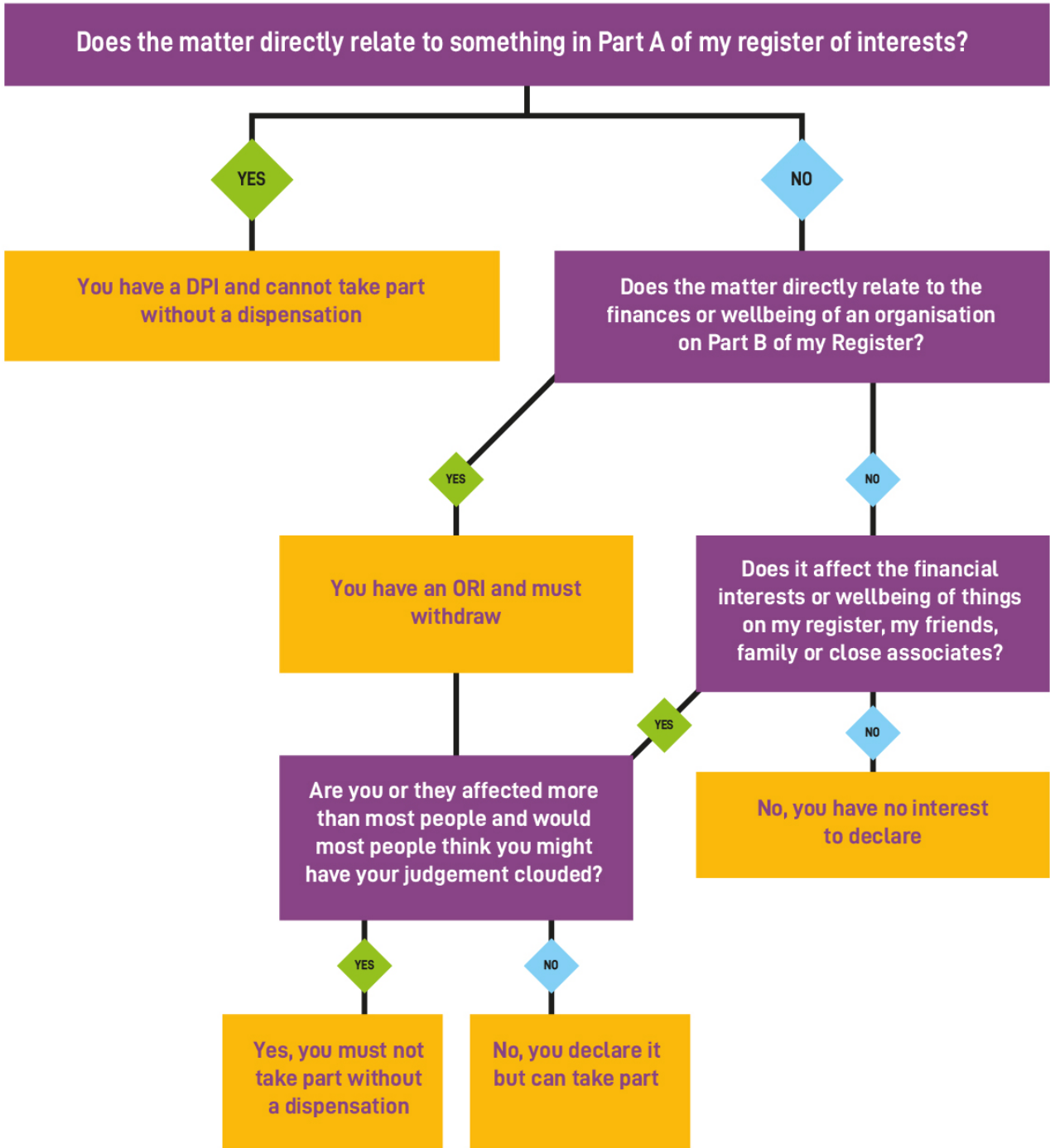
	spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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* 'director' includes a member of the committee of management of an industrial and provident society.

* '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">a) any body of which you are in general control or management and to which you are nominated or appointed by your authorityb) any body<ul style="list-style-type: none">(i) exercising functions of a public nature(ii) any body directed to charitable purposes or(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)



HUNWORTH – PF/24/2458 - Alterations to public house to reduce bar area and add 4 guest bedrooms, demolition of agricultural building and erection of 6 dwellings (2 affordable), landscaping and alterations to existing access at The Hunny Bell, The Green, Hunworth, Melton Constable

Applicant:

Minor Development

Target Date: 07 March 2025

Extension of Time: 15 May 2026

Case Officer: Russell Stock

Full Planning Permission

RELEVANT SITE CONSTRAINTS

The Hunny Bell is an Asset of Community Value: ACV/24/0065

The site lies within the Glaven Valley Conservation Area

Parts of the site lie within the Hunworth Conservation Area

The site lies within a Countryside Area in policy terms

The site lies within a Sand and Gravel Mineral Safeguarding Area

Parts of the site are covered by Environmental Agency Flood Risk Areas for Surface Water

The site lies within various GIRAMS Zones of Influence

RELEVANT PLANNING HISTORY

PF/07/1626

Erection of single-storey extension and conservatory

Approved 11.12.2007

PF/90/1809

Alterations and extensions to provide additional accommodation

17.01.1991

PF/78/1710

Enlargement of bar area and provision of new lavatory facilities

Approved 22.12.1978

THE APPLICATION

Site description:

The application site covers the public house known as 'The Hunny Bell', an open sided agricultural storage building and associated hardstanding, as well as parts of an agricultural field within the village of Hunworth. Located off The Green. The site holds a central location within Hunworth. Hunworth itself is small village located approximately three kilometres south of Holt, and just over two kilometres to the north of Briston. Alongside The Hunny Bell, the only other facilities/services in the village are the village hall and parish church. The Hunny Bell itself has been closed since May 2024.

Proposal:

The application seeks permission for the conversion of part of the bar area within The Hunny Bell to create four guest bedrooms. Alongside these works, the proposals also seek permission for six dwellings, replacing the storage building on the adjoining agricultural land. Works also include landscaping and alterations to the sites existing access. Two of the six dwellings would be affordable.

During this applications consideration, amended plans have been submitted which have resulted in changes to the scheme from that originally submitted. The original scheme sought permission for ten dwellings, four of which would have been located within the car park of The Hunny Bell. The amended scheme would now retain the car park as it currently exists, locating all six of the dwellings on the adjoining agricultural land. Alongside more minor changes, the red line location plan has also been adjusted to incorporate the drainage works proposed as part of the development.

REASONS FOR REFERRAL TO COMMITTEE

At the request of Councillor Andrew Brown on the following grounds:

“There is a significant level of interest and I believe this particular application merits a referral to the Development Committee. Residents in the village have met the applicant, the parish council and myself in a well-attended public meeting to voice concerns at the pre-application stage. Furthermore, media coverage has been significant throughout.

The application site is centrally located in the sensitive designated Hunworth and Glaven Valley Conservation Areas adjoining the protected village common and will have a major impact on the community (and beyond) given the implications for re-opening The Hunny Bell Public House. The property has been registered as an Asset of Community Value. It has potential to impact a much wider area and/or set a precedent that might well apply to other applications.”

Councillor Andrew Brown subsequently provided the comments below on the revised scheme:

“As the local elected member I confirm following the recent revisions to the proposal by the applicant that I can support the current application. My support is conditional on appropriate measures to regulate control of flooding and a section 106 planning agreement to secure investment from sale proceeds of dwellings being directly linked to refurbishment of The Hunny Bell pub adjacent to the site.”

HUMAN RIGHTS IMPLICATIONS

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

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

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

CRIME AND DISORDER

The application raises no significant crime and disorder issues.

EQUALITY AND DIVERSITY ISSUES

The application raises no significant equality and diversity issues.

LOCAL FINANCE CONSIDERATIONS

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

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

CONSULTATIONS

Hunworth Parish Council: Initial comments – Object. Final comments – **Support**

North Norfolk District Council Landscape: Initial comments – Object. Final comments – **No objection** subject to conditions

North Norfolk District Council Economic Development: **No objection**

North Norfolk District Council Conservation and Design: **No objection** subject to conditions

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

North Norfolk District Council Strategic Housing: Initial comments – concerns raised. Final comments – **latest proposals are considerable improvement**

Norfolk County Council Highways: Initial comments – Object. Final comments - **Object**

Norfolk County Council Lead Local Flood Authority: **Standing Advice applies**, falls below threshold for detailed comment

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

Norfolk County Council Historic Environment: **No objection** subject to condition

Norfolk Fire and Rescue: **No objection** subject to condition

REPRESENTATIONS

Fifty-one received with **objection** on the following summarised grounds:

- Reducing the pub car park and garden would undermine The Hunny Bell's ability to operate as a viable destination pub and risks its permanent closure.

- The proposed reduction in parking provision is considered unrealistic for rural pub use and would lead to congestion and overspill parking on village lanes and the green.
- The site has a long history of severe flooding and many residents believe the proposed mitigation measures are inadequate and unsafe.
- Drainage, foul sewage and biodigester proposals are considered insufficient for the combined demands of the pub, guest rooms and new housing.
- The development is viewed as contrary to Local Plan policies restricting growth in non-service villages and the countryside.
- The scale and density of housing is considered overdevelopment and disproportionate to the size and character of Hunworth.
- The cul-de-sac layout, design and materials are seen as harmful to the conservation area and village character.
- The affordable housing offer is considered minimal and unlikely to deliver genuinely affordable homes for local people.
- Increased traffic, construction activity and unsafe access at narrow roads and junctions raise serious highway and pedestrian safety concerns.
- Development on land forming part of an Asset of Community Value, including the pub car park, is seen as unacceptable.
- Many believe the pub has been kept closed to justify housing development rather than as a genuine attempt to secure its future.
- The loss of trees, hedgerows and wildlife habitat is considered environmentally harmful.
- There is concern that the pub would fail following development and be subsequently converted to residential use.

Eleven received with **support** on the following summarised grounds:

- Adding guest bedrooms to the pub is seen by some as a proven way to improve its long-term commercial viability.
- The proposal would deliver new housing, including affordable units, which some consider beneficial to the local area.
- New development is seen by supporters as helping village vitality and attracting younger households and workers.
- The scheme is viewed by some as a practical way to secure investment in the pub and bring it back into use.
- Revised proposals that reduce impacts and retain pub facilities are an improvement.

Four received **neither supporting nor objecting** on the following summarised grounds:

- Some accept development only if flood risk is fully assessed through an independent hydrology study and conclusively resolved.
- Support is conditional on the pub's long-term viability being protected ahead of housing delivery.
- Several would support the scheme if realistic pub parking levels are retained.
- Acceptance depends on reduced housing numbers and designs more in keeping with village character.
- Requests are made for strong planning conditions to ensure the pub reopens and is not delayed or undermined by phased development.

RELEVANT PLANNING POLICIES

North Norfolk Local Plan 2024-2040 (December 2025)

Policy CC1: Delivering Climate Resilient Sustainable Growth
Policy CC2: Renewable & Low Carbon Energy
Policy CC3: Sustainable Construction, Energy Efficiency & Carbon Reduction
Policy CC4: Water Efficiency
Policy CC7: Flood Risk & Surface Water Drainage
Policy CC8: Electric Vehicle Charging
Policy CC9: Sustainable Transport
Policy CC10: Biodiversity Net Gain
Policy CC11: Green Infrastructure
Policy CC12 Tree, Hedgerows & Woodland
Policy CC13: Protecting Environmental Quality
Policy SS1: Spatial Strategy
Policy SS2: Development in the Countryside
Policy HC2: Provision & Retention of Open Spaces
Policy HC3: Provision & Retention of Local Facilities
Policy HC4: Infrastructure Provision, Developer Contributions & Viability
Policy HC5: Fibre to the Premises (FTTP)
Policy HC7: Parking Provision
Policy ENV2: Protection & Enhancement of Landscape & Settlement Character
Policy ENV3: Heritage & Undeveloped Coast
Policy ENV4: Biodiversity & Geodiversity
Policy ENV5: Impacts on Internationally Designated Sites: Recreational Impact Avoidance & Mitigation Strategy
Policy ENV6: Protection of Amenity
Policy ENV7: Protecting & Enhancing the Historic Environment
Policy ENV8: High Quality Design
Policy HOU2: Delivering the Right Mix of Homes
Policy HOU8: Accessible & Adaptable Homes
Policy HOU9: Minimum Space Standards
Policy E3: Employment Development Outside of Employment Areas
Policy E4: Retail & Town Centre Development
Policy E6: New Tourist Accommodation, Static Caravans & Holiday Lodges, & Extensions to Existing Sites

Norfolk Minerals and Waste Local Plan 2023-2038 (May 2025)

Policy MP11: Mineral Safeguarding Areas and Mineral Consultation Areas – STRATEGIC POLICY

Material Considerations

National Planning Policy Framework (December 2024)

Chapter 2: Achieving sustainable development
Chapter 4: Decision-making

Chapter 5: Delivering a sufficient supply of homes
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 10: Supporting high quality communications
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

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)

Other material documents/guidance:

Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy -
Habitats Regulations Assessment Strategy Document (2021)
Technical housing standards – nationally described space standard (March 2015)
Local Transport Plan 4 Strategy 2021-2036

OFFICER ASSESSMENT:

Main issues for consideration:

- 1. Principle of development**
- 2. Housing mix**
- 3. Affordable housing**
- 4. Energy and Water efficiency**
- 5. Landscape and Design**
- 6. Historic environment**
- 7. Residential amenities**
- 8. Biodiversity and Geodiversity**
- 9. Arboriculture**
- 10. Highways and Parking**
- 11. Flood Risk and Drainage**
- 12. Contaminated Land**
- 13. Community infrastructure requirements**

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. In this case the development plan for the area currently includes the North Norfolk Local Plan which was adopted in December 2025

and the Norfolk Minerals and Waste Local Plan which was adopted in May 2025. At a national level, the National Planning Policy Framework (NPPF) constitutes guidance which the Local Planning Authority (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.

Alterations to The Hunny Bell

Relevant to these proposals, Local Plan Policy E3 supports employment development outside of designated areas where there are specific reasons for the development, including the expansion of an existing business. Policy E6 supports new tourist accommodation where they are small scale and the site is well related to an established business, as well as expansions and extensions to existing tourist accommodation. Both policies require development to be acceptable in respect to highway safety. Policy E6 also requires proposals to demonstrate measurable biodiversity net-gains, to not have significantly detrimental impacts upon the National Landscape, Landscape Type, and residential amenities. Policy E6 also states that in all cases, any adverse impact of proposals will be balanced against the economic benefits of the sustainable growth and expansion of all types of tourism businesses in the rural area.

Local Plan Policy HC3 states that new or improved community facilities or services, including public houses, will be permitted within the Countryside where they meet the identified needs of the local community.

Paragraph 88 of the NPPF state that policies and decisions should enable the retention and development of accessible local services and community facilities – this includes public houses. Paragraph 98 of the NPPF seeks to support and retain community facilities, including public houses, by planning positively for their provision and use, protecting valued facilities from unnecessary loss, and allowing them to adapt and modernise. Planning decisions should recognise the role of pubs in supporting social wellbeing and ensure they remain part of an integrated, sustainable community.

This element of the proposal seeks permission for the conversion of ‘barn’ part of the public house to create four en-suite guestrooms. These works would reduce the floor area of the dining/cooking components of the public house. The applicant has supported the proposal with ‘The Hunny Bell’ viability assessments, produced by Christie & Co. The assessments include recent trading history and a justification as to why the works are required. The assessments conclude that with the new guest letting rooms, the public house would be viable and appeal to operators. Without these, the public house would continue to be unviable as a commercial enterprise.

Having reviewed the information provided by the applicant, and having sought independent viability advice, Officers are generally content with the assertion that the proposed works would support the viability of The Hunny Bell as a public house. The works would broadly constitute an expansion to the existing business, in line with Policy E3. Being of a small scale and well related to an established business, they would also fall into the support provided for tourism accommodation by Policy E6.

The level of local interest received in relation to this application, coupled with the Asset of Community Value status of The Hunny Bell would strongly indicate the desire of the local community to see this public house reopened. In this respect, the works would support the

general improvement of the public house in line with the aims of Policy HC3, as evidenced by the financial reports submitted supporting the proposals.

The works would also support the aims of the NPPF which support the retention and development of public houses.

A Section 106 agreement would need to secure appropriate phasing of these works as part of the delivery of the wider scheme. Consideration to the Asset of Community Value status of The Hunny Bell, and the weight this is afforded in the decision-making process, is further considered below. Notwithstanding these aspects, provided that the development complies with the criteria set out within Policies E3 and E6, as noted above, the proposed works to the public house would be acceptable in principle.

Six new-build dwellings

Local Plan Policy SS1, the Spatial Strategy, directs the majority of development to identified larger towns and selected villages, where growth can be sustainably accommodated, while restricting development elsewhere. Development is generally supported within defined settlement boundaries, with only limited, small-scale expansion permitted adjacent to identified Small Growth Villages subject to strict criteria. Hunworth is not listed as a Selected Settlement and is therefore designated as part of the Countryside Policy Area, where development is limited to those types specifically allowed under Policy SS2.

Local Plan Policy SS2, relating to Development in the Countryside, restricts development outside defined settlement boundaries to a limited range of uses that are appropriate to a rural location. The policy prioritises protecting the countryside's character and appearance, allowing development only where it is essential, supports rural or land-based activities, reuses existing buildings, or meets specific needs such as affordable housing or community uses.

This element of the proposal seeks permission for six dwellings, two of which would be affordable. Although the scheme includes two affordable dwellings, it is primarily market-led and does not fall within a form of development supported by Policy SS2, such as rural exception housing, conversion, or development essential to a countryside location. The proposal therefore represents housing growth that is not supported by the Development Plan and is at odds with the spatial strategy and countryside restraint objectives set out in Policies SS1 and SS2.

NPPF paragraph 83 states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

In this case, while the provision of six dwellings could result in some limited population increase, the proposal would add only marginal support to nearby villages, many of which contain few services or facilities themselves. There would likely be some support provided to The Hunny Bell itself, once it reopens, though given the scale of the scheme, any support would be modest. As a result, the development would be unlikely to materially sustain local shops, services, or community facilities, particularly where these are already sparse or absent. In practice, future occupants would be more likely to rely on the services, employment opportunities, and facilities located within larger nearby settlements, accessed primarily by private car.

Accordingly, the application site is not a suitable location for new housing when applying the spatial strategy in the development plan. In part this would be harmful given the public interest in having a planning system that provides consistency and direction on account of being genuinely plan led. It would also be harmful as it would result in new dwellings being created within an area which hasn't been identified as being suitable for climate resilient sustainable growth (Policy CC1).

2. Housing mix

Policy HOU2 of the Local Plan seeks to ensure that new housing delivers an appropriate mix of dwelling sizes which respond to identified local needs. For developments of six dwellings or more, the policy expects that at least 50% of the market homes should comprise two or three-bedroom properties. Of these properties, approximately 20% should be two-bed and 80% three-bed.

The proposed development comprises six dwellings, two of which would be affordable units. Of the four market dwellings, two would be three-bedroom properties and two would be four-bedroom properties. As such, the scheme would meet the requirement for 50% of market dwellings to be two or three bedrooms. Owing to the small scale of the development, it is not feasible to achieve a precise 20/80 split between two and three-bedroom dwellings. Given the identified greater demand for three-bedroom properties, the proposed housing mix is considered appropriate and proportionate in the context of the scheme's scale.

The proposals therefore broadly comply with the aims of Policy HOU2 in respect of market housing mix.

3. Affordable housing

Policy HOU2 of the Local Plan seeks to secure an appropriate mix and proportion of affordable housing, having regard to identified housing need and scheme viability. The application site is located within a Designated Rural Area in Affordable Housing Zone 1, where Policy HOU2 requires 15% affordable housing provision on schemes of six dwellings or more. As the proposal comprises six dwellings, it meets the policy threshold, generating a requirement for the equivalent of one affordable dwelling.

The scheme is market-led and proposes the delivery of two affordable, two-bedroom dwellings. In their consultation response, Strategic Housing Officers highlight the significant local need for affordable housing, particularly for households with a local connection to Stody and neighbouring parishes. While concerns remain that the development does not constitute a rural exception scheme due to its countryside location, Strategic Housing Officers acknowledge that the amendments submitted during the application, together with confirmation from a local Registered Provider of their intention to purchase the affordable units, represent a notable improvement.

The provision of two affordable dwellings equates to 33.3% of the total development, substantially exceeding the 15% requirement set out in Policy HOU2. Given the recognised need for affordable housing within the district, this increased level of provision is welcomed and weighs in favour of the proposal. The affordable dwellings will need to be secured in perpetuity through a Section 106 agreement, alongside the inclusion of appropriate delivery

and timing provisions. Subject to these matters being satisfactorily addressed, the proposed development would comply with, and exceed, the affordable housing requirements of Policy HOU2.

4. Energy and Water efficiency

Energy efficiency

Local Plan Policy CC3 requires all new dwellings to achieve a minimum reduction in CO₂ emissions of 31% below the Target Emission Rate set out in the 2013 Building Regulations (as amended in 2016, Part L). The policy requires schemes to prioritise high-quality design and energy efficiency measures before incorporating renewable and low-carbon energy technologies. A compliance statement must be submitted to demonstrate how these requirements are met. Where proposals do not accord with the policy, clear evidence must be provided to demonstrate that compliance is not technically feasible or viable.

The application is not supported by an energy compliance statement, and no detailed information has been submitted to demonstrate how the policy requirements would be met. Although the applicant has confirmed that the scheme would achieve the required 31% reduction in emissions, they have requested that further details be secured through planning condition(s).

In the absence of detailed information, it is not possible to assess whether the energy hierarchy set out in Part 1 of Policy CC3 has been followed. Furthermore, the absence of a compliance statement is directly contrary to Part 2 of the policy.

Notwithstanding the identified conflict with Policy CC3, it is considered reasonable to secure further information by condition. This would include the submission of an energy compliance statement prior to the commencement of development, setting out how the required carbon reduction targets will be achieved. A further condition would require the submission of a detailed Standard Assessment Procedure (SAP) calculation and the associated Energy Performance Certificate (EPC). This is also a requirement at the Building Regulations stage and would provide robust evidence of compliance with the relevant energy efficiency standards.

No details of low-carbon or renewable energy technologies have been provided as part of the application. Conditions can secure the submission of full details of any such measures prior to their installation, including their siting, appearance, performance, and timing of implementation.

Overall, the proposal conflicts with Policy CC3, one of the Council's key climate change and resilience policies. In the absence of supporting information, it has not been demonstrated that the development would comply with the requirements set out in Parts 1 and 2 of the policy. This conflict weighs against the proposal, however in order to mitigate this harm, conditions to secure details relating to energy efficiency, low-carbon and renewable energy measures, are necessary and appropriate.

Water efficiency

Local Plan Policy CC4 requires all new development to be designed and constructed to minimise impacts on water resources. In particular, new dwellings must meet or exceed the higher optional water efficiency standard set out in Part G of the Building Regulations, with schemes encouraged to aspire beyond these minimum standards where possible. Applications should provide sufficient information to demonstrate how compliance with these requirements would be achieved.

In this case, no detailed information has been submitted to demonstrate how the proposed development would meet the requirements of Policy CC4. However, unlike Policy CC3, CC4 does not necessarily require detailed technical information to be provided at the application stage. The applicant has nonetheless stated that the dwellings would meet the required water efficiency standards.

It is necessary and reasonable to secure compliance of this policy requirement by planning condition. This condition would require the submission of details demonstrating how each dwelling would achieve the 110 litres per person per day water consumption standard, and the subsequent submission of a Building Regulations compliance certificate confirming that the development has been constructed in accordance with Regulation 36(2)(b) of Part G2 of the Building Regulations.

Subject to the imposition of such a condition, the proposed development would accord with the requirements of Local Plan Policy CC4.

5. Landscape and Design

Landscape

Local Plan Policy ENV2 states that proposals should be informed by and be sympathetic to the key characteristics and valued features of the distinctive Landscape Types and Character Areas as identified in the Landscape Character, and Sensitivity Assessment Supplementary Planning Documents (SPDs). Development will be supported which is in scale and keeping with the defined landscape character and which is appropriate to its surroundings in terms of siting, design, materials, external appearance and landscaping.

The site lies within the River Valleys Landscape Type (RV 5 River Glaven) and is adjacent to the Tributary Farmland Type as defined in the North Norfolk Landscape Character Assessment (2021 SPD). Settlement is typically linear, associated with the river course and comprises historic villages such as Hunworth which have a strong vernacular character protected through Conservation Area status.

The Landscape Officer considers that the local landscape has the capacity to accommodate this type of development in this location, provided that existing vegetation is retained to give maturity and grounding to the new build. Ensuring that the scale and materials of the dwellings are compatible with the prevailing vernacular character are important, so is the retention of the mature hedgerow dividing The Hunny Bell with the agricultural barn site.

Officers broadly concur with the Landscape Officer's conclusions. It is however considered that there is a degree of conflict with the cul-de-sac form of development proposed, given that Hunworth generally typifies the linear settlement characteristics associated with River Valleys. Further consideration of development pattern is set out within the heritage section below.

An 'outline' landscaping plan has been provided with the application. Officers are generally content with the latest version of this indicative plan. Boundary treatments and hard and soft landscaping details can be secured by condition. Conditions can also secure on-ongoing management and maintenance requirements, and replacements should failures occur. External lighting restrictions are necessary given the sites rural setting, and can appropriately be controlled by condition.

Subject to these conditions, the development would broadly accord with the aims of Policy ENV2.

Design

Local Plan Policy ENV8 seeks to ensure that development positively responds to its context, reflecting site characteristics and respecting local distinctiveness in terms of layout, landscaping, density, mix, scale, massing, materials, finishes and architectural detailing. The policy also requires development to deliver energy-efficient and low-carbon outcomes and to take account of the North Norfolk Design Guide SPD.

The proposed layout introduces a degree of informality, although it would essentially function as a cul-de-sac. Adequate space is provided within the site to allow for landscaping that would help soften the overall built form. The density of the dwellings is appropriate for the site's layout and within the wider context of Hunworth. While the widened access would have a more urbanising influence on the site than the existing, this impact would be mitigated through the use of suitable surfacing materials associated with a shared-surface arrangement.

The design of the dwellings are considered acceptable, generally looking to imitate the vernacular, drawing upon valued characteristics found within traditional local buildings. The success of the scheme will be heavily dependent on the quality of materials and finishes, and conditions are therefore necessary to ensure that these are high quality.

There are notable changes in ground levels across the site, including along the boundary between The Hunny Bell and the adjacent agricultural land. To control and enable full assessment of the impacts of the development, an existing and proposed site levels plan is to be secured by condition. This should include finished floor levels (in accordance with the Drainage Strategy) as well as existing and proposed surrounding ground levels.

Subject to the imposition of appropriate conditions, the development is considered to broadly accord with the aims of Policy ENV8.

6. Historic environment

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that local planning authorities must have special regard to the desirability of preserving a listed building, its setting, or any features of special architectural or historic interest which it possesses. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 states that with respect to any buildings or other land within a conservation area, in the exercise of relevant functions under the Planning Acts, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Conservation Area(s) and Listed Buildings

Local Plan Policy ENV7 seeks to protect and where possible, enhance the significance of heritage assets, whilst recognising the opportunities for sympathetic reuse and regeneration. The policy provides specific criteria for designated and non-designated heritage assets, conservation areas, archaeology and heritage at risk.

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.

The application site lies within both the Hunworth and Glaven Valley Conservation Areas. The application has been supported by a Heritage Statement which provides an assessment of the (original) scheme and the impacts upon the heritage assets affected.

The Conservation and Design Officer has reviewed the information available and largely concurs with the findings of the supporting Heritage Statement. The key matters raised within their consultation response can be summarised as follows:

- Securing the long-term viability of The Hunny Bell would be a benefit, preserving the character and overall vitality of the Hunworth and Glaven Valley Conservation Areas.
- The external alterations to The Hunny Bell would have a negligible impact upon its overall appearance and significance.
- The removal of the modern agricultural barn would be positive. The scheme represents an opportunity to animate this space within the centre of the village.
- The proposed layout departs from built forms generally found in the village; however, it would not be out of scale, unduly intensive and would have an informal and rural appearance.
- Dwelling designs are acceptable, knitting together coherently and compatible with adjacent buildings; albeit not breaking new ground agriculturally.
- The impact upon the settings of Listed Buildings would be negligible.
- Urbanising highway intervention within the rural street scene are unwelcome, however the harm would be modest.
- The amended scheme does not substantively alter the initial assessment, however the alterations to Plot 6 are welcomed.

Officers generally concur with the Conservation and Design Officer's conclusions regarding the impact of the proposal on designated heritage assets, subject to the assessment set out below.

Officers have had regard to the Inspector's decision in the recent appeal at Land Adjacent to Bertha Bloggs Cottage, Kings Street (APP/Y2620/W/25/3362900). The Inspector explicitly highlighted that there are no modern estates or cul-de-sacs at Hunworth. Finding the deeply rural atmosphere of the village, the traditional architecture and its form and grain as being very important aspects of its character. The cul-de-sac form of development proposed would represent a departure from this prevailing linear pattern of development along rural lanes. In

the context of the recent Inspector's comments, Officers consider this layout to be slightly more harmful than indicated by the Conservation and Design Officer.

It is appreciated that the proposed residential use differs materially from the form of development considered at appeal. The application site currently accommodates a large agricultural building and extensive areas of hardstanding, elements which are recognised as detracting features within the conservation area(s). Their removal would result in a visual enhancement. In addition, the site occupies a location adjacent to the village green, at the heart of the settlement, and lies alongside the public house and its associated car park.

The deviation in form and grain would, however, continue to result in a degree of harm to the character and appearance of the conservation area. Such harm would fall within the category of less than substantial harm. The harms would be lessened through the retention of key views across the site towards the open countryside beyond, the preservation of existing vegetation where practicable, and the incorporation of additional tree and hedgerow planting. The use of appropriate vernacular materials and sympathetic surface treatments would further reinforce local character. Taken together, these measures would ensure that the development limits its urbanising impacts and responds as positively as possible to its context, retaining a predominantly rural appearance.

When weighing these competing elements, the identified less than substantial harm would be outweighed by the public benefits arising from the proposal. These benefits include the provision of four open-market dwellings and two affordable dwellings, together with planned investment in The Hunny Bell public house to support its long-term viability.

The conditions recommended by the Conservation and Design Officer, relating to materials, construction methods, and fenestration, are considered both appropriate and necessary to secure a high-quality development that preserves the character and appearance of the conservation area.

Archaeology

Local Plan Policy ENV7 requires development proposals to identify any assets of archaeological significance. An archaeological evaluation is required where sites are known or have the potential to contain non-designated archaeological assets. Where feasible, remains should be preserved in situ through design or engineering solutions; where this is not possible, appropriate excavation and recording must be undertaken prior to development.

Paragraphs 207 and 218 of the NPPF require an appropriate desk-based assessment and, where necessary, field evaluation for developments with archaeological potential. Where archaeological assets are lost wholly or in part, developers must record and advance understanding of their significance, proportionate to the asset and impact, with the results made publicly accessible.

Norfolk County Council's Historic Environment Service (NCCHEs) have highlighted that the proposed development site is located within the historic core of the village adjacent the village green, overlooked by the ring-work castle of probable Norman date. Artefacts of medieval and post-medieval date have been recorded from within the application site and the area to the west. There is potential for previously unidentified heritage assets with archaeological interest (buried archaeological remains) to be present within the current application site and that their significance would be affected by the proposed development.

NCCHEs recommend, and Officers agree, that if planning permission is granted, condition(s) to secure a programme of archaeological mitigatory work is required. In this case the programme of archaeological mitigatory work would commence with informative trial trenching to determine the scope and extent of any further mitigatory work that may be required (e.g. an archaeological excavation or monitoring of groundworks during construction).

Summary

Mindful of the requirement to give great weight to heritage assets conservation and giving due regard to Sections 66 (1) and 72 (1) of the Planning (Listed Buildings and Conservation Areas Act) 1990, subject to the suggested conditions, the development would accord with the requirements of Policy ENV7 of the Local Plan, and guidance set out within Chapter 16 of the NPPF.

7. Residential amenities

Local Plan Policy ENV6 states that all development will provide a high standard of amenity, including adequate living and working conditions. Development should not place unreasonable restrictions on the continued operation of established authorised uses. Development which caused unacceptable impacts on the amenity of neighbouring occupants, or does not provide for adequate levels of amenity for future occupants will not be permitted. Proposals should take into account the North Norfolk Design Guide SPD having regard to matters including provision of amenity space, privacy and outlook, loss of light, prevention from odours, noise, vibration, dust, air and artificial light. Local Plan Policy ENV8 requires developments to provide appropriate private amenity space.

Paragraph 3.3.9 of the North Norfolk Design Guide states that dwellings should include refuse disposal and recycling storage facilities, drying areas and access to outdoor amenity space. Internally, dwellings should have not less than 20 square metres of habitable floor area. Paragraph 3.3.10 states that private garden areas should be of adequate size and shape to serve their intended purpose. They should be substantially free from shading and are recommended to be of an area equal or greater than the footprint of the dwelling they serve.

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.

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

Neighbouring amenities

There are dwellings located to the north, east and south of the application site, whilst agricultural land lies to the west. Following amended plans, the only works proposed to The Hunny Bell 'site' are the minor external alterations associated with the internal conversion works. These external alterations, alongside the creation of guest rooms, would not result in harm to neighbouring amenities.

Green Farm Barns to the east, particularly 1 Green Farm Barn, would have an altered outlook as a result of the residential element of the scheme. Currently overlooking the agricultural yard, the proposed dwellings would be readily visible from these dwelling's large, glazed openings which front onto Kings Street. The layout of the scheme would retain some views through the site towards the countryside beyond. Plot 1 has been sited to avoid being located directly in front of 1 Green Farm Barn. The degree of separation would avoid harmful overbearing and loss of light impacts. Some mutual overlooking would be possible, however given the angles involved, would be limited and wouldn't result in an adverse privacy impact. Whilst Plot 1 and the rest of the development would be visible and alter the outlook from these neighbouring properties; such changes would not constitute unacceptable impacts in planning terms.

Appleton House to the north would share its access with the new development. Sited within the northern section of its plot, the degree of separation between it and the proposed dwellings would ensure that impacts are minimised. Plots 1 – 3 would allow views over the garden of this dwelling, however again the degree of separation along with intervening vegetation would limit the privacy impacts to acceptable levels.

The cessation of the agricultural use at the site would be a minor benefit to neighbouring properties in relation to matters of noise, odours and disturbance.

The development would not result in unacceptable impacts on the amenity of neighbouring occupants, and the proposals would accord with the requirements of Local Plan Policy ENV6.

Future occupants

External amenity

Each of the six proposed dwellings would be provided with their own private external amenity areas. Plots 2 and 3, the two-bedroomed affordable dwellings, would have the smallest rear gardens, however both would exceed the footprint size of the dwelling. All six of the dwellings would have gardens which exceed the minimum targets set out within the Design Guide.

Noise impacts

A Noise Technical Note was submitted in support of the application following Officer requests for further assessment. This report provides an overview of noise environment expected from the proposed development. As The Hunny Bell is currently closed, typical operations for a public house of this size were used and included consideration of noise from the operation of the car park; customers using the pub garden; and noise from extraction plant and chiller unit. The assessment concludes that the public house would generate low levels of noise at the new dwellings and would not result in adverse impacts. In order to effectively screen noise, a close boarded fence is recommended between the pub garden and car park and the proposed dwellings.

The Environmental Health Officer has reviewed the information available, including the Technical Note and has raised no objection to the proposed development. They recommend that the acoustic barrier (close boarded fence) be secured by condition, along with the predicted noise levels for the chilled and kitchen extract.

Officers broadly concur with the Environmental Health Officers recommendations and consider that the suggested conditions are necessary to protect residential amenities, and the ongoing viability of the public house.

Public Open Space

Local Plan Policy HC2 states that all new major developments of 10 or more dwellings, or where the site area is 0.5 hectares or more, shall provide on-site open space, or contribute towards off-site open space, in accordance with the Council's standards. All new open space and outdoor sport and recreation facilities shall be suitable, useable, well located, accessible, and designed with appropriate management arrangements in place. Policy HC2 is supported by the adopted North Norfolk Open Space Assessment, a detailed study which provides the most up to date evidence of need, updated standards regarding the future provision of open space through developer contributions, and associated costs.

Paragraph 103 of the NPPF states that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change.

The application site extends to 1.07 hectares, exceeding the 0.5 threshold for requiring open space provision/contributions. The proposal seeks to deliver 235m² of Amenity Green Space on-site, whilst financial contributions would be provided towards the other open space typologies in the local vicinity. The siting, scale and design of the on-site Amenity Green Space is considered appropriate for a scheme of this nature.

A more detailed breakdown of the open space obligations is set out within the community infrastructure requirements section below. The provision of these elements, along with management and maintenance details all need securing within the Section 106 agreement. Subject to these matters being secured through the legal agreement, the proposals would comply with Policy HC2 in respect to open space requirements.

Accessible and adaptable homes

Local Plan Policy HOU8 requires all new dwellings to be designed and constructed in a way that enables them to be adapted to meet the changing needs of their occupants over their lifetime and complies with the Accessible and Adaptable Standards as set out within Building Regulations. All new dwellings should meet M4(2) standards, whilst on schemes of 20 units or more, a minimum of 5% should meet M4(3) standards. Exemptions will only be considered if it can be demonstrated that the physical characteristics of the site prevent compliance, or it would significantly harm the viability of the scheme. Design & Access Statements should detail how each dwelling type would comply with the requirements.

Whilst the Design & Access Statement submitted in support of this application does not refer to M4(2) standards, amended plans submitted during the application detail how each Plot would achieve the required standards. In line with the policy aims, a planning condition is required to secure these standards are delivered.

Minimum space standards

Local Plan Policy HOU9 requires all new dwellings to comply with or exceed the Nationally Described Space Standards. Design & Access Statements should detail how each dwelling type would comply with the requirements.

Similar to the above, the Design & Access Statement doesn't detail these elements, however a subsequently submitted plan details how each Plot would meet or exceed the required minimum space standards. Officers have reviewed the proposed floorplans and no objections are raised in respect to their compliance with HOU9's requirements.

Summary

Subject to conditions noted above the proposed dwellings would provide suitable amenities for future occupants, and the proposals would accord with the requirements of Local Plan Policies ENV6, ENV8, HOU8 and HOU9.

8. Biodiversity and Geodiversity

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.

Local Plan Policy ENV4 seeks to ensure that the ecological impacts of development are appropriately considered as part of the planning process. Proposals should result in net gains for biodiversity and incorporate enhancement features, including the provision of nests and roosts. Habitat fragmentation should be avoided whilst creation of coherent ecological networks through the Nature Recovery Networks will be supported. Adverse impacts on biodiversity must be addressed in accordance with the hierarchy detailed in Policy CC10.

Development resulting in a likely significant effect on a European site, should only be permitted where the proposal is in accordance with the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended) in order to ensure adverse effects on integrity, alone or in-combination, are ruled out and any necessary mitigation secured. Development likely to have a direct or indirect adverse effect on Nationally & Locally Designated Sites will only be permitted where it can be demonstrated that the need and benefits of the development clearly outweigh both the adverse impacts of the notified special interest features of the site and any adverse impact on the wider network of natural habitats.

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. 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. Opportunities to incorporate biodiversity improvement in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

The proposals have been supported by a suite of ecology information, including a Preliminary Ecological Appraisal (PEA) and a Reptile Survey Report. The PEA sets out the appraisal

undertaken to establish the sites ecological value. This includes consideration of protected species such as Bats, Reptiles and Barn Owls. The PEA recommended further Reptile surveys be undertaken given the presence of suitable habitat within the site. The Reptile Survey Report details this assessment and concludes that no reptiles were observed and are likely absent at the site. No additional mitigation measures are recommended in this respect.

The Ecology Officer has considered the information available, including the submitted reports and has raised no objection in relation the developments on-site ecological impacts. Disappointment has been raised to the loss of a Barn Owl roost/breeding site. Conditions are recommended to secure various mitigation and enhancement measures, including those set out within the PEA, as well as the provision of new Barn Owl nesting facilities.

Officers concur with the Ecology Officers assessment and suggested conditions regarding these on-site ecological impacts. Subject to such conditions the development would accord with Policy ENV4 in respect to these matters.

Recreational impacts

Local Plan Policy ENV5 states that planning permission will be granted subject to demonstration that no adverse effect on the integrity of European sites from recreational disturbance when considered alone or in-combination would occur. Contributions will be required towards a scheme of avoidance and mitigation measures in accordance with the Norfolk Green Infrastructure & Recreational Impact Avoidance & Mitigation Strategy (GIRAMS).

The GIRAMS Strategy has been adopted and agreed between the Norfolk planning authorities and Natural England. The Strategy enables growth in the District by implementing the required mitigation to address adverse effects on the integrity of Habitats Sites arising from recreational disturbance caused by an increased level of recreational use on internationally designated Habitat Sites, particularly European sites, through growth from all qualifying development.

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

The application site falls within the North Coast sites, Norfolk Valley Fens sites and The Wash sites Zones of Influence as defined within the strategy. Increased recreation without mitigation is likely to affect the integrity of these Habitat Sites across Norfolk. It would result in the significant features of the sites being degraded or lost, and these internationally important areas losing significant important areas for birds, plants and wildlife generally and, therefore, their designations.

All new net residential and tourism development are required to mitigate the effects of the development and show how this will be achieved before approval of planning permission. The tariff is currently collectively set at £315.58 per net new residential dwelling and is index linked. Tourist accommodation, such as the proposed guestrooms to be created within The Hunny Bell, is on a ratio of a six bed-space to one dwelling of the tariff.

The proposals would result in the creation of six new dwellings. The tariff for these would be £315.58 x 6 = £1,893.48. Additionally, the tariff required for the four guest rooms to be created within The Hunny Bell would equate to £420.77 (8 bedspaces = 1.33 tariff). Overall, the required GIRAMS tariff for this development would be £2,314.25 (Index Linked). As this payment hasn't already been received, this will need to be included within the Section 106 agreement required as part of this development.

The Council, as Competent Authority have completed a Habitat Regulations Assessment for the planning application and has concluded, on the basis that the required tariff payment would be secured by legal agreement, the development would not have an adverse effect on the integrity of the European Sites identified above from recreational disturbance, when considered 'alone' and 'in combination' with other development.

Biodiversity Net Gain (BNG)

Local Plan Policy CC10 states that qualifying development must achieve a minimum of 10% Biodiversity Net Gain over the pre-development values. Proposals should be accompanied by a biodiversity net gain strategy that establishes the pre-development biodiversity value; demonstrates that the mitigation hierarchy (i. Avoidance ii. Mitigation iii. Compensation) has been followed; provides predicted biodiversity outcomes; complies with Biodiversity Gain Hierarchy; and details how the net gain will be maintained for at least 30 years after the development is completed.

This application has been supported by a Biodiversity Gain Plan, Biodiversity Gain Statement, BNG Baseline Plan, Proposed BNG Plan and the Statutory Biodiversity Metric Calculation Tool and Condition Assessment.

Following review by the Council's Ecologist, amendments to the BNG information were submitted to address the issues identified. Having considered the amendments, the Ecologist is satisfied with the BNG information provided at this stage. Officers concur with this position.

The baseline BNG value of the site is agreed. Whilst a proposed BNG plan has also been provided, this is not approved at this stage, but such a plan would be required as part of the biodiversity gain condition process. The standard BNG conditions and Informatives are recommended. As the onsite habitats to be created would be 'Significant' the requirement for a Habitat Management & Monitoring Plan (HMMP) to discharge the biodiversity gain condition is highlighted. Additionally, a BNG monitoring fee is required to ensure habitat delivery of the 30-year BNG period. This fee, currently £2,925 for a site of this scale/complexity, would need to be secured by legal agreement.

Subject to the necessary conditions and obligations, the proposals would comply with the requirements of Policy CC10 in respect to BNG matters.

Summary

The information and evidence submitted has satisfactorily addressed the site's ecological impacts. For the reasons stated above, and subject to relevant conditions, Officers consider that the proposal would comply with Local Plan Policies ENV4, ENV5 and CC10, Chapter 15 of the NPPF and The Conservation of Habitats and Species Regulations 2017 (as amended).

9. Arboriculture

Local Plan Policy CC12 states that the retention of existing trees and hedgerows and the provision of new trees and hedgerows including street trees within a proposal will be supported. Development which results in the loss of protected trees, hedgerows or woodland will only be permitted in exceptional circumstances. Where proposals seek to retain existing trees/hedgerows, appropriate protection provision must be made throughout the duration of the development, to ensure no harmful impacts.

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.

The application has been supported by an Arboricultural Impact Assessment (AIA). The report sets out that twelve individual trees and four groups of trees are present on site. Initial plans would have resulted in the loss of a particularly good quality B1 Walnut tree, a tree which is valued and raised locally as notable. Following amendments to the scheme, this tree would now be retained. Hedgerow G3 has the potential to be Important under the Hedgerow Regulations. The proposed link between The Hunny Bell and the residential element would necessitate the removal of a section of this hedgerow. This and the works to the entrance around Tree 11 need to be further considered as part of a required Arboricultural Method Statement. This will need to have regard to the latest site layout and include a Tree Protection Plan which also reflects this.

Within their latest consultation response, the Tree Officer has raised no objection to the latest proposals, subject to securing the Method Statement and Protection Plan as noted above. Officers support this position and consider that subject to the condition(s) to secure the required Arboricultural Method Statement and Tree Protection Plan, the development would accord with Local Plan Policy CC12.

10. Highways and Parking

Local Plan Policy CC9 states that development will be well located and designed to minimise the need to travel and maximise the use of sustainable forms of transport appropriate to its particular location. Proposals should provide safe and convenient access on foot and by cycle, public and private transport addressing the needs of all. Outside of settlement boundaries direct access onto a Principal Route will not normally be supported. The exiting road networks should be able to accommodate the expected nature and volume of traffic generated by the proposal, without detriment to the amenity or character of the area. Development will be supported where it would not cause an unacceptable impact on highway safety and any residual cumulative impacts on the road network would not be severe. Proposals resulting in significant traffic should be supported by Travel Plans, Transport Statements or Transport Assessments depending upon the nature and scale of the development.

Access

The application was initially supported by a Transport Statement which provided an assessment of the originally submitted scheme of ten dwellings. Whilst many aspects of the scheme have subsequently changed, some of the findings of the Transport Statement remain relevant.

Following amended plans, the existing access serving The Hunny Bell would remain existing. The agricultural access would be re-purposed to serve the proposed six dwellings, Appleton House and retain an agricultural access to the field to the west. The access would be widened, as would Kings Street in order to better accommodate the passage of two-way vehicles. Visibility splays are also shown on the plans.

Having considered the proposals, the Highway Authority have raised no objections in relation to the proposed access. Officers do not take an alternative view, however, consider that further details of the works to the access and Kings Street are required prior to being undertaken to ensure that these are safe, and be as visually compatible with the rural character as possible. Such details can suitably be secured by condition. Furthermore, conditions are necessary to secure surfacing, drainage and visibility requirements. Subject to these conditions, in respect to access, the development would accord with the aims of Local Plan Policy CC9.

Trip generation

Trip/movement data has been provided in support of this application. This was based upon the initially proposed ten dwellings, and therefore doesn't necessarily reflect the latest proposals for six dwellings. The assessment considers that the overnight accommodation within The Hunny Bell would not introduce new traffic to the network, and would function much as it did before. TRICS data for the initially proposed ten dwellings would suggest that approximately 60 two-way additional traffic movements per day would have been created. The Transport Statement considered these additional movements to be low, not changing the low speed, low traffic character of the road.

Within their consultation response the Highway Authority state that the residential development would engender 36 daily vehicle movements. This would be more than the sites existing agricultural use. As a result of the increased use of the site and associated footfall, the Highway Authority recommend offsite improvements, albeit without specifying what these would entail.

Expanded consideration of accessibility matters is set out within the section below. However, in relation to vehicular trip generation, it would appear from the Highway comments that there are no overriding concerns in relation to highway safety matters. Having regard to paragraph 116 of the NPPF, there is also nothing to suggest that the residual cumulative impacts on the road network would be severe.

Officers therefore expect that the nature and volume of the traffic generated by the development could be accommodated by the existing road network. Neither would it cause an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe. In respect to trip generation, the development would accord with the aims of Local Plan Policy CC9.

Accessibility

The Transport Statement acknowledges that Hunworth is not well served by pedestrian facilities, albeit does suggest that it does have access to some key services and facilities by low carbon modes of transport.

The Highway Authority have objected to the development on the basis that the site is remote from local services and does not provide off-site facilities for pedestrians / people with

disabilities to link with existing provision or local services. They consider that the residential development of the site would conflict 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.

Officers broadly agree with the Highway Authority in relation to accessibility matters. In reaching this view, consideration has been given to a recently dismissed appeal adjacent Bertha Bloggs Cottage, a site located approximately 200m to the north of the current application site, along Kings Street. In considering the accessibility of Hunworth as part of that appeal the Inspector found:

- As a result of the sparsity of facility/service provision locally, future occupants would need to travel frequently, probably a few times a day, to larger settlements to meet every day needs such as shopping, leisure, employment, education and health.
- Walking to facilities/services would not be likely, whilst cycling may be an option for a few, thus shouldn't be relied upon.
- The bus service would provide an option for some, but is a secondary consideration in the movement hierarchy. Car ownership within an affluent area such as Hunworth would also likely be high, suppressing the desire/need to use public transport.
- It is highly unlikely that future occupants of the scheme would travel regularly by sustainable modes. Car use would be high, and residents would not glean the health benefits of active travel and carbon emissions would soon add up.
- Sustainable transport would not be prioritised, as per paragraph 115 of the NPPF.
- Even when accounting for the rural setting, this is a particularly unsustainable location for housing in terms of access to services and facilities. The proposal would also be at odds with Local Transport Plan 4 Strategy 2021-2036, which seeks to locate development in locations with good links to local services to reduce traffic and ensure greener solutions.

Considering the foregoing, it is highly unlikely that future occupants of this scheme would travel regularly by sustainable modes, and car use would be high. The conclusions reached by the Inspector on matters relating to health benefits and carbon emissions are also relevant for this proposal. Sustainable transport would not be prioritised, as per paragraph 115 of the NPPF. The proposals would conflict with the aims of Policy CC9 to well-located development to minimise the need to travel and maximise the use of sustainable forms of transport, provide safe and convenient access on foot, by cycle and by public transport, addressing the needs of all. Conflict also arises with the NPPF's aims set out within paragraphs 96, 109 and 117 to facilitate access to public transport, and to encourage walking and cycling. The conflicts identified in respect to these matters weigh against the scheme.

Parking

Local Plan Policy HC7 states that proposals should provide adequate, safe and secure vehicle and cycle parking facilities within plots/curtilages to serve the needs of the development, avoiding inappropriate on-street parking, highway safety impacts and amenity concerns. Such provision should be in accordance with the Norfolk County Council's Parking Guidelines as a starting point, which may be varied to reflect local conditions where appropriate. Vehicle and cycle parking should be integrated as a key element of design in development layouts to ensure good quality, safe, secure and attractive environments; taking into account the requirements of the North Norfolk Design Guide SPD.

Vehicular

Spaces should have dimensions of 5 x 2.5m, widened to 3m where adjacent a wall or fence, and lengthened to 6m where there is a wall, fence or garage at the end of the space.

- Proposed dwellings

Norfolk County Council Parking Guidelines require two spaces to be provided for two or three bedroomed dwellings. Four bedroomed properties require three spaces. One visitor space should be provided for every five dwellings.

The proposal consists of two two-bed, two three-bed and two four-bed dwellings. Having reviewed the layout, it can be confirmed that each plot would be provided with the sufficient quantum of parking in line with the Parking guidelines. Two visitor spaces have also been shown on the plans and can be conditioned, complying with the standards. Each space has also been demarcated, and the spaces conform to the dimensional requirements. There would be sufficient manoeuvrability room provided within the layout to allow vehicles to turn and exit the site in a forward gear.

- Works to The Hunny Bell

In line with the Parking Guidelines, Public Houses require 1 space per 5sqm of public area. The current layout of The Hunny Bell would require 33 spaces based on the being 161sqm of public area. There are 38 existing spaces within The Hunny Bell car park. The proposal would reduce the public areas to 99sqm, thus requiring a reduced total of 20 spaces. Guest Houses require 1 space per bedroom plus 1 space per full time equivalent. The four guest rooms would therefore generate a requirement for 4 further spaces. Whilst the number of full-time equivalents required for the operating of the guest rooms is not known, it is unlikely to significantly exceed 2 or 3.

The proposals seek to retain The Hunny Bell's existing 38 parking spaces. The proposed development would result in a requirement for approximately 27 spaces. Disabled parking spaces are already provided. The existing provision therefore remains sufficient to accommodate the amended public house layout and complies with the relevant parking guidelines.

Electric Vehicle (EV) Charging

Local Plan Policy CC8 requires new development to provide appropriate provision for electric vehicle charging points in line with Building Regulation requirements. This currently equates to one charging point per dwelling.

Drawing 37a indicates that each dwelling would be provided with an electric charging point in line with policy requirements. To ensure that this provision is made, and that they have an acceptable visual appearance, a condition is required to secure further details. Subject to such a condition, the proposals would comply with Policy CC8.

No EV charging points are shown for The Hunny Bell. As the development would not generate a requirement for new parking spaces, there is no policy basis to require their provision. An

informative can be included to encourage the installation of EV charging facilities as part of the wider project proposed for The Hunny Bell.

Cycle parking

Norfolk County Council Parking Guidelines require two secure covered cycle spaces per dwelling.

Each dwelling would provide cycle parking within garden sheds as detailed on Drawing 37a. Details of these sheds, along with their provision can be secured by planning condition. The Hunny Bell would require two cycle parking spaces. Sufficient space exists within the immediate garden areas of the public house to accommodate this requirement. With the condition noted above in place, the development would accord with the requirements of Policy HC7 in respect to cycle parking.

11. Flood Risk and Drainage

Local Plan Policy CC7 seeks to ensure that flood risk is evaluated in development proposals and requires the appropriate management of surface and foul water disposal in order to reduce flood risk. The policy expects development to avoid areas of flood risk where possible, and to incorporate sustainable drainage systems (SuDS). All proposals must also ensure no increase in flood risk elsewhere.

The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). This applies a sequential approach, to steer new development to areas with the lowest risk of flooding from any source, taking advice from the Environment Agency and Lead Local Flood Authorities (LLFA) to ensure that risks of flooding are adequately managed, whilst also accounting for future climate change.

Paragraph 181 of the NPPF sets out that where appropriate, applications should be supported by a site-specific flood-risk assessment. Paragraph 182 of the NPPF 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.

Flood risk and surface water drainage

The site is classified as Flood Zone 1 (at the lowest risk of flooding). The latest site area now exceeds 1ha, given the inclusion of the area to the north and west. In line with Policy CC7 of the Local Plan and footnote 63 (paragraph 181) of the NPPF, and as the site exceeds 1 hectare, a site-specific flood-risk assessment should be provided.

Areas along the north of the existing yard, and within Kings Street fall within Environment Agency climate change surface water flood risk zones. Including areas greater than or equal to 1 in 30 (3.3%) chance of flooding from surface water in any year between 2040 and 2060. The proposed dwellings are sited outside of these areas, which mostly covers the access and existing ditch.

The application has been supported by a Flood Risk & Drainage Technical Note, produced by Rossi Long Consulting. The assessment considers fluvial flood risk, albeit largely focuses on

surface water flooding and drainage matters. The report concludes that the site is at a low risk of risk of fluvial flooding, and at a very low risk from surface water.

Officers have considered the information provided. Further information was requested during the consideration of the application, and a supplementary technical note largely addressed the questions raised. Informal discussions with the Lead Local Flood Authority have taken place, the site however falls below their thresholds for bespoke comments.

In relation to the surface water drainage strategy for the residential area, Officers are generally content that sufficient evidence has been provided to demonstrate that the development would appropriately manage surface water. The removal of the existing concrete agricultural hardstanding within the site would be a benefit in relation to surface water run-off.

In terms of the proposed drainage strategy, the only outstanding matter which requires further consideration are the groundwater levels around the location of the proposed crate soakaway. A condition is required to secure further groundwater monitoring during the wetter months to confirm that the previous reading (taken in August) can be relied upon. If monitoring supports the previous data, no amendments to the scheme would be required. If the monitoring shows groundwater at a higher level – thus reducing the unsaturated zone below acceptable levels, the condition would require an updated surface water scheme to be submitted and approved prior to commencement of the development. Given the size of the site, it is considered likely that an alternative scheme could be achieved without affecting the layout, thus the condition is considered to be reasonable. Condition(s) will also secure the timely delivery of the works and their ongoing management and maintenance.

The proposals also include the creation of a flood mitigation swale within the agricultural land to the west of the proposed housing development. The aim of this, and the dished area near to the retained field access, is to intercept surface water run-off, providing an area for it to collect and eventually infiltrate into the ground. This should reduce the flooding experienced locally during heavy rainfall events. Sufficient evidence has been provided to support these works, demonstrating that they will be effective in mitigating flooding. Condition(s) are required to secure the timely delivery of these works, alongside the ongoing management and maintenance of these features.

The surface water drainage scheme appropriately follows the drainage hierarchy and relevant guidance on the use of SuDS. Water run-off would be captured on-site and dealt with on-site to ensure that flood risk elsewhere is not increased. Subject to securing the scheme, and the updating monitoring requirements by condition, the development would accord with Policy CC7 in respect to surface water drainage. Indeed, the proposed flood mitigation works in combination with the surface water drainage strategy should result in a reduction of the flooding which can occur on Kings Street. This is an additional benefit to the proposals which carries modest weight in favour of the development given the documented existing flooding concerns, including those raised within the representations received from local residents.

Foul water

The Building Regulations establish a hierarchy for foul drainage, with connection to the public foul sewer system as the first priority. Only where a public sewer is not available should alternative means of foul water disposal be considered. In this instance, there is no public foul sewer in the vicinity of the site.

The proposal includes the installation of two package treatment plants (PTPs). One PTP would serve the residential development and be located within the area of open space on the site, while the second would replace the existing septic tank currently serving The Hunny Bell. Drainage fields associated with both systems would be located within agricultural land to the west and north of the site.

Having reviewed the submitted information, officers are satisfied that the proposed use of PTPs to manage foul water flows from the development is acceptable. Given the absence of a public sewer, the use of PTPs, being the next option within the drainage hierarchy, is considered appropriate. An assessment of ground conditions has been undertaken and confirms that the site is suitable for the proposed drainage fields.

As the detailed design, sizing, specifications, and precise siting of the drainage fields will be controlled through the building regulations process, it is not considered necessary to duplicate this control through planning conditions. However, conditions requiring the installation, ongoing management, and maintenance of the PTPs themselves are considered necessary and appropriate.

Subject to these conditions, the proposed development is considered to accord with Policy CC7 in respect of foul water drainage.

Additionally, nutrient neutrality requirements do not apply to the site, as local hydrological flows do not enter the protected River Wensum or Broads catchments, but instead drain to the River Glaven and subsequently into the North Sea at Blakeney.

12. Contaminated Land

Policy CC13 of the North Norfolk Local Plan requires development on land that is known or suspected to be contaminated to be supported by proportionate investigation and risk assessment, and, where necessary, appropriate remediation to ensure the site is safe and suitable for its proposed use. This approach ensures that development does not result in unacceptable harm, manages the legacy of historic land uses, and safeguards environmental quality and public health in line with sustainable development objectives.

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 is supported by a Desktop Study Report which assesses the potential environmental impacts arising from the existing and historical uses of the site in relation to the proposed development. The report concludes that there are no significant environmental constraints that would preclude development; however, it recommends that intrusive subsoil investigations be undertaken to further assess contamination risks and confirm site suitability for future users and the environment.

The Environmental Health Officer has reviewed the information available, including the Desktop Study Report, and concurs with its conclusions. No objection is raised to the proposed development, subject to the submission and approval of an intrusive contamination

investigation and associated reporting, in accordance with the recommendations of the Desktop Study Report.

Officers agree with the findings and recommendations of both the Desktop Study Report and the Environmental Health Officer. It is considered that the requirement for intrusive investigations and any necessary remediation can be appropriately secured by planning condition, to be discharged prior to the commencement of development. Subject to the imposition of this condition, the proposal would comply with Local Plan Policy CC13 and relevant guidance within the NPPF.

13. Community infrastructure requirements

Local Plan Policy HC4 requires that development proposals make appropriate provision for, or contributions towards, the delivery of community infrastructure needed to support the development and mitigate its impacts. This includes infrastructure such as education, healthcare, transport, green infrastructure, open space and other community facilities, with requirements to be addressed through planning obligations, conditions or other mechanisms where necessary. The policy seeks to ensure that infrastructure is delivered in a timely manner, is proportionate to the scale and nature of development, and meets the statutory tests of being necessary, directly related and fairly and reasonably related in scale and kind, while taking account of development viability and the Infrastructure Delivery Plan.

Considering the matters set out within the sections above and below, the following planning obligations are necessary to make the development acceptable and will need to be secured by Section 106 agreement:

- **Two affordable dwellings** – Plots 2 and 3 as shown on HUN 1 – 14f
- **GIRAMS contributions of £2314.25** (Index linked)
- **Open Space – On-site provision of 235m2 Amenity Green Space** (as shown on HUN 1 – 14f) + management and maintenance requirements of this space.
- **Open Space – Off-site financial contributions** as per the following (Index linked):
 - **Allotments £2,558**
 - **Parks and Recreation Grounds £19,516**
 - **Play Space (Children) £3,221**
 - **Play Space (Youth) £1,309**
 - **Natural Green Space £5,796**
- **Works to The Hunny Bell** in line with proposed plans (HUN Ph 1 – 02 Existing Barn Refit Option 1 – Creating 4 new Bedrooms).
- **BNG Monitoring fee (£2925)** associated with the on-site delivery and provision of BNG as these gains are considered to be significant. A HMMP a would be required to discharge the biodiversity gain condition
- **S106 Monitoring fee (£2000)**, based upon number of obligations.

To have confidence that the development will deliver these obligations as part of the wider works in a timely manner, appropriate triggers for their provision or payment will need to be agreed as part of the legal agreement.

The mitigation sought is deemed to accord with the tests as set out within the Community Infrastructure Levy Regulations 2015, namely that a planning obligation must be (a) necessary

to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.

14. Other matters

Asset of Community Value

The Hunny Bell site is listed as an Asset of Community Value (ACV) under the provisions of the Localism Act 2011. While such a designation does not of itself place any restriction on the lawful use or development of the land, nor confer any right of veto over redevelopment, it is capable of constituting a material consideration in the determination of a planning application where relevant to land-use matters. The weight to be afforded to ACV status is a matter of planning judgement in the particular circumstances of the case, having regard to the Development Plan and other material considerations.

In this case, the proposal seeks to introduce guest accommodation as an ancillary use to The Hunny Bell as a public house, with the stated intention of improving its financial viability and helping to facilitate its re-opening. Weight is given to the appellant's evidence that investment in the building, creating four guest rooms, would diversify income streams and support the continued operation of the public house as the primary use. In this context, the ACV status lends support to the principle of sensitively investing in the asset where this serves to secure its future and does not undermine its community function. The proposed expenditure and enhancement of the premises would materially improve the prospects of the public house re-opening and reinforce its role within the community.

It would not be reasonable to impose a condition requiring the public house to re-open, as the planning system controls the use and development of land rather than the operation or commercial decisions of a business. Such a condition would be unenforceable and outside the proper scope of planning control, as confirmed by the courts. However, it is reasonable to secure the completion of the approved physical works to The Hunny Bell by a defined stage of the wider development. This would ensure that the investment and associated community benefits are delivered in a timely manner without seeking to control the subsequent operation of the use.

As confirmed by established case law, ACV listing is not determinative, but may attract positive weight where proposals actively support the retention and viability of a valued community facility. In this case, the financial investment into The Hunny Bell as an ACV is welcomed, and the works proposed can be appropriately secured by a planning obligation, meeting the statutory tests of necessity, relevance to the development, and proportionality. Such works are a benefit to the wider scheme and can be afforded weight in support of the development.

Integrating effectively with The Hunny Bell

Local Plan Policy ENV6 requires development to achieve and maintain a high standard of amenity, without preventing or unreasonably restricting the continued operation of established and authorised uses on neighbouring sites. This approach is reflected in paragraph 200 of the NPPF, which states that planning decisions should ensure new development is effectively integrated with existing businesses and community facilities (including public houses). It further emphasises that established uses should not be subject to unreasonable restrictions as a result of subsequent development, and that where an existing use could have a significant

adverse effect on new development, the applicant, as the “agent of change”, is responsible for providing appropriate mitigation.

Given the close physical proximity of the proposed dwellings and their associated gardens to The Hunny Bell public house, officers requested the submission of a Noise Impact Assessment. Following review of the submitted Technical Note, Environmental Health Officers confirmed that the proposed development can be satisfactorily integrated with the existing operation of The Hunny Bell. To mitigate potential noise and disturbance, an acoustic barrier in the form of a close-boarded fence is recommended. These measures are considered reasonable and appropriate, particularly as the applicant owns both The Hunny Bell and the site where the new dwellings are to be located.

Subject to conditions securing the provision and retention of this acoustic barrier, officers consider that the proposal accords with the requirements of paragraph 200 of the NPPF and Local Plan Policy ENV6 in respect of safeguarding the amenity of future occupants while protecting the continued operation of the public house.

Viability

Local Plan Policy HC4 requires that any development proposal seeking to depart from policy requirements on viability grounds must be supported by a viability assessment. In this instance, the applicant is not seeking to depart from policy; rather, the proposals seek to deliver a policy-compliant scheme in respect to infrastructure requirements. On this basis, the development accords with the requirements of Policy HC4.

The applicant has submitted a number of viability assessments in support of the application. These have been subject to independent review by the Council’s appointed viability consultants as part of the determination process. Having considered the submitted evidence, and following their own appraisal, the independent consultants have concluded that the scheme is viable and capable of supporting the required planning obligations.

Accordingly, work on the Section 106 agreement has commenced. A completed and executed agreement will be required to be in place prior to the grant of planning permission.

Loss of Agricultural Land

The application site comprises The Hunny Bell, its associated car park and garden, together with areas of agricultural land, a significant proportion of which is covered by hardstanding. The land is classified as poor quality (Grade 4) agricultural land and therefore does not constitute best and most versatile land. As such, the proposed development would not conflict with paragraph 187 of the NPPF in this regard.

Fibre to the premises

Local Plan Policy HC5 states that all new dwellings, and commercial buildings over 100sqm, shall be provided with fibre connections in accordance with the National Building Regulations. Where such connections are demonstrated not to be practical or viable, alternatives such as superfast fibre should be provided.

The applicant has confirmed that Fibre is already available within Hunworth, however no evidence has been provided to demonstrate that this is the case.

Further information is required to demonstrate compliance with Policy HC5 and can be suitably secured by condition. Should full fibre not be provided in line with the policy's requirements, evidence and justification for taking an alternative approach will be necessary. Subject to such condition, the development would accord with Policy HC5.

Mineral Safeguarding

The application site falls within a Mineral Safeguarding Area whereby Policy MP11 of the Norfolk County Council's Minerals and Waste Plan is the relevant. This policy seeks to ensure that existing mineral deposits are safeguarded from needless sterilisation. In this instance, given that the scale of the application site, and that a significant part is already developed, there would be no significant mineral implication, and no substantive conflict would arise with Policy MP11 of the Minerals Plan.

Fire Hydrants

Norfolk Fire and Rescue Service require the provision of at least one fire hydrant for every 50 dwellings forming part of the development to provide adequate firefighting water supply. This development would therefore need to provide at least one hydrant in accordance with the guidance provided by the Fire and Rescue Service. This provision can be suitably secured via condition and will be included as part of any approval.

Pre-commencement conditions

The recommendation proposes pre-commencement planning conditions and therefore in accordance with section 100ZA of the Town and Country Planning Act 1990 and the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the Local Planning Authority will serve notice upon the applicant to seek agreement to the imposition of such a condition. The notice will be served once conditions are finalised following the outcome of the development committee meeting.

15. Planning balance and conclusion

As noted above, 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.

It is relevant to note that the Council are currently able to demonstrate a 7-year housing land supply, having adopted its Local Plan in December 2025 which was found to be up-to-date and in conformity with the NPPF. Paragraphs 7–11 of the NPPF set out that the purpose of the planning system is to contribute to the achievement of sustainable development, which has three interdependent dimensions: economic, social and environmental. These dimensions are considered below in the context of the Development Plan and other material considerations.

Economic role

The economic dimension of sustainable development involves contributing to a strong, responsive and competitive economy by supporting growth, innovation and productivity, including the expansion of existing businesses.

The proposal would secure investment in The Hunny Bell public house, an Asset of Community Value, including the provision of four guest bedrooms to support its long-term commercial viability. This would contribute positively to the rural economy, support tourism, and assist in safeguarding the valued local facility. The timely delivery of these benefits can be secured through planning obligation. These benefits attract moderate weight in favour of the proposal.

Limited additional economic benefit would arise during the construction phase through local employment and expenditure associated with both the alterations to the public house and the housing development. While these benefits are recognised, they are short-term and attract only limited weight.

Social role

The social dimension of sustainable development seeks to support strong, vibrant and healthy communities by providing a sufficient supply of homes, meeting the needs of present and future generations, and fostering social interaction and well-being.

The development would deliver six dwellings, including two affordable homes, equating to 33.3% of the scheme and exceeding Local Plan requirements. The provision of affordable housing represents a clear social benefit given identified local need. The development would also make a moderate contribution towards the provision of new homes within the district, helping respond to the Government's objective to significantly boost supply. Further social benefit arises from the retention and enhancement of a valued community facility through investment in the public house. These matters weigh meaningfully in favour of the proposal.

The proposed dwellings would depart from the established pattern and form of development locally. This harm is reduced through other aspects of the design. Overall, the proposed layout, mix, scale and appearance of the proposed dwellings are considered to appropriately respond to the surrounding context. Further material and detailing information, alongside a soft and hard landscaping scheme, to help integrate the development into its village setting, can be secured by condition. The provision of on-site open space would allow for some limited informal recreation, whilst also providing ecological and visual benefits. The development would also provide the required financial contributions to go towards enhancing existing facilities within the vicinity. These matters are neutral in the balance.

The social benefits of housing delivery are moderated by the site's unsustainable location. Hunworth has very limited access to services, facilities and public transport, meaning future residents would be heavily reliant on private car travel to meet everyday needs. This limits opportunities for social interaction, active travel and inclusive access to services, and conflicts with the NPPF's objective of promoting healthy, inclusive communities. In this respect, the social role is partly undermined by the locational characteristics of the site.

Environmental role

The environmental dimension of sustainable development seeks to protect and enhance the natural, built and historic environment, mitigate climate change, and make effective use of land.

Modest environmental benefit arises from the proposed surface water drainage and flood mitigation measures, which are likely to reduce existing flooding within Kings Street and improve local resilience to climate change impacts.

The development would deliver a suitable access onto the existing highway network, and the level of trips generated would not result in an unacceptable impact on highway safety or network operation. Appropriate vehicular and cycle parking provision would be made within the site. Financial contributions towards GIRAMS would be secured by legal agreement, thus ensuring that the protected sites are not further degraded. Conditions are also capable of addressing outstanding matters relating to water efficiency, surface water drainage, landscaping, Biodiversity Net Gain, archaeology and materials. These matters are neutral in the balance.

The proposal conflicts with the Local Plan spatial strategy (SS1 and SS2) by introducing housing within the countryside, where development is not supported in principle. Sustainable transport would not be prioritised, and the proposals would conflict with the local plans aims to well-located development to minimise the need to travel and maximise the use of sustainable forms of transport, provide safe and convenient access on foot, by cycle and by public transport, addressing the needs of all. Significant weight is afforded to these conflicts, particularly as the Council can demonstrate a 7-year housing land supply. The car dependent nature of the location further undermines the environmental objectives set out within Policies CC1 and CC9 relating to climate change mitigation and sustainable transport.

Furthermore, in the absence of detailed information, it has not been possible to assess whether the energy hierarchy set out in Part 1 of Policy CC3 has been followed. The absence of a compliance statement is directly contrary to Part 2 of the policy. This conflict with one of the Council's key climate change and resilience policies weighs against the development. Conditions can be used to secure further information which would reduce the extent of this harm.

There is a mixture of pros vs cons in heritage terms. Securing the long-term viability of The Hunny Bell is considered a benefit, which would help in preserving the character and overall vitality of the Hunworth and Glaven Valley Conservation Areas. Whilst the urbanising highway intervention within the rural street scene, and departure from the pattern of built form found in the village would result in modest harm. The less than substantial harm identified to the character and appearance of the affected conservation areas is given considerable importance and weight, however as set out within the heritage section of this report, such harm is outweighed by the public benefits accruing from the scheme.

Overall conclusion

The proposal conflicts with a number of the policies contained within the Development Plan, particularly in respect of its locational sustainability, including countryside protection policies and the site's poor accessibility to services and facilities by sustainable modes of transport. These harms are acknowledged and attract significant negative weight in the planning balance.

However, they are considered to be outweighed by the combined benefits of the scheme. In particular, significant weight is afforded to the investment in The Hunny Bell public house, an Asset of Community Value, the delivery of six dwellings including an above-policy level of affordable housing provision, and the inclusion of measures to address and reduce existing surface water flooding concerns. These benefits constitute material considerations of sufficient weight to justify a departure from the Development Plan in this instance.

On balance, the proposal is considered to represent sustainable development, and approval is therefore justified subject to the completion of the Section 106 agreement and the imposition of appropriate planning conditions.

RECOMMENDATION:

APPROVAL subject to:

- 1. The completion of an agreement under Section 106 of the Town and Country Planning Act 1990 to secure the following:**
 - **Two affordable dwellings**
 - **Works to The Hunny Bell public house to create 4 guest bedrooms**
 - **Norfolk Green Infrastructure and Recreational Impact Avoidance Mitigation Strategy GIRAMS - £2,314.25 (Index Linked)**
 - **On-site provision of 235 square metres of Amenity Green Space, alongside its future management and maintenance**
 - **Financial contribute towards off-site open space provision/enhancement in vicinity of site:**
 - **Allotments - £2,558 (Index Linked)**
 - **Children Play Space - £3,221 (Index Linked)**
 - **Natural Green Space - £5,796 (Index Linked)**
 - **Parks and Recreation Grounds - £19,516 (Index Linked)**
 - **Youth Play Space - £1,309 (Index Linked)**
 - **Biodiversity Net Gain Monitoring fee of £2,925 (Index Linked)**
 - **Council S106 Monitoring fee £2,000 (Index Linked)****and;**
- 2. The imposition of conditions to cover the matters listed below and any others considered necessary at the discretion by the Assistant Director for Planning, and;**
- 3. If the Section 106 agreement isn't completed and the permission isn't issued within 3 months of the date of this Committee meeting then the Assistant Director for Planning will consider whether the application resolution remains appropriate and in doing so will take account of the likelihood of the Section 106 being completed and permission issued in the near future (i.e. within another month) and will consider whether there are any potential / defensible reasons for refusal at that time. If he reaches that view – i.e. that the application should potentially be refused - then the application would be reported back to Committee.**

Suggested Conditions

1. Time limit for commencement
2. Approved plans and documents
3. External materials
4. Fenestration and architectural details
5. Site levels and finished floor levels
6. Boundary treatments, including noise attenuation fencing
7. Hard and soft landscaping
8. Landscape implementation and maintenance
9. Landscape replacements
10. External lighting
11. Arboricultural Method Statement and Tree Protection
12. Archaeological investigation, mitigation, reporting and archiving
13. Ecological mitigation measures
14. Biodiversity enhancement features (birds, bats, etc.)
15. Construction Environmental Management Plan (CEMP)
16. GIRAMS condition
17. Biodiversity Net Gain implementation condition
18. Surface water drainage scheme (SuDS) and management and maintenance
19. Groundwater monitoring for drainage
20. Securing flood mitigation works and management and maintenance
21. Foul drainage and package treatment plants
22. Access construction and highways works details
23. Visibility splays
24. Residential parking provision, including visitor spaces
25. Cycle parking provision
26. Electric vehicle charging points
27. Plant and equipment noise controls
28. Energy efficiency and carbon reduction – pre-development calculations
29. Energy efficiency and carbon reduction – SAP and EPC calculations
30. Low-carbon / renewable energy technologies
31. Water efficiency standards
32. Accessible and adaptable dwellings (M4(2))
33. Contaminated land investigation, remediation and verification
34. Fibre-to-the-premises provision
35. Fire hydrant provision

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SCOTTOW - PF/25/2438: Construction of two-storey dwelling (retrospective) at Scottow Barn, North Walsham Road, Scottow, Norwich, Norfolk
Applicant: Mrs C Rea

Minor Development
Full Planning Permission
Target Date: 16th April 2025
Extension of Time:
Case Officer: Mr R Arguile

RELEVANT SITE CONSTRAINTS:

Countryside Policy Area
Landscape Character Assessment (Low Plains Farmland)
National Character Area (North East Norfolk and Flegg - Eastern Arable)
Listed Building Grade II (Three Horseshoes Public House)
Nutrient Neutrality Foul Water Drainage (River Bure)
Nutrient Neutrality Rainfall (675mm - 700mm)
Nutrient Neutrality Surface Water (River Bure)
Biodiversity Net Gain (Woodland Core Area)
GIRAMS ZOI - Broadland Special Area of Conservation (SAC)
GIRAMS ZOI - Broadland RAMSAR
GIRAMS ZOI - Broadland Special Protection Area (SPA)
GIRAMS ZOI - Great Yarmouth North Denes Special Protection Area (SPA)
GIRAMS ZOI - Winterton-Horsey Dunes Special Area of Conservation (SAC)
GIRAMS ZOI - Breydon Water Special Protection Area (SPA)
GIRAMS ZOI - Norfolk Valley Fens Special Area of Conservation (SAC)
GIRAMS ZOI - North Norfolk Coast Special Area of Conservation (SAC)
GIRAMS ZOI - North Norfolk Coast RAMSAR
GIRAMS ZOI - North Norfolk Coast Special Protection Area (SPA)
GIRAMS ZOI - The Wash & North Norfolk Coast Special Area of Conservation (SAC)
Flood Zone 1 EA
Flood Zone 1 SRFA
High Risk Surface Water Flooding + CC EA
Medium Risk Surface Water Flooding + CC EA
Low Risk Surface Water Flooding + CC EA
Risk Surface Water Flooding 1 in 1000 EA
Risk Surface Water Flooding 1 in 100 EA
Risk Surface Water Flooding 1 in 30 EA

RELEVANT SITE HISTORY:

RV/24/1619 (A) (07.11.2024)

Alterations and demolition of additions to facilitate conversion of public house and function room to 2 dwellings without complying with condition 2 (approved plans) of listed building consent LA/12/1180 to allow for changes to layout and design

RV/24/1618 (A) (07.11.2024)

Conversion of public house and function room into 2 detached dwellings without complying with condition 2 (approved plans) and condition 15 (landscape plan) of planning permission PF/12/1181 allow for changes to the design, layout and landscaping

LA/12/1180 (A) (23.07.2013)

Alterations and demolition of additions to facilitate conversion of public house and function room to 2 dwellings

PF/12/1181 (A) (12.06.2013)

Conversion of public house and function room into 2 detached dwellings

LA/05/1226 (A) (20.09.2005)

RE-ROOFING OF FUNCTION ROOM

THE APPLICATION:

This proposal seeks full planning permission for the construction of a two-storey dwelling. The site previously benefitted from extant permission related to conversion of an existing building to dwelling. However, the applicant states that, whilst implementing the previous permission, structural failings occurred, which resulted in the demolition of the building overtime. The dwelling proposed is therefore new-build rather than conversion.

The applicant has stated that the new dwelling is being constructed to the same design as the previously approved drawings. The original design and appearance of the dwelling was approved in 2013 under PF/12/1181 and LA/12/1180. An alternative scheme varying some details was approved in 2024 under RV/24/1619 and RV/24/1618.

REASON FOR REFERRAL TO DEVELOPMENT MANAGEMENT COMMITTEE:

At the request of the Development Manager. The proposal is a departure from the Development Plan involving listed building and human rights implications associated with refusal of the application which need to be considered, and which justify the matter being determined by the Development Committee.

CONSULTATIONS:

Scottow Parish Council - Support

Conservation and Design Officer (NNDC) - Objection

- In the absence of any information to the contrary, Conservation and Design has always taken the view that this particular outbuilding forms part of the Three Horseshoes grade II listing; this on the basis that it was built in the 1860s and appears to have been in the same ownership as, and served an ancillary function to, the 'principal' listed building at the time the curtilage legislation was introduced in 1969. It is therefore regarded as an 'accessory' structure and is subject to the usual listed building considerations and controls.
- Against this context, it would be an understatement to say that there is disappointment that the building has been levelled to the ground and affectively no longer exists in its original form. Indeed, with the previous approvals sanctioning its conversion rather than its deconstruction, it would appear that a criminal offence has been committed under s9 of the Planning (Listed Building & Conservation Areas) Act, 1990. This in no way can be condoned within this consultation reply. Instead, what we must do hereunder is consider the merits of developing the site as essentially a piece of new build and what impact this has on the designated heritage asset.

- As a prelude to this, it is firstly worth considering the value of the 'barn' prior to the works commencing on site. Hence, rather than being where the main significance was derived, it was part of the support cast of structures. It was also built much later than the main pub and had a more functional appearance which did not replicate its characterful vernacular charm. Consequently, it very much played a secondary role to the 'principal' building.
- At the same time, however, it is thought to have stood on site for over 160 years and occupied a prominent position from the main road. During this time, it apparently served variously as a venue for the men of the village to pay their insurance subscriptions and as a community centre, a mobile theatre and cinema and as an overspill dormitory for RAF personnel during the war. Together with its more recent function room use, it therefore saw numerous people through its doors and served the village well over its life. Therefore, what it perhaps lacked aesthetically and architecturally, it made up for in evidential value and social interest. It is therefore argued that its loss has resulted in harm being caused to the overall significance and setting of the heritage asset.
- In terms of the quantifying the magnitude of this harm, the fact that the 'principal' building is not involved clearly means the impact falls within the 'less than substantial' category for the purposes of the NPPF. Nonetheless, as paragraph 212 of that document reminds us, great weight must be given to the conservation of heritage assets irrespective of the level of harm. Therefore, it is assumed that the outcome of this application rather depends upon whether there are other material planning considerations or public benefits accruing which might outweigh the identified harm.
- In weighing up the planning merits of the case, the following factors are considered to be relevant:
 - In the event of it being convincingly demonstrated that the building works were proceeding sensitively on site, and that the building fell down despite all due prudence being employed, this would have to attract some weight within the overall planning balance. As we stand, no such case appears to have been advanced to justify the current situation (and effectively provide a defence against the offence under s9(3) of the relevant act).
 - As part of the previously approved conversion, it was accepted that the character and appearance of the building would change as part of creating a viable habitable unit. However, the scheme was carefully negotiated in order to ensure that the true essence of the building was properly retained and did not undermine the original point of the conversion; i.e. to preserve the 'accessory' structure in its current form and enable it to continue to make a positive contribution to the overall heritage asset. Much of that has now been compromised as a result of the original structure no longer being upstanding.
 - Following on from the above bullet, it is noted that the applicants have salvaged as many of the original bricks as possible and have started to reuse these in the reconstruction. Whilst these obviously would provide a connection back to the original building, they clearly cannot replace its intrinsic value or all of its evidential value. In a similar vein, it would clearly be possible to rebuild the structure in accordance with the previously approved elevations. However, this would essentially be a three-dimensional manifestation (or pastiche) of the original structure and would not house all of the community memories built up over the years. It would, however, at least reinstate a relationship of sorts with the pub (albeit legally this would no longer be on the basis of 'accessory' and 'principal' buildings).

- The issue of whether the principle of a residential use has been lost will presumably feature heavily within the overall balancing exercise. As part of this, the barn would obviously contribute to our housing supply, albeit that contribution would be relatively modest in real terms given only 1 unit is involved.
- Summarising, the original point of allowing the 'barn' to be converted was to preserve it for future generations, and to provide an authentic physical legacy of all that has taken place on site. As a result of what has happened, however, much of this has effectively been swept away through the loss of historic fabric and enclosure. With this application realistically only able to deliver a pale imitation, Conservation and Design are unconvinced about the value of an approval now being issued. Particularly as this could be regarded by some as condoning the earlier events, care is needed not to create a precedent for future conversions.
- In view of this, and in the absence of a convincing account and justification having been made for the demolition or collapse having occurred despite all due precautions being put in place, it is difficult to see how Conservation and Design can realistically lend their support to this application.

Landscape Officer (Trees) (NNDC) - Comment

- The Landscape section considers that there is little input to be given at this stage, due to the retrospective nature of the application. It should however be noted that a Landscape plan was requested previously under application reference RV/24/1618 and has yet to be supplied. In the event that the application is approved, the previous condition should be reimposed.

Landscape Officer (Ecology) (NNDC) - Comment

- Following a discussion with the Landscape Office (Ecology) it is noted that there some inaccuracies within the supplied nutrient calculator. Subject to these being resolved and the purchasing of the relevant credits, this would allow the proposal to demonstrate that it was nutrient neutral.

Highways Authority (NCC) - No Objection

- Having considered the information submitted the Highway Authority has no objection to this retrospective application.

Minerals and Waste Authority (NCC) - No Objection

- While the application site is underlain by a Mineral Safeguarding Area (Sand and Gravel), it is considered that as a result of the site area and the nature of the development it would be exempt from the requirements of Policy MP11 - Mineral Safeguarding Area and Mineral Consultation Areas of the adopted Norfolk Minerals and Waste Local Plan

REPRESENTATIONS:

No public representations have been received.

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:

The application raises no significant crime and disorder issues.

EQUALITY AND DIVERSITY:

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.

DEVELOPMENT PLAN POLICIES:

North Norfolk Local Plan 2024-2040 (December 2025)

- Policy CC1 - Delivering Climate Resilient Sustainable Growth
- Policy CC3 - Sustainable Construction, Energy Efficiency & Carbon Reduction
- Policy CC4 - Water Efficiency
- Policy CC7 - Flood Risk & Surface Water Drainage
- Policy CC8 - Electric Vehicle Charging
- Policy CC9 - Sustainable Transport
- Policy CC12 - Trees, Hedgerows & Woodland
- Policy CC13 - Protecting Environmental Quality
- Policy SS1 - Spatial Strategy
- Policy SS2 - Development in the Countryside
- Policy HC5 - Fibre to the Premises (FTTP)
- Policy HC7 - Parking Provision
- Policy ENV2 - Protection & Enhancement of Landscape & Settlement Character
- Policy ENV4 - Biodiversity & Geodiversity
- Policy ENV5 - Impacts on international & European sites, Recreational Impact Avoidance Mitigation Strategy
- Policy ENV6 - Protection of Amenity
- Policy ENV7 - Protecting & Enhancing the Historic Environment
- Policy ENV8 - High Quality Design
- Policy HOU1 - Delivering Sufficient Homes
- Policy HOU8 - Accessible & Adaptable Homes
- Policy HOU9 - Minimum Space Standards

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 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

Supplementary Planning Documents:

North Norfolk Design Guide (December 2008)
North Norfolk Landscape Character Assessment (January 2021)

Other Material Considerations:

The Conservation of Habitats and Species Regulations 2017 (November 2017)
North Norfolk Strategic Flood Risk Assessment (April 2018)
Natural England Advice Letter (March 2022)
Norfolk County Council Parking Guidelines for new developments in Norfolk (July 2022)
Planning Practice Guidance (February 2024)
Natural England National Character Area Profiles (May 2024)
Norfolk Recreational Impact Avoidance and Mitigation Strategy and Action Plan (June 2024)
Lead Local Flood Authority Guidance Document (April 2025)
Five-Year Supply of Housing Land 2025-2030 (September 2025)
Norfolk Local Nature Recovery Strategy (October 2025)

OFFICER ASSESSMENT:

Site History and Planning Context:

The site lies along North Walsham Road, within the village of Scottow. The application site comprises of a building under construction, a detached shed and caravan (where the applicants reside). Historically, the site formed part of a wider site, which included, prior to its conversion, the 'Three Horseshoes' public house. This is a grade II listed building. The recent planning history of the site commenced in 2011, whereby the public house and its outbuilding to the rear received planning permission to be converted to dwellings (LA/12/1180 and PF/12/1181).

Following the implementation of this permission, the 'Three Horseshoes' was converted into a dwelling, and the planning unit was split between public house the outbuilding and. In 2024, the proposal to convert the outbuilding was amended, largely in terms of materials and some design elements (RV/24/1619 and RV/24/1618). As the public house was converted first, this kept the permission to convert the outbuilding extant, allowing for these changes to sought as a variation of the original permission.

Subsequent to this, during the carrying out of these applications (RV/24/1619 and RV/24/1618) structural failings occurred. This resulted in the demolition of the building overtime. This resulted in none of the historic fabric being retained in situ, as approved by the local planning authority. As the building to be converted has, in effect, been removed, the planning permission for the conversion to a dwelling cannot be lawfully implemented. A replacement would be considered as a new-build dwelling. Following discussions between the local planning authority and the applicant, this application has been made in attempt to remedy the current breach of planning control in light of the above events.

Main Issues for Consideration:

- 1. Principle of Development**
- 2. Design and Appearance**
- 3. Heritage Impact**
- 4. Amenity Impact**
- 5. Landscape Impact**

- 6. Ecology Impact
- 7. Highways and Parking
- 8. Flood Risk

1. Principle of Development

Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004 sets out that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan now includes the Local Plan adopted on 17th December 2025.

Policy SS1 sets out the distribution of development (spatial strategy) and provides the framework to deliver sustainable growth to meet the existing and future needs for all types of development. The spatial strategy establishes a settlement hierarchy of identified 'Large Growth Towns', 'Small Growth Towns', 'Large Growth Villages', 'Small Growth Villages' and 'Countryside Policy Area'.

Policy SS2 manages development allowed in the designated 'Countryside Policy Area'. It sets out the strategic and overriding principle in areas outside settlements with development boundaries. The criteria set out the types of development that are considered appropriate in the rural area. These include but are not limited to re-use of existing buildings, agricultural/forestry use, affordable housing, accommodation for gypsies and travellers, and demonstrable community led development.

Policy SS2 limits development to that which requires a rural location and for the purposes specified in the policy. In this instance, the loss of the previous building has resulted in the loss of an extant planning permission. In policy terms, therefore, the proposal is considered to be for a wholly new dwelling, rather than conversion of a dwelling. It's location outside of a designated settlement boundary with the 'Countryside Policy Area' results in a proposal not permitted by Policy SS2. Whilst it is acknowledged that the end result of the proposal and the previous permission is a new dwelling in the countryside, the policy permits the reuse of buildings on the basis that they are retaining a majority of their structural material and in most cases this involves their historic fabric. Therefore, the proposal has to be considered as a new dwelling, which results in a conflict with Policy SS2.

With the above in mind, Officers consider that the proposal does not comply with Policy SS1 or Policy SS2 of the North Norfolk Local Plan and paragraph 11 of the NPPF. The proposal would amount to a departure from the Development Plan, and this would weigh heavily against the grant of planning permission. Sufficient material considerations in favour would be required to outweigh the policy conflict.

2. Design and Appearance

Design

The purpose of Policy ENV8 is to provide a set of design principles that will result in a high quality of design and ensure the special character and qualities of the district are maintained and enhanced. The policy criteria sets the approach to a number of considerations including the public realm, green infrastructure, landscaping and service facilities, having regard to the *North Norfolk Design Guide (December 2008)*.

In design terms, the elevations of the proposal two storey dwelling are identical to those submitted as part of the approval of the most recent application for conversion under application RV/24/1619.

The key difference, in design terms, is that the approval under application RV/24/1619 involved conversion and adaption of an existing building whereas the proposal is now a facsimile or pastiche of what once stood there. The implication of the loss of historic fabric is considered within the heritage section below.

As an entirely new-build structure, whilst many aspects of Policy ENV8 are complied with, the loss of historic fabric detracts from the special character of the historic environment and the proposal neither preserves or enhances the special character and this weighs heavily against the grant of planning permission.

Accessible and Adaptable Homes

Policy HOU8 ensures that new homes address the needs of the district's population. The policy's aim is to increase the supply and percentage of appropriately accessible housing across all tenures and enable homes to be further adapted in a cost-effective way. The policy requires all new dwellings to meet Building Regulation M4(2) standards. As this policy applies to all new dwellings, it would be mandatory as part of any future planning application (unless it can be justified that the proposal cannot meet these standards).

The submission includes a 'Accessible and Adaptable Homes Statement' stating the various adaptations and considerations for ground floor living. Although not specified in the statement it is a requirement of the policy to include compliance with Building Regulation M4(2) standards. On this basis, subject to conditions, the proposal is considered to comply with Policy HOU8.

Space Standards

The purpose of Policy HOU9 is to ensure design reflects the optional nationally described standards as set out in the Buildings Regulations and evoked through the Local Plan. This policy ensures new homes offer a reasonable minimum level of internal space, privacy, storage and usable rooms. This includes adaptable rooms and increases the usability of dwellings and their long-term use. Detailed standards are set out in the North Norfolk Local Plan's 'Appendix 3' which sets the minimum total gross internal areas of dwellings and their floor areas, depending on the number of bed spaces, stories and built-in storage.

The proposal includes a 'Minimum Space Standards Statement', which states that the proposal is for six bedrooms, with up to eight people living at the dwelling. The total floor area is given as 341m² with 13.6m² of storage space. On this basis this exceeds the nationally described space standard and therefore is acceptable under Policy HOU9.

Climate Change and Connectivity

Policy CC1 sets out the overarching principles for development in the district. This includes the requirements proposals should address and sets out a presumption in favour of sustainable development. It aims to ensure that all new development proposals positively contribute to mitigating and adapting to climate change and delivers climate resilient sustainable growth through reducing emissions, being energy and water efficient, minimising risk from flooding and overheating, and enhancing biodiversity and green infrastructure.

Policy CC3 promotes a proactive strategy to mitigate and adapt to climate change by requiring development proposals to achieve high standards of energy efficiency and carbon reduction

through layout, design and technology, and encourages the use of sustainable materials, the minimisation of waste, and consideration of lifecycle impacts. Submission of a 'Compliance Statement' is required for residential and commercial proposals. This should set out the approach to energy efficiency including in relation to the target energy performance and carbon emission rates in comparison to the benchmark Target Emissions Rate (TER) under Building Regulations Part L.

The purpose of Policy CC4 is to reduce the use of water by requiring developments to meet or exceed the higher water efficiency standard of 110 litres per person per day (lpppd) as set out in Building Regulations Part G. Sufficient detail is required to support an application, which sets out the measures to be incorporated to enable compliance with this policy.

The proposal has not addressed the above, insofar as explaining how the new dwelling will meet or exceed these requirements. However, it is stated that the dwelling will use 120 litres per person per day, although this is higher than permitted by Policy CC4. On this basis the proposal does not demonstrate compliance with Local Plan Policies

The purpose of Policy HC5 is to improve the provision and quality of digital communications including broadband, and to ensure that all new dwellings are connected by fibre, or are able to be connected in the future, in accordance with the building regulations in force at the time. This information has not been provided within the submission, therefore does not comply with Policy HC5.

Having regard to design and appearance, whilst some matters could be addressed by way of imposition of planning conditions, it is considered that the proposal does not comply with Local Plan Policies ENV8(d) CC1, CC3, CC4, HC5 and paragraph 164(b) of the NPPF and this weighs against the grant of planning permission.

3. Amenity Impact

Policy ENV6 aims to maintain, protect and promote adequate living and working conditions to ensure that all occupants benefit from a good standard of amenity by considering a number of matters including, overlooking, overshadowing, loss of privacy and prevention of disturbance from odour, noise and artificial light pollution. The policy applies to all development proposals, where existing and/or future occupiers may have their standard of amenity affected.

The proposal is not considered to raise any significant amenity concerns in respect of overlooking, overshadowing or privacy. Therefore, the proposal complies with Policy ENV6 of the North Norfolk Local Plan and paragraph 135(d) of the NPPF.

4. Heritage Impact

Policy ENV7 ensures that North Norfolk's historic environment is conserved and, wherever possible, enhanced, and that new development is of high quality design. Plans should set out a positive strategy for the conservation and enjoyment of the historic environment. The quality of the built environment and the presence of historic assets make a valuable contribution to the appeal of North Norfolk. All development proposals should, in the first instance, avoid harm to any heritage asset. Only where harm cannot be avoided will mitigation then be considered.

All development proposals that would affect the significance of a designated or non-designated heritage asset and/or its setting, or any known, or possible, archaeological sites, will be required to provide, in the form of a heritage statement, sufficient information proportionate to the importance of the asset and the impact of the proposed development, to

enable any impact to be accurately assessed. Given its heritage significance, consultation with the Conservation and Design Officer was sought and the following comments offered.

The previous structure 'Oddfellows Barn' was considered to be curtilage listed owing to its relationship to the adjacent Grade II listed building 'The Three Horseshoes' public house. This is why, despite not being listed itself, proposals required listed building consent. The latter has now been converted into a dwelling, as works were carried out under the original permission, granted in 2012.

'Oddfellows Barn' dated from the 1860s and operated as a function room to the previous use of the public house. Owing to its demolition, which could be considered a criminal offence under the Planning (Listed Building & Conservation Areas) Act, 1990, the previous permission to convert the building has been lost and with it the imbued heritage it contained. It was considered that the barn's value was derived from its supporting nature to the listed public house. Given its later construction and functional appearance, it was considered a secondary role to its host listing.

The age of the building and its prominent location along North Walsham Road did provide a more evidential value over its aesthetics. The building had a long history and was used for a variety of uses over the past 160 years. The demolition of the building resulted in 'less than substantial' harm being caused to the overall significance of the heritage asset. Under paragraph 212 of the NPPF, it is emphasised that great weight must be given to the conservation of heritage assets irrespective of the level of harm. Within the planning balance, this must be weighed against public benefit of the proposal and other material considerations.

Regarding the planning merits of the case, to date it has not been convincingly demonstrated by the applicant that the building works to implement the permission for "conversion" were proceeding sensitively on site and that all due prudence was being employed to ensure retention of as much historic fabric as possible.

As we stand, no such case appears to have been advanced to justify the current situation (and effectively provide a defence against the offence under s9(3) of the relevant act). Furthermore, it is also considered that the previously approved conversion was negotiated carefully in order to ensure that the building was retained and preserved its contribution to the overall heritage asset. The reuse of the viable bricks of the building do provide a connection back to the original structure, however it cannot replace the intrinsic heritage value. Furthermore, the recreation of the building using these bricks would not effectively restore what was lost.

In conclusion, the loss of the building (with its absence of justification) and impact upon the heritage asset of the listed building, the Conservation and Design Officer objects to the application and Officers concur with that view. Therefore, the proposal conflicts with Policy ENV7 of the North Norfolk Local Plan and paragraphs 207, 212, 213 and 217 of the NPPF.

5. Landscape Impact

Wider Landscape

Under Policy ENV2 development is required to respect and enhance local landscape character, settlement patterns and the relationship between settlements and their surroundings. Proposals should be assessed against the *North Norfolk Landscape Character Assessment (January 2021)* and should be sympathetic to the key characteristics and valued features of the area. Proposals should set out how the development will protect and conserve the defining qualities and distinctiveness of the 'Landscape Character Type'.

The site lies within the 'Low Plains Farmland' Landscape Character Type and the National Character Area 'North East Norfolk and Flegg - Eastern Arable'. On the basis that the dwelling is to be built to the same dimensions as the previous structure (albeit as an entirely new replacement dwelling as opposed to conversion of an historic building), it is considered to not have an impact upon the wider landscape setting and would comply with Policy ENV2 of the North Norfolk Local Plan and paragraphs 135(c) and 198 of the NPPF.

Local Landscape and Trees

The purpose of Policy CC12 is to support the retention and incorporation of existing and new trees and hedgerows within proposals and to protect trees, hedgerows, woodland and other natural landscape features from harm or loss. The criteria provides the approach to potential loss or harm of protected trees, hedgerows and woodland, including securing compensation. A landscape strategy will be required to detail the potential impact, loss or harm to any existing natural landscape features.

Following the removal of the trees on site, prior to the submission of the previous application (RV/24/1618) a hard and soft landscaping plan was conditioned to be submitted. This plan was not included within this application as a means to address this issue. Owing to the removal of the trees now being included within the policy, the absence of this information results in the proposal conflicting with Policy CC12, as this requires mitigation to lost trees and incorporated features to be included within the planning application.

On this basis the proposal conflicts with Policy CC12 North Norfolk Local Plan and paragraph 136 of the NPPF, albeit this matter is capable of being addressed through again conditioning requirement for a hard and soft landscaping plan to be submitted.

6. Ecological Impact

Policy ENV4 requires the protection, enhancement and net gain for biodiversity and geodiversity. Proposals must avoid harm to designated sites and deliver measurable Biodiversity Net Gain (BNG). The policy requires suitable ecological surveys to establish the extent of the potential impacts on ancient woodlands, veteran trees, protected species and priority species or priority habitats.

Biodiversity Net Gain

The site lies within the 'Biodiversity Net Gain (Woodland Core Area)' designation. However, the proposal is retrospective and therefore is exempt from mandatory BNG provisions.

GIRAMS

The purpose of Policy ENV5 is to require developments that increase recreational pressures on internationally designated nature conservation sites to mitigate their impacts from the development via a standard per-dwellings tariff secured through planning obligations and/or via on-site mitigation. The policy applies to all net increases in residential development within the identified 'Zones of Influence'. The site lies within eleven of the identified 'Zones of Influence' which relate to protected areas of ecological importance.

At the time of writing, the applicant has paid the relevant tariff fee, in order to comply with Policy ENV5.

Nutrient Neutrality

The *Conservation of Habitats and Species Regulations 2017 (as amended)* provide for the designation of sites in England that are important for protecting certain species and habitats. These sites are known as 'European sites' or 'Habitats sites' and form part of a network of protected sites across the UK known as the 'National Site Network'. The proposal site lies within the 'Nutrient Neutrality Foul Water Drainage (River Bure)', 'Nutrient Neutrality Rainfall (675mm - 700mm)' and 'Nutrient Neutrality Surface Water (River Bure)' designations. This means that both foul water and surface water from the site drain into the River Bure, which discharges into protected sites.

Under section 63 of the *Conservation of Habitats and Species Regulations 2017 (as amended)* and the publishing of Natural England's *Advice Letter (March 2022)*, it requires that a competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which is likely to have a significant effect on a 'European site' must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives. It also requires that a person applying for any such consent, permission or other authorisation must provide such information as the competent authority may reasonably require for the purposes of the assessment or to enable it to determine whether an appropriate assessment is required.

Furthermore, Policy CC13 ensures that every opportunity is taken to avoid, minimise and reduce, through appropriate mitigations measures, all emissions and other forms of pollution. The criteria require appropriate remediation where contamination is present and includes the approach where new overnight accommodation is proposed. A Habitat Regulations Assessment (HRA) will be required to demonstrate that there is no adverse effect on the integrity of the relevant protected habitats.

It is acknowledged that the previous permissions to convert the building into a dwelling did not require that nutrient neutrality be demonstrated. The reason for this is that the original permission (PF/11/1181) was granted prior to the publication of Natural England's guidance letter. This permission was then extant during the submission and approval of the variation of condition permission (RV/24/1618). Both of these permissions provided a lawful fallback position whereby nutrient neutrality was not a material consideration. In respect of the current proposal, the permission to convert the building to a dwelling has been lost as a result of its demolition and therefore there is no lawful fallback position. A new planning unit has been created for the application site, which has resulted in the requirement to demonstrate nutrient neutrality.

Following consultation with the Landscape Officer (Ecology), it is noted that there are some inaccuracies within the submitted nutrient calculator. Furthermore, the proposal does not include mitigation to demonstrate that it would be 'nutrient neutral'. This conflicts with Policy ENV4, which states '*Development where there is a likely significant effect on a European site should only be permitted where the proposal is in accordance with the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended) or any successive regulations in order to ensure adverse effects on integrity, alone or in-combination, are ruled out and any necessary mitigation secured*'.

With the above in mind, it is considered the proposal conflicts with Policy ENV4 and Policy CC13 of the North Norfolk Local Plan, and paragraphs 187, 193 and 195 of the NPPF.

A failure to address the impact of the proposal on European habitats protected under the habitats regulations would prevent the Development Committee from granting permission for the replacement dwelling.

7. Highways and Parking

The purpose of Policy CC9 is to ensure that new development maximises the opportunities for the use of sustainable forms of transport appropriate to its particular location, that the public highway remains safe and convenient to use for all road users and that proposals are served by safe and suitable access without detriment to the amenity and character of the local area. This is also reflected by paragraphs 115 and 117 of the NPPF. Furthermore, paragraph 116 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy HC7 ensures the provision of adequate safe and secure vehicle and cycle parking taking account of active travel objectives. Proposals should take account of the *Norfolk County Council Parking Guidelines for new developments in Norfolk (July 2022)* as a starting point, to ensure parking is integrated as a key element of design layouts, including the provision of electric vehicle charging infrastructure. Policy CC8 promotes and ensures delivery of appropriate electric vehicle charging infrastructure where vehicle parking forms part of a proposal. The criteria provide specific requirements for residential development in accordance with building regulations.

Following consultation with the Highways Authority no objections have been raised to the proposal. Notwithstanding this, some consideration must also be given to the previous application on the matter. At the time of writing, creation of an access has occurred in accordance with the previous approval on site. However, details regarding parking provision and electric vehicle charging infrastructure have not been included within the proposal.

On this basis, it is considered that the proposals impact upon the highway network on balance is acceptable under Policy CC9 of the North Norfolk Local Plan and paragraphs 115-117 of the NPPF. Conversely, the proposal conflicts with Policy CC8 and Policy HC7 of the North Norfolk Local Plan as it has not demonstrated the inclusion of electric vehicle charging infrastructure and adequate parking provision on site, albeit these matters are capable of being addressed through imposition of planning conditions.

8. Flood Risk

The purpose of Policy CC7 is to ensure flood risk is evaluated in development proposals and to require the appropriate management of surface and foul water disposal in order to reduce flood risk. The policy requires development to avoid areas of flood risk where possible, and to incorporate sustainable drainage systems (SuDS). All proposals must also ensure no increase in flood risk elsewhere. Appendix 1: Flood Risk & Surface Water Drainage of the Plan sets out the required level of supporting documentation and detail required.

The site is located within 'Flood Zone 1' and as such is not at a high risk of riparian flooding. Additionally, the proposal lies within 'High Risk Surface Water Flooding + CC EA' and 'Risk Surface Water Flooding 1 in 30 EA' which indicates a higher chance of surface water flood events. The proposal includes the use of soakaways (SuDs) and will be connecting the foul sewer to the existing mains.

On this basis, it is considered that the proposal would comply with Policy CC7 of the North Norfolk Local Plan and paragraphs 181 and 182 of the NPPF.

Planning Balance and Conclusion

Whilst the application before Committee may appear similar in many ways to that granted under application RV/24/1619, the loss / demolition of the existing building means that application RV/24/1619 is no longer capable of being implemented and the permission falls away, together with any fallback scenario, and this fundamentally affects how the proposal should be assessed.

Under the Local Plan, a proposal for a new build dwelling in the countryside is assessed quite differently to a scheme involving conversion of the existing building.

Officers consider that the proposal amounts to a new dwelling in the countryside policy area without adequate justification and is in conflict with Policies SS1 and SS2.

The removal the building known as 'Oddfellows Barn' has resulted in the loss of historic fabric which detracts from the special character of the historic environment. The proposal neither preserves or enhances the special character and this is in conflict with Policies ENV7 and ENV8.

Furthermore, the proposal has also not fully demonstrated that it would be nutrient neutral, given that it includes proposed overnight accommodation within a designated sensitive catchment area. On this basis, it is contrary to Policy ENV4 and Policy CC13.

As the local planning authority can demonstrate a five year housing land supply following the publication of the *Five-Year Supply of Housing Land 2025-2030 (September 2025)* the tilted balance does therefore not apply.

It is acknowledged that the proposal complies with some of the relevant Local Policies, for example Policy CC7 and Policy HOU9. It is also acknowledged that some matters are capable of being addressed through imposition of planning conditions. However, Officers conclude that any benefits associated with the proposal are more than outweighed by the harms that would result. In the case of matters relating to the habitats regulations and nutrient neutrality, absent resolution of this matter, then the Development Committee would not be able to lawfully grant permission, irrespective of whether sufficient material considerations had been provided to outweigh the policy conflicts.

RECOMMENDATION:

Delegate authority to the Assistant Director of Planning to REFUSE for the following reasons:

- 1. The site lies within the designated Countryside policy area. The acceptable forms of development listed under Policy SS 2 do not include new market dwellings, owing to limited opportunities for future occupiers to access services and facilities by safe modes of sustainable transport, making this location unsuitable for a new dwelling. The proposal is therefore contrary to Policy SS1 and Policy SS2 of the North Norfolk Local Plan. It is considered that there are no material planning considerations submitted by the applicant which would outweigh the conflict with these policies.**
- 2. The application has failed to demonstrate that the proposed development would not result in adverse effects, either alone or in combination, on the integrity of European sites arising as a result of the development including in relation to nutrient enrichment. Approval of the application would conflict with the legal requirements placed on the Local Planning Authority as competent authority under the**

Conservation of Habitats and Species Regulations 2017 (as amended). In the absence of evidence to rule out likely significant effects and in the absence of suitable mitigation measures to address likely significant effects, the proposal is contrary to the requirements of Policy ENV4 and Policy CC13 of the North Norfolk Local Plan and paragraphs 187, 193 and 195 of the NPPF.

- 3. The loss of the building (with its absence of sufficient justification) has resulted in less than substantial harm to the designated heritage asset (listed building). This harm has not been outweighed by any identified public benefits or other material considerations. It has not been sufficiently demonstrated that the building works were proceeding sensitively on site, and that the building fell down despite all due prudence being employed. Furthermore, the proposal has not included sufficient information with regard to the reuse of the existing materials. On this basis, the loss of historic fabric detracts from the special character of the historic environment and the proposal conflicts with Policy ENV7 and ENV8 of the North Norfolk Local Plan and paragraphs 207, 212, 213 and 217 of the NPPF.**

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LUDHAM – PF/25/2736 - Erection of new self-build dwelling and associated access at Land North of Reedlands, Horsefen Road, Ludham, Norfolk

Minor Development

Target Date: 11th February 2026

Extension of Time: 24th April 2026

Case Officer: Harry Gray

Full Planning Permission

RELEVANT PLANNING CONSTRAINTS

Countryside Policy Area
Affordable Housing Zone 1
North Norfolk Designated Rural Area
Agricultural Land Classification - Grade 2
Broads Authority (site lies adjacent to)
Conservation Area site lies adjacent to)
Landscape Character Type - Settled Farmland
Dry Island
Flood Zone 3A
Flood Zone 3B (Indicative)

RELEVANT PLANNING HISTORY

PRE5/25/2239 Advice given
Meeting (online) - Erection of dwelling

THE APPLICATION

This application seeks planning permission to erect a self-build dwelling towards the end of Horsefen Road within a field next to the dwelling known as Reedlands.

The site is currently a grassed field which is surrounded by a boundary hedge and bank. The site joins Horsefen Road to the southwest with two gate access points, with the southern-most access to be used for the development. The Ludham Conservation Area boundary follows Horsefen and is therefore immediately adjacent to site. The site is also adjacent to the Broads Authority Area to west, which starts the other side of Horsefen Road, and immediately so to the east.

REASON FOR REFERRAL TO COMMITTEE

At the request of Cllr Varley (Ward Cllr) on the basis that the proposal has gained local support and provides for self-build development and that other material considerations suggest that the proposal needs greater scrutiny at Planning Committee.

PARISH/TOWN Council

Ludham Town Council – Support with recommendations for external lighting and encouraging biodiversity

CONSULTATIONS

Norfolk County Council Highways – Object (09.01.2026)

- The servicing road is inadequate and could be detrimental to highway safety due to its:
- Poor alignment
- Restricted width
- Lack of passing provision

Object (06.03.2026) following re-consultation:

- Uphold their position of highway safety
- Question the possibility of the applicant being able to supply the proposed passing places
- Reiterate that they consider the northern end of Horsefen Road to be increasingly busy
- Express concerns that the proposed forward visibility splays are not achievable

Conservation and Design (NNDC) – Object (22.01.2026) for the following reasons:

- Impact on rural character that contributes to the significance of the landscape, the adjacent Ludham conservation area, and the Broads National Park
- Size and scale
- Lack of landscaping plan and misrepresented curtilage would likely result in the openness and unspoilt qualities of the field being further compromised
- Does not reflect to local vernacular or deliver a qualitative piece of bespoke contemporary architecture
- Imposing nature of the building
- Elements of flat roof forms
- Is not sympathetic to the prevailing form and character of the area

Object (12.03.2026) following re-consultation:

- Original concerns about size, compatibility and impact remain
- Highlight their agreement with the response received from the Broads Authority on 27.02.2026

Landscape (NNDC) - Object following the submission of additional information/plans And a Landscape and Visual Impact Assessment, for the following reasons:

Landscape

- Contrary to the settlement pattern along Horsefen Road
- Erodes the positive contribution of the existing grassed field to the rural setting of the Conservation Area and the Broads National Park
- Excessive light spill into the dark night skies of the area and could potentially adversely impact protected species whilst being immediately adjacent to the Broads Authority Dark Sky Zone 2, north of the Broads Ramsar protected landscape, and west of a County Wildlife Site
- Excessive light spill would also detract from the special qualities of the Landscape Character
- Uncomfortable site positioning

- Adverse impact on the countryside policy setting

Trees

- Lack of Arboricultural information to cover potential impact of hard standing on boundary hedge

Ecology

- The Preliminary Ecological Appraisal, and the enhancement measures contained within, are considered acceptable
- Nutrient Neutrality qualifying development
- GIRAMS qualifying development

Broads Authority – Object (08.01.2026) for the following reasons:

- No assessment on the impact on Heritage Assets
- Incongruous by virtue of its size, its massing, its imposing and poorly proportioned design and its isolated position, sitting centrally within what is currently an open field
- Associate residential activities will have a detrimental impact on the rural character of both the Broads Authority Executive Area (when viewed from the east, west and south) and the Ludham Conservation Area.
- Excessive light spill whilst being immediately adjacent to the Broads Authority Dark Sky Zone 2
- Consider that harm would come to the Ludham Conservation Area and wider designated landscape

Object (27.02/2026), following re-consultation:

- Acknowledge the more considered appearance of the amended proposal, but maintain their objection in full
- Substantial dwelling footprint has been further increased
- Substantial two-storey detached house in an isolated position
- Cited centrally within in an open field
- Wholly out of character within the rural setting of the Ludham Conservation Area and the wider Broads landscape
- The field in question contributes directly to the special character of Horsefen Road which this proposal would cause irreversible harm to
- Incongruous by virtue of its size and isolated position
- Does not reflect the established vernacular of the area
- Large amount of glazing within the Broads Authority Dark Sky Zone 2 with not internal light spillage mitigation measures set out
- Concerns regarding the accumulation of residential paraphernalia that inevitably accompanies a dwelling on a plot of this size

Environment Agency - No comments received.

Internal Drainage Board - Advise that the development might require consent regarding discharge of water to a watercourse (treated foul or surface water) under Byelaw 3

Planning Policy – Advice (01.04.2026)

- Lacks supporting evidence to demonstrate self-build compliance
- Stated that the Council's statutory duty to provide custom and self-build plots has been met
- Queried the BNG exemption

- Clarified that the site is within the designated countryside and therefore contrary to Policy SS1

Advice (13.04.2026), following the receipt of applicant's response

- Following review of the information, consider the proposal could potentially be considered to meet the self-build criteria
- Confirms that the provision of one self-build dwelling would make a positive contribution towards the Council's ongoing statutory duty, but confirmed that the weight would be limited
- Confirmed that the Council's obligation to provide plots is district-wide, not area specific. Therefore, this identified need in Ludham does not materially alter the weight afforded to the self-build element

REPRESENTATIONS

10 representations were received following publicity via site notice and advertisement in the local press in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

9 letters of **support** were received which raised the following (summarised) material planning considerations:

- Enhancement of the land/neighbourhood
- In-keeping with the setting
- Brings support to local businesses

1 letter of **objection** was received which raised the following (summarised) material planning considerations:

- Unacceptable principle of development
- Incongruous in terms of scale and design with the surrounding character
- Contrary to the criteria set out in Policy ENV1 of the Local Plan
- Doesn't comply with para. 189 of the NPPF regarding the protection of important natural landscapes

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

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 Local Plan (adopted December 2025)

Policy CC1 - Delivering Climate Resilient Sustainable Growth
Policy CC3 - Sustainable Construction, Energy Efficiency & Carbon Reduction
Policy CC4 - Water Efficiency
Policy CC7 - Flood Risk & Surface Water Drainage
Policy CC8 - Electric Vehicle Charging
Policy CC9 - Sustainable Transport
Policy CC10 - Biodiversity Net Gain (BNG)
Policy CC13 - Protecting Environmental Quality
Policy SS1 - Spatial Strategy
Policy SS2 - Development in the Countryside
Policy HC5 - Fibre to the Premises (FTTP)
Policy HC7 - Parking Provision
Policy ENV2 - Protection & Enhancement of Landscape & Settlement Character
Policy ENV4 - Biodiversity & Geodiversity
Policy ENV5 - Impacts on International & European sites, Recreational Impact Avoidance Mitigation Strategy
Policy ENV6 - Protection of Amenity
Policy ENV7 - Protecting & Enhancing the Historic Environment
Policy ENV8 - High Quality Design
Policy HOU1 - Delivering Sufficient Homes
Policy HOU2 - Delivering the Right Mix of Homes
Policy HOU8 - Accessible & Adaptable Homes
Policy HOU9 - Minimum Space Standards

Material Considerations

National Planning Policy Framework (NPPF):

Chapter 2 - Achieving sustainable development
Chapter 4 - Decision-making
Chapter 5 - Delivering a sufficient supply of homes
Chapter 9 - Promoting sustainable transport
Chapter 11 - Making effective use of land
Chapter 12 - Achieving well-designed places
Chapter 14 - Meeting the challenge of climate change, flooding and coastal change
Chapter 15 - Conserving and enhancing the natural environment
Chapter 16 - Conserving and enhancing the historic environment

Supplementary Planning Documents and Guidance:

North Norfolk Design Guide Supplementary Planning Document (SPD) (December 2008)
Landscape Character Assessment Supplementary Planning Document (January 2021)
North Norfolk Strategic Flood Risk Assessment (November 2017)

Other Material Considerations

Self-build and Custom Housebuilding Act 2015 (as amended) (October 2016)

Conservation of Habitats and Species Regulations (2017)

Norfolk County Council Parking Guidelines for new developments in Norfolk (July 2022)

Planning Practice Guidance (February 2024)

Norfolk Recreational Impact Avoidance and Mitigation Strategy and Action Plan (June 2024)

Lead Local Flood Authority Guidance Document (April 2025)

Five-Year Supply of Housing Land 2025-2030 (September 2025)

OFFICER ASSESSMENT:

Main issues for consideration:

- 1. Principle**
- 2. Design, Effect on the character and appearance of the surrounding area and landscape, including Conservation Area and Broads National Park**
- 3. Amenity**
- 4. Highways Safety**
- 5. Parking**
- 6. Ecology**
- 7. Trees**
- 8. Flood Risk**
- 9. Recreational Disturbance**
- 10. Biodiversity Net Gain (BNG)**
- 11. Other Matters**
- 12. Planning Balance and Conclusion**

1. Principle

The spatial strategy for North Norfolk is set out within Local Plan Policy SS1. This policy 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 a clear settlement hierarchy from Large Growth Towns to Small Growth Villages. The rest of North Norfolk is designated as 'Countryside' and development will be restricted to particular types of development which are considered within the Countryside Policy SS2.

Ludham is categorised as a Large Growth Village, providing several services and facilities, including a doctor's surgery, convenience stores, a village hall, a church, a pub, a primary school, a car repair garage, a fuel station, and boat yards. Further, there are regular bus services to North Walsham, via Stalham, and to Great Yarmouth, via Potter Heigham. It should be noted that there are presently no bus services on Sundays.

Whilst technically within Ludham parish, Officers consider that the site is not immediately adjacent to the designated settlement boundary and lies approximately 650 metres (as the crow flies) from the designated settlement boundary and approximately 830 metres when navigating Horsefen Road. The application site is therefore within the Countryside as detailed in Policy SS2, where development is limited to that which essentially requires a Countryside location. The policy sets out a number of qualifying criteria for development that will be considered in such locations. The proposal would not comply with any of the provisos for new build residential development within this policy.

Policies SS1 and SS2 restricts the creation of new marking dwellings within the countryside to prevent dispersed dwellings that, by virtue of their location, will have a dependency on travel by car. Instead, these policies try to focus development toward more sustainable patterns of development. These policies are 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. Therefore, 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.

Access to amenities and bus services would be via Horsefen Road, a rural, unlit road with no separate footways. Whilst two public Right of Way footpaths extend away from the end of Horsefen Road, implying a shared surface, the potential volumes of traffic, particularly north of Womack Staithe, coupled with the lack of separate footpath, would likely deter people walking to Ludham, particularly during darker winter months. Therefore, it is considered very likely that the future occupiers would be dependent on the use of a car to reach the full range of everyday basic services.

For the reasons stated above, the proposal is considered to be contrary to Policies SS1 and SS2 of the adopted Local Plan. Whilst the proposal is within the parish of Ludham, the site not located inside, immediately adjacent to, or even relatively close to the Ludham settlement boundary. The site is within an unsustainable countryside location and is therefore unacceptable in principle.

Self-build and Custom Housing

The Self-build and Custom Housebuilding Act 2015 ('the Act') (as amended by the Housing and Planning Act 2015), and the Self build and Custom Housebuilding Regulations 2016, together provide the legislative basis for promoting Self and Custom Build Housing in England. The Act requires the Council to maintain a register of persons 'seeking to acquire' serviced plots on which to construct a custom or self-built dwelling which are 'to be occupied as homes by those individuals'. The Act places a duty on the Council to permit enough 'suitable' development permissions to meet the demand for serviced plots (as established by those persons and plots entered onto Part 1 of the Register).

Development permission is defined as 'suitable' in the Act if it is 'development which could include custom and self-build housing'. The national guidance states 'Relevant authorities must give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area'. The definition and interpretation of 'suitable' is a key consideration in the grant of development permissions.

Following the submission of further information, it is considered that the proposal would meet the definition of a self-build dwelling, which would be secured through necessary conditions to secure this status (which can also be achieved through a legal agreement if necessary). However, irrespective of whether a dwelling is custom or self-built, this does not negate the application of the strategic development plan policies, in particular Local Plan Policies SS1 and SS2 as outlined above. Custom and self-build housing in the countryside is not one of the identified criteria set out within Policy SS2.

Policy HOU 2 sets out the Council's approach to delivering a sufficient supply of sustainably located self-build and custom housebuilding plots. In support of the application, the applicant has expressed, within their Planning Statement, that the addition of one self-build dwelling

should be afforded significant weight within the planning balance. They propose that the Council is not currently meeting its statutory obligation to deliver plots for self-build and custom build housing and that this dwelling would meaningfully contribute towards this obligation as well as towards the Council's overall delivery of dwellings.

Whilst it is believed that the applicant may be relying on old, published data, the most recent figures, which use a more robust methodology and updated monitoring, show that the Council is meeting its obligation. The data indicates that, across all base periods to date, 55 qualifying registrations have been received on Part 1 of the Register, and 64 plots have been permitted which the Council considers contribute toward meeting this demand.

This monitoring demonstrates that the statutory duty has been met across the base periods where the relevant 3-year permission window has closed. Where unmet demand has arisen in earlier periods, this has been appropriately rolled forward and subsequently addressed. The 3-year permission windows for more recent base periods remain open, and permissions granted within these periods will be used to determine whether demand is met.

Furthermore, the Council are currently able to demonstrate a 7.0-year housing land supply, having adopted its Local Plan in December 2025 which was found to be up-to-date and in conformity with the NPPF. In assessing these proposals, due regard has been given to the NPPF as a material consideration, including the requirements of paragraph 11.

Whilst the addition of one dwelling would positively contribute towards the achieving the self-build and custom housebuilding targets, the Council has been able to demonstrate that has deliverable 7.0-year housing land supply and is meeting its statutory self-build and custom housebuilding obligations. Therefore, as one dwelling would not represent a significant contribution, only limited weight can be afforded to the delivery of the proposed dwelling.

The lack of available self-build plots within Ludham or the immediate catchment has been highlighted by the applicant. However, it must be stressed that the statutory duty does not operate on a settlement-specific basis, and the Council's obligation is to meet demand across its area as a whole rather than to provide opportunities in particular locations. This does not therefore materially alter the weight to be afforded to the self-build element in this instance.

In terms of the planning balance, the limited weight afforded to self-build does not outweigh the matter of the proposed development site being positioned within an unsustainable location and is therefore contrary to Policies SS1 and SS2 as outlined above. It would also be contrary to the overarching objectives of sustainable development as set out under Policy CC1, the objectives of achieving sustainable transport under Policy CC9, and paragraphs 8, 11, 83, 115 and 117 of the National Planning Policy Framework.

2. Design, Effect on the character and appearance of the surrounding area and landscape, including Conservation Area and Broads National Park

Design

The proposed development comprises the erection of a large dwelling located towards the end of a rural road and centrally within an agricultural field. Whilst one-and-a-half-storeys in nature, with a ridge height of 7.7m, this would be more akin to a two-storey dwelling. Although the 3.15m eaves height and first floor dormer windows would help to soften this, the ascending

gradient of the site, and therefore height position of the dwelling relative to the road, would result in an increased sense of grandeur.

The area is largely characterised by clusters of development in the form of small-scale 19th-century cottages or larger chalet bungalow type dwellings. The first design featured a large, Georgian-esque pastiche, two-storey home within the same location. The revised scheme, whilst more considered in its one-and-a-half-storey form, continues to thrust an incongruous form of development within the setting of Horsefen Road. By reducing the overall height by 40cm and changing the design, it appears that objections relating to size and scale have been considered. However, with consideration of the minimal decrease in height, coupled with a footprint increase of approximately 70m², it is difficult to see how the design reflects the local vernacular. The proposal would still be overly assertive within the site, with its central planting into the field only serving to further reinforce this physical intervention, with the new build likely to command attention and become the dominant feature on site. It is unclear why the dwelling has been placed in a floating position within the field surrounded by agricultural land.

As the Council's Conservation & Design department have described within their comments, it is the imposing nature of the building which raises the primary concerns. This can be attributed to:

- Its long, unbroken ridgelines
- Its stretched elevations with their (in part) irregular bays and (in part) over fenestration
- Its solidity through the unrelieved facing materials
- Its bookend external chimney stacks
- The lack of any affective articulation or modelling within the main north and west facing facades. Whilst somewhat lessened by the revised design, this concern remains

In addition, the flat-roof kitchen feels mismatched with the overall design of the dwelling and still appears as a visual afterthought, rather than being properly imbedded within the overall design.

Overall, it is considered that the proposed dwelling would fail to respond properly to the buildings within this part of the village. Whilst some of these feature extensive footprints, they deliver them in a far more additive and incremental way and avoid the comparatively unforgiving volumes proposed here. The net result is a building which would not be sympathetic to the prevailing form and character of the area.

Conservation Area and Broads National Park

The concerns with the proposal are only further compounded when the sensitive nature of the area is examined. The site is a relatively open and unspoilt agricultural field that lies adjacent to the Ludham Conservation Area and Broads National Park. The Ludham Conservation Area Appraisal states the following: 'after the Staithe, the road continues to curve easy and south...hedges and individual trees fringe the road with open arable fields to the north giving views to gently rising ground.' It therefore must be concluded that the site not only affords views over the gently rising ground to the north but also reinforces the existing rural character of this part of the conservation area.

Paragraph 189 of the NPPF states that, in terms of conserving and enhancing the natural environment, great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great

weight. It then goes on to state that development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on designated areas.

The existing grassed field, by virtue of its undeveloped nature, makes a positive contribution to the rural setting of the Conservation Area and the Broads National Park setting. This function would be eroded by the proposed development by virtue of its bulky and incongruous size and scale.

The site is also immediately adjacent to the Broads Authority Dark Sky Zone 2. The large expanses of glazing and dormers, particularly on the south and east elevations, would incur excessive light spill into the dark night skies of the area. Whilst not only detracting from this, the light spill would have the potential to also adversely impact protected species. Additionally, with the Broads Ramsar protected landscape to the south of the site and a County Wildlife Site to the east, this issue is only further compounded.

Regarding heritage harm, it would be disingenuous to ignore the overall size of the conservation area and the fact that the impacts here would be indirect rather than direct. However, as detailed above, harm to the significance of the heritage asset is present.

In terms of quantifying the level of heritage harm, it is considered that it would lie towards the lower end of the 'less than substantial' spectrum for NPPF purposes. Paragraph 212 states that great weight should be given to the conservation of heritage assets irrespective of the level of harm.

Paragraph 215 goes on to state 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. Although the addition of one dwelling would contribute towards the Council's self-build and housing targets, this contribution cannot be considered to contribute substantially and therefore can only be afforded limited weight. This limited weight would not outweigh the harm to the heritage asset and would therefore be contrary to paragraph 215 of the NPPF and Policies ENV7 and ENV8 of the adopted North Norfolk Local Plan

Landscape

The site lies within the Settled Fen Landscape Type, as defined in the North Norfolk Landscape Character Assessment (2021 SPD). This is characterised by flat or very flat arable landscapes bounded on three sides by the more wooded Broads Valleys which have a wilder and less agricultural character, and which form a strong visual relationship from within the Type. Settlement is a strong landscape feature with dispersed farmsteads, villages and the market town of Stalham. A strong rural character with a sense of remoteness and tranquillity is a defined, valued feature, with rural lanes and dark night skies being a contributing factor. The Assessment sets out Detractors that could adversely affect the prevailing character of this Landscape Type. This includes the increases in light pollution associated with new built form which can affect the valued dark night skies of agricultural buildings by potentially introducing suburban features such as light spill from large expanses of glazing, external lighting, garden fencing, and parking areas.

For the reasons stated above it is concluded that the proposal would harm the character, appearance, setting, significance, and special characteristics of the surrounding landscape, and adjacent Broads National Park.

With no public benefits that would outweigh this harm, the proposal would be contrary to Local Plan Policies ENV1 and ENV2.

3. Residential Amenity (Effect on living conditions)

Despite being of significant scale and at a slightly raised elevation, by reason of separation distances to neighbouring dwellings (the nearest being 35m away), it can be concluded that the proposed development would not result in unacceptable levels of residential amenity impacts. Any perceived increase in overlooking would be limited. The proposal would therefore comply with the aims of Local Plan Policy ENV6 and Policy ENV8 in regards to amenity.

4. Highway Safety

Initial comments received from the Highway Authority raised concerns regarding highway safety resulting from the increased traffic movements and sinuous nature of Horsefen Road. As detailed within the comments received from the Highway Authority, it is considered that the proposed development would generate six daily traffic movements, as set out in TRICS (Trip Rate Information Computer System). The proposal will therefore generate additional traffic on the surrounding network and through the proposed access serving the site. Horsefen Road is a narrow, sinuous, single track rural lane without the benefit of any formal vehicular passing or pedestrian facilities. Horsefen Road has a variable width of between 2.9m and 3.7m. The width of the road is 2.9m adjacent to the proposed dwelling.

The Highway Authority have stated that for satisfactory shared vehicular use, a carriageway width of 4.8m is required (Manual for Streets 2007). Due to Horsefen Road's narrow nature, it would not be possible for two cars to pass each other safely. The proposed development would increase the likelihood of vehicles meeting, leading to cars reversing and manoeuvring in the highway which would be both difficult and hazardous for some drivers and for the drivers of some large vehicles, and particularly in conditions of poor light, dusk and darkness. The road's sinuous characteristics and notable bends reduce forward visibility thereby increasing risk.

In addition, Horsefen Road leads to the Public Right of Way network where there is a circular route. Additional traffic proposed from the site would increase conflict between pedestrians (vulnerable road users) and vehicles.

Paragraph 115(b) of the NPPF states that safe and suitable access to the site should be achieved for all users. Due to the reasons stated above, and the length of travel required to reach Yarmouth Road, it cannot be concluded that the development would comply with paragraph 115(b). Thus, given the proposal and the associated intensification of traffic movements associated with the proposed use on a narrow, sinuous rural lane, the proposal would give rise to conditions detrimental to highway safety.

In the two responding statements submitted by the applicant and curated by Doyle Transport Planning, the statements made by the Highway Authority above are challenged. The presented information shows the location of informal passing places, sections of road within which two cars can pass, and places where formalisation of passing places could take place to improve highway safety. They also challenge the categorisation of Horsefen Road as a sinuous road and the true impact that one dwelling would have.

However, it has not been confirmed whether the land for the proposed passing places is within the highway land or within private ownership, and therefore, whether the passing places could be delivered.

Furthermore, the informal passing places are either sections of bank that have been flattened by car travel or the driveways of other properties. The reliance on third party land, such as driveways, to provide safe passage for vehicles should be avoided as these could easily be removed and obstructed by the owner. It is for this reason that they cannot carry any noteworthy weight within the planning balance.

For the reasons stated about, the proposed development would be contrary to Local Plan Policy CC9 and Chapter 9 of the NPPF.

5. Parking

Whilst the size requirements for spaces to be considered eligible to contribute towards the dwelling's parking provisions technically haven't been met (marked as 4.8m rather than 5), it is clear that the driveway would be able to accommodate the size increase and therefore provide the required level parking as denoted within the Norfolk County Council Parking Guidelines. Although the plans do not indicate the required secure covered cycle parking, there would be space to provide this on site and could be secured through condition if necessary.

The proposal would therefore accord with the requirements of Local Plan Policy HC7 and Policy ENV8.

6. Ecology

The application has been supported by a Preliminary Ecological Assessment. Enhancement measures are required to provide a net gain for the development as required by Paragraph 187 of the NPPF and Policy ENV4 of the adopted North Norfolk Local Plan.

The enhancements as set out in the report are considered acceptable and include limiting external lighting and following best practice guidelines, Institute of Light Professionals / Bat Conservation Trust Guidance Note 08/23, 'Bats and Artificial Lighting at Night'.

The proposal would accord with the aims of Local Plan Policy ENV4 and Policy ENV8 in this regard.

7. Trees

As the dwelling would be positioned centrally within the agricultural field away from surrounding trees, it is considered that no arboricultural conflicts would arise in this regard. However, it is considered likely that the existing access point will need widening and visibility splays improving which would have the potential to impact upon existing trees and hedgerows. Furthermore, the introduction of new hardstanding, services and utilities within the existing root protection area of existing trees and hedgerows has the potential to cause damage and should be properly assessed and appropriate protection measures put in place.

There has not been any Arboricultural information submitted to support the proposal and address these issues. As such, the proposal would be contrary with the aims of Local Plan

Policy CC12 and Policy ENV8, albeit such impacts could be mitigated through imposition of planning conditions.

8. Flood Risk

The site is located partially within the large designated Dry Island that surrounds Ludham and Catfield and partially within Flood Zones 2 and 3. The dwelling itself would be located outside of the flood zones, but the front section of the site, including the access and Horsefen Road, would be within Flood Zones 2 and 3. As per Policy CC7, and in line with the NPPF, areas within a designated Dry Island are to be treated as though that are within the surrounding flood zone. As such, a Flood Risk Assessment (FRA) should be submitted to support such applications.

An FRA was submitted which confirms that the dwelling would be situated outside of the flood zones and Above Ordinance Datum (AOD), above all fluvial present day and climate change levels. It is therefore considered that safe refuge, particularly on the first floor, could be achieved.

What should be of note, as previously mentioned, is that Horsefen Road is entirely within the Flood Zones 2 and 3. The FRA states that the Environment Agency's flood data indicates that along Horsefen Road, the minimum ground level is 0.97m AOD, below the climate change flood level of 1.67m AOD. As such, the FRA categorises the hazard to people along this area as Dangerous for Most for 731m, and very low thereafter. Whilst it is acknowledged that safe refuge exists, the potential inability of access/egress during a flood event would give rise to concerns.

A Flood Risk Sequential Test Assessment was also submitted within which the Sequential and Exception Tests have been carried out. The Local Planning Authority are satisfied by the conclusions of the Sequential Test, but would disagree with the conclusion of the Exceptions Test.

Paragraph 178 of the NPPF states that the application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall'.

As stated above, given the unsustainable location and with the Council being able to demonstrate both a deliverable five-year land supply and that the statutory duty to supply self-build housing plots have been met, it is not considered that there are sufficient wider sustainability benefits to outweigh the identified flood risk.

The proposal would therefore be contrary to Local Plan Policy CC7 and Paragraph 178 of the NPPF.

9. Recreational Disturbance

The cumulative recreational impacts from new overnight accommodation in Norfolk is considered to have a significant adverse impact upon the integrity of European Sites. The Norfolk Authorities therefore adopted the Green Infrastructure and Recreational impact

Avoidance Mitigation Strategy (GIRAMS), a strategic mitigation measure, on 1st April 2022 to help mitigate these impacts.

GIRAMS required a tariff payment of £304.17 per dwelling at the time of submission, which has been paid via S111 upfront payment. This tariff will fund mitigation measures to be implemented across Norfolk.

Accordingly, as the mitigation fee has been paid, the proposal is considered to comply fully with the GIRAM requirements and therefore complies with policies CC10, ENV4 and ENV5 of the Local Plan.

10. Biodiversity Net Gain (BNG)

The applicant has claimed the self-build exemption with regards to mandatory BNG requirements. As discussed further above, the Council are satisfied that the proposed development is compliant with The Self-build and Custom Housebuilding Regulations 2016 subject to conditions.

11. Other Matters

Sustainable Construction:

Policy CC3 of the NNLP requires new development to achieve a progressively higher standard of environmental sustainability. Residential proposals should be accompanied by a compliance statement setting out the approach taken to address energy efficiency within the design and technical specification of the proposed development and the comparative target energy performance and carbon emission rates of the proposal in relation to the benchmarked Target Emissions Rate for each dwelling proposed.

In this case the agent has committed to exceeding the standards set out in Volume 1 of Approved Document Part L (2021) for dwellings. It is also stated that the proposed dwellings will have a greater than 30% reduction in the target CO2 emission rate when compared to the 2013 building regulations.

The submitted statement also proposes use of air-source heat pumps for underfloor heating and hot water, as well as PV panels on appropriate roof slopes. Taking account of the written commitments from the agent, the Council are satisfied that the development would be in accordance with the provisions of Policy CC3.

Water efficiency:

Policy CC4 requires that all new dwellings must be designed and constructed in a way that enables them to meet or exceed Building Regulations Part G, amended 2016 water efficiency higher optional standard or any higher standard subsequently established nationally. The agent has committed to the proposed dwellings having a water consumption rate that would not exceed 110l/p/day which is the higher optional standard, and the requirement stated within Policy CC4.

The application is therefore considered policy compliant in terms of water efficiency.

Electric Vehicle Charging:

The submitted site plan for the proposed dwelling includes the provision for 1no. electric vehicle chargepoint. However, a formal parking space associate with the charge point has not been clearly marked on the plan, as per policy, so the practicality of use cannot be determined.

As such, it cannot be determined whether it would meet the requirements of being suitable for use by people with disabilities. Furthermore, the type of chargepoint to be installed has not been specified. The proposal would therefore be contrary to Policy CC8, albeit such impacts could be mitigated through imposition of planning conditions.

Fibre to the Premises (FTTP):

Policy HC5 states that all new dwellings shall provide fibre connections in accordance with National Building Regulation. The applicant has stated within their planning statement that a fibre optic connection will be installed. This would comply with the requirements of Policy HC5 subject to condition.

Foul Water

The site lies outside the nutrient neutrality catchment for the River Bure. Whilst the site would be able to connect to mains drainage, the discharge from Ludham / Walton Hall Water Recycling Centre is understood to discharge outside of the nutrient neutrality catchment and therefore mitigation is not required.

Planning Balance and Conclusion

It is considered that the proposed development would positively contribute towards the Council's custom and self-build and housing targets. However, due to its unsustainable location within the designated Countryside, the proposal would be considered unacceptable in principle and therefore contrary to Policies CC1, CC9, SS1 and SS2. The proposed dwelling's incongruous design would be contrary to the aims of Policy ENV8 and would harm the significance of the adjacent Conservation Area, Broads National Park, and surrounding Landscape, in direct conflict with Policies ENV1, ENV2, and ENV7. The proposed development would also not substantially contribute towards the sustainability of the local community to outweigh the flood risk identified, contrary to Policy CC7.

Material considerations in favour of the proposal do not attract sufficient weight in the planning balance to outweigh the identified harms

RECOMMENDATION:

REFUSAL for the following reasons:

- 1. It is considered that the proposed development would be positioned within an unsustainable location with a lack of basic day-to-day facilities/services and sustainable connections to such facilities/services, resulting in future occupiers of the proposed dwellings being heavily reliant on private vehicles in order to access larger settlements. It is not considered that the provision of a single dwelling in the location proposed would contribute to the delivery of sustainable development, nor reduce carbon emissions. Consequently, with no adequate benefits to outweigh the identified policy conflict, it is considered that the proposed development is contrary to the overarching aims of sustainable development and transport under Policies CC1, CC9, SS1 and SS2 of the adopted North Norfolk Local Plan, and paragraphs 8, 11, 83, 115 and 117 of the National Planning Policy Framework.**
- 2. Due to the proposed height and footprint of the dwelling, together with its positioning within the field and resultant likely prominent appearance, the potential for light spill and with a lack of characterful detailing and any notable landscaping,**

the proposed dwelling would not be in-keeping with the local vernacular with an associated detrimental impact upon the visual characteristics and special qualities of the local surrounding landscape, and setting, character and appearance of the Broads National Park. It would therefore be contrary to Policies ENV1, ENV2 and ENV8 of the adopted North Norfolk Local Plan. In addition, this would also result in less than substantial harm to the setting of the adjacent Ludham Conservation Area. It is considered that there are insufficient public benefits to outweigh the identified harm and as such, the proposed development is contrary to Policy ENV7 the adopted North Norfolk Local Plan and Paragraph 215 of the NPPF.

- 3. The application was not supported by and Arboricultural Implications Assessment and accordingly, the applicant has failed to demonstrate that the proposed development would not have an unacceptable adverse impact upon existing trees and hedgerows. Accordingly, the proposed development is contrary to Policies CC12 and ENV8 of the adopted North Norfolk Local Plan.**
- 4. The unclassified road serving the site is considered to be inadequate to serve the proposed development by reason of its poor alignment, restricted width, lack of formal passing provision, lack of lighting and absence of any pedestrian facilities. The proposed development is likely to generate increased vehicular use of this road and therefore give rise to conditions detrimental to highway safety, contrary to Policy CC9 of the adopted North Norfolk Local Plan.**
- 5. The site is located partially within a Dry Island and is therefore considered as being within surrounding Flood Zones 2 and 3. The applicant has failed to demonstrate that the development would provide wider sustainability benefits to the community that outweigh the flood risk and therefore has not passed the required exceptions test. Accordingly, the proposed development is contrary to Policy CC7 of the adopted North Norfolk Local Plan and Paragraph 178 of the NPPF.**

HIGH KELLING – PP/26/0186 - Residential development comprising 9 dwellings (application for permission in principle) at Land Off Of Heathfield Road, High Kelling
Applicant: Mr M Forster

Minor Development
Target Date: 17th March 2026
Extension of Time:
Case Officer: Olivia Luckhurst
Permission in Principle

RELEVANT PLANNING CONSTRAINTS

Landscape Character Assessment - Wooded Glacial Ridge
National Landscape - Norfolk Coast National Landscape (formerly AONB)
Rural Area
Small Growth Village

RELEVANT PLANNING HISTORY

None.

THE APPLICATION

Seeks permission in principle for a residential development comprising 9 dwellings.

REASONS FOR REFERRAL TO COMMITTEE

The application has been referred to committee at the request of Councillor Rouse for the following reason(s): Overdevelopment of High Kelling, increase in traffic movements and inadequate infrastructure to support the development.

PARISH/TOWN COUNCIL - Objection

The proposed development outside the NNDC Local Plan settlement boundary raises significant concerns due to narrow, unadopted access roads, Warren Road and Heathfield Close, unable to accommodate increased traffic from an anticipated 58 additional vehicle movements daily. Previous planning applications were rejected over safety issues at the dangerous Avenue junction with the A148, which struggles with high vehicle speeds and visibility. The site lacks sustainable access to local facilities, with no safe cycle paths and minimal public transport. The nine proposed dormer bungalows do not include affordable housing, failing to cater to community needs. The development contravenes Local Plan policies on access and vehicle reliance, while concerns about construction access were raised. The site is within a protected national area, warranting careful development consideration to preserve natural characteristics. Although the development aligns with the small growth classification, it diverges from existing linear development patterns. Approval would necessitate an external lighting plan to protect the area's dark skies.

Full comments can be found online at [PP/26/0186 | Residential development comprising 9 dwellings \(application for permission in principle\) | Land Off Of Heathfield Road High Kelling Norfolk](#)

Consultations:

Invitations to comment on the application were sent to the following;

Norfolk County Council Highways – Comments

The permission in principle consent route has two stages. The first ('permission in principle') stage establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This application relates to the first of these two stages. The PPG outlines that the scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. From that perspective, the site is close to Holt, enclosed by existing development and would be considered sustainably located. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. The specific details of access design, including visibility, and the effects of providing access on the amenity and character of the area would be a matter for assessment at technical details stage, at which time, the LHA would be likely to raise highway safety objections given the shortfall in visibility at highway intersections and the private nature of the access routes.

Landscape (NNDC) - Objection - The proposed development is set to impact designated sites, priority habitats such as hedgerows, and protected species, necessitating a Preliminary Ecological Appraisal (PEA) and, where required, an Ecological Impact Assessment (EclA) to thoroughly evaluate ecological implications in alignment with CIEEM guidelines and BS42020:2013. Arboricultural data indicates the removal of several trees, specifically G3 Sycamore, G4 bamboo, and G5 Sycamore & Oak, which are not significant to the landscape. However, proximity concerns regarding T16 Spruce and G6 Pine with a proposed no-dig surface raise issues about utility access and potential damage, particularly under Tree Preservation Order TPO/16/0917, which mandates that any loss to protected trees must be offset by demonstrable public benefits. The report has been criticised for not sufficiently addressing these preservation obligations, leading to objections, highlighting the need for a complete Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) prior to construction, alongside a construction management plan to regard potential impacts from vehicle access. The site, located within "The Norfolk Coast National Landscape," requires careful attention to conservation, characterised as a "Wooded Glacial Ridge" critical for local landscape integrity. Guidelines discourage major development that threatens wooded character, though the planned removal of some trees may not be significant enough to radically alter High Kelling's landscape. The village is classified for 9% growth, with the development of 20 additional dwellings fitting this rating, despite conflicting with local linear development norms. Surrounding residential properties serve to mitigate this. Should the development advance, an external lighting scheme must preserve dark skies, adhering strictly to best practice recommendations.

Full comments can be found online at [PP/26/0186 | Residential development comprising 9 dwellings \(application for permission in principle\) | Land Off Of Heathfield Road High Kelling Norfolk](#)

Ward Councillor - Objection - Overdevelopment of High Kelling, increase in traffic movements and inadequate infrastructure to support the development.

REPRESENTATIONS:

Public consultation of the application took place for a period of 21 days between 11.02.2026 and 06.03.2026. Forty-three letters of **objection** have been received and raise the following issues:

- Heathfield Road, Avenue Road and Pine Heath Road are wide enough to enable two cars passing each other although only with difficulty
- Access Appraisal Document 1007.0028/AATN/3 states Avenue Road has a 30mph speed limit which is incorrect, it has a 10mph limit
- Unacceptable increase in vehicular movements
- Pineheath Road would be inappropriate as an access road to Avenue Road
- Impact on wildlife
- Heathfield Road does not have a width of 5.4m as stated within the submission and has not foot paths
- Avenue Road was not constructed to adopted road standards and is unlit
- Poor visibility from the access of Avenue Road to the A148
- Alternative access via Pineheath Road has better sight lines both ways but involves four sharp bends not designed for lorries
- The site is land locked with no existing road
- Construction vehicles would struggle to get access the site
- Impact on dark skies
- Significant visual harm to the locality and character of the area
- Added pressure to the ageing drainage system which is considered to be of a poor standards and has been susceptible to blockage and has not capacity for additional dwellings to be added.
- The site could be considered as greenfield given its historic use of grazing land and not brownfield as suggested by the supporting details
- Overdevelopment of the site
- The village plan within the Local Plan states that a provision of 20 new houses can be provided however, 6no. dwellings have already been built at Warren Farm Barns and permission has also been granted for 35no. dwellings at old Pineheath Care Home, therefore there is double the suggested number.
- Detrimental impact on the Norfolk Coast National Landscape

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

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.

RELEVANT POLICIES

North Norfolk Local Plan (adopted December 2025)

SS1 - Spatial Strategy

SS2 - Development in the Countryside

CC12 - Trees, Hedgerows & Woodland

CC13 - Protecting Environmental Quality

HC7 - Parking Provision

ENV1 - Norfolk Coast National Landscape & The Broads

ENV2 - Protection & Enhancement of Landscape & Settlement Character

ENV3 - Heritage & Undeveloped Coast

ENV4 - Biodiversity & Geodiversity

ENV5 - Impacts on international & European sites, Recreational Impact Avoidance Mitigation Strategy

ENV 6 - Protection of Amenity

ENV8 - High Quality Design

National Planning Policy Framework (NPPF):

Section 2 - Achieving sustainable development

Section 4 - Decision-making

Section 5 - Delivering a sufficient supply of homes

Section 8 - Promoting healthy and safe communities

Section 12 - Achieving well-designed places

Section 15 - Conserving and enhancing the natural environment

Officer Assessment:

Main issues for consideration

- 1. Background and context**
- 2. Site and Application**
- 3. Principle of Development**
- 4. Affordable Housing and Mix**
- 5. Location**
- 6. Use**
- 7. Amount of Development**
- 8. Other Matters**
- 9. Planning Balance and Conclusion**

1. Background and context

The application is for "Permission in Principle". This is an alternative way of obtaining planning permission for housing-led development which separates the consideration of

matters of the principle for proposed development from the technical detail of the development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage as is being considered now) establishes whether a site is suitable in-principle, and the second ('technical details consent') stage is when the detailed development proposals are assessed. It is not possible for conditions to be attached to a grant of permission in principle and it may only consider:

- the site location,
- the type of development and
- amount of development.

2. Site and Application

The site for the proposed development is bordered on three sides by the residential cul-de-sacs of Heathfield Road, Warren Close, and Heathfield Close. Currently, the area is overgrown with brambles and trees and has been historically utilised for grazing purposes. The application seeks to construct nine new dwellings with access provided through the extension of Heathfield Road.

3. Principle of Development

The application site is located outside of but immediately adjacent to the settlement boundary of High Kelling which is classified as a Small Growth Village within Policy SS1 of the adopted North Norfolk Local Plan. A small amount of development will be focused in and adjacent to the defined Small Growth Villages reflecting their limited service role to help address housing needs and support vitality and sustainability across the rural area.

Table 3 'Small Growth Villages - Indicative Growth Figures' present an indicative growth figure for each settlement rather than a specific requirement. The indicative growth figures in Table 3 are derived from applying a percentage uplift to the published ONS population data for each parish divided by average household size of 2.3 (not the number of existing dwellings in a village). For High Kelling, the table confirms that a total of 20no. new dwellings can be provided.

The current application seeks to establish nine dwellings in High Kelling. It is important to note that whilst permission has recently been granted for 35 dwellings at the former Pineheath Care Home, this approval occurred before the adoption of the new Local Plan, meaning these units do not contribute to the Indicative Growth Figures for the area.

Overall, the proposal is deemed acceptable and aligns with Policy SS1.

4. Affordable Housing and Mix

The application site is located within High Kelling which is classified as a North Norfolk Designated Rural Area and is positioned within Affordable Housing Zone 2 according to Policy HOU 2 which states 'all new housing developments, including those for the conversion of existing buildings, shall provide for a mix of house types, sizes and tenures.

According to the classification of the sites and in line with policy HOU 2, a minimum of 35% of the proposed units must be affordable, or alternatively, a financial contribution is required.

In this case the requirement would be for 3.15 affordable dwellings comprising 3 whole units plus a financial contribution for the remainder.

In addition, 25% of the affordable units should be Intermediate Housing with the remainder made as Rented accommodation in a mix comprising one, two and three beds with the majority consisting of two beds.

The Planning Statement submitted with this application verifies that the proposal will meet the criteria of Policy HOU 2 regarding the provision of affordable units and housing diversity.

Should approval be granted, the affordable housing and mix will be secured within a S106 Obligation at the technical details consent stage.

5. Location

The assessment of the site's location focuses on its suitability for housing in accordance with the principles outlined in Policy SS1 of the Local Plan. The application site is situated immediately adjacent to the settlement boundary of High Kelling, classified as a Small Growth Village under this policy, which delineates the Spatial Strategy for the district.

Policy SS1 indicates that most new development will occur in larger towns and villages, considering their roles as centres for employment, retail, and services, as well as their capacity for sustainable growth. Nonetheless, outside of the defined boundaries of Small Growth Villages residential development will be permitted subject to certain criteria being met:

- The site is immediately adjacent to the defined Settlement Boundary of High Kelling
- The number of dwellings proposed (nine) does not exceed the indicative growth figure for the settlement;
- The proposal is considered small scale, incremental growth which is broadly compatible with the form and character of the village and its landscape setting. Further assessment in terms of siting, scale, design, impact on heritage assets and historic character would be assessed at technical details consent stage;

Despite not being on previously developed land, the infill nature of the proposal within a residential context aligns with the policy's provisions, supporting the case for residential development on the site.

6. Use

The two key considerations regarding the proposed use of the site are the potential loss of agricultural land and the compatibility of new residential development with existing land uses. Currently, the site is vacant and appears neglected, surrounded by residential properties to the east, south, and west. The site is also situated in the Norfolk Coast National Landscape and is classified as Wooded Glacial Ridge within the North Norfolk Landscape Character Assessment which states "this high level wooded glacial ridge extends from west of Holt to Cromer and is a distinctive landmark feature on the skyline within the District, influencing neighbouring landscape types."

Woodland serves as the primary land cover and is recognised as a valued characteristic of this landscape type. Recommendations for improving the Wooded Glacial Ridge type include refraining from significant development to preserve the wooded essence, the skyline, and the feelings of seclusion, tranquillity, and dark night skies, which are also acknowledged attributes of the Norfolk Coast National Landscape. The proposed application will lead to tree loss on the site, therefore failing to illustrate how the proposal will enhance the woodland landscape type. Nevertheless, the removal of vegetation on the site is not deemed significant in terms of scale or species, and the Landscape section believes that the overall wooded character of High Kelling will not be notably affected. The site also lies adjacent to the established residential area of High Kelling and cannot be considered as prominent in the landscape, as existing housing borders the eastern, southern, and western sides of the site. Therefore, it is considered that the site is effectively surrounded on three sides by the current residential properties along Heathfield Road, Heathfield Close, Warren Close, and Warren Road.

The design of the scheme does not easily align with the linear development pattern in the area and may be viewed as being out of keeping with the existing built form, however, considering the enclosed nature of the site within the settlement, the proposal is not considered to be contrary to Policy ENV2.

Overall, the size of the plot is deemed adequate to support the proposed development without adversely affecting the residential amenity of neighbouring homes or negatively impacting the Norfolk Coast National Landscape. By carefully addressing aspects such as scale, design, and layout, the proposal could mitigate issues such as overlooking and loss of light while still ensuring there is ample amenity space for future residents. Further information would be required in relation to protected trees and the impact that their loss could have on the character of the area.

7. Amount of Development

Policy ENV8 states that “All development proposals will seek to achieve an integrated design approach that reflects the characteristics of the site, respects the distinctive local character in terms of layout, landscaping, density, mix, scale, massing, materials, finish and architectural details and delivers an energy efficient and low carbon development.”

Policy ENV6 states ‘All new development will provide for a high standard of amenity including adequate living and working conditions. This standard should be achieved and maintained without preventing or unreasonably restricting the continued operation of established authorised uses and activities on adjacent sites’.

The design is expected to harmonise with the existing architectural landscape. Additionally, it is anticipated that the site can accommodate this number of homes while ensuring sufficient distance from adjacent properties. Whilst the proposed development is considered acceptable in principle, it is crucial that the technical details demonstrate compliance with all relevant design standards outlined in the NPPF, Local Plan, and other applicable guidelines.

8. Other Matters

Highways

Concerns have been expressed by the Parish Council, local residents, and the Highway Authority regarding the connection of the site to Heathfield Road and the utilisation of the existing access from Avenue Road. The Highway Authority has indicated that they are likely to raise issues related to highway safety due to inadequate visibility at intersections and the

private nature of the access routes. However, according to the Planning Practice Guidance (PPG), the considerations for granting permission in principle are restricted to factors such as location, land use, and the extent of development allowed. Consequently, highway safety concerns will need to be addressed during the technical details stage and will not affect the decision on the current application.

Trees

Arboricultural information has been provided by Oakfield Arb reference OAS 25-483-AR01 dated Jan '26. The report sets out the indicative layout will result in G3 Sycamore, G4 bamboo and G5 Sycamore & Oak being removed. G3 and G5 are noted to be "self-set small trees with no significant contribution in both arboricultural and landscape terms".

The main access at Heathfield Road is very close to T16 Spruce, and some of G6, Pine. A no dig surface is proposed to be laid to prevent damage to these trees. This may be acceptable for the access road; however, it fails to address how utilities will be brought onto site at the singular point of access that is no-dig. Its foreseeable damage will occur at this entrance; therefore, further information would be required at full technical details stage.

In addition, a Tree Protection Plan and Arboricultural Method Statement would be required that evidence how the public benefit of the development could outweigh the loss of the trees or how the loss of trees will be mitigated, which in turn will need to be factored into the future consideration of Biodiversity Net Gain (BNG).

9. Planning Balance and Recommendation

The site is considered appropriate for the development of 9no. dwellings in principle, and the proposal aligns with the requirements of the Local Plan. There are no significant factors suggesting that the application should be determined otherwise. Consequently, approval is recommended.

RECOMMENDATION:

Approval of Permission in Principle for up to 9 dwellings

PLANNING COMMITTEE REFORM – Discussion Paper in relation to size of Development Committee and Changes to Constitution Reflecting proposed National Scheme of Delegation and Member Training

1) Background

1.1. On 26 March 2026, central government opened a consultation titled “Planning committee reform: statutory consultation on draft Regulations and guidance”.

1.2. The introduction to the consultation sets out that:

“In the King’s Speech, the government announced that it would modernise the way planning committees operate to best deliver for communities and support much needed development. To achieve this, the government introduced measures through the Planning and Infrastructure Act 2025 (the Act) to:

- give a new power to 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
- give a new power to the Secretary of State to control the size and composition of planning committees
- impose a new requirement for Members of planning committees to be trained, and certified, in key elements of planning”

1.3. As part of the consultation, the government have issued draft regulations and further commentary on the draft regulations and implications for the Council are set out in the report below. A copy of the draft regulations is attached at **Appendix A**.

1.4. The consultation ran for four weeks and closed on 23 April 2026.

2) Size and Composition of Committee

2.1. Regulation 7 of the draft regulations refers to a limit on the size of committee determining applications. The maximum limit specified by the regulations is **13 Members**. However, it is a matter for each Council to decide how many Members should be on the Development Committee up to the maximum specified by the regulations.

2.2. The Planning Advisory Service (PAS) note that “The number of Members of a planning committee is partly influenced by the political make-up of a council. Planning decisions should never be made based on political views, but a council will normally want a planning committee to include a representative number of councillors based on the political make-up of the council”.

2.3. Currently the Development Committee comprises 14 Members and the meeting is quorate with 7 Members present. Changing the size of Development

Committee will have implications for the political make-up of the Committee. In reviewing the number of Committee Members, an odd number of members may be considered sensible in terms of helping avoid the potential for tied votes requiring the Chairman's casting vote.

- 2.4. A report to FULL COUNCIL AGM on 20 May 2026 will set out and agree the number of Members on each Committee across the Council and this would be an opportune time to reflect on the draft regulations when setting the size of the Development Committee.
- 2.5. Below at Table 1 is a breakdown of potential options in reducing the number of Members on Development Committee. Whilst it is ultimately a matter for FULL COUNCIL to determine, a Development Committee comprising 11 Members would seem a sensible option to consider, reflecting the future reduced workloads expected following changes to be brought in by the national scheme of delegation, as set out in the report below at Section 3.

Table 1 - Number of Committee Members

Number of Committee Members	Quorum	Comments
13	7	Maximum Permissible under draft regulations
12	6	Even number
11	6	Recommended number
10	5	Even Number
9	5	The fewer the members on Committee, the greater the pressure on each member when taking decisions
8	4	
7	4	

- 2.6. **RECOMMENDATION - That the Development Committee note the contents of Section 2 of this report and indicate a preference on the size of Development Committee for consideration at the AGM in May 2026 and reported to FULL COUNCIL.**

3) National Scheme of Delegation and revised Constitution

- 3.1. Whilst North Norfolk District Council delegates approximately 97% of planning decisions to Officers, the government's intention is that nationally, fewer

planning applications will be reported to Development Committee for determination, and more cases will be delegated to Officers.

- 3.2. The draft regulations (as set out at **Appendix A**) prescribe two things:
 - a) A list of application types which would ALWAYS be determined by Officers (specified at Schedule 1 of the Regulations); and
 - b) A list of application types which should ALWAYS be determined by Officers (specified at Schedule 2 of the Regulations) **unless** the proposal raises:
 - one or more issues of economic, social or environmental significance to the local area, or
 - one or more significant planning matters having regard to the development plan and any other material considerations.
- 3.3. For those application types falling within Schedule 2 of the Regulations, the decision whether to actually call the matter to Committee rests with nominated Members and Officers. The list of nominated Members and Officers is a matter for each Council to decide but is likely to include the Chair and Vice Chair of Development Committee and Assistant Director for Planning and the Development Manager. Those nominated Members and Officers will undertake a “gatekeeper” function and it is a matter for each Local Planning Authority to decide the rules that will apply to those gatekeeper functions (to be set out as part of a new scheme of delegation).
- 3.4. The government expects the new national scheme of delegation to come into effect on **30 September 2026**.
- 3.5. To meet the deadline, the Council’s Constitution would need to be amended to reflect both the nationally prescribed scheme of delegation and the gatekeeper functions to determine which of the application types listed at Schedule 2 in the Regulations should be referred to Development Committee for determination. The expected route and timeframe for amending the Constitution would be via the **Constitution Working Party on 30 June 2026** and then to **FULL COUNCIL on 23 September 2026** for final sign-off.
- 3.6. The reality of the changes proposed in the regulations means that the Development Committee would not determine (amongst other things):
 - Householder planning applications;
 - Housing schemes of less than 10 dwellings;
 - Minor commercial applications;
 - The majority of reserved matters approval applications;
 - Permission in Principle applications;
 - Condition discharges (including Biodiversity Net Gain plans);
- 3.7. Whilst the type of applications listed in Schedule 2 of the Regulations include: listed building consents, adverts and Tree Preservation Orders and all those application types not listed within Schedule 1 of the Regulations, the

“gatekeeper” function will need to ensure that only those applications needing to be referred to Development Committee are so referred otherwise there is a risk that the number of cases delegated to Officers will fall and which would undermine the purpose of the Regulations.

- 3.8. For context, in 2025, there were 12 Development Committee meetings determining 53 applications (average of 4.4 applications per meeting). Of those 53 applications, 41 (77%) were “non-major” and 12 (23%) were “major” applications. Of the 12 meetings that took place in 2025, only 7 meetings included “major” applications on the agenda.
- 3.9. Based on the national scheme of delegation and subject to the “gateway test” being signed-off as part of a revised constitution, there is a likelihood of reduced frequency of Development Committee meetings taking place and, when they do, there is likely to be a reduction in the number of items on the agenda. This provides a justification for a reduced size of the Development Committee down to 11 Members, as recommended at paragraph 2.5 above.
- 3.10. For the avoidance of doubt, there are provisions within the Regulation guidance in relation to planning applications submitted by the Council, Members or Officers and which sets out that:

“Where applications are made by the authority itself or an officer or member of the authority or an entity owned or controlled (whether wholly or partly) by that authority or any of its members or officers, we recognise that there may be cases where, in the interests of transparency and public accountability, it may be appropriate for some applications to be referred to a planning committee or sub-committee even if they do not raise any significant planning, economic, social or environmental issues. These cases can be referred to the committee without the need for consideration of the criteria set out in regulation 5(2). Where no such referral has been made, they will be determined by an officer.”

As is currently the case in the existing Constitution, provision will be made within the amended Constitution to set out how such applications by the Council, Members and Officers will be determined.

- 3.11. **RECOMMENDATION – That the Development Committee note the contents of Section 3 of this report.**

4) Mandatory Training for members of Development Committee

- 4.1. Whilst the government previously indicated it would take forward a requirement for mandatory training for Members of Development Committee, this does not form part of the current consultation.
- 4.2. In its response to the May 2025 technical consultation on planning reform, central government indicated that:

“The government has noted the varying views on how we should take forward our powers to implement mandatory member training from the Planning and Infrastructure Act 2025. We note, in particular, the support for the proposals to have training administered on a national level. The government’s priority is to implement the national scheme of delegation and size of committee reforms first. However, the government continues to recognise the importance of effective mandatory training for planning committee members, and will embark on further stakeholder engagement to design a credible and cost-effective system taking account of the views from this consultation.”

- 4.3. Absent a mandatory National Member Training programme, Member Training on Planning matters will continue to be delivered by Officers on relevant matters when appropriate.
- 4.4. **RECOMMENDATION – That the Development Committee note the contents of Section 4 of this report.**

RECOMMENDATIONS:

- i. **That the Development Committee note the contents of Section 2 of this report and indicate a preference on the size of Development Committee for consideration at the AGM in May 2026 and reported to FULL COUNCIL.**
- ii. **That the Development Committee note the contents of Sections 3 of this report regarding the National Scheme of Delegation and revised Constitution**
- iii. **That the Development Committee note the contents of Section 4 of this report regarding mandatory Training for Members of Development Committee.**

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Draft Regulations laid before Parliament under section 333(3ZAB) of the Town and Country Planning Act 1990 (c. 8), for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

No.

TOWN AND COUNTRY PLANNING, ENGLAND

LOCAL AUTHORITIES, ENGLAND

The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026

Made - - - - - ***

Coming into force - - - - - 30th September 2026

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 319ZZC to 319ZZE and 333(2A) and (2B) of the Town and Country Planning Act 1990(a).

The Secretary of State has consulted in accordance with section 319ZZE(6)(a) of that Act.

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026.

(2) These Regulations come into force on 30 September 2026.

(3) These Regulations extend to England and Wales, but only apply in relation to England.

Interpretation

2.—(1) In these Regulations—

“arrangements” means arrangements by local authorities under section 101 of the 1972 Act(b);

“committee”, in relation to a relevant local planning authority(c), means a committee or sub-committee of that authority;

(a) 1990 c. 8. Sections 319ZZC to 319ZZE were inserted by section 54(1) of the Planning and Infrastructure Act 2025 (c. 34). Section 333(2A) was inserted by paragraph 14(2) of Schedule 6 to the Planning and Compulsory Purchase Act 2004 (c. 5). Section 333(2B) was inserted by section 130(1)(a) of the Levelling-up and Regeneration Act 2023 (c. 55).

(b) 1972 c. 70. See section 319ZZF(4) of the Town and Country Planning Act 1990 (c. 8), as inserted by section 54(1) of the Planning and Infrastructure Act 2025 (c. 34), for the definition of “1972 Act”.

(c) See section 319ZZF(1) of the Town and Country Planning Act 1990 (c. 5) as inserted by section 54(1) of the Planning and Infrastructure Act 2025 (c. 8) for the definition of “relevant local planning authority”.

“DMPO” means the Town and Country Planning (Development Management Procedure) (England) Order 2015(a);

“dwelling” means a house or a flat;

“excluded flat development” means development that includes either or both of—

- (a) a change of use;
- (b) a change to the number of flats in a building;

“householder application” has the same meaning as in DMPO as it has effect when these Regulations come into force(b);

“linked person”, in relation to a relevant local planning authority, means any of—

- (a) that authority;
- (b) a member of that authority;
- (c) an officer of that authority;
- (d) an entity owned or controlled (whether wholly or partly) by that authority or any of its members or officers.

“linked-person application” means an application to a relevant local planning authority of a kind specified by Schedule 1 or Schedule 2 to these Regulations made by or on behalf of a linked person (whether or not jointly with any other person);

“Listed Buildings Act” means the Planning (Listed Buildings and Conservation Areas) Act 1990(c);

“minor commercial application” has the same meaning as in DMPO as it has effect when these Regulations come into force(d);

“minor residential application” means—

- (a) an application for planning permission for development that—
 - (i) comprises or includes at least one but no more than nine dwellings, and
 - (ii) is to be carried out on a site having an area smaller than 0.5 hectares;
- (b) an application for planning permission for development (other than excluded flat development) of a building containing flats, or development within the curtilage of such a building, for any purpose incidental to the enjoyment of the flats or any of them;
- (c) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order for development within paragraph (a) or (b);

“nominated member” has the meaning given in regulation 3;

“nominated officer” has the meaning given in regulation 3;

“outline planning permission” has the same meaning as in DMPO as it has effect when these Regulations come into force(e);

(a) S.I. 2015/595.

(b) See regulation 2(1) of S.I. 2015/595.

(c) 1990 c. 9.

(d) See regulation 2(1) of S.I. 2015/595.

(e) See regulation 2(1) of S.I. 2015/595.

“reserved matters” has the same meaning as in DMPO as it has effect when these Regulations come into force^(a);

“reserved matters approval application” means an application for the approval of reserved matters;

“reserved matters phase application” means, in relation to a phased outline permission, a reserved matters approval application relating to a phase of the relevant development;

“Schedule 1 application” means an application that—

- (a) is of a kind specified by Schedule 1 to these Regulations,
- (b) is not a Schedule 2 application, and
- (c) is not a linked-person application;

“Schedule 2 application” means an application that—

- (a) is of a kind specified by Schedule 2 to these Regulations, and
- (b) is not a linked-person application.

“TCPA 1990” means the Town and Country Planning Act 1990^(b);

(2) Where an application is to be determined by an officer of a relevant local planning authority pursuant to arrangements made under regulation 4, 5(3) or 6(3), the authority must not make arrangements that limit the officer’s discretion as to how to determine that application.

(3) Where arrangements are in force under section 101(1)(b) of the 1972 Act for an application made to a relevant local planning authority (“A”) to be determined by another relevant local planning authority (“B”), these Regulations apply in relation to that application as though it had been made to B instead of A.

(4) Where arrangements are in force under section 101(5) of the 1972 Act for two or more relevant local planning authorities to discharge any of their functions jointly, these Regulations apply in relation to those functions as if—

- (a) references to a committee of a relevant local planning authority included references to a joint committee of those authorities;
- (b) references to an officer of a relevant local planning authority included references to an officer of any of those authorities.

Nominated members and officers

3.—(1) A relevant local planning authority may nominate—

- (a) a member of the authority to act as the nominated member for the purposes of regulations 5 and 6;
- (b) an officer of the authority to act as the nominated officer for the purposes of regulations 5 and 6.

(2) When nominating a member or officer under paragraph (1), a relevant local planning authority may—

- (a) nominate different members or officers for different purposes;
- (b) provide for substitute nominated members or nominated officers.

(a) See regulation 2(1) of S.I. 2015/595.

(b) 1990 c. 8.

Applications that must be determined by an officer

4. A relevant local planning authority must make arrangements so that any Schedule 1 application made to that authority is determined by an officer of that authority.

Applications that may be determined by a committee or an officer

5.—(1) A relevant local planning authority must make arrangements so that any Schedule 2 application made to that authority is determined in accordance with paragraphs (2) to (4).

(2) The nominated member and nominated officer may agree to refer a proposal to determine a Schedule 2 application to a committee if in their view the proposal raises—

- (a) one or more issues of economic, social or environmental significance to the local area, or
- (b) one or more significant planning matters having regard to the development plan and any other material considerations.

(3) Any Schedule 2 application that is not referred to a committee in accordance with paragraph (2) must be determined by an officer of that authority.

(4) In considering whether to make a referral under paragraph (2), the nominated member and the nominated officer must have regard to any relevant guidance issued by the Secretary of State under section 319ZZE(4) of TCPA 1990.

Linked-person applications

6.—(1) A relevant local planning authority must make arrangements so that any linked-person application made to that authority is determined in accordance with paragraphs (2) to (4).

(2) The nominated member and nominated officer may agree to refer a proposal to determine a linked-person application to a committee.

(3) Any linked-person application that is not referred to a committee in accordance with paragraph (2) must be determined by an officer of that authority.

(4) In considering whether to make a referral under paragraph (2), the nominated member and the nominated officer must have regard to any relevant guidance issued by the Secretary of State under section 319ZZE(4) of TCPA 1990.

Limit on size of committee determining applications

7. A committee determining an application pursuant to arrangements under regulation 5 or 6 may not comprise more than 13 members.

XXX
XXX

Ministry of Housing, Communities and Local Government

SCHEDULES

SCHEDULE 1

Regulation 4

Applications that must be determined by an officer

1. An application made under section 17(1) of the Land Compensation Act 1961 (certificates of appropriate alternative development)(a).
2. A householder application.
3. A minor commercial application.
4. A minor residential application.
5. An application for permission in principle(b).
6. An application made under section 96A(4) of TCPA 1990 (non-material changes to planning permission or permission in principle)(c).
- 7.—(1) In respect of a planning obligation that the authority concerned considers is connected with a Schedule 1 approval—
 - (a) a request to agree to modify or discharge that obligation under section 106A(1)(a) of TCPA 1990(d);
 - (b) an application to modify or discharge that obligation under section 106A(3) of TCPA 1990(e).(2) In this paragraph, “Schedule 1 approval” means any permission, agreement, consent or approval (other than a planning obligation) pursuant to an application which is of a kind specified in this Schedule.
8. An application made under section 191(1) of TCPA 1990 (certificate of lawfulness of existing use or development)(f).
9. An application made under section 192(1) of TCPA 1990 (certificate of lawfulness of proposed use or development)(g).
10. The submission of a biodiversity gain plan under paragraph 13(2)(a) of Schedule 7A to TCPA 1990(h).
11. A reserved matters approval application other than a reserved matters phase application.
12. An application made under article 27(1) of DMPO (applications made under a planning condition).

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- (a) 1961 c. 33. Section 17 was substituted by section 232(3) of the Localism Act 2011 (c. 20) and was amended by section 189(3) of the Levelling-up and Regeneration Act 2023 (c. 55).
 - (b) For the definition of “permission in principle”, see section 336(1) of the Town and Country Planning Act 1990 (c. 8).
 - (c) Section 96A was inserted by section 190(2) of the Planning Act 2008 (c. 29). Subsection (4) was amended by regulation 3(4)(c) of S.I. 2017/276.
 - (d) Section 106A was inserted by section 12(1) of the Planning and Compensation Act 1991 (c. 34); section 106A(1)(a) was amended by section 34(2) of the Greater London Authority Act 2007 (c. 24).
 - (e) Section 106A(3) was amended by section 34(3) of the Greater London Authority Act 2007 (c. 24).
 - (f) Section 191 was substituted by section 10(1) of the Planning and Compensation Act 1991 (c. 34).
 - (g) Section 192 was substituted by section 10(1) of the Planning and Compensation Act 1991 (c. 34).
 - (h) Schedule 7A was inserted by paragraph 2 of Schedule 14 to the Environment Act 2021 (c. 30).

13. An application pursuant to provision in Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015(a) for—

- (a) prior approval, or
- (b) determination as to whether prior approval is required.

SCHEDULE 2

Regulation 5

Applications that may be determined by a committee or by an officer

1. An application for listed building consent made under section 10(1) of the Listed Buildings Act.

2. An application made under section 19(1) of the Listed Buildings Act (variation or discharge of conditions of listed building consent).

3. An application for planning permission that the authority concerned considers is connected with an application of a kind specified in paragraphs 1 or 2.

4. An application for planning permission that is not—

- (a) a householder application,
- (b) a minor commercial application, or
- (c) a minor residential application.

5. An application made under section 73(1) of TCPA 1990 (application to develop land without compliance with conditions previously attached).

6. An application made under section 73A(1) of TCPA 1990 (planning permission for development already carried out)(b).

7.—(1) In respect of a planning obligation that the authority concerned considers is connected with a Schedule 2 approval—

- (a) a request to agree to modify or discharge that obligation under section 106A(1)(a) of TCPA 1990;
- (b) an application to modify or discharge that obligation under section 106A(3) of TCPA 1990.

(2) In this paragraph, “Schedule 2 approval” means any permission, agreement, consent or approval (other than a planning obligation) pursuant to an application which is of a kind specified in this Schedule.

8. A reserved matters phase application.

9. An application made under regulation 9(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (application for express consent to display advertisement)(c).

10. An application made under regulation 16(1) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (application for consent under tree preservation order)(d).

(a) S.I. 2015/596.

(b) Section 73A was inserted by paragraph 16(1) of Schedule 7 to the Planning and Compensation Act 1991 (c. 34).

(c) S.I. 2007/783.

(d) S.I. 2012/605.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations require relevant local planning authorities (“LPAs”) in England (as defined by section 319ZZF(1) of the Town and Country Planning Act 1990 (c. 8) (“TCPA 1990”)) to make arrangements for specified planning functions to be discharged by committees (including sub-committees) or by officers.

Regulation 4 provides that the function of determining an application of a kind listed in Schedule 1 must be delegated to an officer, unless—

- the application is also of a kind listed in Schedule 2 (for example, a minor residential application which the LPA considers is connected with an application for listed building consent), in which case regulation 5 applies, or
- the application is made by the LPA itself, or a member or officer of the LPA (each a “linked person”), in which case regulation 6 applies.

Regulation 5 provides that the member and officer nominated by the LPA under regulation 3 may refer the function of determining an application of a kind listed in Schedule 2 to a committee, if they agree that the application raises an issue of economic, social or environmental significance to the local area, or raises a significant planning matter. Any such application not referred to a committee must be delegated to an officer. Regulation 5 does not apply to an application made by a linked person; regulation 6 applies instead.

Regulation 6 provides that the function of determining an application of a kind listed in Schedule 1 or 2 made by a linked person may be referred to a committee by agreement of the LPA’s nominated member and nominated officer, at their discretion. Any such application not referred to a committee must be delegated to an officer.

Regulation 7 provides that any committee determining an application pursuant to these Regulations may have a maximum of 13 members.

In making and operating arrangements under these Regulations, section 319ZZE(4) and (5) of TCPA 1990 requires LPAs to have regard to any relevant guidance issued by the Secretary of State. Regulations 5(4) and 6(4) require nominated members and nominated officers to have regard to any such guidance when considering whether to refer an application to a committee.

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