

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, 12 August 2026

A meeting of the **Development Committee** will be held in the **Council Chamber - Council Offices** on **Thursday, 20 August 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 & Governance 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 K Toye, Cllr L Vickers and Cllr C Rouse

Substitutes: Cllr J Toye, Cllr A Varley, 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 and Cllr L Withington

All other Members of the Council for information.

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



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

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

Chief Executive: Steve Blatch

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

Email districtcouncil@north-norfolk.gov.uk **Web site** www.north-norfolk.gov.uk

A G E N D A

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

PUBLIC BUSINESS

1. CHAIRMAN'S INTRODUCTIONS

2. TO RECEIVE APOLOGIES FOR ABSENCE

3. SUBSTITUTES

4. MINUTES

(Pages 1 - 6)

To approve as a correct record the Minutes of a meeting of the Committee held on Thursday 16 July 2026.

5. ITEMS OF URGENT BUSINESS

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

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

6. ORDER OF BUSINESS

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

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

7. DECLARATIONS OF INTEREST

(Pages 7 - 12)

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

OFFICERS' REPORTS

8. POPPYLAND - PF/25/0902 - INSTALLATION OF SECTIONS OF NEW FOOTPATH, ALONG WITH UPGRADE OF SURFACING OF EXISTING AREAS USED AS PERMISSIVE FOOTPATHS TO CREATE A SINGLE NEW CONNECTED WALKWAY WITH REST STOP AREAS AND INTERPRETATION BOARDS (PART RETROSPECTIVE), FOREST PARK, NORTHREPPS ROAD, NORTHREPPS, NORFOLK

(Pages 13 - 30)

9. SCOTTOW - PF/25/2438: CONSTRUCTION OF TWO-STOREY

(Pages 31 - 72)

DWELLING (RETROSPECTIVE) AT SCOTTOW BARN, NORTH WALSHAM ROAD, SCOTTOW, NORWICH, NORFOLK

- 10. FULMODESTON - RV/25/2839 - VARIATION OF CONDITION 8 (WOODLAND MANAGEMENT PLAN) OF PLANNING PERMISSION PF/21/3458 (ERECTION OF TWO ONE-BED TREE HOUSES WITH EXTERNAL WORKS AND SERVICING (TO INCLUDE BIOROCK DRAINAGE SYSTEM AND SOLAR PANELS) - REVISIONS TO THE WOODLAND MANAGEMENT PLAN AT BROWNS COVERT, HINDOLVESTON ROAD, FULMODESTON.** (Pages 73 - 112)
- 11. DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE** (Pages 113 - 114)
- 12. APPEALS SECTION** (Pages 115 - 120)
- 13. 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

This page is intentionally left blank

DEVELOPMENT COMMITTEE

**Minutes of the meeting of the Development Committee held on Thursday, 16 July 2026
in the Council Chamber - Council Offices at 9.30 am**

Committee Members Present:	Cllr P Heinrich (Chairman)	Cllr R Macdonald (Vice-Chairman)
	Cllr M Batey	Cllr A Brown
	Cllr P Fisher	Cllr P Neatherway
	Cllr L Paterson	Cllr K Toye
	Cllr L Vickers	
Members attending:	Cllr C Cushing	
Officers in Attendance:	Assistant Director – Planning Development Manager Solicitor Planning Officer (PO-NW) Democratic Services & Governance Officer – Regulatory Committees	

12 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs A Fitch-Tillett, Cllr M Hankins, Cllr V Holliday and Cllr C Rouse.

13 SUBSTITUTES

None.

14 MINUTES

The minutes of the meetings held on 30 April, 14 May and 18 June 2026 were approved as a correct record, subject to minor grammatical amendments.

15 ITEMS OF URGENT BUSINESS

None.

16 DECLARATIONS OF INTEREST

Cllr L Vickers declared a non-pecuniary interest for agenda items 8, 9, and 10 relating to 14 Market Place, Fakenham. She advised she would speak as Local Member only, and, per the Constitution, would not participate in the Committee debate or vote on the items.

17 FAKENHAM - PF/26/0688 - INSTALLATION OF NEW ATM IN PART OF EXISTING GROUND FLOOR WINDOW OPENING, AND ACCESSIBLE RAMP WITH RAILINGS AT 14 MARKET PLACE, FAKENHAM.

The Case Officer, PO-NW, introduced applications PF/26/0688, LA/26/0696 and ADV/26/0689 as a single presentation as all three applications collectively applied

for the installation of an internally illuminated ATM and accessible ramp with railings at 14 Market Place, Fakenham. The applications were voted upon separately.

Officers Report

The Case Officer introduced the Officers' report and recommendation for refusal.

It was noted that the Local Ward Member called applications PF/26/0688 and LA/26/0696 to Committee but that application ADV/26/0689 was referred by the Development Manager, ensuring all three applications could be heard together.

Since the publication of the agenda, three further representations had been received in support. These argued the applications brought overwhelming public benefits through free access to cash, improved accessibility, the noted closure of other banking facilities in Fakenham, and the need for a cashpoint in the town centre which would in turn support both residents and businesses. These representations considered the applications would not cause significant harm to the character of the building and presented a practical solution.

The Case Officer identified the site's location, existing and proposed elevations and floor plans, and introduced images in and around the site. Details of the proposed machine and ramp were provided.

It was noted that an external wall mounted defibrillator had been previously permitted. It was considered that the lifesaving benefits of the defibrillator outweighed the heritage harm. This was therefore treated differently to an application for an ATM.

Officers recognised the scheme would bring public benefits in supporting the vitality and viability of Fakenham town centre, however cautioned that this must be balanced against the heritage harm arising as a result of the proposal on the Grade II listed Georgian building in the Fakenham Conservation Area. Whilst the Applicant, Nationwide, had publicly committed to keeping all of its branches open until 2030, it was not clear what would happen beyond the 2030 deadline. Officers considered, within this context, that any permission for an ATM could be regarded as more temporary in nature, as such, Officers tempered the weight afforded to the public benefits. Conversely, the works to the building could result in permanent and lasting damage to the Grade II listed building.

Alternate options had been discussed with the Applicant, which would go some way to reduce the level of harm, however these discussions were not fruitful. The Applicant considered concerns of damp could be mitigated by not having the ramp flush with the wall and had suggested they would be agreeable to safely storing the glass pane for installation at a later time when the ATM was no longer in use.

The Case Officer provided a map of Fakenham and identified all nearby ATMs and when they could be accessed. It was noted that there were alternate facilities within walking distance.

Highways Officers confirmed that they had no objection with the ATM, however, the presence of the ramp would be considered obstructive under The Highways Act 1980 and the only way that the proposal could go ahead would be for the developer to apply to the Department for Transport (DfT) for a Stopping Up Order under Section 247 of the Town and Country Planning Act. This may make the proposal unachievable. Absent a Stopping Up Order, the highway matters would weigh

against the grant of planning permission.

Officers concluded that the level of harm to the heritage assets carried greater weight and was not otherwise outweighed by the wider community benefits that the proposals may otherwise deliver.

Public Speakers

Jim Rockett – Supporting

Local Member

The Local Member, Cllr L Vickers, advised she called the applications to Committee on behalf of her residents and with the support of the Town Council, local businesses and Shop Fakenham.

The Local Member recognised this was a finely balanced application between perceived heritage harm and the economic benefits arising from the proposal.

Fakenham was identified as a large growth town within the adopted Local Plan, with an anticipated 900 new homes expected in coming years. Further, Fakenham served as the economic hub for many of the surrounding towns and villages. She affirmed that if services were taken away from town centres, people would be taken away from town centres, and with the loss of those people goes the economic well-being and vitality of the town.

Cllr L Vickers reflected that in recent years Fakenham had welcomed many independent, enterprising businesses, sold their wares and taught their craft, such businesses dealt predominantly with cash and had expressed their support for the ATM.

An application at this site had failed before, however the circumstances had materially changed since that refusal. Since the last application, four bank branches had closed.

Whilst there were other ATMs in Fakenham, these were not without issues. There was a cashpoint in the Community Centre, but this could only be accessed when the facility was open and involved an uphill walk from the town centre which was not practical for the elderly or disabled. The ATM at Tesco regularly ran out of money at weekends due to the level of demand.

Cllr L Vickers noted that should the application be approved, it may yet run into difficulties with the DfT due to the existing rights of way. Irrespective of the applications, the Local Member stated that the County Council needed to address the right of way issue.

Cllr L Vickers understood the position of the Conservation and Design team, and thanked them for their care, and genuine concerns. However, she felt, in this instance that the public benefit outweighed the heritage harm. She was satisfied that the level of harm would be tempered through safe storage and replacement of the glass, and restoration of the façade including the removal of the ramp.

Attending Member

Cllr C Cushing expressed his support for the application. He agreed with the Local Member that the public benefits outweighed the heritage harm.

He argued that there was a desperate need for a cashpoint in the Town Centre following the closure of four other banking facilities in recent years. Many residents and businesses had transferred banking to Nationwide as a result; it was prudent of the Council to support the application to ensure a banking presence in the Town.

Cllr C Cushing considered that cash remained the preferred method of payment for many households who were managing tight budgets. Further, the presence of a cashpoint in town would support local businesses and markets operating in the town.

He supported the Local Members' comments that the benefits would be felt beyond the Town of Fakenham and would be of benefit to the wider local community.

Committee Debate

- a. The Committee noted the presence of alternate facilities in Fakenham. The Chairman asked if there was an existing cashpoint within the building. Cllr L Paterson asked if all the ATMs in the town offered free cash withdrawal. The PO-NW advised there was an ATM for Nationwide customers. The alternate ATMs in the town did not charge a withdrawal fee.
- b. Cllr A Brown agreed with Cllr L Vickers and Cllr C Cushing that the public expectation was for a cashpoint in the town centre, especially given Fakenham's history as a market town and for the Fakenham Racecourse. There was undoubtedly a legitimate public benefit in having an external ATM in the Market square. However, he recognised the Council has a duty to preserve and protect heritage assets within the district. This was therefore a case of balancing consumer convenience against conservation protection. Cllr A Brown felt, if the application were approved, that the restoration of the building should Nationwide vacate be tightly controlled, and welcomed the Applicant's offer to carefully remove and store the windows. Whilst he was minded to refuse the first two Officers' recommendations, as he felt the wider economic and public benefits outweighed the heritage harm, he agreed that advertisement application should be refused as it was not appropriate. Regardless, he recognised that were permission granted, the Stopping Up Order would be outstanding.
- c. Cllr R Macdonald recognised the Stopping Up Order would potentially be an impediment to permission being built out.
- d. The Council's solicitor clarified the ramp was not contained within the boundary map identified and therefore could not apply for an administrative order. The application would require a Stopping Up Order under Section 247 of the Town and Country Planning Act.
- e. The Development Manager explained that without the Stopping Up Order, any planning permission granted would be incapable of being implemented.
- f. Cllr K Toye stated she was content with the offer that the window be removed and safely stored. She questioned what alternate locations had been considered, whether the owner of the building was content with the application, whether the ramp was sufficiently large to allow a turning circle, and whether the ramp was actually needed? She considered, on balance, the public benefits outweighed the heritage harm.

- g. The Development Manager recognised this application was finely balanced and commended the Case Officer for her efforts to find a solution with the Applicant. The Development Manager expressed caution to the Committee and stated that whilst the ambition may be to store the window carefully, this could not be guaranteed. The risk, if permission were granted, was that long-lasting harm could be inflicted on the asset, and yet the public benefit of the ATM may only be in place until 2030.
- h. Cllr L Paterson noted the Development Manager's concerns but felt that issues regarding the window could be dealt with by an appropriate condition. If, for whatever reason, the window was damaged in storage, it would be incumbent on the Applicant to provide a suitable replacement.
- i. Cllr P Fisher proposed, seconded by Cllr K Toye, that the Officers' recommendation for refusal be approved.

RESOLVED

That Planning Application PF/26/0688 be REFUSED in accordance with the Officers' recommendation.

18 FAKENHAM - LA/26/0696- INSTALLATION OF ATM, ACCESSIBLE RAMP WITH A RAILING, INTERNALLY ILLUMINATED ATM SIGNAGE, AND ASSOCIATED WORKS AT 14 MARKET PLACE, FAKENHAM.

The Case Officer, PO-NW, introduced applications PF/26/0688, LA/26/0696 and ADV/26/0689 as a single presentation as all three applications collectively applied for the installation of an internally illuminated ATM and accessible ramp with railings at 14 Market Place, Fakenham. The applications were voted upon separately.

See Minute 17 (PF/26/0688) for details of the Committee debate relating to this application.

Cllr P Fisher proposed, seconded by Cllr K Toye, acceptance of the Officers' recommendation for refusal.

RESOLVED

That Planning Application LA/26/0696 be REFUSED in accordance with the Officers' recommendation.

19 FAKENHAM - ADV/26/0689 - INTERNALLY ILLUMINATED ATM COLLAR AT 14 MARKET PLACE, FAKENHAM.

The Case Officer, PO-NW, introduced applications PF/26/0688, LA/26/0696 and ADV/26/0689 as a single presentation as all three applications collectively applied for the installation of an internally illuminated ATM and accessible ramp with railings at 14 Market Place, Fakenham. The applications were voted upon separately.

See Minute 17 (PF/26/0688) for details of the Committee debate relating to this application.

Cllr P Fisher proposed, seconded by Cllr K Toye, acceptance of the Officers' recommendation for refusal.

RESOLVED

That Application ADV/26/0689 be REFUSED in accordance with the Officers' recommendation.

20 DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE

The Development Manager introduced the Performance Update Report. He affirmed that the quality of decisions remained very strong, and that the Planning Service were looking to improve the speed of decision-making.

21 APPEALS SECTION

The Development Manager introduced the appeals reports. He noted that determinations for enforcement appeals tended to be much slower.

Cllr L Paterson asked how long it may take for the Planning Inspectorate to come to a determination on PF/25/03. The Development Manager advised that the latest this should take was six months.

Cllr M Batey reflected that the appeal at Thornage Road had been ongoing 18 months without a determination. The Development Manager advised the Enforcement Team Leader was aware of this issue and had attempted to contact the Planning Inspectorate on a number of occasions to resolve the matter. Unfortunately, the Planning Inspectorate had not been receptive.

22 EXCLUSION OF PRESS AND PUBLIC

Not required

The meeting ended at 10.25 am.

Chairman

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

	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 — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. ‘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.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
Corporate tenancies	Any tenancy where (to the councillor’s knowledge)— (a) the landlord is the council; and (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.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (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

	spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
--	---

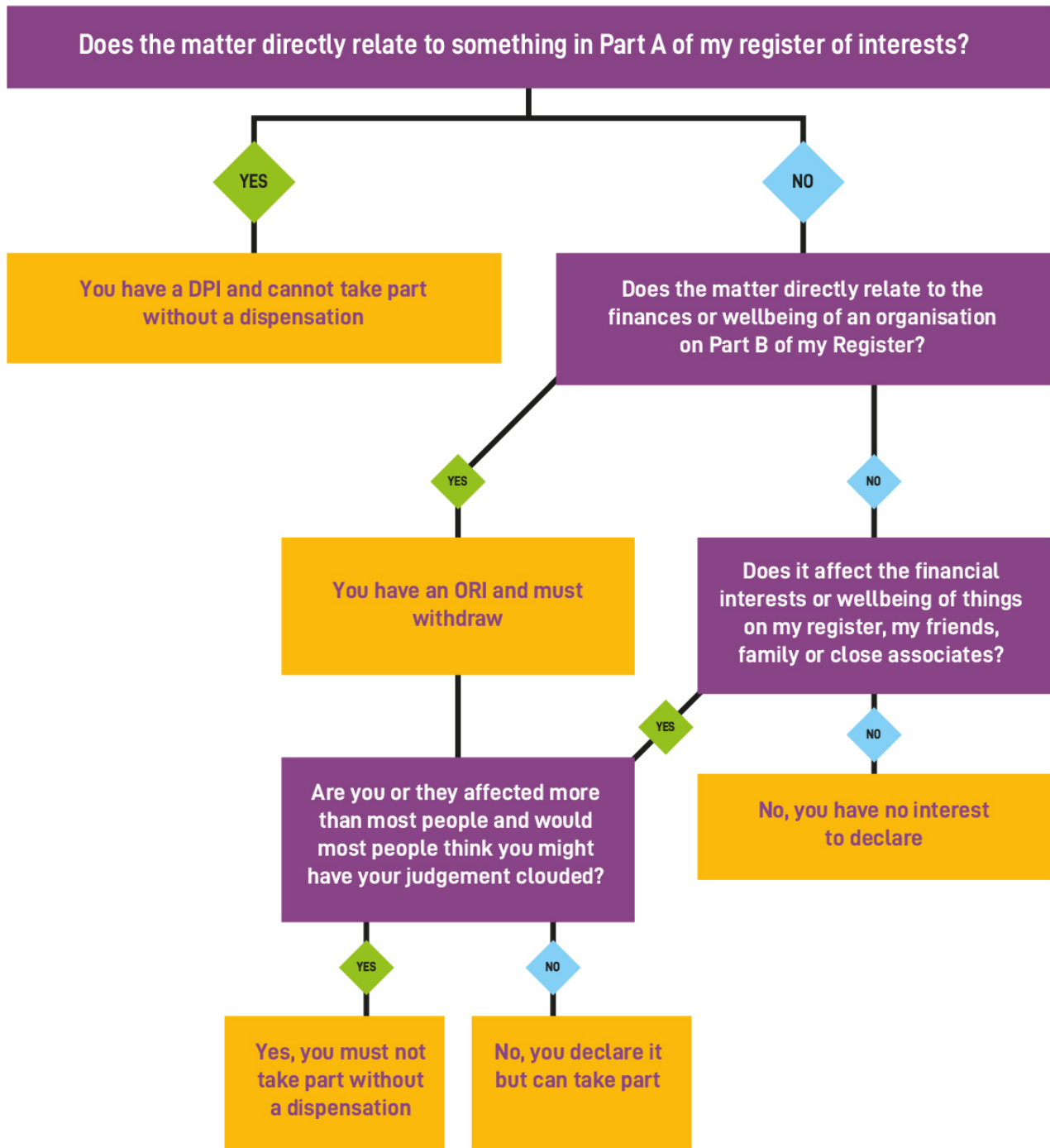
* 'director' includes a member of the committee of management of an industrial and provident society.

* '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

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority
- b) any body
 - (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)



POPPYLAND – PF/25/0902 – Installation of sections of new footpath, along with upgrade of surfacing of existing areas used as permissive footpaths to create a single new connected walkway with rest stop areas and interpretation boards (part retrospective), Forest Park, Northrepps Road, Northrepps, Norfolk
APPLICANT: Forest Park Trust

Minor Development

Target Date: 17.08.26

Extension of Time: 17.08.26

Case Officer: Alice Walker

FULL Planning Permission

RELEVANT SITE CONSTRAINTS

Norfolk Coast National Landscape (formerly AONB)

Areas Susceptible to Groundwater <25%

Undeveloped Coast

Overstrand Conservation Area

Contaminated Land

Listed Building: Grade II

Overstrand War Memorial, Churchyard of The Church of St Martin, Cromer Road, Overstrand, NR27 0NT

Listed Building: Grade II Star

Church Of St Martin, Cromer Road, Overstrand

Countryside

Public Right of Way - Northrepps FP1

EA Risk of Flooding from Surface Water with climate change

GIRAMS Zone of Influence

BACKGROUND

The application was considered by the Development Committee on 18 June 2026. After debate, the Committee resolved that Planning Application PF/25/0902 should be deferred. The deferral was to enable exploration of alternative options which would minimise the moderate level of harm, including but not limited to, an alternate route or landscape buffering to mitigate the identified conflict with Policy ENV 6 regarding residential amenity.

This report should be read in conjunction with the Committee Report and the Development Committee Minutes from the meeting of 18th June 2026 and these are included at **Appendix 1** and **2** of this report.

THE APPLICATION AND ACTIONS SINCE JUNE 2026

The proposal seeks part retrospective permission for the installation of sections of new footpath, along with upgrade of surfacing of existing areas used as permissive footpaths to create a single new connected walkway with rest stop areas and interpretation boards between Tolls Hill in Overstrand to Northrepps Road on the edge of Cromer.

As originally submitted, it was considered that on balance the plans could be supported by officers and were presented to Committee in June 2026. As noted above, the application was deferred by committee members on the basis of residential amenity concerns arising from the proximity of a proposed 400m stretch of footpath adjacent to the residents of Bracken Avenue in Overstrand. The applicant has since worked proactively with Officers to

revise the scheme to include native hedgerow planting for additional screening to try and resolve the issues raised by members of the Development Committee. The precise detail of these revisions is discussed below.

Amenity

With regards to residential amenity, a significant number of concerns have been raised by residents in Overstrand, particularly in Bracken Avenue regarding the path and its impact on residents' privacy and security. Representations raise concerns that overlooking into residents' gardens may occur and that there would be increased disturbance to residents with risk of trespass, theft and antisocial behaviour arising from users in close proximity to the rear of the properties.

The Police Designing out Crime officer (DoCO) was consulted. The officer acknowledged that *'the aim of the walkway is to improve connectivity and hence increases movement/ pedestrian traffic along its stretches; therefore, it can also give potential offenders legitimate reason to be in the area and provides good access and escape routes'*.

Notwithstanding this, the officer provided best practice guidance for the footpath design. The path should be:

- As wide and as straight as possible
- devoid of potential hiding places
- overlooked by surrounding buildings and activities
- well maintained
- discourage its use at night by not illuminating it during the hours of darkness

'From a security and safety perspective, an environment that provides a "see and be seen" style would best reduce opportunities for crime and anti-social behaviour. Furthermore, external furniture such as benches/bins and interpretation boards should be of robust vandal and graffiti resistant design. If possible, furniture should be 'fixed' into the ground in order to prevent its theft and reduce the possibility of it being misused.'

In assessing the proposed footpath against those recommendations, it is considered that in the sensitive section, that the path would be sufficiently wide (approximately 2m wide), largely straight and would provide clear sightlines for users. The nearby properties would provide a level of natural surveillance of the path, which itself will deter antisocial behaviour. The landowner has made an open offer to all occupiers to link their properties directly to the footpath via means of gates or access from their gardens (an offer which has been supported by some residents). Therefore, there would be multiple private access/egress points (for adjacent residents) along the path. The use of gates and stiles is also supported to help restrict general vehicle access. A maintenance regime for the extent of the footpath has been set out in the Design and Access Statement and can be secured by condition. No external lighting is proposed which would discourage use at nighttime.

With regards to amenity concerns, the path is set just over a metre from the property boundaries along Bracken Avenue. As a result of property layout, distance to the proposed footpath varies from 21m from the rear elevations of dwellings to a minimum of 3m. These dwellings currently utilise a variety of boundary treatments to enclose their garden boundaries, many of which are low in height such as picket fencing, trellis or low hedging to allow views from resident's gardens over the open pasture beyond. Officers note that whilst the path would likely not be in continuous use with footfall being variable and transient in nature, Officers would advise that the intensity of use cannot be controlled by a planning condition. Therefore, whilst there would be some level of separation and screening, Officers consider that there would be a noticeable loss of privacy at the rear of these properties

resulting in moderate harm from the use of the footpath contrary to the aims of Local Plan Policy ENV 6.

The designing out crime officer recommended a “prickly hedge” could be used between the footpath and the rear boundaries of the adjoining properties to help deter potential criminal activity. Officers also consider that such planting would improve residential amenity by providing additional screening, addressing concerns raised by members at the June Planning Committee. The applicant has agreed to install a native hedgerow which would incorporate prickly species including Hawthorn and Blackthorn, between the footpath and the properties on Bracken Avenue. The applicant has also confirmed sufficient access will be retained to enable the long-term management and maintenance of the hedgerow. The implementation and maintenance of the hedgerow can be secured by planning condition.

Officers also explored the possibility of rerouting the footpath. However, this was considered economically unviable, as it would require the removal of the completed section of path and its relocation to a more topographically complex position to the south of the field. Consequently, the route of the footpath will remain unchanged, with the proposed hedgerow providing additional screening. Whilst the footpath is not considered to significantly increase the risk of antisocial behaviour, it will introduce some overlooking and a degree of impact on the privacy of neighbouring residents., which conflicts with the objectives of Policy ENV6. These adverse impacts must therefore be weighed against the wider public benefits of the proposal in the overall planning balance.

Planning Balance and conclusion

The development as proposed would open up a previously private area of land for public benefit and provide an enhanced piece of green infrastructure for the area, providing a new pedestrian link and encouraging outdoor recreation. The development would also deliver wider strategic benefits associated with long term resilience of the coastal path network, where coastal erosion represents an ongoing challenge to sections of the existing route, by offering an alternative route and maintaining public access.

The proposals have been amended since deferral, there is mitigation to add security and privacy by the proposed planting of a native species thorn hedge against residential boundaries on the 400m section of the footpath adjacent to the rear of properties on Bracken Avenue. Officers ask members to note that the route of the path in this section has not been amended.

Officers find that in the short term, as the hedge becomes established, that there will remain a level of overlooking and loss of privacy to nearby residential properties on Bracken Avenue from a 400m section of the footpath. In the short term there would be a degree of harm to residential amenity.

However, the longevity and extent of the impact would be limited by the proposed boundary treatments, distances to dwellings, frequency of use and the transient nature of the pedestrian activity (i.e. no prolonged overlooking).

Officers consider that on balance; the amended proposals will effectively mitigate the limited and short-term amenity harm identified through overlooking and loss of privacy. Further that the short-term impact is outweighed by the substantial public benefits arising from the scheme as detailed in the June report below (**Appendix 1**).

RECOMMENDATION:

Approval subject to the imposition of the following summarised conditions:

- **Approved plans**
- **Materials**
- **No External lighting**
- **Hedgerow planting**
- **Hedgerow retention**
- **Management and maintenance plan**

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

POPPYLAND – PF/25/0902 – Installation of sections of new footpath, along with upgrade of surfacing of existing areas used as permissive footpaths to create a single new connected walkway with rest stop areas and interpretation boards (part retrospective), Forest Park, Northrepps Road, Northrepps, Norfolk
APPLICANT: Forest Park Trust

Minor Development

Target Date: 18.06.26

Extension of Time: 19.06.26

Case Officer: Alice Walker

FULL Planning Permission

RELEVANT SITE CONSTRAINTS

Norfolk Coast National Landscape (formerly AONB)

Areas Susceptible to Groundwater <25%

Undeveloped Coast

Overstrand Conservation Area

Contaminated Land

Listed Building: Grade II

Overstrand War Memorial, Churchyard of The Church of St Martin, Cromer Road, Overstrand, NR27 0NT

Listed Building: Grade II Star

Church Of St Martin, Cromer Road, Overstrand

Countryside

Public Right of Way - Northrepps FP1

EA Risk of Flooding from Surface Water with climate change

GIRAMS Zone of Influence

RELEVANT PLANNING HISTORY

None.

THE APPLICATION

The application is made by Forest Park Trust for the installation of sections of new footpath, along with upgrade of surfacing of existing areas used as permissive footpaths to create a single new connected walkway with rest stop areas and interpretation boards (part retrospective). Forest Park Trust encompasses over 800 acres of private estate land, one mile east of Cromer and set within the North Norfolk National Landscape. The Forest Park estate has maintained large sections of permissive footpaths through and around Forest Park for a number of years. The proposed new footpath sections and upgrades to existing permissive tracks, and existing Forest Park Holiday Park walkways would create a single connected route running from Tolls Hill in Overstrand to Northrepps Road on the edge of Cromer. The footpath project will create a single joined-up walk with multiple access/egress points to join or leave the footpath along the route. The proposed path would be approximately 2 metres wide and surfaced to a wheelchair accessible standard. Funding for

the project has been obtained through the DEFRA Farming in Protected Landscapes (FiPL) Programme.

REASONS FOR REFERRAL TO COMMITTEE

At the request of the Local Ward Cllr Angie Fitch-Tillett having regard to the amenity impacts of the proposal on residential properties near to the route of the footpath.

CONSULTATIONS

Northrepps Parish Council - **Supports** proposal but would recommend review of the section that passes close to housing.

Overstrand Parish Council - **Objection** supports the principle of the footpath but objects due to following concerns as summarised:

- Overlooking/ Privacy concerns to dwellings
- Security, increased risk of theft/ antisocial behaviour
- Surface Water Flooding

Cromer Town Council - **No objection**

Ward Councillor (Cllr Fitch-Tillett) – Objects to the eastern section of the footpath - from Northrepps Road, Overstrand to Overstrand Station on the reason that there is extreme intervention to personal privacy and the properties adjoining at Bracken Avenue.

NNDC Conservation and Design - **No objection**

NNDC Environmental Health - **No comment**

NNDC Landscape - **Advice given**

Norfolk Coast Partnership - No response received

NCC Highways - **No objection**.

NCC Public Rights of Way & Green Infrastructure - no response received.

Police Designing Out Crime Officer - **No objection**, advice given.

Ramblers Association- Requested confirmation development would not affect Northrepps FP1

Open Spaces Society- No response received.

REPRESENTATIONS

38 public representations received in **objection** for the reasons summarised below:

- Loss of privacy and overlooking
- Would disturb residents peace and privacy

- Impact upon residents health and wellbeing
- Close to properties
- Noise concerns
- Litter concerns
- Fire risk
- Ecological damage, disturbance to wildlife
- Would encourage vehicle use on path
- Security concerns, risk of theft
- Encourages antisocial behaviour
- surface water runoff concerns
- Alter the rural character, too formal
- Access to path not legally protected

1 public representation received in **support** for the reasons summarised below:

- Provide an important east-west link between Cromer and Overstrand
- Alternative to coast path
- Traffic free recreational route
- Supports the local visitor economy
- Mental and physical health benefits

5 public representations providing **comments** as summarised below:

- Unattractive view of mismatched fencing
- Alternative footpath should be provided during construction
- Condition it becomes a public right of way
- Who will collect litter?
- Surfacing improvements welcomed, would negate flood risk
- Overlooking would be worse from higher ground
- Appreciate the offer that the landowner has made regarding access from the rear garden onto the footpath.
- Request consultation from Designing Out Crime Officer

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.

RELEVANT PLANNING POLICIES

North Norfolk Local Plan (December 2025)

Policy CC1: Delivering Climate Resilient Sustainable Growth
Policy CC6: Coastal Change Adaptation
Policy CC7: Flood Risk & Surface Water Drainage
Policy CC9: Sustainable Transport
Policy CC10: Biodiversity Net Gain
Policy CC11: Green Infrastructure
Policy CC12: Trees, Hedgerows & Woodland
Policy CC13: Protecting Environmental Quality
Policy SS1: Spatial Strategy
Policy SS2: Development in the Countryside
Policy ENV1: Norfolk Coast National Landscape & The Broads
Policy ENV2: Protection & Enhancement of Landscape & Settlement Character
Policy ENV3: Heritage & Undeveloped Coast
Policy ENV4: Biodiversity & Geodiversity
Policy ENV6: Protection of Amenity
Policy ENV7: Protecting & Enhancing the Historic Environment
Policy ENV8: High Quality Design

Material Considerations:

National Planning Policy Framework (NPPF)(December 2024)

Chapter 2: Achieving sustainable development
Chapter 4: Decision-making
Chapter 8: Promoting healthy and safe communities
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 and Guidance:

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

OFFICER ASSESSMENT:

Main Issues for Consideration:

- 1. Principle**
- 2. Design and heritage impact**
- 3. Amenity**
- 4. Landscape and visual impacts**
- 5. Flooding**
- 6. Highways**
- 7. Planning balance/ conclusion**

1. Principle

Policy CC1 sets out the overarching principles for development in the district. 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 SS1 sets out the distribution of development (spatial strategy) and provide the framework to deliver sustainable growth to meet the existing and future needs for all types of development. The proposed development is located outside of a defined settlement boundary within the 'Countryside Policy area'.

Policy SS2 manages development allowed in the designated 'Countryside Policy Area'. The criteria set out the types of development that are considered appropriate in the rural area. As a piece of infrastructure, the proposed provision of a permissive footpath is considered acceptable in this rural location under Policy SS2..

The site is located within the designated Undeveloped Coast Policy Area. The purpose of Policy ENV3 is to protect the special character of the nationally defined North Norfolk Heritage Coast and locally designated Undeveloped Coast, as defined on the Local Plan's Policies Map. The policy limits development types to those set out in the Plan and those requiring a coastal location where there is no significant harm to the open coastal character. Given the above spatial policy considerations above, it is considered that the proposal complies with Policy ENV 3 of the North Norfolk Local Plan (NNLP).

Whilst Policy CC6 (Coastal Change Adaptation) is primarily aimed at facilitating rollback schemes and replacement development affected by coastal change and is not directly applicable to the proposal, the development is considered to deliver benefits consistent with the objectives of that policy. The proposal would provide a viable inland alternative in advance of any future loss to the existing section of permissive coast path which runs from Pauls Lane Car Park along the clifftop that is actively being eroded and access is predicted to be severed in the relative near future (as evidenced by National Coastal Erosion Risk Map (NCERM) Jan, 2025) and will require future realignment further inland. The proposal would therefore be a proactive adaptation measure which in the first instances extends provision for a wider accessibility but would in the future also help maintain public access and connectivity despite coastal change, safeguard recreational green infrastructure, and contribute to the long-term resilience of the local pedestrian network.

Officers consider the principle of development is acceptable and the proposal would align with the broader aims of the Local Plan to support adaptation to climate change and coastal change.

2. Design and heritage impact

The application is not located within a conservation area but is within proximity to Overstrand Conservation Area and Grade II listed heritage assets in Overstrand. The purpose of Policy ENV 7 is to protect and where possible, enhance the significance of heritage assets, whilst recognising the opportunities for sympathetic reuse and regeneration. Officers consider that given the nature of the proposal, the proposed development would not harm the overall significance of the Overstrand Conservation Area (the boundary of which fringes to the east), there are no heritage objections to the application.

The purpose of Policy ENV 8 is to provide a set of design principles that result in a high quality of design and ensure the special character and qualities of the district are maintained and enhanced. Under Policy ENV 8, 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).

The application seeks planning permission (part retrospective) for the installation of sections of a new 2m wide permeable aggregate footpath, along with upgrade of surfacing of existing areas used as permissive footpaths to create a single new wheelchair accessible footpath for the benefit of the community on Forest Park Trust owned land. Six designated rest areas for seating/ benches and a limited number of information boards are proposed to provide educational information relating to history, landscape and wildlife along the route.

Proposed Route - Section 1 from Tolls Hill Northrepps to Nut Lane

The first part of this section is a 225m stretch of existing permissive trackway from Tolls Hill Northrepps down to Overstrand allotments. No works are proposed to upgrade this section of the path as the public footpath is not within the applicants ownership.

The second lower section of path would provide access to a route over approximately half a mile of previously private land to connect the paths. This section follows an easterly route along the perimeter of grassland pasture between Overstrand allotments and Nut Lane, running alongside properties in Bracken Avenue. This section of footpath is partially retrospective as the start of the section has been completed and the end section of track has also been started.

Proposed Route - Section 2 to the North of the Forest Park Holiday Park.

The access to this section starts in the east from Nut Lane, Northrepps, and terminates at a point to the west at Northrepps Road. The existing surfacing is mainly rough unmade tracks open as permissive paths along the line of the disused railway. The works to this section would be partly retrospective as some areas have been upgraded to the West.

Proposed works - surfacing

Much of the existing surfacing is rough, uneven or trodden ground which can vary in width and incline. To make the footpath more accessible to a wider range of users a new permeable surfacing is proposed along its length. The surfacing would be made up of White Terram underlay, a non-woven geotextile permeable separation membrane, a 130mm layer of crushed graded clean hardcore and 80mm of loose crushed asphalt planings.

Rest Stops

A total of six rest stops incorporating seating areas, waste bins, and multi-sensory interpretation boards are proposed be installed along the length of the walk. Seating benches would be made of part recycled composite with a cut-away for wheelchair access. Two sizes are proposed (4-person and 8-person benches) to be used along the walk, the positioning would be determined by the open ground available at each pre-determined rest point. The large bench rest areas will have an additional plot of 8m x 4m, whereas small bench rest areas will have an additional plot of 6m x 4m. Waste bins would also be provided at each rest stop which would be managed by the Forest Park Estate management team.

Proposed Signage

Each rest stop is proposed to have an information board. The proposed boards would be National Trust Standard size (1.2m high by 1m wide). The boards are intended to provide multi-sensory information to path users highlighting historical, visual and ecological aspects of the project and location. The boards would incorporate text and images by vinyl graphics with anti-graffiti overlamine, as well as braille and QR codes for added content.

Safety signage is proposed at the two quiet lane crossings at Nutt Lane and Northrepps Road. The signage would be located on the 4x pedestrian gates (2no. at each road crossing), in-line with Highways recommendations and requirements to aid safety and advance awareness of crossings for path users. The proposed gates would be fitted with self-closing pedestrian field gates and fences and gates at junctions would comply with the BS 5709:2018 standards for Gaps, Gates, and Stiles.

The new path directly links to Overstrand FP7 / FP4, and Northrepps FP1, allowing connectivity with the wider existing footpath network around Overstrand. The access points at Nutt Lane and Northrepps Road allow linkage with minor roads and designated quiet lanes giving access to Cromer Town as well as the wider network of existing footpaths, such as Cromer FP 13 / 14. A mown footpath link would also be available to connect into the new housing development on Overstrand Road. Overall, there are not considered to be any significant concerns with regards to design and heritage impact in accordance with Local Plan Policies ENV7 and ENV8.

3. Amenity

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 the following criteria, 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.

Policy CC13 seeks to ensure that reasonable endeavours are undertaken to avoid, minimise and reduce, through appropriate mitigations measures, all emissions and other forms of pollution. Proposals for development should also minimise the impact on tranquillity and dark skies in North Norfolk.

With regards to residential amenity a significant number of concerns have been raised by residents in Overstrand, particularly in Bracken Avenue regarding the path and its impact on residents' privacy and security. Representations raise concerns that overlooking into residents' gardens may occur and that there would be increased disturbance to residents with risk of trespass, theft and antisocial behaviour arising from users in close proximity to the rear of the properties.

The Police Designing out Crime officer (DoCO) was consulted. The officer acknowledged that *'the aim of the walkway is to improve connectivity and hence increases movement/ pedestrian traffic along its stretches; therefore, it can also give potential offenders legitimate reason to be in the area and provides good access and escape routes'*. Notwithstanding this, the officer provided best practice guidance for the footpath design. The path should be:

- As wide and as straight as possible
- devoid of potential hiding places
- overlooked by surrounding buildings and activities
- well maintained
- discourage its use at night by not illuminating it during the hours of darkness

'From a security and safety perspective, an environment that provides a "see and be seen" style would best reduce opportunities for crime and anti-social behaviour. Furthermore, external furniture such as benches/bins and interpretation boards should be of robust vandal and graffiti resistant design. If possible, furniture should be 'fixed' into the

ground in order to prevent its theft and reduce the possibility of it being misused.'

In assessing the proposed footpath against those recommendations, it is considered that in the sensitive section, the path would be sufficiently wide, largely straight and would provide clear sightlines for users. The nearby properties would provide an informal level of surveillance of the path, which itself will deter antisocial behaviour. There would be multiple private access/egress points (for adjacent residents) along the path. This was supported by the DoCO. The use of gates and stiles is also supported to help restrict general vehicle access. A maintenance regime for the extent of the footpath has been set out in the Design and Access Statement and can be secured by condition. No external lighting is proposed which would discourage use at nighttime.

With regards to amenity concerns, the path is set just over a metre from the property boundaries along Bracken Avenue. As a result of property layout, distance to the proposed footpath varies from 21m from the rear elevations of dwellings to a minimum of 3m. These dwellings currently utilise a variety of boundary treatments to enclose their garden boundaries, many of which are low in height such as picket fencing, trellis or low hedging to allow views from resident's gardens over the open pasture beyond. Officers note that whilst the path would likely not be in continuous use with footfall being variable and transient in nature, Officers would advise that the intensity of use cannot be controlled by a planning condition. Therefore, whilst there would be some level of separation and screening, Officers consider that there would be a noticeable loss of privacy at the rear of these properties resulting in moderate harm from the use of the footpath contrary to the aims of Local Plan Policy ENV 6.

The designing out crime officer suggested a "prickly hedge" could be used between the path and the rear boundary of the properties to provide privacy and deter potential criminal activity. However, the landowner has made an open offer to all occupiers to link their properties directly to the footpath via means of gates or access from their gardens (an offer which has been supported by some residents). A proposed hedgerow would preclude all occupiers from having this opportunity and so has not been included in the proposals.

Overall whilst the path is not considered to significantly increase the risk of antisocial behaviour it would be considered to cause overlooking and loss of privacy harming residential amenity and conflicting with those specific aims of Policy ENV 6. These issues will need to be weighed in the planning balance.

4. Landscape and visual impacts

The application site is located within the Norfolk Coast National Landscape (NCNL). The purpose of Local Plan Policy ENV1 is to protect the NCNL from inappropriate development to ensure the conservation and enhancement of their natural beauty, defined special quality, and character. The policy requires proposals within or affecting the settings of the NCNL to be assessed for impacts on scenic beauty, biodiversity, cultural heritage and tranquillity.

Similarly, Local Plan Policy ENV2 requires that proposals for development should be informed by and be sympathetic to the key characteristics and valued features of distinctive Landscape Types and Character Areas, their strategic objectives and guidelines as identified in the North Norfolk Landscape Character Assessment SPD (2021) and Landscape Sensitivity Assessment SPD (2021) and relevant Conservation Area Appraisals.

The site is located across two landscape character areas, Coastal Shelf and Tributary Farmland. Many of the valued features and qualities of these landscapes are considered to contribute positively to key qualities of the Norfolk Coast National Landscape such as a

strong coastal character and geomorphology, varied and distinctive biodiversity and a sense of remoteness, tranquillity and wildness.

With regards to landscape impact from the proposed development, Officers note that some works have already been completed. Although not supportive of retrospective works, Officers can see that the completed work gives an indication of impacts from the proposed finish and width of the proposed path. Generally, the construction of the path, laid onto levelled ground with geo-textile, hardcore and asphalt road planings finish is acceptable. Overall, the footpath is not considered to have a significant adverse landscape impact.

This area has links with the renowned landscape designer Humphrey Repton. His “Red Book” includes landscapes around Northrepps Hall and Cottage. Those landscape works were implemented by others following the style of his design. As such a tailored and minimal interpretation along the route (signage), accompanying the rest stops with seating is considered appropriate.

The proposal would also offer benefits including linking Cromer to Overstrand through this previously inaccessible green space, give views of a Repton designed landscape, provide a pleasant alternative route, encouraging less car use and would generally enable an active and safer walking and cycling between the two settlements.

Local Plan 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. Given the reasonably low impact nature of the works primarily on a well-trodden public right of way, the majority of which are retrospective and are confined to areas of low value habitat (unvegetated ground and agricultural land), the ecological impact was therefore assessed as being low and not requiring further survey work.

Local Plan Policy CC12 requires developments to retain and protect existing trees, hedgerows and woodlands where possible, avoiding loss harm or deterioration. Proposals should incorporate new planting as part of the design and replace trees where loss is unavoidable. No trees are proposed to be removed as part of the application. Overall there is very little excavation work required as part of the upgrading as in the majority of places the path is being laid onto a membrane covering the informal track and has already taken place. Officers do not consider that this would cause harm to the tree roots or that it would constitute engineering works, as such no further arboricultural surveys were required.

Officers consider the path would not have a significant adverse landscape impact on either landscape or ecological interests. It would provide benefits in opening up the previously inaccessible green space and a Repton designed landscape to members of the public, encouraging a safer route for walking and cycling between the two settlements.

BNG

Local Plan Policy CC 10 requires qualifying development to achieve a minimum of 10% Biodiversity Net Gain, or higher as stipulated in national legislation, over the pre-development biodiversity value as measured by the statutory Biodiversity Metric, small sites metric, or agreed equivalent.

The proposal is almost entirely retrospective with most new sections of footpaths complete and existing footpaths having been upgraded. Therefore, the proposal is exempt from the requirements of BNG, because the baseline habitat has already been altered before the application is submitted, it is difficult to calculate the original biodiversity value, making BNG

impractical to enforce for these specific works. Ecological enhancements and mitigation can be secured via condition.

5. Flooding

The purpose of Local Plan Policy CC7 is to ensure flood risk is evaluated in development proposals and to require the appropriate management of surface and foul water disposal to reduce flood risk. The policy requires development to avoid areas of flood risk where possible, and all proposals must also ensure no increase in flood risk elsewhere.

Concerns have been raised in the public representations regarding flooding and run off from the hill above the proposed path in Overstrand, this is said by objectors to have caused flooding in extreme weather previously.

The application site is located in Flood Zone 1, where the risk of flooding is lowest. In all sections of the walk, the upgraded surfacing remains permeable with no hot sealing treatment, tar or binding material used and therefore no additional surface drainage or land drainage is proposed.

A natural gradient and camber following the lay of the land have been used in construction to ensure any excess surface water in the event of extreme weather conditions would fall naturally to the outer verges of the pathway which would remain unchanged natural surfaces. Officers consider that any potential run-off would infiltrate to a greenfield rate and will otherwise soakaway without increased risk to surface water flooding.

Overall, given the low risk of flooding and the permeability of the path, the development is considered to be in accordance with the aims of Local Plan Policy CC7.

6. Highways

The purpose of Local Plan 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. The proposals will also reduce reliance on the private car and help promote active lifestyles, which are mutually beneficial aims that can be achieved by supporting sustainable travel options such as footpath and cycleway provision.

Local Plan Policy CC11 (Green Infrastructure) seeks to conserve and enhance existing green infrastructure and ensure the provision of new green infrastructure to improve connectivity and access. Development will be supported where Public Rights of Way and access will be protected, enhanced and promoted. New development should create convenient and attractive links within development and to the surrounding area, assist with creation of a network of accessible greenspace and provide links to public transport and walking and cycling networks.

The route would create new recreational opportunities for residents and visitors to the area, encouraging walking, cycling and outdoor recreation whilst strengthening links between existing settlements and the wider countryside. By providing an alternative to short car journeys the proposal would support sustainable transport objectives and contribute towards healthier lifestyles and less reliance on private vehicles. The footpath would improve accessibility for a wide range of users including those with mobility impairments.

Overall, the development is considered to comply with the aims of Local Plan Policies CC9 and CC11.

7. Planning balance/ conclusion

The development as proposed would open up a previously private area of land for public benefit and provide an enhanced piece of green infrastructure for the area, providing a new pedestrian link and encouraging outdoor recreation. The development would also deliver wider strategic benefits associated with long term resilience of the coastal path network, where coastal erosion represents an ongoing challenge to sections of the existing route, by offering an alternative route and maintaining public access.

Weighed against these benefits, there would be a level of overlooking and loss of privacy to nearby residential properties on Bracken Avenue from a 400m section of the footpath. This would cause a degree of harm to residential amenity. However, the extent of the impact would be limited by boundary treatments, distances to dwellings, frequency of use and the transient nature of the pedestrian activity (i.e. no prolonged overlooking).

Officers consider that on balance, the moderate amenity harm identified through overlooking and loss of privacy is outweighed by the substantial public benefits arising from the scheme. These include enhanced public access to the countryside, improved safety, enhanced recreational opportunities, greater connectivity and an alternative route from the coast path. Approval is recommended subject to the following conditions:

RECOMMENDATION:

Approval subject to the imposition of the following summarised conditions:

- **Approved plans**
- **Materials**
- **No External lighting**
- **Management and maintenance plan**

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

DEVELOPMENT COMMITTEE

**Minutes of the meeting of the Development Committee held on Thursday, 18 June 2026
in the Council Chamber - Council Offices at 9.30 am**

Committee Members Present:	Cllr R Macdonald Chairman) Cllr A Brown Cllr A Fitch-Tillett Cllr V Holliday Cllr L Paterson	(Vice- Cllr M Batey Cllr P Fisher Cllr M Hankins Cllr P Neatherway Cllr L Vickers
-----------------------------------	---	---

Officers in Attendance:	Assistant Director – Planning Development Manager (DM) Solicitor Planning Team Leader – DW Senior Planning Officer – AW Trainee Planning Officer – NW Senior Planning Officer (Landscaping) – IM Democratic Services & Governance Officer
--------------------------------	--

1 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr P Heinrich, Cllr K Toye, and Cllr C Rouse.

Cllr R Macdonald served as Chairman for the meeting.

2 SUBSTITUTES

None in attendance.

3 ITEMS OF URGENT BUSINESS

None.

4 DECLARATIONS OF INTEREST

Cllr A Fitch-Tillett declared a pecuniary interest in agenda item 8, PF/25/0902. Her property was impacted by the planning application.

Cllr V Holliday declared a non-pecuniary interest in agenda item 9, PF/26/0708, and advised she would speak only as Local Member. She would not speak or vote as a Committee Member.

POPPYLAND - PF/25/0902 - INSTALLATION OF SECTIONS OF NEW FOOTPATH, ALONG WITH UPGRADE OF SURFACING OF EXISTING AREAS USED AS PERMISSIVE FOOTPATHS TO CREATE A SINGLE NEW CONNECTED WALKWAY WITH REST STOP AREAS AND INTERPRETATION BOARDS (PART RETROSPECTIVE), FOREST PARK, NORTHREPPS ROAD, NORTHREPPS, NORFOLK

The Case Officer introduced the Officer's report and recommendation for approval subject to conditions. She provided an update to the Officers report and advised that Overstrand Parish Council had written to the Council, maintaining their objection, summarised on p.46.

The SPO-AW outlined the site's location plan, noted use of extant footpaths, and provided visualisations of the footpath and photos along the proposed route.

The footpath would make use of surrounding public footpath connections and would bring wider public benefits.

It was recognised that amenity concerns, particularly that of overlooking of neighbours along specific stretches of the footpath was an issue. The Police and Crime Officer considered the footpath to be sufficiently safe, and Officers noted the transient nature of the footpath. Regardless, Officers agreed with objectors that there was a moderate degree of harm caused to residential amenity through overlooking along a 400m stretch of the footpath along Bracken Avenue.

The SPO-AW affirmed that officers considered that on balance, the moderate amenity harm identified through overlooking and loss of privacy was outweighed by the substantial public benefits arising from the scheme. These include enhanced public access to the countryside, improved safety, enhanced recreational opportunities, greater connectivity and an alternative route from the coast path.

Public Speakers

Sarah Petch – Objecting

Local Member

The Local Member, Cllr A Fitch-Tillett, stated that she was speaking as Local Member and was relaying residents' views. She considered this a remote and tranquil environment and argued that an alternate route along those areas which Officers accepted there was a moderate degree of harm, should be sought. There was already an alternate route which local people used in Overstrand which, if regularised, would be more appropriate.

Cllr A Fitch-Tillett left the meeting.

Committee Debate

- a. Cllr L Paterson asked that a condition be applied that no charge could be levied on users making use of the path.
- b. Cllr V Holliday enquired if the alternate route would be feasible?
- c. The Case Officer was not aware whether discussions had been held with the applicant and the landowner. The Committee were asked to form a planning judgement on the application as presented.
- d. Cllr A Brown shared in residents' concerns regarding the moderate degree of harm caused by overlooking along the 400m stretch. He agreed that an alternate route should be pursued, which Cllr P Fisher echoed.

- e. The Development Manager advised conversations were held by the Applicant and Landowner, which had not been fruitful. Officers had formed a view that, on balance, the benefits of the scheme outweighed the harm.
- f. Cllr L Paterson proposed acceptance of the Officers recommendation, seconded by Cllr M Hankins.

THE VOTE WAS LOST

- g. The Development Manager invited the Committee to form an alternate motion and noted policy ENV6 was a key consideration in Members comments.
- h. Cllr P Fisher proposed deferment of the application, at present in conflict with policy ENV6 of the Local Plan. to enable exploration of alternative options which would minimise the moderate level of harm, including but not limited to, an alternate route or landscape buffering, seconded by Cllr L Vickers.

RESOLVED

That Planning Application PF/25/0902 be deferred.

END.

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: 20th August 2026
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)
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

BACKGROUND

The application was considered by the Development Committee on 30th April 2026. After debate, the Committee resolved the application should be deferred. The deferral was to enable a review and report from the Enforcement Team on their history and involvement in the site, prior to the submission of this planning application.

The Committee Report and the Development Committee Minutes from the meeting of 30th April 2026 are included at **Appendix 1** and **2** of this report.

APPLICATION ADDENDUM

Enforcement Case Report

In order to understand the context of activities which led to the submission of the current application, Development Committee asked to see the Enforcement Case Report for the site, a copy of which is attached as Appendix 3 to this report (this has been placed on the public file since 20 July 2026). This report, amongst other things, sets out the timeline of events and visits that took place on site.

In summary:

- This states that the applicant informed them that during the removal of the asbestos roof, the loss of structural tie-ins caused the northern elevation and a portion of the eastern (rear) wall to collapse. Due to immediate safety concerns regarding the stability of the southern wall and its proximity to a neighbouring boundary, the owners proactively demolished the remaining eastern wall.
- The applicant confirmed that the intention was to rebuild according to the original plans and that nine pallets of original bricks had been salvaged from the site. They also stated that they took protective measures such as erection of a safety fence and braced the remaining walls where possible prior to their removal and have spent many hours cleaning and salvaging as many bricks that were usable.
- The Enforcement Team was concerned that inadequate structural shoring had been implemented prior to removing the roof and advised that owing to the amount of demolition that the original permission had been lost. The conclusion of the Enforcement Team was that June 2025; the original barn structure had been demolished/removed save for a single shored up wall. It is considered that the structural failure is attributed to a lack of preventative shoring during the removal of the roof, which lead to the partial collapse of the north and east elevation.
- Furthermore, at no point during the structural failure or subsequent demolition did the owner or their contractors contact the Council to report the incident or seek emergency planning guidance. In conclusion this resulted in the operations undertaken having significantly exceeded the scope of a 'conversion'. As a matter of law, the total demolition of the original fabric means the original planning permission for a conversion has been lost. The ongoing reconstruction, therefore, constitutes the unauthorised erection of a new dwelling in the countryside.

Although not requested by the Development Committee or Officers, on 10 Aug 2026 the applicant's agent provided a 20 page report called "**Response to Planning Enforcement Case Report**" which included three appendices containing email chains between the applicant and enforcement officer dating from October 2025. A copy of this document is available to view on the public portal. This report, amongst other things, seeks to provide the applicant's perspective in particular:

- The report identifies that repeated use of "demolition" in the Enforcement Case Report...risks creating a misleading impression. If the term is used at all, it should be clearly qualified by explaining that the applicants dispute that this was deliberate demolition and maintain that this was safety-driven salvage following structural failure;

- Seeks to make the case that the applicants sought to engage positively with the Council's enforcement officer, providing timely responses including the provision of an engineers report.
- Disputes any suggestion of inadequate shoring prior to the brickwork collapsing
- Considers it is essential that the Council distinguishes between:
 - deliberate demolition of a building in order to create a new development opportunity; and
 - structural failure during lawful works, followed by safety-driven salvage and reconstruction.

The applicants' position can be summarised as follows:

- 1) They did not set out to demolish the building.
- 2) They purchased the site with planning permission for residential conversion and lawfully commenced that development.
- 3) Once the asbestos roof and rotten boards were removed, the true condition of the walls became apparent.
- 4) The bricks were severely eroded and crumbled to the touch.
- 5) The north gable fell unexpectedly shortly after the roof was removed.
- 6) The remaining walls were unstable, bowing and dangerous.
- 7) Gates were erected and bracing was installed to make the site safer.
- 8) The applicants were extremely concerned about the risk to neighbours, visitors, contractors and the adjoining property.
- 9) Failed and unsafe material was carefully salvaged.
- 10) Good bricks were retained, cleaned and stored for reuse.
- 11) The applicants have sought to reconstruct the building so that it resembles the approved / original building.
- 12) The Enforcement Officer was provided with explanations, photographs and engineering material.
- 13) The Enforcement Officer's correspondence reassured the applicants that the matter could be sorted and that, if what was built resembled what had been there, they were heading in the right direction.
- 14) The applicants submitted the planning application promptly once invited to do so.
- 15) The applicants stopped work immediately when asked to do so.
- 16) The current application is an attempt to regularise the position and complete the residential development in a visually and heritage-sensitive manner.

Officers have not sought to claim that it was the applicants intention to deliberately knock the building down. Knocking the building down makes no sense in planning terms because, in a countryside location, without a building to convert, planning permission would not normally be granted for new market dwellings.

Officers recognise that the applicant has sought to engage with the planning enforcement officer once the Council made contact with them but it was not the applicant that first came forward to notify the Council of the situation of walls collapsing. Enforcement action commenced because of reports being received from the public about the situation on site and re-building works were well under way. Officers agree with the Planning Enforcement Officer that, following loss of the building, the original permission had been lost, hence the need to regularise the situation with the current application.

Other Matters

Nutrient Neutrality Credits

On 10 August 2026, the applicant confirmed that they had made an enquiry and received a quote from Norfolk Environment Credits (NEC) in relation to mitigating the effects of the proposed development on the River Bure SAC in relation to diffuse water pollution. This quote (valid till 07 Sept) confirms that *“With the figures highlighted in the NN [nutrient neutrality] budget calculator, you will require to purchase 1.9kg/yr of nitrogen (all permanent) at a total cost of £7030 plus VAT.”*

In the event that the Development Committee resolve to approve the application, it is the applicants intention to purchase the credits from NEC and evidence of that purchase provided to the Council in order to comply with the Habitats Regulations. Subject to credits being purchased, the previous reason for refusal would have been addressed through demonstrating compliance with Local Plan Policy ENV5.

Self-Build & Custom-Build Housing

On 10 August 20206, the applicant provided a **“SELF-BUILD / CUSTOM-BUILD STATEMENT”**. A copy of this document is available to view on the public portal. This report seeks to provide evidence from the applicant’s perspective as to why the proposal should be considered as a self-build or custom build-dwelling under the Self-build and Custom Housebuilding Act 2015 (the 2015 Act).

The applicants position is that “proposal should be regarded as custom-build” because:

- The applicants commissioned the final design approach
- The applicants’ design input was meaningful
- The applicants intend to occupy the dwelling
- The project involves completion of a home
- The current application does not alter the custom-build nature of the project

The applicant goes on to quote an appeal case at Edgefield and suggest that “the custom-build status of the proposal should be given positive weight in the planning balance.”

The applicants state they are prepared to enter into a S106 Obligation to secure the dwelling as custom-build housing.

Officers note that the request by the applicant to consider the proposal as custom-build dwelling has come more recently in the determination of the application.

Whilst it is clear that the applicants are the intended occupiers of the property, they purchased a property that already had planning permission for conversion to a dwelling. The scope for primary input into the design and layout was therefore limited to internal fittings. With the building now incapable of conversion, any new-build replacement would involve primary input from the applicant, albeit constrained by an attempt to facsimile the building that stood their previously. On balance, Officers consider that there is enough of a case provided by the applicant to demonstrate that the proposal can qualify as a custom-build home.

Officers consider that the status of the proposal as a custom-build dwelling is not determinative in the direction of this planning application. As a retrospective application, the proposal is already exempt from BNG and, whilst the applicant cites an appeal at Edgefield, this was a

materially different case being a proposal for permission in principle for up to four dwellings. The Local Planning Authority now has up to date monitoring information which demonstrates that demand for Self-build and Custom Housebuilding across the relevant base periods have been met. In any event, the location of the proposal in Scottow is located in the designated countryside policy area and well away from selected settlements meaning that it would not be regarded as a suitable location for a new-build dwelling.

In the event that the Development Committee were minded to grant permission, the dwelling can be secured as a custom-build dwelling through planning conditions or S106 obligation (the applicant has indicated that a unilateral undertaking could be prepared).

Heritage Matters

On 10 August 2026, the applicant provided a “**Heritage Statement**”. A copy of this document is available to view on the public portal. This report seeks to explain from the applicant’s perspective the heritage value in re-building the barn and the efforts that the applicant is willing to go to including re-use of circa 8,000 of the original bricks

The applicant’s position is that “...*the proposed reconstruction would represent a positive and proportionate heritage response. It would reinstate the building’s historic presence, use a substantial quantity of salvaged original material, incorporate retained features, and preserve the historic memory and legibility of the former building in the same location, scale, form and appearance as previously approved.*”

“If permission is not granted, the likely outcome is not the preservation of the historic building. The building has already failed. Refusal would therefore risk leaving the site in an unresolved state, with the building’s historic presence lost and its history no longer legible in built form. By contrast, approval would allow the applicants to reconstruct the building in a carefully considered way, using original materials and restoring the building’s presence on the site.”

In terms of specific fabric to be refused the applicant has indicated that:

“... approximately 8,000 original bricks have been saved and cleaned, with the intention that they will be reused in the external facing walls of the reconstructed building”.

They “also intend to reuse interesting retained features from the gable end as part of the reconstruction. The intention is that the building will be rebuilt to appear exactly as previously approved, maintaining its character and presence on the site. The ...applicants have carefully salvaged and cleaned the original bricks and intend to reuse them, with the building reconstructed to appear as previously approved.”

Whilst Officers acknowledge the efforts that the applicant is going to in order to re-use materials/fabric from the old building, the primary issue here is that the existing building has been lost through demolition.

Officers recognise that the building lost was not the primary listed building and therefore an accessory listed structure within the curtilage of the Grade II listed “Three Horseshoes House”. However, when standing, it still played an important supporting role in the historic story of the main listed building (even if the building lost may not have been regarded as architecturally significant in its own right).

In heritage terms it is a fine balance between a scenario where a Grade II listed building loses one of its supporting cast, which is not replaced, as opposed to a scenario where a curtilage building is demolished and replaced with a modern pastiche. It is inevitable that a replacement

structure complying with current building regulations will appear as a modern pastiche losing some of the character of age that cannot ever be truly replicated. Re-using external brick and features will undoubtedly help to provide a modicum of authenticity and a link back to the building that stood there before but it is still a sub optimal comprise which leads to some degree of heritage harm.

With appropriate re-use of existing materials, the Conservation & Design Officer considers that, on balance, a replacement building would be marginally preferable to the loss of a building without replacement. This is primarily because the building lost was not of significant architectural value in its own right and the previously permitted conversion works already envisaged a notable change with new window openings and internal subdivisions. A replacement building would reinstate a connection of supports back to the primary listed building, albeit starting again rather than the result of a conversion.

Having said that, a modern replacement re-using a proportion of historic fabric would still result in some degree of heritage harm through the wholesale intrinsic loss of the original structure, albeit less harm than leaving an empty site.

With a large number of heritage assets in the District, it would be unwise to give developers hope that they could simply knock-down heritage assets and re-build them without some consequence. If the Development Committee were minded to support the proposal, it would be important to identify any public benefits that would outweigh the identified heritage harm.

Planning Balance and Conclusion

The Enforcement Case Report together with recent submissions from the applicant, as set out within this report, have provided the Committee with, amongst other things, a fuller account of events leading up to the submission of this planning application.

Officers accept that application RV/24/1619 was lawfully commenced but the building has not been occupied and residential use has not therefore commenced. As stated previously, 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 completed as a conversion 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 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 and detracts from the setting of the Grade II listed "Three Horseshoes House". Whilst the proposed replacement building will re-use some of the historic fabric of the previous building, on balance, it would neither preserve or enhance the special character and this is in conflict with Policies ENV7 and ENV8.

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.

Whilst the applicant proposes a custom-build dwelling, the Local Planning Authority can demonstrate that it is meeting demand for self-build and custom-build dwellings for the relevant base periods within the District. The proposal for a custom-build dwelling does not, in of itself, provide justification for such a dwelling being located in a unsustainable location in the countryside policy area and well away from selected settlements in the Local Plan.

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.

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 SS2 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 loss of the building 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. Whilst the applicant has indicated that a significant quantity of bricks and other features of interest from the existing demolished building will be re-used, a replacement would appear more as a modern pastiche. 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.**

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)
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 are 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 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 highways 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 SS2 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.

DEVELOPMENT COMMITTEE

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

Committee Members Present:	Cllr P Heinrich (Chairman)	Cllr R Macdonald (Vice-Chairman)
	Cllr M Batey	Cllr A Brown
	Cllr A Fitch-Tillett	Cllr M Hankins
	Cllr V Holliday	Cllr P Neatherway
	Cllr L Paterson	Cllr J Toye
	Cllr K Toye	
Substitute Members	Cllr W Fredericks	
Officers in Attendance:	Assistant Director – Planning Development Manager (DM) Solicitor Senior Planning Officer – RS (SPO-RS) Senior Planning Officer – RG (SPO-RG) Senior Planning Officer – OL (SPO-OG) Planning Officer – HG (SPO-HG) Democratic Services & Governance Officer – Regulatory Committees	

126 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr P Fisher, Cllr A Varley and Cllr L Vickers.

127 SUBSTITUTES

Cllr W Fredericks was present as a substitute.

128 ITEMS OF URGENT BUSINESS

None.

129 DECLARATIONS OF INTEREST

Cllr A Brown declared a non-pecuniary interest in agenda item 7, application PF/24/2458. He confirmed that he had referred the item to Committee and that he would only speak in the capacity as Local Ward Member on this item. He would not speak or vote on the item as a Committee Member.

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

The SPO-RA introduced the Officer's report and recommendation for refusal. He outlined the site's location and planning history. Images in and around the site were

provided demonstrating how the prior structure had been significantly altered though the gradual demolition of the barn overtime.

The Case Officer stated that the prior approved planning application, RV24/1619, was unable to be implemented due to the loss / demolition of the existing building. The proposal was considered to be a new dwelling in the countryside policy area without adequate justification and was in conflict with Local Plan Policies SS1 and SS2.

Further, permission could not be lawfully granted as the proposal failed to demonstrate compliance with Habitat Regulations relating to Nutrient Neutrality, it would therefore be unlawful to grant permission, irrespective of whether sufficient material considerations had been provided to outweigh the policy conflicts.

Public Speakers

Jason Parker – Supporting

Members Debate

- a. The Solicitor to the Council provided advise in response to the letter provided on behalf of the Applicant – circulated to the Committee in advance of the meeting. First, the assertion that the residential use of the site has been established. There was no evidence that there had ever been any residential occupation the building (the barn) which was previously on the site. No material change of use to residential happened because the barn was never physically adapted to be used as a home. It had only ever been a barn for storage purposes. Hence, why there was originally a planning application to convert the building to a dwelling. But it was never previously converted and used as a dwelling, so it has never attained a “dwelling” status to begin with. The submission raises matters of principle of “abandonment.” Abandonment is a legal concept that refers to the possible loss of existing lawful use rights. In this instance, she did not think the issue of abandonment was relevant to this site because the building that was on the site was never historically occupied as a dwelling, so there was no “existing residential use right” to abandon. It never attained “dwelling” status to begin with, so it cannot be abandoned or not abandoned as a dwelling because “abandoned” assumes that it was once used as a dwelling. In any event, the previous permission to convert the building required some of the existing structure to remain substantially intact. Nothing was now left of the building, so it now necessitates a complete rebuild, even if abandonment was relevant, it probably fails the tests relating to abandonment in any event.
- b. Cllr L Paterson asked what percentage of new bricks would be used . Through the Chairman the Applicant advised that 8000 original bricks had been retained and installed towards the front of the dwelling and by the arched windows.
- c. Cllr J Teye asked for clarification regarding the fall-back position. He recognised that the building as was, was now gone, and understood the importance of discouraging the knocking down of heritage assets without permission. Cllr V Holliday noted prior permission had fallen away.

- d. The Case Officer advised the 2012 permission was for the 3 Horseshoes Public House and Oddfellows Barn, the permission was extant once the 3 Horseshoes was converted and work completed.
- e. Cllr K Toye and Cllr W Fredericks enquired if building control were aware of the condition of the building, at what stage, and what advice they offered. Cllr K Toye noted that Officers should have responded to the Applicants' questions in a timely manner when concerns became apparent, but equally the Applicant should not have continued to demolish the barn without permission to do so.
- f. The DM advised the matter came to the attention of the planning enforcement team who contacted the Applicant and investigated the issue. He affirmed that the prior approvals were not achievable, and the application was contrary to Local Plan Policy. He urged the Committee for a consistent approach and that they be mindful that a departure from Local Plan policies would set a precedent across the district.
- g. Cllr A Brown considered there to be limited public benefits arising from the scheme which would justify departure from policy. Further, granting permission would be unlawful as matters regarding Nutrient Neutrality had not been addressed.
- h. Cllr W Fredericks and Cllr K Toye considered that information was lacking which would enable members to make a decision for or against the application, separate to Nutrient Neutrality. Cllr W Fredericks argued a report from the enforcement team should have been appended so Members could understand the condition of the dwelling prior and during works, was it likely to have fallen down by itself.
- i. The DM stressed that Officers were not asserting that this was a deliberate act by the Applicant, but the fact remained that the barn was now no longer there. Both the old and new Local Plan Policies supported refusal of the application.
- j. The Committee discussed the outstanding matter of Nutrient Neutrality and agreed that they would not be able to consider granting permission of the application with this unresolved.
- k. Cllr W Fredericks proposed deferral of the application to enable Officers to provide a comprehensive enforcement history, and for matters relating to nutrient neutrality to be resolved, seconded by Cllr K Toye.

RESOLVED

That Planning application PF/25/2438 be DEFERRED for the reasons discussed.

This page is intentionally left blank

Enforcement Case Report

Enf case reference: ENF/25/0187

Alleged Breach: Removal of barn and the creation of a new dwelling

Address: Scottow Barn, North Walsham Road, Scottow, NR21 5BZ

The purpose of this report is to detail the Enforcement Teams actions within the Enforcement case and outline the evidence gathered throughout the investigation.

Date: 10.07.2026

1. Purpose of Report

The purpose of this report is to provide the Development Committee with a comprehensive overview of the actions taken by the Planning Enforcement Team, outline the evidence gathered during the investigation, and establish the Council's current enforcement position regarding the site.

2. Introduction and Background

2.1 This report has been prepared at the request of the Development Committee. It details the investigative steps taken by the Planning Enforcement Case Officer and presents the evidentiary basis for the Council's findings.

2.2 The site benefits from previous planning permissions **RV/24/1618** and **RV/24/1619** (which varied the original permission **PF/12/1181**). These permissions consented to the conversion of a former public house and function room into two detached dwellings, incorporating specific conditions relating to approved plans (Condition 2) and landscaping (Condition 15).

2.3 The focus of this investigation is the structural integrity and subsequent removal of the barn intended for conversion. Appended to this report are site photographs capturing the timeline of compliance visits, alongside pre-collapse photographic evidence provided by the owner.

3. Enforcement Investigation Timeline

- **June 2025 | Initial Notification:** The Council received a report alleging that the substantial majority of the barn structure had been removed, leaving only the front elevation wall standing. Photograph supplied with report shown at **Appendix.6**.
- **16 June 2025 | Initial Site Visit:** The Enforcement Officer inspected the site and confirmed that the side and rear elevations, along with the roof structure, were entirely absent. Only the front wall remained, which was structurally compromised and held up by temporary wooden shoring. No personnel were present on site. *(Photographs at Appendix 3).*

- **June – September 2025 | Contact Attempts:** The Enforcement Officer made repeated attempts to contact both the site owner and the appointed Planning Agent to seek clarification; no responses were initially received.
- **20 September 2025 | Agent Clarification:** The Planning Agent responded to formal contact, confirming they were no longer instructed on the project.
- **23 September 2025 | Second Site Visit:** A follow-up inspection revealed that reconstruction works had commenced. The side and rear walls had been entirely rebuilt and were nearing lintel height. Again no one was present at the time of the visit.
- **13–14 October 2025 | Formal Owner Response:** Following formal correspondence sent by the Enforcement Officer on 13 October, the owner responded on 14 October providing a written summary of the events leading to the demolition. (***Owner's Summary at Appendix 1).***
- **16 October 2025 | Site Meeting:** The Enforcement Officer met the owners on site.
 - **Owner's Explanation:** The owner stated that during the removal of the asbestos roof, the loss of structural tie-ins caused the northern elevation and a portion of the eastern (rear) wall to collapse. Due to immediate safety concerns regarding the stability of the southern wall and its proximity to a neighbouring boundary, the owners proactively demolished the remaining eastern wall.
 - **Officer Assessment:** The Enforcement Officer was concerned that inadequate structural shoring had been implemented prior to removing the roof. The owner confirmed that 9 pallets of original bricks had been salvaged to rebuild the structure in visual conformity with the previously approved plans. The Officer advised the owner that due to the extent of the demolition, the original conversion permission had likely been lost. (***Photographs at Appendix 4).***
- **16 -21 October 2025 |** The owners provided structural calculation sheets and photographs detailing the poor state of the original building structure (**Appendix 2).**
- **28 October 2025 | Enforcement Panel Review:** The case was presented to the internal Enforcement Panel. The panel's recommendation was to invite the owners to submit a retrospective planning application and Listed Building Consent. This is ultimately the only route available to the owners to try and regularise the breach of planning controls.
- **3 November 2025 | Application Submitted:** A retrospective planning application was validated by the Council- this has a Council reference PF/25/2438.
- **3 December 2025 | Cessation of Works:** The Enforcement Officer identified that construction works were continuing on site despite the pending application. The Officer issued an ultimatum that works must cease voluntarily, or the Council would

immediately serve a Temporary Stop Notice (TSN). The owners agreed to a voluntary cessation of works.

- **December 2025 – Present | Monitoring:** Regular monitoring visits have been undertaken by the Enforcement Team. No further works have been detected, and the Council is satisfied that the site remains inactive. The enforcement case is currently held in abeyance pending the determination of the planning application. **Appendix.5** shows further photographs from site visit in 2026.

4. Conclusions and Summary of Findings

4.1 Loss of Original Structure: Investigation evidence confirms that by June 2025, the original barn structure had been effectively demolished, save for a single, shored-up front wall.

4.2 Structural Failure Mechanism: Based on evidence and the owner's admission, the removal of the roof caused a loss of structural integrity, leading to partial collapse of the north and east elevation and the subsequent deliberate demolition of the eastern wall. This structural failure is attributed to a lack of preventative shoring during the removal of the roof.

4.3 Failure to Notify: At no point during the structural failure or subsequent demolition did the owner or their contractors contact the Council to report the incident or seek emergency planning guidance.

4.4 Intent to Replicate: The owner's clear intent is to construct a replica building using salvaged and matching materials to mirror the physical appearance of the originally approved conversion.

4.5 Final Enforcement Position: It is the professional opinion of the Planning Enforcement Team that the operations undertaken on site have significantly exceeded the scope of a 'conversion'. As a matter of law, the total demolition of the original fabric means the original planning permission for a conversion has been lost. The ongoing reconstruction, therefore, constitutes the unauthorised erection of a new dwelling in the countryside.

Appendices (*attached below*)

Appendix 1: Owner's Summary of Events

Appendix 2: Owner's Photographs of building in poor structural condition

Appendix 3: Planning Enforcement Officer Site Inspection Photographs (16 June 2025)

Appendix 4: Planning Enforcement Officer Site Inspection Photographs (16 October 2025)

Appendix 5: Planning Enforcement Officer Site Inspection Photographs (8 January 2026)

Appendix 6: Photograph provided with the report.

Appendix 7: Photographs of Barn prior to works commencing.

Appendix 1: Owner's Summary of Events (14 October 2025)

As requested, I'm sending a summary of the situation to date. When we bought the property, we had no idea how bad the brickwork actually was and it wasn't until the asbestos roof was removed and the rotten boards underneath, that we realised actually how bad the walls were. The bricks were extremely eroded in certain areas, both on the outside and inside and literally crumbled to the touch. A lot, particularly on the South gable were so eroded that there was not even half a brick's thickness left which concerned us a great deal.

Literally within hours of the roof being removed, we were in the garden when the North gable end teetered and fell down before our eyes. We were absolutely horrified and saddened but also relieved that nobody was hurt, if it had landed on anybody they would almost certainly have been killed. We sometimes have friends or neighbours pop in to have a chat with us and see how things are going and we were extremely concerned about that happening again, with the walls being so unpredictable. We erected metal gates across the property as a safety precaution to prevent people just walking in and temporarily braced the remaining walls until we could make a decision on what cause of action to take. We were especially worried about the front wall as it was leaning out so much.

The South gable end was a mix of block work and bricks which again was leaning outwards and we were absolutely worried sick that the same thing might happen, and this wall would most definitely have hit the neighbour's house due to its close proximity, so for our peace of mind (and for the neighbours I'm sure), we removed the blocks and bricks one at a time. The bricks crumbled and there were very few bricks that we were able to retrieve from this wall that were any good to be re-used.

We soon realised that the walls were far too dangerous to work around so we made the decision to remove and clean as many bricks as possible to be re-laid with new mortar making the building a safe place to be near again

We are keen to re-use the old bricks and we have spent weeks, if not months, sorting through all the bricks that fell and we have retained, cleaned and kept these to use on the property as it's rebuilt.

It became apparent that it was the roof structure which had been holding up the badly eroded walls, due to many years of neglect.

This is certainly not something we wanted and certainly didn't budget for at the time we purchased the property. However, we are knee deep now and are pushing forward the best we can.

I hope this provides you with some information as to where we are now but will discuss on Thursday when we meet.

Appendix 2: Owner's Photographs of collapse and building in poor structural condition





Appendix 3- Site visit photo 19 June 2025

Western elevation (Front)



View from the adjacent field- North elevation



Appendix 4: Planning Enforcement Officer Site Inspection Photographs (16 October 2025)

Western elevation (Front)



Eastern elevation (Rear)





Evidence of retained bricks



Appendix 5: Planning Enforcement Officer Site Inspection Photographs (8 January 2026)

Eastern elevation (Rear)



Northern elevation (Side)



Inside the barn



Appendix 6- Photograph provided with report of breach.



Appendix.7- Barn prior to works commencing

Western elevation (Front)





Eastern elevation (Rear)





FULMODESTON - RV/25/2839 – Variation of Condition 8 (Woodland Management Plan) of planning permission PF/21/3458 (Erection of two one-bed tree houses with external works and servicing (to include biorock drainage system and solar panels) - Revisions to the Woodland Management Plan at Browns Covert, Hindolveston Road, Fulmodeston.

Applicant: D Astley

Minor Development

Target Date: 05.05.26

Extension of Time:

Case Officer: Jamie Smith

FULL Planning Permission

RELEVANT SITE CONSTRAINTS

Countryside

Areas Susceptible to Groundwater SFRA

Surface Water Flooding

Detailed River Network SFRA

Landscape Character Area - Type TF1 (Tributary Farmland)

GIRAMS

Site subject to a legal obligation - S106/24/0032

RELEVANT PLANNING HISTORY

PF/26/1093 - Supporting infrastructure related to two treehouses approved under planning permission PF/21/3458 comprising guest arrival area with parking, open canopy and timber boardwalk, fire water ponds and a single array of solar PV panels to serve both units - Pending Consideration.

PF/24/2434 - Swanton Novers Wood - Erection of additional four, one bedroom self-contained tree houses for use as short-term holiday let accommodation with external works and servicing (to include solar panels, ponds and car parking provision) - Pending Consideration.

RV/24/1502 - Variation of condition 2 (approved plans) of planning permission PF/21/3458 (Erection of two one-bed tree houses with external works and servicing (to include biorock drainage system and solar panels) to allow design alterations to Treehouse 1 and provision of bin and gas bottle store – Approved.

PF/24/1746 - Supporting infrastructure related to the two treehouses approved under planning permission PF/21/3458 comprising guest arrival area with parking, open canopy and timber boardwalk, fire water ponds and a single array of solar PV panels to serve both units – Approve.

NMA/24/0981 - non-material amendment of planning permission PF/21/3458 (Erection of two one-bed tree houses with external works and servicing (to include biorock drainage system and solar panels)) to allow general amendments to treehouses 1 and siting of bin stores and log stores for the treehouses – Refused.

PF/21/3458 - Erection of two one-bed tree houses with external works and servicing (to include biorock drainage system and solar panels) – Approved.

GF/94/0011: Brown's Covert, Hindolveston Road, Fulmodeston - Proposal: Improvements to forest road/turning area to facilitate removal of timber (notification by Forestry Commission) – no objections.

THE APPLICATION

Planning application ref: PF/21/3458 was considered by Development Committee on 26 January 2023 for the construction of two treehouses, as part of an ecotourism diversification project. Development Committee resolved to approve the application (the Officer recommendation was one of refusal). A key factor in Members decision to overturn the Officer recommendation was the applicant's commitment to delivering a very high Biodiversity Net Gain (BNG), estimated at a minimum of 6,000%, in advance of the statutory requirement of 10%. The BNG was secured through Condition 8 and the Woodland Management Plan and associated S106 obligations.

The current application seeks to vary Condition 8 of approved PF/21/3458 to reduce the BNG requirement from the previously stated 6,000% to a minimum of 10%, in line with statutory requirements.

This report should be read in conjunction with the Committee Report and the Development Committee Minutes from the meeting of 26 January 2023 and these are included at **Appendix 1 and 2** of this report.

REASONS FOR REFERRAL TO COMMITTEE

At the request of the Development Manager in light of the notable change proposed to a material consideration in favour, which previously played a pivotal part in Development Committee's justification for departing from the Development Plan and overturning the Officer recommendation for refusal.

CONSULTATIONS

NNDC Landscape – Advice Given

Information set out in the woodland management plan is acceptable and will support long term progression of the woodland habitat to mixed broadleaf and of overall higher biodiversity value. The plan is therefore supported.

Fulmodeston With Barney Parish Council — No comments received.

REPRESENTATIONS

None received.

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.

RELEVANT PLANNING POLICIES

North Norfolk Local Plan (December 2025)

Policy CC1: Delivering Climate Resilient Sustainable Growth

Policy CC7: Flood Risk & Surface Water Drainage

Policy CC9: Sustainable Transport

Policy CC10: Biodiversity Net Gain

Policy CC12: Trees, Hedgerows & Woodland

Policy CC13: Protecting Environmental Quality

Policy SS1: Spatial Strategy

Policy SS2: Development in the Countryside

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 ENV8: High Quality Design

Policy E6: New Tourist Accommodation, Static Caravans & Holiday Lodges, & Extensions to Existing Sites

Material Considerations:

National Planning Policy Framework (NPPF) (December 2024)

Chapter 2: Achieving sustainable development

Chapter 4: Decision-making

Chapter 8: Promoting healthy and safe communities

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

Supplementary Planning Documents and Guidance:

North Norfolk Design Guide Supplementary Planning Document (SPD) (December 2008)

OFFICER ASSESSMENT:

This application has been submitted under Section 73 of the Town and Country Planning act 1990. In this case, whilst the applicant seeks to amend Condition 8 of application PF/21/3458, any permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted.

Planning application ref: PF/21/3458 was considered by Development Committee on 26 January 2023 for the construction of two treehouses, as part of an ecotourism diversification project. Development Committee resolved to approve the application (the Officer recommendation was one of refusal). The principle of development was therefore established through the granting of that planning permission.

In resolving to approve the scheme, the minutes of the meeting (See **Appendix 2**) set out that the eco-tourism benefits of the proposal as well as the significant biodiversity net gain benefits of the proposal being offered by the applicant were afforded considerable weight by the Development Committee in departing from the Development Plan.

The minutes refer to 10,000% Biodiversity Net Gain (BNG) gains but it was subsequently established that this was actually a figure closer to 6,000%, but which was nonetheless significantly exceeding the emerging statutory requirement of 10%. This 6,000% BNG commitment offered by the applicant was secured through Condition 8 of planning permission PF/21/3458 which required the programme of works identified within the approved Woodland Management Plan (WMP) and associated Section 106 obligations.

The current application seeks to vary Condition 8 of PF/21/3458 to reduce the BNG requirement from the previously stated (minimum of) 6,000% to the statutory requirement of 10%. The application states that the approved scheme does not fully reflect the original intention for a wider development of up to 14 treehouses and that the previously stated BNG uplift is not deliverable in its current form. Whilst the applicant may aspire to deliver a larger number of treehouses as part of a wider masterplan, Members were clear at the time of determination that the application before them related solely to two treehouses. The high BNG uplift was presented as a direct benefit of the two treehouse proposal, and the Committee's resolution relied on that understanding.

The current application states that the ecological benefits requires significant funding, and the ecotourism project will assist with only a small part of this. As a result, in an effort to obtain alternative means of funding to deliver the biodiversity and environmental improvements, the estate applied to DEFRA's Countryside Stewardship Scheme. However, DEFRA funding cannot be granted where the same biodiversity improvements are already secured through a legal obligation attached to the land, such as a Section 106 agreement or planning condition. As a result, the applicant is unable to access DEFRA funding whilst the existing legal obligations remain in place.

To resolve this, the applicant requests that Condition 8 be varied to provide just 10% BNG, which is still in excess of any planning requirement at the time that the consent was granted, (as this permission was approved before statutory BNG came into play). The BNG obligations

would then be removed from the Section 106 agreement. The delivery of wider objectives of the Woodland Management Plan and other strategies at the estate, would then be subject to receiving funding from the DEFRA Countryside Stewardship Scheme (application currently lodged with DEFRA). In addition, the applicant also seeks consideration of the creation of a Habitat Bank for future phases of development and, which would also allow for the supplying of biodiversity units to other developments within the North Norfolk area (and beyond).

Whilst a Habitat Bank may be an appropriate way to provide Biodiversity Net Gain (BNG) for future developments, it does not address the issues relating to application PF/21/3458, namely that the 6,000% BNG was offered as a significant material consideration in support of a departure from the Development Plan. The Habitat Bank was not part of the original application and was not relied upon when planning permission was granted. It therefore cannot replace the environmental benefits that helped justify the approval. In addition, a Habitat Bank would serve future development phases and could generate separate income, whereas PF/21/3458 relates only to the two treehouses that have already been approved. The BNG benefits for PF/21/3458 must be considered separately and on their own merits. A Habitat Bank proposal is a separate project in itself requiring its own assessment, approvals and legal arrangements. It was not part of the approved PF/21/3458 scheme and should not be relied upon to justify changes to the obligations associated with that permission.

Local Plan

A key change since application PF/21/3458 was determined is the adoption of the new North Norfolk Local Plan in December 2025. **Policy E6** considers **New Tourist Accommodation, Static Caravans & Holiday Lodges, & Extensions to Existing Sites**.

New tourist accommodation at this location (i.e. it is not within the boundary of selected settlement / is not well related to a settlement or established tourist business) would be regarded as being a departure from Local Plan Policy E6. The only basis for granting permission under Policy E6 would be if it involved business expansion and extension to existing tourist accommodation...and holiday lodge sites subject to such a scheme securing measurable biodiversity net gains and the proposal not having an adverse impact on the key characteristics of the valued features of the landscape; residential amenity; and the safety and operation of the local highway network.

Application PF/21/3458 was the first application for holiday accommodation on this site. However, subsequent permissions have been granted and are in the process of implementation. As such, were the Committee minded to support the proposal then it could be possible to argue that the proposal before Committee should be assessed as an extension to an existing tourist accommodation site.

Planning Balance and Conclusion

Reducing the BNG requirement from 6,000% to 10% would be a significant change to the scheme approved under PF/21/3458. It would alter a key part of the justification on which Members granted planning permission and could certainly have affected the planning balance consideration at the time if the BNG figure was at the level now proposed.

It is acknowledged that the treehouses approved under the original permission have commenced on site, and that a further four treehouses have also been approved under application PF/24/2434.

The applicant has advised that DEFRA funding cannot be secured where the same biodiversity enhancements are already required through a legal agreement. As a result, this

means the approved biodiversity enhancement package can no longer be delivered as originally intended.

The Local Planning Authority must therefore consider whether the development, with reduced BNG offer and the potential to create a Habitat Bank will satisfy the environmental benefits that supported the original approval.

In light of the change to the Development Plan with the adoption of the Local Plan, the proposal could be considered to be in general accordance with the aims of Policy E6.

Any application today could only be mandated to provide 10% BNG and guidance from government suggests that policies requiring greater than 10% should be avoided unless adequately justified.

Although disappointing that the applicant has, in effect, reneged on a BNG commitment made in support of a planning application, the overall BNG gains across the land would be delivered, albeit at potential financial gain rather than financial cost to the applicant enabled through the selling of BNG credits that would otherwise have been delivered through the grant of two tree houses.

RECOMMENDATION

APPROVAL subject to securing a minimum of 10% Biodiversity Net Gain and the creation of a Habitat Bank prior to the issuing of any planning permission plus the imposition of relevant conditions as imposed on previous application PF/21/3458.

Final wording of conditions be delegated to the Assistant Director – Planning

Fulmodeston – PF/21/3458 - Erection of two one-bed tree houses with external works and servicing (to include biorock drainage system and solar panels) at Land at Woodland, Browns Covert, Hindolveston Road, Fulmodeston for Mr D Astley

- Target Date: 26 January 2023

Case Officer: Miss J Smith

Minor Development

RELEVANT SITE CONSTRAINTS

- Countryside
- Areas Susceptible to Groundwater SFRA
- Surface Water Flooding
- Detailed River Network SFRA
- Landscape Character Area - Type TF1 (Tributary Farmland)
- Within the Zones of Influence of a number of habitats sites for the purposes of the GIRAMS

RELEVANT PLANNING HISTORY

GF/94/0011: Brown's Covert, Hindolveston Road, Fulmodeston

Proposal: Improvements to forest road/turning area to facilitate removal of timber (notification by Forestry Commission) – no objections.

THE APPLICATION

The application is for the provision of two self-contained treehouses within Swanton Novers Wood on the Astley Estate to be used as visitor accommodation as part of a proposed farm diversification scheme.

The supporting information with the application states that the 'initial' two tree houses will form the first phase of a sustainable tourism venture which envisages up to 14 tree houses sited in suitable location across the 450 acres of the wider woodland) which will see the Estate invest in rural tourism.

The income earned from the treehouses will enable the Estate to extend the adjacent National Nature Reserve (Swanton Great Wood and Little Wood) by another 450 acres into the woodland, contribute to other sustainable projects across the wider Estate and would provide an independent revenue stream to subsidise the income from farming and help to deliver an essential conservation woodland management plan.

The site is located at the western edge of Little Wood and Brown's Covert approximately 0.6km east of Fulmodeston and 0.9km southwest of Swanton Novers along the Hindolveston Road.

The scheme proposes off road parking for visitors along the access road in to the site.

The proposed self-contained treehouses would be sited on the edge of the woodland where views will be afforded across the meadow to the north-west. Solar PV is proposed at ground level and positioned facing to the west within the meadow.

There is a Public Right of Way running north-south through the meadow located near the northern boundary of the site.

REASONS FOR REFERRAL TO COMMITTEE

At the request of Cllr Fitzpatrick due to the enhanced public amenity and economic development benefits.

PARISH/TOWN COUNCIL

Fulmodeston Parish Council: No comments submitted.

REPRESENTATIONS

Two objections on the following grounds:

- Impact of construction of modernistic trees houses in close proximity to nature reserve.
- Impact of noise, disturbance, litter to wildlife.
- The area is currently closed to public access. How will the site/area be managed to deter anyone visiting the site, woodland and encroaching on Conservation Area?
- How will parking be managed in the area?
- Treatment of foul water from the cabins into the River Stiffkey.
- Further tree houses are proposed, these should be identified on the plans.
- Fire risk from barbeques and smoking.
- Impact upon the dark skies in the area due to extent of glazing looking out from the woodlands.
- Impact of lighting on wildlife.
- No guarantee that the guests will use local facilities as suggested such as the Back to the Garden Farm Shop.
- Unsuitable location.
- The environmental impact has not fully thought through.

CONSULTATIONS

Norfolk County Council (Highways): No Objection

The site access is suitable and although the site is remote and isolated, which may lead to a reliance upon the private car, contrary to local and national sustainability objectives, given the small scale of the proposal, the Highway Authority does not raise a formal objection at this time.

However, further development in this location (beyond that proposed) would likely warrant an objection for the following reason:

- The proposal is remote from local service centre provision conflicting 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. Contrary to the National Planning Policy Framework and Policy 5 of Norfolk's 3rd Local Transport Plan - *Connecting Norfolk*.

Public Rights of Way & Green Infrastructure: No objection

Natural England: Confirms that GI RAMS payment is required if development is approved.

Landscape Officer: Comment that:

- No substantive issues were raised in the Preliminary Ecological Appraisal regarding protected species, subject to conditions.
- The Arboricultural Impact Assessment is considered acceptable.
- Whilst external lighting can be controlled through condition, internal lighting design cannot. Therefore, issues relating to dispersal of internal light must remain a material consideration and glazing design is therefore the easiest way to address concerns of light pollution. Consideration must also be given to the impacts of excessive glazing within the woodland setting upon wildlife - for example, the potential for bird strikes due to reflective surfaces. Whilst the materials of the proposed development could be appropriate for the setting (e.g. use of timber cladding), the extent of glazing proposed has the potential to emit light into the woodland and grassland area to the west, and would be highly visible at night due to the dark skies location and woodland backdrop. Due to the current designs, it is considered that the proposed development would have the potential to cause significant light pollution within an otherwise unlit setting and therefore would not be in accordance with Policy EN 2 of the adopted North Norfolk Core Strategy.
- It is considered that the proposed development could be implemented in accordance with Policy EN 9 of the North Norfolk Core Strategy and the gains from extension of the adjacent nature reserve would be significant. However, questions remain over the potential impacts of internal lighting upon nocturnal wildlife and potential for bird strikes due to the extent of glazing proposed. These issues could both be resolved (from an ecological perspective) through the installation of smaller windows on all four elevations of the building.
- The management of the woodland to 'nature reserve' quality is intrinsically linked to the proposed development and therefore an enforceable condition would need to be attached to ensure the proposed development would indeed result in biodiversity gains in accordance with Policy EN 9.
- The principle of new tourism accommodation within woodland and at the proposed location is not considered to be in accordance with Policies EC 7 or SS 2. Furthermore, the extent of glazing proposed is likely to lead to a negative impact upon the nocturnal character of the area whereby increased applications of this type could exacerbate this in the future.

Planning Policy: No comments received

Economic And Tourism Development Manager: Supports the application. The proposal of unique treehouses provides an offer of sustainable tourism which the Economic Growth team supports. It is also recognised that there are wider potential economic benefits that would be derived by such a proposal – such as jobs in the construction phase, supporting the local supply chain, conservation and woodland management, local spend from visitors etc. - which would serve the wider business community within the area.

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.

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.

STANDING DUTIES

Due regard has been given to the following duties: Environment Act 2021 Equality Act 2010 Crime and Disorder Act, 1998 (S17) Natural Environment & Rural Communities Act 2006 (S40) The Conservation of Habitats and Species Regulations 2017 (R9) Planning Act 2008 (S183) Human Rights Act 1998 – this incorporates the rights of the European Convention on Human Rights into UK Law - Article 8 – Right to Respect for Private and Family Life Planning (Listed Buildings and Conservation Areas) Act 1990 (S66(1) and S72)

POLICIES

North Norfolk Core Strategy (adopted 2008)

Policy SS 1 (Spatial Strategy for North Norfolk)
Policy SS 2 (Development in the Countryside)
Policy SS 4 (Environment)
Policy SS 5 (Economy)
Policy SS 6 (Access and Infrastructure)
Policy EN 2 (Protection and Enhancement of Landscape and Settlement Character)
Policy EN 4 (Design)
Policy EN 9 (Biodiversity and Geology)
Policy EN 10 (Development and Flood Risk)
Policy EN 13 (Pollution and Hazard Prevention and Minimisation)
Policy EC 1 (Farm Diversification)
Policy EC 7 (The Location of New Tourism Development)
Policy EC 9 (Holiday and Seasonal Occupancy Conditions)
Policy CT 5 (The Transport Impact of New Development)
Policy CT 6 (Parking Provision)

Supplementary Planning Documents:

North Norfolk Design Guidance (2011)
North Norfolk Landscape Character Assessment (2021)
North Norfolk Landscape Sensitivity Assessment (2021)

National Planning Policy Framework (NPPF):

Chapter 2 (Achieving sustainable development)
Chapter 4 (Decision-making)
Chapter 6 (Building a strong, competitive economy)
Chapter 8 (Promoting healthy and safe communities)
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)

Other relevant documents/considerations

Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy -
Habitats Regulations Assessment Strategy Document (2021)

Main issues for consideration

- 1. Whether the proposed development is acceptable in principle**
- 2. The effect on the character and appearance of the area and landscape**
- 3. The effect on protected species**
- 4. The effect on trees**
- 5. The effect on the living conditions of any nearby residents**
- 6. Whether the proposed development would have any highway and parking impacts**
- 7. Whether the proposed development would have any flooding or drainage impacts**
- 8. The effect on designated habitats sites**
- 9. Other Considerations**

APPRAISAL

1. Principle of development

The spatial strategy for North Norfolk is set out within Policy SS 1 of the Core Strategy. This states that the majority of new development within the district will take place in the towns and larger villages dependent on their local housing needs, their role as employment, retail and service centres and particular environmental and infrastructure constraints. The policy lists principle and secondary settlements as well as service and coastal service villages. The rest of North Norfolk is designated as 'Countryside'. Policy SS 2 restricts development within areas designated as Countryside to that which requires a rural location and is for one of more of the types of development listed in the Policy. These include development for agriculture, recreation and tourism.

The Astley Estate as a whole, comprises an organic arable and livestock farm, tenanted farmland, forestry, rental properties, a farm shop, and cafe, and employs a number of people across the estate. The construction of self-contained tree houses is proposed as part of a farm diversification scheme which would facilitate the transition from timber extraction to woodland management and the creation of a nature reserve focused on conservation practices. The proposed treehouses

would provide an alternative source of income to allow the Estate to convert from commercial forestry (450 acres) to a nature reserve, which would offset the loss of income from timber extraction. Additionally, the provision of tree house accommodation would enable the Estate to diversify its income stream to a less volatile tourism market to generate additional income, to take into account the gradual loss of Government agricultural subsidies.

Core Strategy Policy EC 1 indicates that development in the Countryside for farm diversification (defined as *the introduction of non-agricultural enterprises or novel agricultural enterprises into existing farm business / complex to support the agricultural enterprise*) will be permitted provided that:

- it can be demonstrated that the proposal would make an ongoing contribution to sustaining the agricultural enterprise as a whole; and
- the proposal would not involve new-build development on undeveloped sites unless:
 - it is directly related to the agricultural business, and
 - the re-use and / or redevelopment of existing buildings on the holding for the intended use, - in whole or in part, is not feasible.
 - or an opportunity exists to demolish an existing structure and re-build in a more appropriate location; and
 - in all cases the proposed floor space is less than 250sqm.

It is considered that the proposed scheme is not a true reflection of agricultural diversification in terms of what Policy EN 1 expects. The policy provides support for developments which make an ongoing contribution to sustaining the agricultural enterprise as a whole and which would be directly related to the agricultural business and furthermore, proposals must comply with all of the policy's criteria. The provision of treehouses introduces a new tourism operation as part of the wider business operation in order to offset the impacts of both loss of government subsidy (Basic Payment System) for both the applicant and tenants along with having regard to the general increase in food, food and inflation.

It is not considered that the first criterion in Policy EC1 has been fully met, in that the proposed two tree houses will sustain the existing agricultural Estate and tenanted farms, as suggested. It is stated in the application that the proposed two tree houses would be the first of a number of units (up to 14) where there is a long term aim for an increased tourism offer. Additionally, given that the proposal involves new buildings (rather than converting redundant buildings on the Estate for example), in the way of tourism units, these are not considered to directly relate to the agricultural enterprise. Furthermore, it has not been demonstrated that other buildings across the estate are available for this purpose, or that opportunity exists to demolish an existing structure and re-build in a more appropriate location.

Additionally, the definition of agriculture in the Town and Country Planning 1990 Act is considered of relevance:

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly”

Therefore, for woodland to be considered 'agricultural' for the purposes of Policy EC 1, its use/occupation should be ancillary to the agricultural land, for example, shelterbelts, cover for pheasants, amenity woodlands. Woodland used for the production of commercial timber as in this case, is not considered to be ancillary to the farming of land.

The most relevant Core Strategy policy relating to the consideration of this application, expanding on the reference within Policy SS 2 to recreation and tourism within the countryside, is Policy EC 7 as it specifically relates to the location of new tourism development' and sets out a sequential approach for such accommodation and attractions. The Policy states that:

"New tourist accommodation and attractions should be located in accordance with the sequential approach below:

- *Proposals for new build tourist accommodation and attractions should be located within the Principal and Secondary Settlements.*
- *Within the Service Villages, Coastal Service Villages and the Countryside proposals for new tourist accommodation and attractions will be permitted in accordance with other policies for Employment Areas, the Re-use of Buildings in the Countryside, and Extensions to Existing Businesses in the Countryside.*
- *Where it can be demonstrated that there are no sequentially preferable sites, no suitable buildings for re-use and that a rural location is necessary, then new build attractions and serviced accommodation may be permitted in the 'resorts and hinterland' and 'rural' Tourism Asset Zones of the Countryside where they are in close proximity and have good links to, the Principal and Secondary Settlements.*

Proposals for new build un-serviced holiday accommodation in the Countryside will be treated as though they are permanent residential dwellings and will not be permitted."

The site lies within the 'rural' Tourism Asset Zone, which, in terms of the policy's sequential approach, is where new tourism development *may* be permitted but only subject to certain criteria. The site is not considered to be in close proximity nor does it have good links to the Principal and Secondary Settlements. The site is 5 miles from Fakenham and 7.5-miles from Holt which are the closest Principal Settlements. These settlements could only realistically be reached by car given the lack of public transport, the distance and road conditions, which would deter walking and cycling, the proposal would not represent sustainable development. Furthermore, as the proposal is for un-serviced accommodation it has to be treated though it is for permanent residential dwellings which the policy makes clear will not be permitted.

In the event that the proposed were to be supported by the Local Planning Authority, then Core Strategy Policy EC 9 would also be relevant. This sets out that new holiday accommodation in the countryside will be subject to restrictive conditions in order to provide the correct balance between encouraging tourism and other policy aims of controlling development in the countryside. Such conditions would ensure that the tree houses would only be used for holiday purposes and not the sole/main residence of the occupiers.

With regard to national planning policy, supporting a prosperous rural economy is a key aim of the NPPF and support is outlined specifically for tourism within paragraph 84 which states that *"planning policies and decisions should enable sustainable rural tourism and leisure development which respect the character of the countryside"*.

NPPF Paragraph 85 states that *“decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.”*

Although the Core Strategy pre-dates the NPPF it is considered that its relevant policies do not conflict with the NPPF, as they seek to support sustainable rural tourism within the district. There is emphasis on supporting development which respects the character of the countryside. The proposed development would involve new built form on an undeveloped area of woodland but where users of the development would be fundamentally reliant on the use of the car to reach services and facilities. Whilst the proposal offers the use of bicycles, because of the sites very isolated location it is considered that realistically it cannot be made more sustainable as envisaged by paragraph 85 of the NPPF.

For the reasons stated, it is considered that the proposed scheme would accord not with the key Core Strategy policies relating to new tourism accommodation (Policy EC 7) or agricultural diversification (Policy EC 1).

2. Character and appearance

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

Policy EN 2 states that proposals should be informed by, and be sympathetic to, the distinctive character areas identified in the North Norfolk Landscape Character Assessment and features identified in relevant settlement character studies. Development proposals should demonstrate that their location, scale, design and materials will protect, conserve and, where possible, enhance:

- the special qualities and local distinctiveness of the area (including its historical, biodiversity and cultural character)
- gaps between settlements, and their landscape setting distinctive settlement character the pattern of distinctive landscape features, such as watercourses, woodland, trees and field boundaries, and their function as ecological corridors for dispersal of wildlife visually sensitive skylines, hillsides, seascapes, valley sides and geological features nocturnal character the setting of, and views from, Conservation Areas and Historic Parks and Gardens.
- the defined Setting of Sheringham Park, as shown on the Proposals Map.

Policy EN 4 states that all development will be of a high-quality design and reinforce local distinctiveness. Design which fails to have regard to local context and does not preserve or enhance the character and quality of an area will not be acceptable. Proposals will be expected to have regard to the North Norfolk Design Guide, incorporate sustainable construction principles, make efficient use of land, be suitably designed within their context, retain important landscape and natural features and incorporate landscape enhancements, ensure buildings are appropriate scale and massing, make clear distinctions between public and private spaces, create safe places, are accessible to all, incorporate footpaths and green links, ensure that parking is discreet and accessible and where possible, contain a mix of uses, buildings and landscaping.

Paragraph 126 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, with good design a key aspect of sustainable development. Paragraph 130 goes on to state that development should establish or maintain a strong sense of place, be sympathetic to local character and history, landscape setting and be visually attractive. Paragraph 174 states that development should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.

The site lies within designated Countryside and within the Tributary Farmland Landscape Type for the purposes of the North Norfolk Landscape Character Assessment (SPD 2021). The application is supported by a Landscape and Visual Impact Assessment (LVIA). As acknowledged within the LVIA, the guidelines for managing impacts upon the Tributary Farmland Landscape Type include conserving a sense of rurality.

Both treehouses would sit on steel post substructures, be raised off the ground and constructed in timber. The supporting statement considers the tree houses to be bespoke to the site, and whilst this may be the case and a timber form of construction would be expected in this more rural location, there are concerns with regards to the level of glazing that is proposed. Whilst it is acknowledged the visual impacts of the proposed development would likely be minimal during the day, it is not considered that the LVIA fully appreciates the potential impact the proposed development could have on the nocturnal character of the area. Furthermore, the increased base levels of light as a result of the proposed development potentially would impact upon the overall landscape character and views from the Public Right of Way to the north and west.

Whilst the buildings would have small glazed openings looking back into the woodland and it is accepted that external lighting could be managed through a condition, the specifications for internal lighting cannot necessarily be controlled by the planning process and must therefore be addressed through other means – for example, by ensuring any glazing is appropriate and sensitive to potential light emission. Due to the current design and resultant expanse of glazing, it is considered the proposed development would have the potential to cause significant light pollution within an otherwise unlit setting into the woodland and grassland area to the west and would be highly visible at night due to the site's rural location with little other development in the immediate vicinity and woodland backdrop. The proposal is therefore considered to conflict with the aims of Core Strategy Policies EN 2 and EN 4 and Paragraph 174 of the NPPF.

3. Protected Species

Policy SS 4 states that areas of biodiversity interest will be protected from harm, and the restoration, enhancement, expansion and linking of these areas to create green networks will be encouraged through a variety of measures such as:

- maximising opportunities for creation of new green infrastructure and networks in sites allocated for development.
- creating green networks to link urban areas to the countryside;
- the designation of Local Nature Reserves and County Wildlife Sites;
- appropriate management of valuable areas, such as County Wildlife Sites;
- minimising the fragmentation of habitats, creation of new habitats and connection of existing areas to create an ecological network as identified in the North Norfolk ecological network report;
- progress towards Biodiversity Action Plan targets; and
- conservation and enhancement of Sites of Special Scientific Interest (SSSI) in accordance with the Wildlife and Countryside Act

Policy EN 2 states that development should protect, conserve and, where possible, enhance distinctive landscape features, such as woodland, trees and field boundaries, and their function as ecological corridors for dispersal of wildlife.

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

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

Development proposals that would be significantly detrimental to the nature conservation interests of nationally designated sites will not be permitted.

Paragraph 174 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 180 states that when determining planning applications, significant harm to biodiversity should be avoided, adequately mitigated, or, as a last resort, compensated for. Should this not be possible, then permission should be refused. Development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland) should be refused unless there are wholly exceptional reasons. Opportunities to incorporate biodiversity improvement in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

The proposed development has the potential to impact upon priority habitats and protected species. A Preliminary Ecological Appraisal (PEA) has been submitted with the application to help provide a fuller understanding of the ecological impacts of the development. However, no substantive issues were identified or raised in the PEA regarding protected species.

In terms of ecological enhancement, the development is being promoted as 'enabling development' with the financial gains providing the means to manage approximately 450 acres of woodland for biodiversity gain as an extension to the adjacent National Nature Reserve. This has also been supported by a supplementary document stating the Biodiversity Net Gain Calculation from bringing this additional woodland under conservation management will result in substantial Biodiversity Net Gain in excess of 10%.

The supporting documentation also states that the project would help increase the variety and type of accommodation available to tourists and other visitors to the area. Volunteers working with the Wildlife Trust and Natural England in the adjacent Nature Reserve would have an opportunity to get involved in activities on the site. Guided tours would also be made available to schools and other groups, and individuals interested in learning about nature conservation and woodland management could have the opportunity to get involved. Additionally, where the existing woodland currently has no public access and whilst some areas would need to be fenced to encourage biodiversity and protect habitats, the supporting documentation states that areas would be open and available for enjoyment by locals and visitors where activities, such as, yoga or pilates could take place outdoors. However, no details have been provided within the submitted documents as to how the provision of access, management and tours etc. would occur and nor any mechanism such as a planning obligation to secure it.

The site is currently used as a commercial woodland where the cessation of commercial forestry in favour of conservation would clearly offer increased biodiversity enhancement over that which already exists. However, it is also recognised that as per the Finance Section of the supporting statement, a 'do nothing approach' would still enable commercial profits to be made for the Estate from the woodland and, despite its commercial use, the woodland has an existing biodiversity value in its current form. The woodland is currently subject to a Management Plan in agreement with the Forestry Commission where the most recent management plan was provided to the LPA to review. It was observed that this was dated 2013-2017 and the agent has advised that this is valid until 2023. The management of the woodland to 'nature reserve' is proposed as being intrinsically linked to the proposed development however, the application is not supported with an up-to-date Woodland Management Plan detailing the financial implications and biodiversity enhancement details.

There are issues surrounding lighting and its impact on the wider rural landscape as noted above. External lighting could be controlled through a condition, but internal lighting cannot. Whilst the treehouses would be under the applicant's control, planning conditions could not control internal lighting, or even the provision of blinds. Issues relating to dispersal of internal light remain a material consideration and control of glazing design, position of windows on the building and overall glazing size is therefore the only real way to address these concerns. Reducing the amount of glazing would help limit the impact upon the nocturnal character of the area. Consideration has also given to the impacts of excessive glazing within the woodland setting upon wildlife, for example, the potential for bird strikes due to reflective surfaces.

These issues could be resolved (from an ecological perspective) through the installation of smaller windows on all four elevations of the buildings. This would however, impact upon the overall design solution proposed but has not been explored by the applicant.

It is considered that the extent and levels of glazing proposed would lead to an adverse impact upon the nocturnal character of the area. The proposed development is therefore be contrary to Policies EN 2 and EN 9 of the adopted Core Strategy and Section 15 of the NPPF.

4. Trees

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

Paragraph 170 of the NPPF states that decisions should recognise the intrinsic character and beauty of the countryside, including the benefits associated with trees and woodland

There is the potential for trees to be affected by the proposed development. An Arboricultural Impact Assessment has been submitted as part of the application and the Landscape Officer considers this to be acceptable subject to appropriate conditions.

In respect to impact on trees, the proposed development is considered to accord with Core Strategy Policies EN 2, EN 4 and EN 9 and Section 12 of the NPPF.

5. Living conditions

Core Strategy Policy EN 4 states that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers. Paragraph 130 of the NPPF states that developments should create places with a high standard of amenity for existing and future users.

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

The proposals would introduce a level of noise/disturbance into what is currently a tranquil and undisturbed woodland setting. Given the site's isolated location with no immediate residential properties nearby, it is considered it would be unlikely that the development would have any materially harmful effect on living conditions in relation to both noise and disturbance, or as a result of traffic movements. The proposed development would therefore comply with Policy EN 4 and Section 12 of the NPPF.

6. Highways, Parking and Accessibility to the Site

Core Strategy Policy CT 5 states that development will be designed to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to its particular location. Development proposals will be considered against the following criteria:

- the proposal provides for safe and convenient access on foot, cycle, public and private transport addressing the needs of all, including those with a disability;

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

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

Paragraph 104 of the NPPF sets out that transport issues should be considered from the earliest stages of development proposals so that, amongst other matters, the potential impacts of development on transport networks can be addressed, opportunities to promote walking, cycling and public transport use are identified and pursued, and the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains.

Paragraph 105 states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. It also recognises that transport solutions will vary between urban and rural areas.

Paragraph 110 states amongst other matters that development should ensure that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location, and that safe and suitable access to the site can be achieved for all users.

Paragraph 112 continues by setting out that development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and facilitate access to high quality public transport where possible. Development should also address the needs of all users, be safe, secure and attractive avoiding conflict between transport users, allow for efficient delivery/access and be designed to enable charging of ultralow emission vehicles.

Accessibility to Site

It is considered likely that the users/customers of the development would be wholly reliant upon private vehicles to access the site and for trips from it. Staff, deliveries and construction works would also be reliant upon private vehicle for access. Users of the proposed development would be required to leave the site to access facilities and services for day to day needs as well as more general tourism activities/attractions.

Whilst the Highway Authority have not raised a formal objection to the proposed development, they have recognised the unsustainable location of the site which would therefore be at odds with

the policy aims of directing uses towards sustainable locations, and therefore is seen as a negative aspect of the proposal. It is recognised that the scheme proposes and encourages the use of bikes, however, the sustainability credentials of the site are limited and are not considered to be in line with paragraph 105 of the NPPF. Whilst it is recognised that applications of this type would be set within a more rural setting, the site would require a journey of approximately 5 miles by car to the nearest Principal Settlement (Fakenham). Therefore, it is not considered that the site is in close proximity to or has good links to these settlements with regards to sustainability. There are also no bus stops, footpaths near to the site.

The inaccessibility of the site by non-car modes would therefore be at odds with the policy aims of directing uses towards sustainable locations. As a result, it is considered that the development would conflict with the aims of Policy EC7 in relation to new tourism development given its remote countryside location. The site would be significantly reliant upon private vehicles for access contrary to the aims of the Core Strategy Policy CT 5 and the NPPF.

Accessibility to the Tree Houses

The Design and Access Statement explains that.

‘The final access to the treehouses will be on foot through the wood along existing logging tracks, it is intended that this is part of the theatre of arriving and the start of the guest’s engagement with the rich ancient woodland. The estate is exploring the idea of providing simple ‘barrows’ that will be left for guests at the car parking at the start of their stay. The ‘barrows’ will contain a ‘kit’ for arrival such as an umbrella and torches possibly even wellington boots, if requested, as well as a map of the route, (even though it will along a defined existing path it could point out flora and things of interest along the route. ‘It is understood that the nature of the treehouse and the means of access makes it difficult to accommodate mobility disabilities and this would be addressed in future accommodation proposals on the estate’.

It is considered that the site’s isolated location, combined with access to the site on foot with wheel barrows for visitors, and workers (cleaning, maintenance, refuse collection by way of quad bike), demonstrates a level of impracticality, especially in the winter months, adding to concerns about the site’s general accessibility.

Parking

The Council’s adopted parking standards do not specifically address the requirements for development of this type, however, they do provide a standard for uses such as hotels and guesthouses. Such uses are considered comparable to that being proposed and therefore would be an appropriate starting position. These standards require 1 vehicular space per bedroom and based on the current proposals, this would equate to a requirement to provide two spaces for each unit. Two parking spaces per unit (with secure cycle parking) would be provided on the private access (off Fulmodeston Road). It is considered that this would comply with Core Strategy Policy CT 6.

7. Flooding and Drainage

Flood risk

Policy EN 10 of the Core Strategy states that the sequential test will be applied rigorously across North Norfolk and most new development should be located in Flood Risk Zone 1.

The 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). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. 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 to ensure that risks of flooding are adequately managed, whilst also accounting for future climate change.

Paragraph 167 of the NPPF sets out that where appropriate, applications should be supported by a site-specific flood-risk assessment.

As the site lies within Flood Zone 1, which is the lowest risk of flooding, the proposed development raises no concerns in this respect.

Surface water and foul drainage

Policy EN 10 states that appropriate surface water drainage arrangements for dealing with surface water runoff from new development will be required. The use of Sustainable Drainage Systems will be the preference unless, following an adequate assessment, soil conditions and / or engineering feasibility dictate otherwise.

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

Given the scale of development where the tree houses would be are raised off the ground, it is considered that the minor water displacement from the proposed treehouses would percolate naturally into the ground.

With regards to foul drainage, the first priority under the Building Regulations is for foul drainage to connect to the public foul sewer system. Only if a public foul sewer is not available, can alternative means of disposal be considered. In the absence of a viable connection to a public sewer, it is proposed to use a package treatment plant which is the next preferred option and as such is acceptable.

The application is considered to accord with Policy EN 10 of the North Norfolk Core Strategy and Section 14 of the NPPF.

8. Habitats sites

Nutrient neutrality

The proposal will result in additional overnight accommodation. The site is however, located outside the catchment areas of the River Wensum Special Area of Conservation and the Broads

Special Area of Conservation and Ramsar sites and does not involve foul or surface water drainage into those catchment areas.

The application proposes to use a private sewerage system. The agent has provided clarification that the location of this proposal does not fall into a Nutrient Neutrality Impact Risk Zone (IRZ).

The Environment Agency's catchment explorer confirms that the tributary of the River Stiffkey that would receive outflow from the package treatment plant flows northwards to the sea and that the site is not within the catchment of The Broads SAC nor the River Wensum SAC. As such, the proposal is not likely to have a significant effect on the conservation objectives either alone or in combination with other projects and there is no requirement for additional information to be submitted to further assess the effects. The application can, with regards nutrient neutrality, be safely determined with regards the Conservation of Species Habitats Regulations 2017 (as amended).

It is therefore considered that the demonstration that the development is nutrient neutral is not required in this instance and as such the proposals would comply with Policies SS 4 and EN 9 of the North Norfolk Core Strategy.

GI RAMS

The site is located in the Zone of Influence for recreational impacts from residential development (which also includes development where new overnight is proposed) accommodation for a number of designated habitats sites. The Norfolk Wide Green Infrastructure and Recreational Avoidance Mitigation Strategy (GI RAMS) has been formally agreed and adopted by the Norfolk Planning Authorities and Natural England. It is a strategic approach to ensure no adverse effects are caused to European sites across Norfolk, either alone or in-combination from qualifying developments. Taking a coordinated approach to mitigation has benefits and efficiencies and ensures that developers and the Local Planning Authorities (LPA) meet with the Conservation of Habitats and Species Regulations 2017

A financial contribution of £185.93 per dwelling is identified in the approved GI RAMS that would provide appropriate mitigation for the indirect effects identified on designated habitat sites in Norfolk. The proposed development would create 4 bed spaces which would requires a contribution of £123.95 to provide the required mitigation in this case.

To date, this financial contribution has not been made and as such the proposal does not currently comply with Core Strategy Policy EN 9 in this respect and as it cannot be concluded that the proposal would not be likely to have a significant effect upon the features of the European Sites through increased recreational pressure, when considered individually or in combination

9. Other Considerations

Refuse and Recycling

The application proposes refuse and recycling would be picked up from the treehouses, (via quad bikes) on the meadow side by Estate workers and disposed of through the Estate's existing refuse and recycling facilities. Environmental Heath have suggested that the principle of removal of waste to be collected from the site and taken to another location would be acceptable subject to

the Estate having a waste carrier's licence and appropriate contracts in place. On that basis it is considered that proposal would be able to accord with Core Strategy Policy EN 13.

Fire Safety

The applicant proposes to purchase a mobile firefighting trailer, which consists of a lightweight 500l/min pump with 1000L tank. The trailer would also carry a 4" suction pipe allowing for direct extraction from the River Stiffkey located 60 metres from both treehouses. It is also stated to be lightweight in design, it can be towed by either a quad bike or truck to any location to ensure every location has full firefighting capability.

Whilst the issue over fire safety falls within the remit of Building Regulations, the practicality of the site has been discussed with the Council's Building Regulations Team. It was advised that.

'Access and facilities for the fire service is covered within Document B5 of the Building Regulations. For low rise domestic dwellings the requirements are quite simple and can be summarised as follows:

1. A dwelling needs access for a pumping appliance within 45 metres of all points inside the dwelling (the pumping appliance is referring to a Fire Service vehicle).
2. Access routes and hardstanding's need to provide capacity to handle 12.5 tonne vehicles, any bridges require 17 tonne capacity.
3. Dead end zones exceeding 20 metres must provide turning facilities.

In this case, whilst it does not look ideal to comply with the above, however it may be possible for them to introduce other provisions to offset non-compliance such as sprinkler systems and their offer of a firefighting trailer may be accepted by the fire service but we would have to consult with them. [Building Control Officer view is that] the fire service may be reluctant to consider the use of a firefighting appliance owned and maintained by other persons.'

Planning balance and conclusion

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The proposed development is considered to conflict with the Core Strategy Policy EC 7 for the reasons explained above which relate primarily to the sustainability of the site's location and as new build un-serviced holiday accommodation in the Countryside must be treated as though they are permanent residential dwellings and will not be permitted. On the basis of the information submitted, it is also considered the proposed development does not meet the requirements of Policy EC 1, to be considered as farm diversification.

There are also concerns regarding the adverse impact of the proposed development upon the nocturnal character of the area due to the extent and levels of glazing proposed contrary to Core Strategy Policies EN 2 and EN 9. Whilst it is likely this could be addressed through amendments to the design of the units, the main issue in terms of the principle of the development would remain. Given the applicant's stated aspirations for additional development in the future, whilst any subsequent applications would have to be considered on their own merits, approval of this application could make it difficult to resist them. As such the landscape issues raised as part of

this application i.e. impact upon nocturnal character) could realistically be exacerbated in the future.

Weighing in favour of the proposed development are the biodiversity and landscape benefits/enhancement offered as part of the scheme along with the economic benefits of additional tourism and leisure spending and; any additional employment opportunities which might be generated or safeguarded. Given the scale of the development proposed it is considered that any economic and employment benefits arising from the proposals would be limited. With regards to the biodiversity benefits nothing has been put forward to secure them or which quantifies them specifically and as such, in the absence of this information, it is considered they can carry only limited weight.

On balance, it is considered these material planning considerations are not of sufficient weight to outweigh the conflict with the development plan - specifically, Core Strategy policies SS 1, SS 2, SS 4, EC 1, EC 7, EN 2, EN 4, EN 9 and CT5 and NPPF Paragraphs 105, 130, 134, 174.

RECOMMENDATION:

REFUSE for the reasons outlined below

- **Policy EC 7 states that proposals for new un-serviced holiday accommodation in the countryside will be treated as though they are permanent residential dwellings and will not be permitted. The site lies within the countryside as designated within Policy SS 1 of the Core Strategy and the proposed tree houses would be fully self-contained and therefore un-serviced, the proposal therefore fails to comply with Policy EC 7 of the North Norfolk Core Strategy.**
- **The proposal would be contrary to Policy EC1 as it would not constitute diversification of a farm business.**
- **The proposed development, by virtue of its design, in particular the extent and level of glazing would fail to protect the appearance, tranquillity and rurality of the surrounding rural landscape (identified as Tributary Farmland landscape character area (North Norfolk Landscape Character Assessment, SPD 2021) resulting in changes to the prevailing landscape character from increased recreation pressure and light pollution. The proposed development is therefore contrary to the requirements of Policies SS 4, EN 2, EN 4 and EN 9 of the adopted North Norfolk Core Strategy, Para 's 130, 134 and 174 of the NPPF and the principles set out in the North Norfolk Landscape Character Assessment, 2021 (NNLCA SPD) and the North Norfolk Design Guide (SPD).**
- **It is considered that the proposal is remote from local service centre provision conflicting 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 required by Policy CT 5 of the adopted Core Strategy and the aim of Policy EC7 in relation to new tourism development given its remote countryside location. The proposed development would therefore conflict with Policy CT5, EC7 and para 105 of the NPPF.**

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

This page is intentionally left blank

DEVELOPMENT COMMITTEE

Minutes of the meeting of the Development Committee held on Thursday, 26 January 2023 in the Council Chamber - Council Offices at 9.30 am

Committee Members Present: Mrs P Grove-Jones (Chairman) Mr P Heinrich (Vice-Chairman)

Mr A Brown	Mr P Fisher
Mr R Kershaw	Mr N Lloyd
Mr G Mancini-Boyle	Mr A Varley
Ms L Withington	

Substitute Members Present: Cllr J Rest
Cllr H Blathwayt

Officers in Attendance: Principle Lawyer (PL)
Development Manager (DM)
Development Management Team Leader (DMTL –CR)
Development Management Team Leader
Senior Planning Officer (SPO – JS)
Senior Planning Officer (SPO – JB)
Senior Planning Officer (SPO – RA)
Democratic Services Officer - Regulatory

91 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr A Fitch-Tillett, Cllr V Holliday, Cllr N Pearce and Cllr M Taylor.

92 SUBSTITUTES

Cllr H Blathwayt was present as a substitute for Cllr V Holliday with Cllr J Rest present as a substitute for Cllr A Fitch-Tillett.

93 MINUTES

The Minutes of the Development Committee meetings held on the 8th and 22nd December were approved as a correct record.

94 ITEMS OF URGENT BUSINESS

None.

95 DECLARATIONS OF INTEREST

Cllr A Brown declared a non-pecuniary interest in agenda item 8, PF/21/3458, and noted that Members had been in receipt of communication from the applicants agent. With respect of item 12, LA/22/0542, Cllr A Brown advised he was the Local Ward Member.

Cllr L Withington declared a non-pecuniary interest in agenda item 8, PF/21/3458, and advised that she had attended a site meeting a few years prior but did not consider herself pre-determined.

96 FULMODESTON - PF/21/3458 - ERECTION OF TWO ONE-BED TREE HOUSES WITH EXTERNAL WORKS AND SERVICING (TO INCLUDE BIOROCK DRAINAGE SYSTEM AND SOLAR PANELS) AT LAND AT WOODLAND, BROWNS COVERT, HINDOLVESTON ROAD, FULMODESTON

The SPO – JS introduced the Officers report and recommendation for refusal. She advised that the application was for the provision of two self-contained treehouses within Swanton Novers Wood on the Astley Estate to be used as visitor accommodation as part of a proposed farm diversification and tourism venture scheme.

The Case Officer outlined the site location which was contained within a current commercial woodland for timber extraction, and the proposals relationship with its setting including proximity of the Swanton Great Wood and Little Wood. The SPO-JS highlighted the floor plan and proposed elevations for each of the treehouses, and commented on the use of materials consisting of galvanised steel frame, large, glazed openings on the south east and north west elevations where the solid external element (kitchen and bathroom pods) are externally clad with larch.

The SPO-JS offered photographs to better inform the Committees understanding of the site, its viability from the meadow and public right of way. With respect of access to the site, the Case Officer advised that parking was not proposed to be adjacent to the units, rather it was some 220m away. Once cars had parked off the main drive from the Hindoleveston Road, it was proposed that wheel barrows be made available to guests to transport belongings. Access to both tree houses followed pre-existing logging tracks.

In conclusion, the SPO-JS reiterated the Officer recommendation for refusal, and advised that the proposal was considered contrary to policy EC7, EC1, SS4 EN2, EN 4, EN 9 and CT5 of the North Norfolk Core Strategy, paragraphs 105, 130, 134 and 174 of the NPPF and the principles set out in the North Norfolk Landscape Character Assessment 20221 and the North Norfolk Design Guide.

Public Speakers

Lord Hastings – Supporting

Members questions and debate

- i. The Local Member – Cllr V FitzPatrick – thanked Officers for their work on the application, but disagreed with their assessment for refusal. He contended that the application title of ‘treehouse’ belittles the intention to offer off-grid, sustainable holiday accommodation, and having attended the site, he argued that the Development would add interest and usage to the woodland site. With regard to its location, he contended that whilst it was situated away from services, this was part of the holiday homes attraction as a secluded, tranquil location which arguably wouldn’t work in an urbanised setting. Further, Cllr V FitzPatrick placed weight on the sustainable intentions of the proposal both in its construction and intended mode of operation, and in the economic development which would provide the Astley estate another, diversified, income stream during challenging economic times, supporting the development of the estates low impact farming methods, increase its biodiversity and increase its woodland. The Local Member considered that the proposal would help to place North Norfolk on the map as an eco-friendly tourist destination.

- ii. Cllr P Heinrich noted the Officers recommendation accorded with existing policy, but argued that this novel proposal warranted further consideration and a justified departure from planning policy. He noted the proposal was an application for an eco-tourist provision and the site would attract those wishing to be located in a countryside setting away from larger settlements, with the remote nature of the site being a key attraction. Cllr P Heinrich questioned Officers interpretation of the designation of the site; considering the woodland was ancillary to the wider farming and other activities of the estate, and description of the site being unsustainable; noting the design, access, construction and services were all sustainable and innovative in their design. He noted that the scheme formed part of a programme of ecological enhancement in line with current government policy to encourage farms to re-wild land where appropriate, as such he considered policies SS4, EN2 and EN9 were met. With regards to concerns of light spill, Cllr P Heinrich stated this could be eliminated through the use of electrochromic glass (smart glazing) programmed to deliver maximum light during the day and switching to non-see-through state controlled by light sensors. He concluded by commenting that guests would be fully aware of the remote nature of the site, and argued that applications of this nature needed to be assessed in a different way, considering this to be a positive development.
- iii. Cllr N Lloyd supported the views presented by Cllr P Heinrich, and considered the Applicants commitment to sustainable forms of agriculture and to increase biodiversity thousands of times over in that area refreshing and something which he believed should have been afforded greater weight. Whilst he could understand why Officers had made their determination, in according with existing policy, he argued there was justified reasons for departure including business diversification, welfare benefits to those using the site, and the reasons previously outlined.
- iv. Cllr L Withington noted regular discussion at Development Committee surrounding the use of lighting in proposals, and considered it important that solutions be found to minimise light spill.
- v. Cllr J Toye reflected on his own experiences, and contended that there would be benefits to the environment, local tourism and the local community brought through the proposal.
- vi. The Chairman advised the Committee that the application was for 2 treehouses, but that the intention of the estate was for 14 treehouses pending planning permission. She noted that this was not a matter for consideration, but something which may have an impact in future.
- vii. Cllr R Kershaw expressed sympathy for Officers, and argued that NNDC's policies were outdated to deal with such proposals. He contended that the eco-tourist offering was something the Council had been working to promote through its Corporate Plan, brining economic benefits to the area. Further, the Council were trying to assist Estates in diversifying and noted the former timber extraction site would have a woodland manager, and offer educational trips to educate future generations about the importance of biodiversity. Like Cllr N Lloyd, he did not consider enough weight had been given to the biodiversity gained through the project. Cllr R Kershaw spoke highly of the design quality, which he argued could be award winning.

- viii. The DM advised that Officers report and recommendation was based on existing policies contained in the Local Plan, and that the Committee should support and uphold policy unless there were material considerations to justify a departure. Whilst there had been some discussion about policies and whether they were outdated, it was noted that Paragraph 85 of the NPPF aligns with Policy EC 7 of the Local Plan. Should Members wish to depart from policies they must articulate what the material considerations are which justify departing from policy. If the departure were to hinge on biodiversity net-gain, the DM advised that Members will need to ensure this is secured as part of the planning permission to ensure those benefits are realised.
- ix. Cllr G Mancini-Boyle expressed concern about the fire safety of the scheme, including on site mitigation, and how the site could be accessed by a proper fire engine.
- x. The Chairman asked the Applicant if fire engines could access the site. The Applicant advised that this was not a requirement under building regulations and that it was possible to access the site by various tracks. He advised there would be a pump in place, with training offered to staff to address potential fires, however if this was an overriding concern for the Committee, he would be willing to consider other mitigations.
- xi. Cllr J Rest supported the concerns raised by Cllr G Mancini-Boyle and advised he was uncomfortable with the report produced by the Fire Service. In addition, he was disappointed that the proposal would be inaccessible for those with physical disabilities.
- xii. Cllr H Blathwayt asked, if the Officers recommendation was refused, whether conditions could be added to ensure the training of fire wardens. He asked for clarity over the expected lifespan of the development, as he reflected that the structures were of their time. The Applicant advised the lifespan was envisaged to be 50 years.
- xiii. Cllr A Brown commented that policies were regularly reviewed and updated, with the Council having a positive record at appeal. He considered the application of policy EC 7 which would treat the accommodation as permanent dwellings for planning purposes and therefore the proposal would not accord with NNDC Core Policy. Whilst Cllr A Brown championed NNDC planning policies, he considered there to be much merit in the proposal in protecting and enhancing biodiversity and providing dedicated tourist accommodation. He commented that he would have liked to have been provided more detail of where the other 12 units would be positioned, as he considered there would be a cumulative effect on the landscape. Additionally, he would like further detail on how the biodiversity enhancement could be secured and whether this could be secured by condition or by way of S106 agreement.
- xiv. The PL, on reviewing the section on fire safety, considered that greater detail could have been provided by way of a full comment from Norfolk County Council Fire Service,
- xv. The DM advised that if Members were minded to grant a delegated conditional approval, Officers could seek to obtain a full comment from Norfolk Fire Service and to incorporate any advice into the decision notice. With regards to the application of policy EC 7, the DM clarified that the site

was located in the rural tourist asset zone. The DM advised that either a planning condition or legal agreement could be secure depending on where the biodiversity enhancements were placed which could be delegated to the Assistant Director for planning, should Members be minded to do so.

- xvi. In response to Members comments, the DM affirmed that in going against the Officers recommendation, Members consider the proposal as a departure from the development plan for the reasons outlined. The proposal should be considered on its merits, and it was a matter of planning judgement whether the material considerations justified departure from policy.
- xvii. Cllr J Rest proposed acceptance of the Officers recommendation, Cllr P Fisher seconded.

THE VOTE WAS LOST by 3 votes for, 7 votes against and 2 abstentions.

The Officers recommendation for refusal did not gain the necessary support.

The Committee sought to form an alternate recommendation

- xviii. Cllr J Toye argued that a departure for policy was justified for the proposal as it promised net gains which aligned with the Councils green agenda, offered diversification of the business which would not impede the local countryside, rather it would enhance the countryside setting. He contended there were clear positive benefits, and good design, which merited conditional approval subject to addressing the discussed concerns, and ensuring biodiversity net gain.
- xix. Cllr A Varley considered the proposal innovative and ambitious both as a planning application and in broader terms of Economic Development, aligning with Policy EN 9 and EC 7.
- xx. The Chairman noted Members discussion that conditions be applied to address concerns of fire risk including proper engagement with Norfolk Fire Service over this and future proposals in the area, in addition conditions be applied for the use of electrochromic glass.
- xxi. Cllr H Blathwayt expressed his concern for the future appearance of the treehouses in 50 years' time, and further raised concerns that if these and the further proposals were to be approved, the fire safety risk would significantly increase with 14 potential BBQs, fire pits and others.
- xxii. The Chairman stated that a condition could be added to restrict fire pits and other things of this nature.
- xxiii. The PL suggested that a restrictions should be added to control the occupancy of the units to specify that they are holiday accommodations, and that they should not be owned or occupied as permanent, main residences and that they should not to be occupied on a permanent basis. If no prohibition or limitation was applied the units could be sold off as freehold dwellings.

- xxiv. The Applicant advised that they had not considered the occupancy but noted that the units would be shut from time to time for maintenance and during periods of deer management. The Applicant indicated that they had no intention to sell off the units and would be agreeable to this condition.
- xxv. Cllr R Kershaw proposed the applications be accepted subject to the discussed conditions with final wording delegated to the Assistant Director for Planning.
- xxvi. Cllr A Varley seconded the recommendation.
- xxvii. The DM summarised Members comments justifying a departure from the plan, with the Committee having considered good design gains in terms of eco-tourism, biodiversity net gains delivered by the project and supporting of local economic development. With respect of conditions, Members had identified the following matters they wished to delegate to the Assistant Director for Planning; to consult with the Norfolk Fire Service and include any suggested fire safety recommendations, to control the occupation and use of each the properties, to prevent the sale of the properties to a third-party (though this may need to be secured as a legal agreement as opposed to a condition), no external lighting, no fire pits or BBQs, and restrictions / controls on the glazing.
- xxviii. Cllr L Withington noted that the Applicant had shown willing to prepare and implement a conservation management plan and considered that this be included as a condition, which would ensure biodiversity net gain, should this application set a precedent for other similar schemes.
- xxix. The DM advised the biodiversity net gains would be secured as either a condition or by way of a legal agreement. It was noted that Applicant had indicated a 10,000% biodiversity net gain, a huge figure, which Members may wish to secure as a condition.
- xxx. Cllr J Toye asked if there were a recognised metric or practice which could be applied, and which methodology would be best.
- xxxi. Cllr N Lloyd noted the supporting documents within the proposal which highlighted in detail plans for increasing biodiversity, which made a compelling case. He contended that the conservation management plan would ensure the Applicant was held to account.
- xxxii. The DM advised that there were metrics used by DEFRA to measure biodiversity net gain.
- xxxiii. The Applicant asked the Committee if the legal agreement could be provided at the earliest opportunity to allow for occupation in the summer.
- xxxiv. The DM advised there was no set time limit for how long a legal agreement should take, and that this was dependent on parties working together and providing the necessary documentation and details in a timely manner.
- xxxv. The Applicant's agent indicated willingness to secure by condition biodiversity net gain and implementation of the conservation management plan which could be reported back to the Council on an annual basis. She

asked that the Council accepts that the site owner can enter into a s106 Unilateral Undertaking to ensure expediency of the proposal.

- xxvi. The PL advised that the Council were usually quick in issuing draft s106 legal agreements but that she would be agreeable to the owner entering into a s106 Unilateral Undertaking.
- xxvii. Cllr A Brown asked if the Council's legal costs relating to the s106 Unilateral Undertaking would be borne by the Applicant. The PL advised in this instance they would be, but that the Council were very reasonably priced.

IT WAS AGREED by 8 votes for, 1 against, and 3 abstentions.

That Application PF/21/3458 be APPROVED subject to conditions outlined at the meeting and any other considered necessary by the Assistant Director-Planning and subject to the entering into of a s106 Unilateral Undertaking to a) restrict the occupancy of the dwellings to holiday accommodation only b) to prohibit the use of external fire pits, barbeques and the like outside the dwellings and c) to secure and implement a woodland conservation and management plan to achieve biodiversity gains.

Final wording to be delegated the Assistant Director - Planning.

The meeting was adjourned at 10.45am and resumed at 11.01am

97 SHERINGHAM - PF/22/2901 - ERECTION OF A 396 KWP SOLAR CAR PORT AND ASSOCIATED INFRASTRUCTURE - THE REEF LEISURE CENTRE, WEYBOURNE ROAD, SHERINGHAM FOR NORTH NORFOLK DISTRICT COUNCIL

The SPO – JB introduced the Officers report and recommendation for approval subject to conditions. He established the location of the site, its relationship with neighbouring businesses, site plan, elevations and dimensions of the car ports. It was considered that the impact of the Norfolk Coast AONB was minimised with the proposal being suitably obscured by the Reef Leisure Centre.

Whilst the application may not be valued for its visual merits, it was considered significant for its positive impact and alignment with the Councils Climate Emergency declaration and green aims, offering environmental and renewable energy benefits. The energy provided to the Reef would be weather dependent, and subject to demand from the reef at any one time.

Members questions and debate

- i. Cllr L Withington – Local Member for Sheringham North speaking on behalf of Local Member Cllr C Heinink (Sheringham South) - spoke favourably of the application, noting that the Town Council had not objected to the application and that they too had declared a Climate Emergency in June 2019. She agreed that placement of the Reef aided to shield the carpark from the AONB, minimising the visual impact and harm caused.
- ii. Cllr J Rest asked how many panels the proposal would consist of, and if the panels would be larger than the conventional sizes used on domestic roofs. The DM advised there would be 966 PV modules of standard size (referenced in the design access statement) with a combined surface area of

1896 square metres.

- iii. In response to questions, the SPO – JB advised that there would be no storage facility proposed as part of the scheme.
- iv. Cllr N Lloyd advised that whilst the proposal would not offer the full complement of electricity to operate the Reef, when at full demand all power would be diverted to the Reef though there were some electric vehicle charging points associated with the application with the wiring already installed. Acceptance of the proposal had the potential to have a significant reduction on the running costs of the Reef, and an arrangement would be put in place with the operator (Everyone Active) to ensure a reasonable price for the energy produced. Having attended several similar sites across the UK, he considered such proposals as being very popular, offering shade to cars in the summer, and protection from inclement weather at other points of the year. Cllr N Lloyd affirmed that these types of project were essential to meet the Councils net-zero pledge in 2030, and so proposed acceptance of the Officers recommendation.
- v. In response to questions from Cllr G Mancini-Boyle, the DM advised that the panels would be anti-glare.
- vi. Cllr R Kershaw seconded the Officers recommendation for acceptance.
- vii. Cllr P Heinrich expressed his support for the recommendation and commented it was a pity that solar panels could not be insisted upon all new developments.
- viii. Cllr H Blathwayt considered this a positive proposal which would have the added benefit of offering shade to cars, and dogs waiting in cars. He agreed with Cllr P Heinrich that he would be supportive of such a scheme being used in all supermarket car parks as in Spain and France.
- ix. Cllr A Brown commented in support of the application, though considered the design could be improved. He noted that typically a condition was added to such applications to ensure the removal of the solar panels when asked by the Council, and considered this too should be conditioned with this proposal. With reference to dark skies, Cllr A Brown asked that the lighting condition require state of the art lights which minimise light pollution, and asked if the details provided were the maximum which could be conditioned.
- x. The DM advised that the Council had applied conditions on similar applications when they no longer were required for electricity generation. It was therefore not unreasonable for this condition to be applied. With regards light spill, as the relevant Officer dealing with the Reef application, the DM advised light spill on the AONB had been a primary consideration. The DM considered the proposal an enhancement due to the removal of light columns and replacement with down lighting under the solar panels.
- xi. Cllr L Withington reflected of issues in Sheringham with birds occupying themselves underneath panels, she asked what would be the likelihood of nesting birds underneath the panels and what could be done to avoid this.
- xii. The DM advised that matters nesting birds would be best managed by the Property Services team, rather than be conditioned.

- xiii. Cllr J Toye considered there to be additional benefits to having solar panels beyond electricity generation, noting that the shade offered by the panels would keep all vehicles whether they be electric or not, cool in summer and this therefore resulted in less energy being used to cool the vehicles down. Conversely in winter vehicles would be shielded from the elements and would therefore warm up quicker.

IT WAS UNANIMOUSLY RESOLVED by 12 votes for.

That Planning Application PF/22/2901 be APPROVED subject to conditions to cover the matters listed below:

- **Time Limit for commencement (3 years)**
- **Development in accordance with the approved plans**

Final wording of conditions to be delegated to the Assistant Director – Planning

The DM left the meeting at 11.20am

98 SLOLEY - LA/22/1910 - RETENTION OF INTERNAL AND EXTERNAL ALTERATIONS TO FACILITATE CONVERSION OF BARN TO DWELLING, THE OLD WORKSHOP, SLOLEY ROAD, SLOLEY, NORWICH.

SLOLEY - PF/22/1909 - CONVERSION OF BARN TO DWELLING (RETROSPECTIVE), THE OLD WORKSHOP, SLOLEY ROAD, SLOLEY, NORWICH

The SPO – JS introduced the Officers report and recommendations for LA/22/1910 and PF/22/1909 which were presented together. She affirmed that sites location, floor plans, elevations, relationship with neighbouring properties and heritage. The SPO – JS advised that the key issues for consideration were design and impact upon heritage assets and amenity, and it was confirmed that the Conservation and Design Officer raised no objection to the proposals, and considered that there would be no harmful impact upon the designated heritage asset as a whole.

The SPO-JS updated the Committee with regards to PF/22/1909 and advised an additional condition be applied that any relevant conditions be imposed from extant approval. Further, she affirmed an Advisory note that the approval does not cover the unauthorised garage and boundary screening and a further planning application will be prepared and submitted to the Local Planning Authority for consideration within 6 months of the date of this decision to address any outstanding issues.

Public Speaker

Dr Michelle Lyon – Supporting

Members questions and debate

- i. The Local Member – Cllr G Mancini-Boyle – expressed his disappointment that Sloley Parish Council had objected to the application for not being in accordance with listed building regulations and yet had not sent a representative to the meeting. The Local Member noted the submission and views offered from the Conservation and Design Officer conflicted with those offered by the Parish Council.

- ii. The SPO-JS advised that the Conservation and Design Officer had provided their professional judgment, and concluded there would be no significant harmful impact enough to recommend a refusal. Whilst it is disappointing when works are not undertaken in accordance with an approved plan, Members were being asked to consider these applications on their merits.
- iii. Cllr J Toye reflected on the Officers report, photographs of the site, and lack of objections raised. He noted the applicant's representation that the proposal was to regularise the application. Cllr J Toye affirmed there were acceptable schemes and so proposed acceptance of the Officers recommendations for both applications.
- iv. Cllr G Mancini-Boyle seconded both of the recommendations.
- v. Cllr P Heinrich expressed his support for the views supplied by the Conservation and Design Officer, with the alterations not detracting from the look and feel of the heritage building.

IT WAS UNANIMOUSLY RESOLVED by 12 votes for.

That Planning Application LA/22/1910 be APPROVED subject to conditions to cover the matters listed below and any others considered necessary by the Assistant Director – Planning

- **Approved Plans**
- **Re-painting of meter boxes within 3 months of the date of decision in a colour to be agreed with the LPA.**

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

IT WAS UNANIMOUSLY RESOLVED by 12 votes for.

That Planning Application PF/22/1909 be APPROVED subject to conditions to cover the matters listed below and any others considered necessary by the Assistant Director – Planning

- **Approved Plans.**

Final wording of conditions to be delegated to the Assistant Director for Planning

99 EDGEFIELD - LA/22/0542: - WORKS ASSOCIATED WITH CONVERSION OF PART OF BARN TO ADDITIONAL BEDROOM FOR ANNEXE AND PART FOR HOME OFFICE AND PLANT ROOM; INSTALLATION OF SOLAR PANELS

The SPO- RA introduced the Officers report and recommendation for approval. He advised a correction in the report, noting that some details related to the other application (PF/22/0541) which was pending decision with delays owing to nutrient neutrality and not approved as stated. The Case Officer affirmed that nutrient neutrality did not affect the proposed application before the Committee.

The SPO-RA confirmed that sites location and aerial view of the property; providing

context for the proposals relationship with neighbouring properties and key infrastructure within the historic setting, as well as site plans, elevations and photographs.

The Main issues for consideration pertained to the impact on the heritage asset (Policy EN 8 of the NNDC Core Strategy) with the SPO-RA confirming that the Senior Conservation and Design Officer raised no objection to the internal works and rooflights to the rear, and considered there to be 'less than substantial harm' as set out by the NPPF when weighed against the public benefits of the proposal; renewable energy and sustainability of the rural location.

On balance, Officers considered the proposal acceptable subject to condition, and noted it would be conditioned that the solar panels be removed if they were no longer needed.

Members questions and debate

- i. The Local Member – Cllr A Brown – raised a procedural issue, firstly whether the site was located in the Broads Conservation Area as this had not been listed as a constraint. Second, whether it was appropriate to consider this application separate to PF/22/0541.
- ii. The PL advised there was no legal grounds for the two applications to be assessed independently, though understood Cllr A Browns concerns from a practical perspective that usually when there is a listed building application and a planning application they are considered together.
- iii. Cllr A Brown reflected ongoing discussion with how to manage planning applications pending nutrient neutrality, and expressed concern that assessing the proposal was a departure from how the council had handled such applications. The Local Member welcomed renewable energy progress, and noted the application sites within the Glaven Valley Rural Conservation area which he trusted had been dually considered by the Officers. Cllr A Brown proposed acceptance of the Officers recommendation.
- iv. The DMTL – CR noted that it was unusual to have a listed building application and a planning application considered separately, and agreed with guidance offered by the PL that there was no legal impediment why this could not happen. Officers considered in the interest of expediency and dealing with applications that there was no reason to delay determination of the listed building application.
- v. Cllr P Heinrich sought clarity if the application related solely to the barn/annexe. The Chairman confirmed it was just this application.
- vi. Cllr G Mancini-Boyle asked if new solar panels would be installed, as the latest models could be recycled when they had come to the end of there lifespan. The DMTL – CR advised that the panel specification was not known, but assured Members that the panels would be removable, ensuring the panels did not pose permeant harm to the heritage asset.
- vii. Cllr J Toye argued in favour considering the applications separately, and determined the positive benefits of installing the solar panels at the earliest opportunity so that they may mitigate against climate change. Cllr J Toye seconded the Officers recommendation.

IT WAS UNANIMOUSLY RESOLVED by 12 votes for.

That Planning Application LA/22/0542 be APPROVED subject to conditions relating to the following matters and any others considered necessary

by the Assistant Director – Planning:

- **Time limit for implementation**
- **Approved plans**
- **Removal of the solar panels if no longer required**

Final wording of conditions to be delegated to the Assistant Director - Planning

The DM returned to the meeting at 11.50am

100 DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE

- i. The DM introduced the Development Management Performance report (Page 63 of the Agenda Pack) and spoke favourably of Officers performance and noted the figures included the Christmas Closure period. The introduction of the back office system had affected the 24 month period which was expected to improve in time as those impacted months fell out of the subject timeline. The DM advised nutrient neutrality had delayed decision making, but that Officers remained keen to clear cases. It is anticipated that the planning improvement plan would soon be introduced, with Officers reviewing processes and procedures to offer applicants assurances applications were being considered in an efficient manner.
- ii. In response to questions from the Chairman, the DM advised that new staff were starting with the authority the following week, one a senior planning Officer and the other the S106 Officer. The DM advised he would circulate an updated structure chart to Members.
- iii. Cllr G Mancini-Boyle asked additional information be covered in the report. The DM advised that report was in the process of being updated which would include data on the average length of time for applications, and others, which would aid to manage expectations of applicants and for the public. This additional data would offer the Committee a greater insight into the planning services work.
- iv. Cllr A Brown expressed his thanks for Planning Officers for their hard work, and noted the continued high performance as outlined in the data provided.
- v. The PL commended Planning Officers for their work in reviewing lawful development certificate applications, which was difficult work, often requiring detailed research and was consequently very time consuming.
- vi. Regarding the S106 report, Cllr R Kershaw thanked the PL for her hard work with Scottow Enterprise Park and relayed feedback from the applicant.
- vii. The PL advised that the draft unilateral agreement for the outstanding S106

was with the applicant lawyers. With regard to the Crisp Maltings site in great Ryburgh, the PL advised that the draft S106 agreement was progressing well.

- viii. The DM in response to questions from the Chairman, advised that the Council were consulting with the applicant on the list of conditions, and were clarifying the position with Natural England. He advised he was confident that these matters could be satisfied.
- ix. Cllr G Mancini-Boyle noted some issues with applicants and members of the public who were understood to have failed to register to speak at various meetings. He asked if the Portfolio holder or Customer Services Manager had been invited to explain the process. The DM advised he would investigate and follow up.
- x. Cllr A Brown raised a concern that that he had not been contacted by Officers, as the Local Member, before the agenda publication to advise that an application in his Ward was coming to Committee. The DM advised he would ensure that Officers were notified when it was there responsibility to communicate with Members, and that this process be followed.
- xi. Cllr R Kershaw commented that he considered the planning service improve and reflected that he had been consulted on all applications within his ward.

101 APPEALS SECTION

- i. New Appeals
Noted.
- ii. Inquiries and Hearings
The DM advised that the Arcady appeal for Cley-next-the-sea had been heard that week and was understood to have concluded, pending a response from the Planning Inspector in the coming weeks.
- iii. Written Representation Appeals
The Chairman noted the 3 applications for Fakenham – ENF/21/002, PO/21/2584 and PF/21/3158 and asked for an update. The DM advised that the Council were awaiting instruction from the Planning Inspectorate.

Cllr A Brown identified ENF/20/0095, and commented that the applicant had submitted a new planning application PF/22/2767 for a modified scheme. He noted that ENF/20/0095 had been refused in May 2021 and went to appeal in October 2021. Cllr A Brown expressed his disappointment and concern with the extended delay as it was recommended that written appeals take no more than 30 weeks, and challenged the Authority to engage with the Planning Inspectors on these delays.
- iv. Appeal Decisions
The DM spoke to the Councils strong record at appeal and noted that only one of the five appeals had been upheld by the Planning Inspector.

102 EXCLUSION OF PRESS AND PUBLIC
None.

The meeting ended at 12.04 pm.

Chairman

DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE – 20 AUGUST 2026

1. INTRODUCTION:

- 1.1 This report briefly sets out performance in relation to the determination of planning applications in Development Management the period **May 2026**.
- 1.2 This report sets out the figures for the number of cases decided and percentage within time set against the relevant target and summary of 24-month average performance.
- 1.3 The tables also set out the percentage of the total number of decisions made that are subsequently overturned at appeal as 24-month average performance.
- 1.4 In addition, the tables set out the number of cases registered and validated within the specified months.

Performance Measure	Actual Performance	Target	Comments
(Speed) Decisions Made (Period May 2026)	Major No decisions issued	60% (80% NNDC)	24 month average to 31 May 2026 is 97.00% 
	Non-Major 52 decisions issued <i>92% within time period (4 cases over time)</i>	70% (90% NNDC)	24 month average to 31 May 2026 is 94.00% 
(Quality) % of total number of decisions made that are then subsequently overturned at appeal (Period May 2026)	Major	10% (5% NNDC)	24 month average to 31 May 2026 is Zero 0% 
	Non-Major	10% (5% NNDC)	24 month average to 31 May 2026 is 0.79% 

Performance Measure	Actual Performance	Target	Comments
Validation (Period May 2026)	Information not currently available for this period	3 days for Non- Major from date of receipt 5 days for Majors from date of receipt	Datasets do not currently breakdown validated apps by Major / Minor or those on PS2 returns, but performance data retrieval being reviewed.

2. S106 OBLIGATIONS

- 2.1 A copy of the list of latest S106 Obligations is attached. There are currently two S106 Obligations being progressed.

3. RECOMMENDATIONS:

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

OFFICERS' REPORTS TO DEVELOPMENT COMMITTEE 13-August-2026

*Appeals Information for Committee between
09/07/2026 and 04/08/2026*

APPEALS SECTION

NEW APPEALS

HOLT - PF/26/0404 - Change of use of cafe (Class E) to self-service commercial holiday accommodation (Class C1) incorporating internal alterations.

3 Appleyard, Holt, Norfolk, NR25 6AR

For Mr N Bruce-Lockhart

WRITTEN REPRESENTATION

Appeal Start Date: 17/07/2026

Appeal Decision:

Appeal Decision Date:

THORPE MARKET - PF/26/0639 - Proposed dwelling with detached garage (self-build) on site of demolished farm House

The Farm House, Hall Farm Barns, Station Road, Thorpe Market, Norwich, Norfolk, NR11 8UD

For Mark Mayes

WRITTEN REPRESENTATION

Appeal Start Date: 13/07/2026

Appeal Decision:

Appeal Decision Date:

INQUIRIES AND HEARINGS - IN PROGRESS

LUDHAM - TW/25/0472 - T1 - Large Sycamore, Remove along with the mound as causing drainage issues and replace with a smaller tree

2 Malthouse Lane, Ludham, Great Yarmouth, Norfolk, NR29 5QL

For Mrs Rebecca Studd

INFORMAL HEARING

Appeal Start Date: 13/10/2025

Appeal Decision:

Appeal Decision Date:

WRITTEN REPRESENTATIONS APPEALS - IN HAND

ALDBOROUGH - PF/20/0578 - Demolition / removal of 4no. existing livestock units; erection of 2no. replacement livestock units for rearing 1900 pigs, relocation of 1no. existing building to serve as a general purpose storage area, installation of hardstanding, 2no. feed bin hoppers, underground foul water tanks, landscaping, and revised access

Rectory Farm, Doctors Corner, Aldborough Road, Aldborough, Norwich, NR11 7NT

For Mr Filby

WRITTEN REPRESENTATION

Appeal Start Date: 14/04/2026

Appeal Decision:

Appeal Decision Date:

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

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

For Mr & Mrs Dean & Sonia James

WRITTEN REPRESENTATION

Appeal Start Date: 18/11/2024

Appeal Decision:

Appeal Decision Date:

NORTH WALSHAM - PF/25/2503 - Replacement of 8 garages/storage sheds with 5 shipping storage containers (part retrospective)

Land Rear Of 1 Nelson Road, North Walsham, Norfolk, NR28 9HL

For Mr Gavin Payne

WRITTEN REPRESENTATION

Appeal Start Date: 05/05/2026

Appeal Decision:

Appeal Decision Date:

RAYNHAM - TW/26/0113 - To remove a Cherry tree to rear boundary and re-plant

Cherry Corner, 31 Stephenson Close, West Raynham, Fakenham, Norfolk, NR21 7DH

For Mr Tim Hickmott

WRITTEN REPRESENTATION

Appeal Start Date: 03/06/2026

Appeal Decision:

Appeal Decision Date:

SALTHOUSE - PF/25/0941 - Demolition of farm buildings and erection of 3 dwellings and associated access arrangements and landscaping

Land To The East Of , Cross Street , Salthouse, Holt, Norfolk

For Mr James Bunn

WRITTEN REPRESENTATION

Appeal Start Date: 26/05/2026

Appeal Decision:

Appeal Decision Date:

SEA PALLING AND WAXHAM - CL/25/0080 - Certificate of Lawfulness for an existing use of land by fishermen / women who fish from Sea Palling Beach and casual boats for fishing and recreation, including but not limited to the storage of vessels and tractors (to facilitate the launching and recovery of the fishing vessels and others), sheds to enable shelter in adverse weather conditions and any other equipment not mentioned

Beach Cottage, Boat Yard, The Marrams, Sea Palling, Norwich, Norfolk, NR12 0UN

For Mr F Page

WRITTEN REPRESENTATION

Appeal Start Date: 08/06/2026

Appeal Decision:

Appeal Decision Date:

SHERINGHAM - TW/25/2596 - T1 - Macrocarpa, remove.

23 Cremers Drift, Sheringham, Norfolk, NR26 8HY

For Mrs Gail Cranshaw

FAST TRACK - HOUSEHOLDER

Appeal Start Date: 07/05/2026

Appeal Decision:

Appeal Decision Date:

THORPE MARKET - PF/25/1471 - Change of use from bed-and-breakfast / small hotel to holiday let (sui generis) (retrospective)

Green House, Cromer Road, Thorpe Market, Norwich, Norfolk, NR11 8TH

For Optimum Patient Care Ltd

WRITTEN REPRESENTATION

Appeal Start Date: 14/04/2026

Appeal Decision:

Appeal Decision Date:

TRIMINGHAM - PF/25/2776 - Change of use of detached garage to use for the sale of food and drink to visiting members of the public for consumption on the premises (ClassE(b)) (retrospective).

Cliffhanger Tiki Bar At, The Old Post House, Mundesley Road, Trimingham, Norwich, Norfolk, NR11 8DZ

For Mr Philip Reeves

WRITTEN REPRESENTATION

Appeal Start Date: 06/05/2026

Appeal Decision:

Appeal Decision Date:

WELLS-NEXT-THE-SEA - PF/25/2763 - Conversion and extension to detached outbuilding to form an annexe

38 Theatre Road, Wells-next-the-sea, Norfolk, NR23 1DJ

For Mr & Mrs P Baker

FAST TRACK - HOUSEHOLDER

Appeal Start Date: 15/04/2026

Appeal Decision:

Appeal Decision Date:

APPEAL DECISIONS - RESULTS AND SUMMARIES

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

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

For Mr J Amos

WRITTEN REPRESENTATION

Appeal Start Date: 12/12/2024

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 24/07/2026

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

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

For Mr Stuart Parry

WRITTEN REPRESENTATION

Appeal Start Date: 12/12/2024

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 20/07/2026

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

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

For Mr Stuart Parry

WRITTEN REPRESENTATION

Appeal Start Date: 12/12/2024

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 20/07/2026

Total Number of Appeals listed: 16

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

*Appeals Information for Committee between
09/07/2026 and 04/08/2026*

13-August-2026

APPEALS SECTION

WRITTEN REPRESENTATIONS APPEALS - IN HAND

ALDBOROUGH - ENF/21/0234 - Siting of pig bungalows

Land Adjacent Rectory Farm House, Rectory Farm, Doctors Corner, Aldborough, Norfolk, NR11 7NT

WRITTEN REPRESENTATION

Appeal Start Date: 17/09/2025

Appeal Decision:

Appeal Decision Date:

BLAKENEY - ENF/24/0158 - Change of use of the land for the siting of a static caravan

Villeroche, Langham Road, Blakeney, Holt, Norfolk, NR25 7PW

WRITTEN REPRESENTATION

Appeal Start Date: 26/02/2025

Appeal Decision:

Appeal Decision Date:

FAKENHAM - ENF/25/0168 - Installation of uPVC windows in a conservation area.

First and Second Floor 12 - 14 Norwich Street, Fakenham, Norfolk, NR21 9AE

WRITTEN REPRESENTATION

Appeal Start Date: 21/05/2026

Appeal Decision:

Appeal Decision Date:

HOLT - ENF/24/0026 - Material change of use of the land for the siting of shipping containers.

Oakhill House, Thornage Road, Holt, Norfolk, NR25 6SZ

WRITTEN REPRESENTATION

Appeal Start Date: 06/02/2025

Appeal Decision:

Appeal Decision Date:

SHERINGHAM - ENF/25/0062 - Installation of a flue

37 Station Road, Sheringham, Norfolk, NR26 8RG

WRITTEN REPRESENTATION

Appeal Start Date: 18/05/2026 – Appeal 1

Appeal Decision:

Appeal Decision Date:

SHERINGHAM - ENF/25/0062 - Installation of a flue

37 Station Road, Sheringham, Norfolk, NR26 8RG

WRITTEN REPRESENTATION

Appeal Start Date: 28/05/2026 – Appeal 2

Appeal Decision:

Appeal Decision Date:

SHERINGHAM - ENF/25/0062 - Installation of a flue

37 Station Road, Sheringham, Norfolk, NR26 8RG

WRITTEN REPRESENTATION

Appeal Start Date: 28/05/2026 – Appeal 3

Appeal Decision:

Appeal Decision Date:

THORPE MARKET - ENF/24/0144 - Unauthorised material change of use of property to holiday let for large parties

Green House, Cromer Road, Thorpe Market, Norwich, Norfolk, NR11 8TH

WRITTEN REPRESENTATION

Appeal Start Date: 18/05/2026

Appeal Decision:

Appeal Decision Date:

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

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

WRITTEN REPRESENTATION

Appeal Start Date: 29/04/2024

Appeal Decision:

Appeal Decision Date:

APPEAL DECISIONS - RESULTS AND SUMMARIES

CROMER - ENF/24/0079 - Two twelve-light windows have been replaced with uPVC windows in Grade II listed Building

Flat 2, Shipden House, High Street, Cromer, Norfolk

WRITTEN REPRESENTATION

Appeal Start Date: 19/02/2025

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 20/07/2026

Total Number of Appeals listed: 10