

Development Committee



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TO REGISTER TO SPEAK PLEASE SEE BOX BELOW

Wednesday, 12 August 2020

A meeting of the **Development Committee** will be held **remotely via Zoom** on **Thursday, 20 August 2020** at **9.30 am**.

Please note that due to the Covid-19 restrictions, meetings of Development Committee will be held remotely via Zoom video conferencing and live streamed on Youtube.

Public speaking: If you wish to speak on a planning application on this agenda, please email DemocraticServices@north-norfolk.gov.uk no later than 5.00 pm on the Tuesday before the meeting and include a copy of your statement. You will have the opportunity to make your statement by video link but in the event that this is not possible, or if you would prefer, your statement will be read out by an officer.

This meeting will be broadcast live to Youtube and will be capable of repeated viewing. The entirety of the meeting will be filmed except for confidential or exempt items. If you attend the meeting and make a representation you will be deemed to have consented to being filmed and that the images and sound recordings could be used for webcasting/ training purposes.

Emma Denny
Democratic Services Manager

To: Mrs P Grove-Jones, Mr P Heinrich, Mr A Brown, Mr C Cushing, Mr P Fisher, Mrs A Fitch-Tillett, Mrs W Fredericks, Mr R Kershaw, Mr N Lloyd, Mr G Mancini-Boyle, Mr N Pearce, Dr C Stockton, Mr A Varley and Mr A Yiasimi

Substitutes: Mr T Adams, Mr D Baker, Dr P Bütikofer, Mrs S Bütikofer, Mr V FitzPatrick, Mr N Housden, Mr J Punchard, Mr J Rest, Mrs E Spagnola, Mr J Toye and Ms K Ward

All other Members of the Council for information.

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



If you have any special requirements in order to attend this meeting, please let us know in advance
If you would like any document in large print, audio, Braille, alternative format or in a different language please contact us

Chief Executive: Steve Blatch
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AGENDA

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 AND DETAILS OF ANY SUBSTITUTE MEMBER(S)
3. MINUTES

To approve as a correct record the Minutes of a meeting of the Committee held on 23 July 2020.

4. ITEMS OF URGENT BUSINESS
 - (a) To determine any other items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B(4)(b) of the Local Government Act 1972.
 - (b) To consider any objections received to applications which the Head of Planning was authorised to determine at a previous meeting.

5. ORDER OF BUSINESS
 - (a) To consider any requests to defer determination of an application included in this agenda, so as to save any unnecessary waiting by members of the public attending for such applications.
 - (b) To determine the order of business for the meeting.

6. DECLARATIONS OF INTEREST

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.

OFFICERS' REPORTS

ITEMS FOR DECISION

PLANNING APPLICATIONS

7. COLBY - PF/20/0660 - CONSTRUCTION OF 2NO. DWELLINGS (SEMI-DETACHED) (PART RETROSPECTIVE); HEPPINN BARN, NORTH WALSHAM ROAD, BANNINGHAM, NR11 7DU FOR MR & MRS JONES (Pages 1 - 8)

8. COLBY - PF/20/0708 - CHANGE OF USE OF LAND FROM AGRICULTURE TO RESIDENTIAL CURTILAGE IN ASSOCIATION WITH PLANNING APPLICATION PF/20/0660; HEPPINN BARN, NORTH WALSHAM ROAD, BANNINGHAM, NR11 7DU FOR MR & MRS JONES (Pages 9 - 14)
9. EGMERE - PF/20/0365 - ERECTION OF DWELLING (ESTATE HOUSE UNDER NPPF PARAGRAPH 79E)) AND RESTORATION OF BARN; ASSOCIATED LANDSCAPE AND ECOLOGY PROPOSALS AND CHANGE OF USE OF LAND FROM AGRICULTURE TO RESIDENTIAL CURTILAGE; CREAKE BUILDINGS, WALSINGHAM ROAD, EGMERE FOR THE HOLKHAM ESTATE (Pages 15 - 28)
10. APPEALS SECTION (Pages 29 - 36)
- (a) New Appeals
 - (b) Inquiries and Hearings – Progress
 - (c) Written Representations Appeals – In Hand
 - (d) Appeal Decisions
 - (e) Court Cases – Progress and Results
11. ANY OTHER URGENT BUSINESS AT THE DISCRETION OF THE CHAIRMAN AND AS PREVIOUSLY DETERMINED UNDER ITEM 4 ABOVE
12. EXCLUSION OF PRESS AND PUBLIC
- To pass the following resolution, if necessary:-
- “That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A (as amended) to the Act.”
- PRIVATE BUSINESS
13. ANY OTHER URGENT EXEMPT BUSINESS AT THE DISCRETION OF THE CHAIRMAN AND AS PREVIOUSLY DETERMINED UNDER ITEM 4 ABOVE
14. TO CONSIDER ANY EXEMPT MATTERS ARISING FROM CONSIDERATION OF THE PUBLIC BUSINESS OF THE AGENDA

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COLBY - PF/20/0660 – Construction of 2no. dwellings (semi-detached) (part retrospective); Heppinn Barn, North Walsham Road, Banningham, NR11 7DU for Mr & Mrs Jones

Minor Development

- Target Date: 23 June 2020

Case Officer: Mr C Reuben

Full Planning Permission

CONSTRAINTS

SFRA - Areas Susceptible to Groundwater Flooding

Landscape Character Area

EA Risk of Flooding from Surface Water 1 in 1000

LDF Tourism Asset Zone

LDF - Countryside

Enforcement Enquiry

Public Right of Way

B Road

RELEVANT PLANNING HISTORY for Heppinn Barn, North Walsham Road, Banningham, NORWICH, NR11 7DU

PU/15/1129

Pond Farm, North Walsham Road, Banningham, Norwich, NR11 7DU

Prior notification of intention to change of use of agricultural buildings to two (C3) dwellinghouses

Refusal of Prior Notification - 18/09/2015

PU/16/0570

Barn at Pond Farm, North Walsham Road, Banningham, Norwich, NR11 7DU

Prior notification of intention to change of use of agricultural building to residential dwellinghouse

Permission not required - 28/06/2016

CDA/16/0570

Barn at Pond Farm, North Walsham Road, Banningham, Norwich, NR11 7DU

Discharge of condition 6 (soil analysis) of PU/16/0570

Condition Discharge Reply - 15/02/2017

PU/18/0284

Barn at Pond Farm, North Walsham Road, Banningham, Norwich, NR11 7DU

Notification for prior approval for proposed change of use of agricultural building to 2 dwellinghouses (Class C3) and for associated operational development

Permission not required - 23/04/2018

CDA/18/0284

Heppinn Barn, North Walsham Road, Banningham, NORWICH, NR11 7DU

Discharge of Condition for Planning Permission PU 18 0284 for Cond.2: Materials, Cond.3:

Tiles, Cond.5: Sewage Disposal, Cond.6: Surface Water Drainage

Condition Discharge Reply - 13/11/2019

IS2/19/1504

Heppinn Barn, North Walsham Road, Banningham, NORWICH, NR11 7DU
Conversion of barn to two dwellings (part retrospective)
Advice Given (for pre-apps) - 30/10/2019

PF/19/1974

Heppinn Barn, North Walsham Road, Banningham, NORWICH, NR11 7DU
Conversion of barn to 2no.dwellings (part retrospective)
Refused - 18/03/2020

THE APPLICATION

The application seeks the erection of two semi-detached single-storey dwellings on the site of a current derelict and part-rebuilt agricultural building. It is noted that consent was granted in 2018 (PU/18/2084) and prior to this in 2016 (PU/16/0570) under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), for the change of use of the building to two dwellings. However, following approval of these prior consents works have taken place to the building which were not authorised under these consents. Due to the work which has occurred, the 2018 and 2016 consents can no longer be implemented. As a result, the current application for two dwellings must now be considered as a rebuild rather than a conversion. This is explained in further detail under the 'principle' section of this report.

The site is positioned just off the Aylsham Road alongside a Public Right of Way approximately halfway between the A140 and Felmingham, and to the south-east of the main village centre of Banningham.

REASONS FOR REFERRAL TO COMMITTEE

At the request of Cllr J Toye due to matters regarding the principle of development, access to services, circumstances of the applicants and providing a range of housing to support needs.

PARISH/TOWN COUNCIL

Colby Parish Council - Support.

REPRESENTATIONS

1 public representation of support has been received, raising the following points:

- Would be part of the community within a number of buildings;
- Within walking distance of school (to which there is a tarmac footpath), public footpath to village centre which has a church, village hall and public house;
- Local bus route and easy access to shops, post office and GP surgery;
- Will introduce natural hedging to encourage wildlife and will use renewable source heating;
- Will be an improvement over the existing redundant buildings which are an unpleasant, useless monstrosity.

In addition, comments have been received from The Ramblers Association raising the following points:

- Agree with the comments provided by the Norfolk County Council Green Infrastructure Officer.

CONSULTATIONS

Norfolk County Council (Highway) - No objection subject to condition. Question whether the remote/isolated location is suitable for residential development in transport/accessibility terms.

Landscape Officer - No objection.

Environmental Health - No objection.

Norfolk Country Council (Public Rights of Way & Green Infrastructure) - No objection. Public footpath must remain open and accessible at all times.

HUMAN RIGHTS IMPLICATIONS

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

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

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

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

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

POLICIES

North Norfolk Core Strategy (Adopted September 2008):

SS 1 - Spatial Strategy for North Norfolk

SS 2 - Development in the Countryside

HO 7 - Making the most efficient use of land (Housing density)

EN 2 - Protection and enhancement of landscape and settlement character

EN 4 - Design

EN 9 - Biodiversity and geology

EN 13 - Pollution and hazard prevention and minimisation

CT 5 - The transport impact of new development

CT 6 - Parking provision

National Planning Policy Framework (NPPF):

Section 5 – Delivering a sufficient supply of homes

Section 12 - Achieving well-designed places

Section 15 - Conserving and enhancing the natural environment

MAIN ISSUES FOR CONSIDERATION

1. Principle
2. Design
3. Neighbouring amenity
4. Highway impact
5. Landscape impact
6. Biodiversity
7. Environmental matters

APPRAISAL

1. Principle (Policies SS1, SS 2 and NPPF Paragraph 78):

The site in question lies within the designated Countryside policy area of North Norfolk, as defined under Policy SS 2 of the adopted North Norfolk Core Strategy. Within this area, the erection of new market dwellings is not considered to be acceptable.

The site is currently occupied by a part derelict/part reconstructed blockwork building - the previously existing roof has been removed. Two Prior Notification applications have been approved for the building, one in 2016, the other in 2018, both of which proposed a reasonable conversion of the building - based upon the information submitted at the time, the plans were considered to comply with the requirements of Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015. It is important for Members to note that a structural survey was submitted with the 2016 and 2018 applications. This survey was prepared by a qualified professional and it concluded that the building was suitable for residential conversion and that no underpinning would be required. It further explicitly stated that on the basis of the trial hole excavated, the foundation was 'more than adequate' to support the structure

Since these approvals, further building works have taken place which have resulted in the collapse/removal of the majority of the existing building. Given that the original consent required the retention of the existing walls and roof of the building, the works that have taken place are considered to be unauthorised.

Noting that the 'Class Q' option was no longer available, a full planning application was submitted in 2019 (ref: PF/19/1974) to convert the building to two dwellings which was assessed against the requirements of Core Strategy Policy HO 9. This policy requires that in order to be considered for conversion, buildings must be structurally sound and suitable for conversion to residential use without substantial rebuilding or extension and any alterations must protect or enhance the character of the building and its setting. The previous two consents granted under Class Q were a material planning consideration, however, these were granted under separate planning legislation and not judged against the adopted Core Strategy. Very little of the original structure now remains and as such, the application was refused at Development Committee on 05 March 2020, the conclusion being that the proposed development did not meet the requirements of Policy HO 9. The proposed development would not represent a conversion, rather it would represent the building of two new dwellings in the Countryside.

The current application seeks to erect two dwellings on the site, replicating the design of the two dwellings approved under the previous consents granted under Class Q and as proposed under the more recently refused application in 2019. With the Council's previous assessment of the proposed conversion scheme being tantamount to a new dwelling, it follows that the currently proposed development for two new dwellings in the Countryside is also considered to be contrary to Core Strategy Policy SS2. The agent has submitted additional information to try and demonstrate that the two dwellings would be in a sustainable location and are required to meet the specific needs of the applicant. This includes the following information:

- Proximity to the local primary school with a tarmac footpath to the school;
- A Public Right of Way to the village of Banningham (approx. 0.6 miles away) which has a village hall (hosting a number of local clubs/societies), a church and pub;
- The site sits on the bus route between Aylsham and North Walsham;
- Aylsham is only 3 miles away which has a range of services/facilities, including a secondary school and supermarket;
- The dwellings would support the social structure of Banningham and help maintain the vitality of the rural community;
- The build project would make a modest contribution to the local economy with local builders, tradesmen and materials and incorporate energy efficient measures; and
- The need to provide appropriate housing for elderly/disabled people is crucial. Further information has been provided in regards to the personal circumstances of the applicant, the proposed set up involving the applicant living in one property and caring for their family members who would live in the other.

In addition, the appellant has cited a similar allowed appeal case for a dwelling in the village of Little Gringley near the town of Retford (Nottinghamshire). It is noted that the appeal case cited and the current application are similar in respect of circumstances. The appeal inspector cited the exceptional circumstances of the case, support for local economic development and the small contribution to housing supply given the significant shortfall. It is worth bearing in mind that North Norfolk District Council, by contrast, has a 5-year land supply, whilst further noting that the appeal site cited by the agent was slightly closer to the nearest larger settlement than the current application site. Furthermore, it is not considered that the Council should put aside its currently adopted policies on the basis of a single appeal decision outside of the district.

The planning history of the site is a material consideration to which some weight can be attributed, and the circumstances of the applicant are recognised. However, the further information provided is not sufficient to adequately demonstrate that the site is located in a sustainable location or weigh in favour of the application being supported in policy terms. There is very limited access to a range of local services, and future occupants will be almost entirely dependent on private car use to access larger settlements (the nearest being Aylsham approx. 3 miles away and North Walsham (approx. 4.5 miles away) for their day-to-day needs. There are footpaths and public rights of way but these are not lit and would not represent a preferable option for access to services by car. In addition, personal circumstances of the applicant and their extended family are not material planning considerations which can be afforded weight in the planning balance.

The conclusion therefore remains that the proposed development is contrary to Core Strategy Policy SS 2, with the further evidence not satisfactorily demonstrating that the development

would promote sustainable development or enhance or maintain the vitality of the rural community in order to meet the requirements of Paragraph 78 of the NPPF.

2. Design (Policy EN 4):

As before, given that the design of the proposed dwellings is intended to replicate the dwellings granted under the previous two applications, the appearance of which was accepted, there are no concerns regarding the design under this current application, nor with the housing density achieved on site. It is considered that sufficient external amenity space would be available for the dwellings (as proposed under tandem application ref: PF/20/0708) to meet the requirements of Paragraph 3.3.10 of the North Norfolk Design Guide. Any site boundary treatments would need to be appropriate in terms of visual impact. Closeboarded fencing should be avoided, with a softer boundary treatment preferred. Subject to appropriate conditions, the proposed development complies with the requirements of Policies HO 7 and EN 4.

3. Neighbouring amenity (Policy EN 4):

By virtue of the single-storey nature of the proposed development, and its separated position away from the nearest neighbouring property (Pond Farm), with a Public Right of Way in-between and a tree-lined southern boundary, it is not considered that the proposed development would result in any detrimental impact on neighbouring residential amenity. As such, in this respect, the proposed development complies with the requirements of Policy EN 4.

4. Highway impact (Policies CT 5 and CT 6):

No objections have previously been raised by the Highway Authority regarding the site access and as such, there are no concerns regarding compliance with Policy CT 5. Sufficient on-site parking and turning facilities can be provided to meet the requirements of Policy CT 6.

5. Landscape impact (Policy EN 2):

The proposed design of the dwellings raises no significant concerns regarding the wider visual impact of the development upon the surrounding landscape under Policy EN 2. Arguably, the appearance of the two dwellings would be an improvement upon the relatively poor visual appearance of the previously existing building and the current remains. Any proposed lighting (if necessary) should be kept to a minimum and appropriately designed (for example, discreet and downward facing) and this could be secured through conditions if approval was being recommended.

6. Biodiversity (Policy EN 9):

Given that the majority of the barn has been removed, it is considered unlikely that the proposed development would have an impact upon protected species. As such, the proposed development is compliant with Policy EN 9, subject to the control of external lighting as suggested above.

7. Environmental matters (Policy EN 13):

Matters of contamination have been previously addressed under the two prior consents, further noting that the previously existing asbestos roof has now been removed. No objections have been raised by the Council's Environmental Protection Officer in relation to the methods of foul sewage disposal (septic tank) and surface water disposal. As such the proposed development complies with the requirements of Policy EN 13.

8. Other matters:

The site lies immediately adjacent to a Public Right of Way. As stated by Norfolk County Council's Green Infrastructure Officer, this should remain open throughout the duration of any works and thereafter. Any works within the Public Right of Way would require the consent of the Highway Authority.

9. Conclusion:

To conclude, it is considered that the two dwellings proposed are located in an unsustainable location, with only a very limited range of local services/facilities available and therefore placing inevitable reliance on private car use to access a full range of services in the nearest settlements. It is not considered that the circumstances outlined by the agent are sufficient in this particular case to justify a departure from adopted planning policy. As such, the proposed development is contrary to Core Strategy Policies SS1, SS 2 and Paragraph 78 of the NPPF. Therefore refusal of the application is recommended.

RECOMMENDATION: Refuse for the following reason:

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

SS 1 - Spatial Strategy for North Norfolk

SS 2 - Development in the Countryside

National Planning Policy Framework (NPPF) - Paragraph 78

Policy SS 1 sets out the spatial strategy for North Norfolk, seeking to focus the majority of new development in the towns and larger villages referred to as Principal and Secondary Settlements. A small amount of development is to be focused on designated Service Villages and Coastal Service Villages to support rural sustainability. The remainder of the district is designated as countryside where development is limited to that which requires a rural location and is for one or more of the criteria set out in Core Strategy Policy SS 2. These are strategic policies that set out the overarching approach for distributing development across the district, promoting sustainable patterns of development and protecting the countryside. New market housing in the countryside is not one of the identified criteria set out within Policy SS 2.

The dwellings would be located in an unsustainable location with only a very limited range of services/facilities and as such, reliance being heavily placed on private car use in order to meet the everyday needs of future occupants. Insufficient evidence has been provided to demonstrate that the provision of such a dwelling would promote sustainable development or that a single dwelling would either enhance or maintain the vitality of the rural community.

Accordingly, the proposed development fails to comply with the requirements of Core Strategy Policies SS 1 and SS 2 of the Development Plan and conflicts with Paragraph 78 of the National Planning Policy Framework.

COLBY - PF/20/0708 – Change of use of land from agriculture to residential curtilage in association with Planning Application PF/20/0660; Heppinn Barn, North Walsham Road, Banningham, NR11 7DU for Mr & Mrs Jones

Minor Development

- Target Date: 24 June 2020

Case Officer: Mr C Reuben

Full Planning Permission

CONSTRAINTS

Landscape Character Area

SFRA - Areas Susceptible to Groundwater Flooding

LDF Tourism Asset Zone

LDF - Countryside

EA Risk of Flooding from Surface Water 1 in 1000

RELEVANT PLANNING HISTORY for Heppinn Barn, North Walsham Road, Banningham, NORWICH, NR11 7DU

PU/15/1129

Pond Farm, North Walsham Road, Banningham, Norwich, NR11 7DU

Prior notification of intention to change of use of agricultural buildings to two (C3) dwellinghouses

Refusal of Prior Notification 18/09/2015

PU/16/0570

Barn at Pond Farm, North Walsham Road, Banningham, Norwich, NR11 7DU

Prior notification of intention to change of use of agricultural building to residential dwellinghouse

Permission not required 28/06/2016

CDA/16/0570

Barn at Pond Farm, North Walsham Road, Banningham, Norwich, NR11 7DU

Discharge of condition 6 (soil analysis) of PU/16/0570

Condition Discharge Reply 15/02/2017

PU/18/0284

Barn at Pond Farm, North Walsham Road, Banningham, Norwich, NR11 7DU

Notification for prior approval for proposed change of use of agricultural building to 2 dwellinghouses (Class C3) and for associated operational development

Permission not required 23/04/2018

CDA/18/0284

Heppinn Barn, North Walsham Road, Banningham, NORWICH, NR11 7DU

Discharge of Condition for Planning Permission PU 18 0284 for Cond.2: Materials, Cond.3: Tiles, Cond.5: Sewage Disposal, Cond.6: Surface Water Drainage

Condition Discharge Reply 13/11/2019

IS2/19/1504

Heppinn Barn, North Walsham Road, Banningham, NORWICH, NR11 7DU

Conversion of barn to two dwellings (part retrospective)

Advice Given (for pre-apps) 30/10/2019

PF/19/1974

Heppinn Barn, North Walsham Road, Banningham, NORWICH, NR11 7DU

Conversion of barn to 2no.dwellings (part retrospective)

Refused 18/03/2020

THE APPLICATION

The proposal as submitted seeks the change of use of a parcel of agricultural land to residential curtilage to serve two proposed dwellings under tandem planning application ref: PF/20/0660. It is noted that consent was granted in 2018 (PU/18/2084) and prior to this in 2016 (PU/16/0570) under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), for the change of use of the building to two dwellings. However, following approval of these prior consents works have taken place to the building which were not authorised under these consents. Due to the work which has occurred, the 2018 and 2016 consents can no longer be implemented. As a result, the current application for two dwellings must now be considered as a rebuild rather than a conversion. This is explained in further detail under the 'principle' section of this report.

Planning application ref: PF/20/0660 is being considered at the same Development Committee, the decision on which will have a direct bearing on the outcome of this application.

REASONS FOR REFERRAL TO COMMITTEE

Due to the referral of associated application ref: PF/20/0660 by Cllr J Toye due to matters regarding the principle of development, access to services, circumstances of the applicants and providing a range of housing to support needs.

PARISH/TOWN COUNCIL

Colby Parish Council - Support.

REPRESENTATIONS

To date, no public representations have been received.

CONSULTATIONS

Landscape Officer - No objection.

HUMAN RIGHTS IMPLICATIONS

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

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

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

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

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

POLICIES

North Norfolk Core Strategy (Adopted September 2008):

SS 1 - Spatial Strategy for North Norfolk

SS 2 - Development in the Countryside

EN 2 - Protection and enhancement of landscape and settlement character

EN 4 - Design

EN 9 - Biodiversity and geology

National Planning Policy Framework (NPPF):

Section 5 – Delivering a sufficient supply of homes

Section 12 - Achieving well-designed places

Section 15 - Conserving and enhancing the natural environment

MAIN ISSUES FOR CONSIDERATION

1. Principle
2. Design
3. Neighbouring amenity
4. Landscape impact
5. Biodiversity

APPRAISAL

1. Principle (Policies SS 1, SS 2 and NPPF Paragraph 78):

This application is to be determined in tandem with associated application ref: PF/20/0660. That application seeks the erection of two new build dwellings on the site. The application subject of this report seeks to change the use of a parcel of agricultural land to residential curtilage to serve these two dwellings. The curtilage proposed would be larger than that approved under two previous prior notification consents, however, would serve to provide a more useable amenity space.

The recommendation for associated application PF/20/0660 is one of refusal, being contrary to Core Strategy Policy SS 2, with the further evidence provided not being considered as satisfactory enough to demonstrate that the development would be sustainable or that it would enhance or maintain the vitality of the rural community in order to meet the requirements of Paragraph 78 of the NPPF. It therefore follows that the recommendation for the application subject of this report (PF/20/0708) is also one of refusal, given that without approval of the two dwellings, there would be no requirement for the residential land. The application would result in a standalone parcel of residential land which would represent an unacceptable use of land in the countryside which is contrary to Policy SS 2. However, in the event of associated application PF/20/0660 being approved, it would be considered that the proposed extended residential curtilage is acceptable under Policy SS 2, representing an improvement upon the curtilage approved under the two previous prior notification consents. It would further round

off a section of land in comparison to the adjoining yard and provide an enhanced boundary edge.

2. Design (Policy EN 4):

The landscaping plan as submitted presents an appropriate soft boundary treatment comprising of a hedge around the site perimeter and a further hedge dividing the two garden area. It further represents a more useable curtilage for the two dwellings. Subject to appropriate conditions securing this boundary treatment and removal of permitted development rights to avoid the installation of any inappropriate fencing and outbuildings, and subject to approval of the two dwellings, the proposed development complies with the requirements of Policy EN 4.

3. Neighbouring amenity (Policy EN 4):

Given the sites separated position away from the nearest neighbouring property (Pond Farm), with a Public Right of Way in-between and a tree-lined southern boundary, it is not considered that the proposed extended curtilage would result in any detrimental impact on neighbouring residential amenity. In addition, if the two dwellings are approved then this would provide a more adequate level of amenity provision for those units. As such, in this respect, the proposed development complies with the requirements of Policy EN 4.

4. Landscape impact (Policy EN 2):

As referred to above, the proposed perimeter hedge planting is considered to be an acceptable boundary treatment. Subject to the control of external lighting, it is not considered that the proposed extended curtilage would have a significantly detrimental landscape impact and as such, complies with the requirements of Policy EN 2.

5. Biodiversity (Policy EN 9):

The two dwellings, if approved, would incorporate the provision of bat boxes and retain an existing owl box. The proposed extension to the residential curtilage is unlikely to have a detrimental impact on protected species. The proposed development is compliant with Policy EN 9, subject to the control of external lighting to avoid any detrimental impact upon the effectiveness of enhancement measures to be installed if approved.

6. Other matters:

The site lies immediately adjacent to a Public Right of Way. As stated by Norfolk County Council's Green Infrastructure Officer, this should remain open throughout the duration of any works and thereafter. Any works within the PROW would require the consent of the Highway Authority.

7. Conclusion:

To conclude, it is considered that the two dwellings proposed under associated application PF/20/0660 are located in an unsustainable location, with only a very limited range of local services/facilities available and therefore placing inevitable reliance on private car use. It is not considered that the circumstances outlined by the agent are enough in this particular case to justify a departure from adopted planning policy. As such, the proposed development is

contrary to Core Strategy Policies SS1, SS 2 and Paragraph 78 of the NPPF. If application PF/20/0660 is refused, it follows that this application (PF/20/0708) is also contrary to Policies SS 1, SS 2 and paragraph 78 of the NPPF. In the event that PF/20/0660 is approved, the proposed extended curtilage would be considered acceptable to serve the two dwellings.

RECOMMENDATION:

If associated application PF/20/0660 is refused:

It is recommended that application PF/20/0708 be **REFUSED** for the following reason (final wording to be delegated to the Head of Planning):

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

SS 1 - Spatial Strategy for North Norfolk

SS 2 - Development in the Countryside

National Planning Policy Framework (NPPF) - Paragraph 78

Policy SS 1 sets out the spatial strategy for North Norfolk, seeking to focus the majority of new development in the towns and larger villages referred to as Principal and Secondary Settlements. A small amount of development is to be focused on designated Service Villages and Coastal Service Villages to support rural sustainability. The remainder of the district is designated as countryside where development is limited to that which requires a rural location and is for one or more of the criteria set out in Core Strategy Policy SS 2. These are strategic policies that set out the overarching approach for distributing development across the district, promoting sustainable patterns of development and protecting the countryside. New market housing in the countryside is not one of the identified criteria set out within policy SS 2.

The dwellings proposed under associated application ref: PF/20/0660 would be located in an unsustainable location with only a very limited range of services/facilities and as such, reliance being heavily placed on private car use in order to meet the everyday needs of future occupants. Insufficient evidence has been provided to demonstrate that the provision of two dwellings would promote sustainable development or that the dwellings would either enhance or maintain the vitality of the rural community.

Accordingly, the proposed development under PF/20/0660 and associated residential curtilage proposed under this application (PF/20/0708) fails to comply with the requirements of Core Strategy Policies SS 1 and SS 2 of the Development Plan and conflicts with Paragraph 78 of the National Planning Policy Framework.

If associated application PF/20/0660 is approved:

It is recommended that application PF/20/0708 be **APPROVED** subject to conditions relating to the matters listed below and any others considered necessary by the Head of Planning:

- Time limit for commencement (3 years)
- Development carried out in accordance with the approved plans
- Landscaping during next available planting season following commencement

- Replacement of new trees/shrubs
- Details of any external lighting to be approved
- Removal of PD rights - boundary treatments/outbuildings

Final wording of conditions to be delegated to the Head of Planning.

EGMERE - PF/20/0365 – Erection of dwelling (Estate House under NPPF Paragraph 79e)) and restoration of barns; associated landscape and ecology proposals and change of use of land from agriculture to residential curtilage; Creake Buildings, Walsingham Road, Egmere for The Holkham Estate

Minor Development

- Target Date: 20 May 2020

Case Officer: Mr C Reuben

Full Planning Permission

CONSTRAINTS

Landscape Character Area

LDF Tourism Asset Zone

C Road

Contaminated Land

National Air Traffic Service - Application for Wind Turbines

LDF - Countryside

RELEVANT PLANNING HISTORY for Creake Buildings, Walsingham Road, Egmere

PF/16/0463

The Pistol Club, Creake Buildings, Egmere, NR23 1RY

Conversion of the pistol club, Creake Buildings into a residential dwelling with associated access, parking and landscaping

Approved - 05/08/2016

IS2/18/2257

Creake Buildings, Egmere, NR23 1RY

Proposed erection of new dwelling (NPPF Para 79)

Advice Given (for pre-apps) - 29/03/2019

PF/19/0895

Agricultural Barn, Walsingham Road, Egmere

Conversion of the pistol club, Creake Buildings into a residential dwelling with associated access, parking, landscaping and erection of detached garage

Approved - 13/11/2019

THE APPLICATION

The application, submitted on behalf of the Holkham Estate, proposes a large detached estate property with formal gardens, associated landscaping and the conversion of an existing barn on the site to an ancillary residential building. The submitted plans evoke a traditional country house estate which is attempting to fulfil the criteria of being 'truly outstanding' under Paragraph 79e) of the National Planning Policy Framework (NPPF). The application follows extensive pre-application discussions between the Council and applicant/agent, including a formal pre-consultation response issued under ref: IS2/18/2237, and subsequent further detailed negotiations. Ultimately, these proposals will be considered by members of the Development Committee against current adopted local and national policies and in particular, the specific requirements of NPPF Paragraph 79e).

The site currently forms part of a larger agricultural field with a redundant barn to the west (the barn benefits from extant planning consent for a dwelling, first in ref: PF/16/0463 and again under ref: PF/19/0895), a copse of woodland to the north and two access tracks, one running eastwards then southwards to adjoin Walsingham Road to the south, and the other serving the existing barn, again linking to Walsingham Road. Two modest semi-detached cottages were formerly positioned on the site but have long since been demolished. The former Creake Airfield lies to the northeast, with agricultural land in all directions and the boundary of the Holkham Estate (Historic Park and Garden - Grade II) situated approx. 0.8 miles to the north.

REASONS FOR REFERRAL TO COMMITTEE

At the request of the Head of Planning, as the recommendation is one of approval and therefore represents a departure from adopted local strategic planning policy. In addition to be approved the proposals must be considered as being otherwise exceptional by virtue of compliance with Paragraph 79 (e) of the NPPF. Few proposals can be considered to be truly exceptional and as such it is appropriate for members of the Development Committee to consider the material planning merits of the case and exercise planning judgement on this case.

PARISH COUNCIL

Walsingham Parish Council - No objection.

REPRESENTATIONS

The site notice expired on 18/05/2020. To date, no public representations have been received.

CONSULTATIONS

Environmental Health - No objection.

Norfolk County Council (Highway) - No objection subject to conditions requiring improvements to the proposed site access width, access visibility and provision of the on-site parking/turning areas.

Conservation and Design Officer - No objection. The reasons for this conclusion are threefold:

1. The proposal would not harm the overall significance of any existing heritage assets; namely the scheduled medieval village to the SE with its Grade II* listed church ruins, and the Grade II listed farmsteads at Quarles and Egmere Farm.
2. It has been sufficiently demonstrated that the new house would be truly outstanding and would reflect the highest standards in architecture. It would thus help to raise standards of design more generally in this particular rural area. In essence, it is an impeccably observed composition which is rooted in classicism and which will be defined by the quality of its detailing and craftsmanship.
3. The development as a whole would significantly enhance its immediate setting and would be sufficiently sensitive to the defining characteristics of the local area.

Therefore, whilst there perhaps remains some residual disappointment about the traditional approach adopted, this does not prevent the scheme from clearing the high bar established by para 79e) of the NPPF.

In the event of an approval being issued, the only one of the materials that we need to definitely condition are the peg/plain tiles to be used on the main roof. Otherwise the palette of materials is self-explanatory and considered acceptable.

Landscape Officer - No objection. The Landscape section have assessed this proposal for a large new high quality dwelling set in a deeply rural isolated location and conclude that in this case the stringent requirements of para 79e of the NPPF have been met. One of the criteria stipulates that the design is of exceptional quality in that it 'would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area'.

Landscape

The site lies within the Rolling Open Farmland Landscape Type, as identified in the North Norfolk Landscape Character Assessment, Nov 2018. High level, open rolling arable farmland with relatively large geometric fields and sparse settlement concentrated on river valleys are key characteristics of this Type. The Holkham estate is notable for its wooded parkland within this expansive open landscape. A sense of remoteness, tranquillity and wildness epitomised through dark night skies is a noted Valued Feature of this landscape. The proposed large country house is located adjacent to an existing brick barn in an elevated position with open fields in the foreground and a backdrop of mature woodland. The proposed landscape and ecological enhancements extend well beyond the confines of the immediate site location and include 5.4ha of new native woodland planting (5940 trees), 0.9ha of new and restored aquatic habitat in the form of lakes, 2.9km of new mixed native species hedgerow planting with 151 free-standing or hedgerow trees, 22.8ha of arable reversion to wildflower meadow and grazed pasture and 90 new trees (including fruit varieties) within the formal garden area.

The Landscape Character Assessment identifies that there is 'significant scope to increase landscape variety and ecological connectivity without detrimentally reducing the open expansive rural nature of the area' (p.44). Given the extent and variety of landscape enhancements proposed with this submission, together with the species choice and linkage with existing habitats, the Landscape section concludes that this development would result in significant habitat and biodiversity improvement.

Ecology

The Ecological Appraisal carried out in June 2019 by Catherine Bickmore Associates identifies use of the existing barn by two species of bat, confirming that an EPS Licence will be required. Use of the barn by roosting barn owls and stock doves was also confirmed. Recommended mitigation measures include provision of alternative barn owl roosting habitat, incorporation of a permanent internal owl roost within the roof void of the converted barn, provision of a range of bird boxes and timing of works to avoid the bird nesting season. All of these measures could be secured by way of a condition requiring an Ecological Design Strategy to be submitted prior to commencement of the development.

Arboriculture

The submitted AIA (Ravencroft 24.3.2020) assesses that a 20m length of hedgerow (H2) will require removal to facilitate the rear access to the new dwelling. The Landscape section

agree that this is not significant given its location where it is surrounded by mature woodland and when weighed against the amount of proposed new planting.

Lighting

In accordance with the ILP Guidance Note 01/20 Guidance Notes for the reduction of obtrusive light, the site lies within the E1 Environmental Zone, i.e. a relatively uninhabited rural area with a dark lighting environment. The Lighting Strategy set out within the D & A Statement gives detail regarding the type of external light fittings, but does not include the specification of the light intensity or lux for each fitting. This information is required to ensure that the light levels are not excessive for the purpose and meet the light level recommendations set out in the ILP Guidance.

The lighting plan (SK139) shows wall lights to illuminate the entrance to the house, but also has a number of wall lights fixed to the existing barn which is a secondary building. The Ecological Appraisal identifies use of this building by bats. In this context a reduced number of external light fittings would be more appropriate given the presence of protected species and less intensive use.

All external lighting should be PIR, so that it is not in use when not required. The proposed use of automatic dim-out blinds to limit internal light spill is a thoughtful design element, given the sensitive rural location.

Should this proposal go forward for approval, precise conditions should be imposed to secure the following details:

- Arboricultural Method Statement
- Ecological Design Strategy
- Landscape and Ecological Management Plan
- EPS licence
- Lighting Design Strategy

Historic England - No objection. Should the Council be minded to support the proposal we recommend conditions are attached to the consent to secure the high quality of materials and fine detailing which are essential if the building is to be successful. Considered that the application meets the requirements of the NPPF, in particular paragraph numbers 7, 8, 193, 194 and 196.

Norfolk Coast Partnership - No objection subject to the appropriate installation/control of external lighting.

Norfolk Landscape Archaeology - No objection.

HUMAN RIGHTS IMPLICATIONS

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

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

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

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

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

POLICIES

North Norfolk Core Strategy (Adopted September 2008):

SS 1 - Spatial Strategy for North Norfolk

SS 2 - Development in the Countryside

HO 9 - The Conversion and Re-use of Rural Buildings as Dwellings

EN 2 - Protection and enhancement of landscape and settlement character

EN 4 - Design

EN 8 - Protecting and enhancing the historic environment

EN 9 - Biodiversity and geology

EN 13 - Pollution and hazard prevention and minimisation

CT 5 - The transport impact of new development

CT 6 - Parking provision

National Planning Policy Framework (NPPF):

Section 2 – Achieving sustainable development

Para 11: decisions should apply the presumption in favour sustainable development which for decision making means approving development proposals that accord with an up-to-date development plan without delay.

Para 12: the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate the plan should not be followed.

Section 4 – Decision-making

Para 47: applications for planning permission must be determined in accordance with the development plan unless material consideration indicate otherwise

Section 5 – Delivering a sufficient supply of homes

Para 79: Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;

b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;

c) the development would re-use redundant or disused buildings and enhance its immediate setting;

d) the development would involve the subdivision of an existing residential dwelling; or

e) the design is of exceptional quality, in that it:

- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

Section 12 - Achieving well-designed places

Para 124: good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities

Para 131: in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Section 15 - Conserving and enhancing the natural environment

Para 170 – planning policies and decisions should contribute to enhance the natural and local environment by protecting and enhancing valued landscapes, sites of bio-diversity or geological value and soils; and recognising the intrinsic beauty and character of the countryside

MAIN ISSUES FOR CONSIDERATION

1. Principle
2. Design - consideration against paragraphs 79(e) and 131 of the NPPF
3. Amenity
4. Highway impact
5. Landscape impact
6. Heritage impact
7. Biodiversity
8. Environmental considerations

APPRAISAL

1. Principle (Policies SS 1, SS 2 and NPPF Paragraph 79e)

Core Strategy Policy SS 1 sets out the spatial strategy for the North Norfolk District which seeks to direct the majority of new development to the towns identified as Primary and Secondary Settlements, with a smaller amount of new development focused on designated Service Villages and Coastal Service Villages to support rural sustainability. The remainder of the district including settlements not listed in Policy SS 1, is designated as Countryside. Within the Countryside area development is restricted to particular types of development to support the rural economy, meet affordable housing needs and provide renewable energy. Policy SS 2 limits development within the Countryside to that which requires a rural location and where it is compliant with the specific types of development listed in the policy. This does not include new market housing. In this respect, the proposed development is therefore contrary to adopted Policy SS 2.

Paragraph 47 of the NPPF states that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration and therefore it must be considered in the decision making process and the planning balance. The application is promoted as meeting the requirements of paragraph 79(e) of the NPPF. The proposals must meet exceptional standards as being:

- truly outstanding or innovate, reflecting the highest standards in architecture, and should help to raise standards of design more generally in rural area; and

- significantly enhancing the site's immediate setting, and being sensitive to the defining characteristics of the local area.'

This being the case, in order to justify a departure from current adopted local strategic planning policy, the Council would need to be satisfied that the proposed development complies with the requirements of NPPF Paragraph 79e), along with complying with other relevant North Norfolk Core Strategy policies.

Paragraph 79 - 'isolation'

First and foremost, the Council consider the proposals comply with the requirement to be sufficiently 'physically isolated', i.e. the location meets tests for isolation detailed within case law for NPPF Paragraph 79 to apply. The nearest residential properties being situated just under half a mile to the north (Quarles farm) and over half a mile to the east (Egmere Farm). In addition, the remoteness of the site from any meaningful shops/services/facilities further leads to the conclusion that the site is considered as being functionally isolated.

Reasoned site justification:

It is understood that a number of sites have been explored in the locality, with the application site being considered by the applicants as the most appropriate. Advantages of the site cited include being outside of the Area of Outstanding Natural Beauty (the boundary of which is approx. 1 mile to the north), the presence of existing buildings and the former presence of two dwellings, the backdrop of woodland, isolation from other properties and opportunities to enhance the immediate landscape. It also retains proximity to the Holkham Estate which gives a suitable link to but avoids any substantial conflict with the wider estate in terms of appearance and setting. Officers have accepted that the application site may lend itself in principle to consideration under Paragraph 79 that is subject to meeting the specific criteria.

2. Design (Policy EN 4 and NPPF Paragraphs 79e) and 131)

Setting the scene, it is worth reflecting upon the historic content of Planning Policy Statement 7 (superseded by the NPPF in 2012) which, when introduced, required proposed isolated dwellings in the countryside to be both truly outstanding and innovative, noting that the design should be 'ground-breaking', with specific reference made to 'materials, methods of construction or protecting and enhancing the environment', and further stating that value will be found in 'reflection of the highest standards in contemporary architecture, the significant enhancement of its immediate setting and its sensitivity to the defining characteristics of the local area'.

Many of these requirements have subsequently followed through into the current NPPF with some subtle differences. There is now no requirement to be 'contemporary' and a more flexible approach which can now include a more classical concept is available. This approach is further aided by the insertion of the word 'or' - now reading as needing to be 'truly outstanding' or 'innovative' - both within previous NPPF Paragraph 55 (2012) and current NPPF Paragraph 79 (2019). It is recognised that this approach has now been reflected more recently in developments outside of this district approved under previous NPPF Paragraph 55 and current NPPF paragraph 79. In any event, proposals under paragraph 79e) should still be exemplar and exceptional in concept and delivery to justify policy compliance.

Turning to the specifics of the application, the overall siting of the proposed property has a clear logic, being off-set from, yet in line with, the existing barn to the west, and sited relatively close to the woodland to the north and thereby avoiding the appearance of 'floating' within the agricultural field. The overall scale of the property and associated curtilage is undoubtedly large, but not to the extent that causes undue concern, indeed it is to an extent smaller than many typical rural country manor estates. In height, the property would remain lower than the tree line to the rear and as such, again raises no major concerns on landscape matters. The proposals represent a development of significant quality, reflecting a traditional, classical appearance - particular features include a traditional concave recessed front entrance, neatly proportioned lead dormer windows, two notably grand chimneys, an overall sense of balance and symmetry on each elevation accentuated by window placements, and a thoughtful array of materials proposed to be incorporated. These materials include the following:

- Soft red peg/plain tiles
- Clipsham (buff limestone)
- Painted oak/lead dormers
- Iron rainwater goods
- Knapped flint
- Clunch (white limestone)
- Red/orange brick

This mix of materials is broadly sensitive to the defining characteristics of the locality and reflect the local vernacular. In relation to elevation detailing, the facades are particularly well proportioned with emphasis on geometry, symmetry and classical detailing. The choice of roof material has been a point of contention, though the agent has referred to examples locally, notably in Holkham, which use a similar tile.

The existing barn is already the subject of a recent planning consent for conversion to a dwelling and as such, the principal of its retention is established. In this respect, it makes sense to incorporate the existing building into the curtilage of the proposed new dwelling, and use it as an ancillary outbuilding. The conversion scheme proposed is perfectly acceptable with few new interventions. Indeed, the current proposals portray much less intervention than the two previous planning consents for the barn and therefore equate to an improvement. The result should be an attractive yet understated outbuilding typical of many country house estates with such satellite outbuildings.

It is clear that the proposal does not necessarily strive to be 'innovative', the proposals "strong suit" clearly is outstanding architectural merit. In terms of sustainability, the dwelling would incorporate a range of measures to include ground source heat pumps, solar panels, extensive tree planting and with the aim of being carbon negative (i.e. beyond carbon neutral). The ambition to be carbon negative is welcome and fits the Councils ethos of addressing the current climate emergency.

Overall, attention is drawn back to the specific criteria of having to demonstrate a design that is 'truly outstanding' in line with Paragraph 79e). In adopting a traditional approach, the risk could have been that the proposed development may have slipped into a "comfortable"

pastiche, doing no more than paying lip service to traditional architectural character and practices, but not necessarily pushing to a higher architectural plain.

The Council have set the bar high to ensure that such new development will stand the test of time and indeed make a marked and respected contribution to architecture within the district. There is no doubt that the design as proposed presents an exemplar traditional approach that reaches the highest bar of being 'truly outstanding'. The proposed development would reflect local distinctiveness, drawing upon elements of design seen on Norfolk Estates and in particular as part of buildings on the nearby Holkham Estate and local distinctiveness along with the palette of materials presented offers a uniqueness to the design. By way of further evidence to support the meeting of paragraph 79e), the proposed development has also been peer reviewed prior to the submission by the Traditional Architecture Group (a group of RIBA architects who actively promote and assess traditional architecture); they have concluded that the design is truly outstanding and of exceptional quality.

Paragraph 79e) requires that any design should raise the standards of design more generally in rural areas. The high quality design proposed should indeed set a standard for traditional architecture for other developers to follow. The agent has further suggested the incorporation of an apprenticeship programme into the building programme as a demonstration of the building skills/craftsmanship required in traditional architecture. This will assist in underpinning development of a local skills base that can then deliver traditional techniques in the repair and maintenance of North Norfolk's built heritage.

To conclude, it is considered that the proposed development achieves the high bar set by the NPPF and the Council of being truly outstanding and reflecting the highest standards in traditional architecture and helping to raise the standards of design, with enough uniqueness to set it apart from other traditional country estates. Furthermore, the materials proposed would be sensitive to the defining characteristics of the local area. As such, the proposed development meets the design requirements of NPPF Paragraph 79e) in respect of the key design tests.

3. Amenity (Policy EN 4):

Given the isolated position of the proposed development, there are no dwellings within the immediate vicinity of the site that would be adversely affected by the proposed development. As such, in regards to amenity, the proposed development complies with the requirements of Policy EN 4

4. Highway impact and parking (Policies CT 5 and CT 6)

It is not considered that, given the appropriate access arrangements utilising a single point of access and sweeping realigned access drive around the eastern/northern edge of the site, and suitability of the adjoining road, that the proposed development would give rise to any significant highway concerns, subject to visibility improvements at the site access. It is noted that the existing barn would have generated a volume of agricultural traffic in and out of the site and, although the dwelling has a large number of bedrooms that may possibly engender a slight increase in access use, any increase is likely to be small for what is a single dwelling and noting that the existing barn has already been granted consent for conversion to a dwelling. No objections have been raised by the Highway Authority subject to the securing of the access improvements through condition.

It is clear that a more than adequate level of parking and turning can be provided within the site to meet the requirements of Policy CT 6. Given the rural location, the avoidance of any unsuitable suburbanised features (including entrance walls, gates and fencing) is key.

Overall, the proposed development complies with the requirements of Policies CT 5 and CT 6.

5. Landscape impact (Policy EN 2):

The site itself is immediately visible from Walsingham Road to the south, and from the approach along Walsingham Road looking in an easterly direction. It is generally flat with perhaps only a very slight fall from north to south. Wider views of the site from the surrounding landscape are partially softened by the backdrop of a copse of woodland to the north, hedged field boundaries and the presence of a redundant barn.

North Norfolk District Council have recently published a new North Norfolk Landscape Character Assessment (LCA) (November 2018) to provide an up-to-date evidence base for the emerging Local Plan. This document has been published in final form and represents the most up-to-date and accurate assessment, based on current best practice and in line with the requirements of the latest NPPF. The LCA defines this particular area as being one of 'Rolling Open Farmland (ROF1) which, amongst other characteristics, recognises the presence of 'larger isolated farmsteads and minor gentry houses'. However, it requires that to maintain landscape character, properties (if accepted) should be of a 'scale and location which respect the individual form of the settlement in which they are located (i.e. development should not 'stand out' but rather should be almost unnoticeable and unremarkable...' and with landscaping that 'actively blends with existing features rather than tries simply to screen new development'. In essence, any new dwelling should be mindful of maintaining, complementing and where possible, enhancing its immediate landscape setting. However, Paragraph 79e) goes a step further than this, requiring new proposals to 'significantly enhance' their immediate setting.

The introduction of a new, large dwelling on a relatively unspoilt landscape inevitably directs a challenge to the applicant to provide a development that will not harm the wider landscape and also significantly enhance its immediate setting. This demands landscaping proposals of the highest quality. It is clear that painstaking works has been undertaken to try and reach this highest bar, with a detailed assessment of the defining landscape character through the submission of a Landscape Visual Impact Assessment (LVIA). A combination of measures has been proposed in order to help to meet the challenge and achieve the quality required. These measures include:

- A driveway flanked by native hedgerows/trees;
- 5.4ha of new native woodland planting (approx. 5,940 trees) to the east, south-east and west of the dwelling, linking to existing habitats;
- A restored and extend pond to the south-east with informal planting and a new lake to the south of the new dwelling, together accounting for approx. 0.9ha;
- Formal lawn to the south, east and west side of the property, along with an orchard and kitchen garden;

- A wildflower meadow, retained farmland and a parkland-style setting to the foreground (south of the property);
- Restoration and enhancement of existing hedgerows along with new hedgerows (approx. 2.9km) and further informal native tree planting.
- Better management of the existing woodland to the north, which provides the backdrop.
- The sensitive re-use of an existing barn.

As proposed, the landscaping is well conceived and appropriate to the setting. Initial concerns as to whether the landscaped grounds could become rather too formalised and overly ornate have been largely ameliorated. When approaching the site from the driveway, and when viewed from the public highway to the south, the effect is to achieve a transition from the informal to the formal, with glimpsed and filtered views along driveway leading through to the house itself. From the public highway, the foreground is very much dictated by the transition from agricultural land, to wildflower meadow, hidden formal terraced gardens and then the house. The effect is to make the development appear as if it has always been a local feature and a well-known part of the surrounding landscape. The additional enhancement and restoration of hedged field boundaries is particularly welcome, along with the scattered planting of native trees, thereby avoiding formality and partially creating a parkland setting in the foreground.

It is not considered that the proposed development would have a significant impact on existing trees - indeed, the development proposes much improved management of the existing woodland to the north and, as mentioned, the planting of a significant number of additional native trees (including two sizeable native woodlands to the east and west of the property), resulting in a net gain.

Avoidance of any inappropriate hard landscaping features, in particular gates and fencing (particularly along the driveway and around the site entrance), would be paramount, alongside the avoidance of any unnecessary external lighting (and being mindful of the effect of extensive glazing on the proposed property and consideration of light spillage). The use of down lighting externally, and the incorporation of internal blinds will help to minimise the impact. A Lighting Strategy will be the subject of condition and will be stringently considered as part of any discharge of condition.

It is concluded that the proposed development would significantly enhance its immediate setting and be sensitive to the local defining landscape characteristics, in line with the requirements of Paragraph 79e) of the NPPF.

6. Heritage impact (Policy EN 8)

The nearest heritage assets lie approx. half a mile to the south-east (Ruins of Church of St Edmund - Grade II*) alongside the site of the Medieval village of Egmere (Scheduled Ancient Monument), and just under 700m to the north (Quarles Farmhouse - Grade II). Given the degree of separation between the proposal site and these identified assets, aided by the backdrop of woodland and a degree of historic precedent for two dwellings on the site, it is not considered that the proposed development would result in harm to these designated assets. No objections have been raised by the Conservation & Design Team Leader nor Historic England. Furthermore, no concerns have been raised by Norfolk County Council's

Archaeological Liaison Officer regarding the potential for any archaeological interests within the site area.

As such, it is considered that the proposed development complies with the requirements of Policy EN 8.

7. Biodiversity (Policy EN 9)

Significant opportunities exist across the application site for ecological enhancements. Such enhancements should be achieved in relation to the copse of woodland immediately to the north through better management. The existing barn and proposed new dwelling can also add to the mitigation and enhancement of local biodiversity and habitat creation. Evidence regarding use of the existing barn by bats and barn owls has been previously discovered, with the most recent survey submitted further confirming use of the barn by bats as well as affecting a previously installed artificial barn owl nesting site, along with affecting wild bird nests. The enhancement measures suggested include habitat enhancement measures with the planting of native trees, the restoration/extension of existing hedgerows, the planting of wildflower meadows and the creation of/restoration of two large ponds - these should all aid connectivity to existing landscaping features within and around the site. A European Protected Species licence would be required for bats, which in turn would inform further suitable mitigation and enhancement measures which may include the provision of two bat roost sites. External lighting in proximity of the barn should also be minimised to ensure suitable habitats. A further artificial owl roost could be installed, either within the barn or pole-mounted, and further bird nesting boxes should be added.

Subject to the securing of a European Protected Species Licence and suitable biodiversity mitigation and enhancement measures, the proposed development complies with the requirements of Policy EN 9.

8. Environmental considerations (Policy EN 13)

It would appear that matters of contamination in relation to the existing barn were addressed under the previously approved application ref: PF/19/0895. As such, it is not envisaged that there would be any further environmental concerns under Policy EN 13, subject to satisfactorily foul sewage disposal and surface water disposal arrangements being incorporated into the development. This includes the provision of a package treatment plant, the use of a water harvesting tanks and permeable surfaces. It is further noted that rainwater could also be diverted to the newly created pond. No concerns have been raised by the Environmental Protection Officer regarding any contamination with the site area. On this basis, the proposed development complies with the requirements of Policy EN 13.

9. Conclusion

To conclude, the proposed classical dwelling seeks to comply with the requirements of NPPF Paragraph 79e) in being of an exceptional quality in that it:

- Is truly outstanding or innovative, reflecting the highest standards in architecture and would help to raise the standards of design more generally in rural area; and
- Would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

It is considered that the application successfully meets these key tests, proposing an unashamedly traditional design of a very high standard that draws upon, and is sensitive to, the local vernacular, yet incorporates an inherent uniqueness that will positively set it apart from other traditionally designed dwellings and avoids the risk of unacceptable precedent in future. Coupled with this, the landscaping offered seeks to embed the property within the context of the existing landscape through a thoughtful combination of hedgerow/woodland/pond restoration and enhancement along with further new planting to create new wildflower meadows, a parkland setting and further significant woodland plantations, all of which will also provide ecological enhancements. The result is a development that would significantly enhance its immediate setting. The recommendation is therefore one of approval in meeting the required tests of NPPF Paragraph 79e) and thereby justifying a departure from adopted local planning policy SS2.

RECOMMENDATION:

It is recommended that the application be APPROVED subject to conditions relating to the matters listed below and any others considered necessary by the Head of Planning:

- Time limit for commencement (3 years)
- Constructed in accordance with the approved plans/documents
- Materials (in accordance with the submitted/samples submitted if required)
- Materials (further details/samples of roof tiles)
- Landscape Management Plan
- Ecological Design Strategy/Management Plan
- EPS Licence
- Arboricultural Method Statement
- Replacement of new trees
- Vehicular access/visibility improvement
- Parking/turning areas
- Lighting Design Strategy
- Details of any additional lighting
- Removal of PD rights - boundary treatments/outbuildings

Final wording of conditions to be delegated to the Head of Planning.

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APPEALS SECTION

(a) NEW APPEALS

CLEY-NEXT-THE-SEA - PF/19/1893 - Installation of 3no. Pay and Display Machines (2no. in the visitor centre car park and 1no. at the Cley Beach Road car park); Cley Marshes Visitor Centre & Cley Beach Road Car Park, Coast Road, Cley-next-the-Sea, Holt, NR25 7SA for Mr Morritt
WRITTEN REPRESENTATIONS

ERPINGHAM - PO/20/0100 - Outline planning application for eight (8no.) open-market dwellings (2no. 2-bed, 4no. 3-bed and 2no. 4-bed) and garages, and footpath to School Road, with all matters reserved except for highway / vehicular access.; Land to the south of, Eagle Road, Erpingham for Mr Alston
WRITTEN REPRESENTATIONS

HOLT - PO/18/1857 - Outline planning application for the erection of up to 110 dwellings with associated infrastructure to service 2 hectares of land potentially for a new Two Form Entry (2FE) primary school, public open space, landscaping and sustainable drainage system (SuDS) with main vehicular access point from Beresford Road and secondary pedestrian, cycle and emergency access from Lodge Close. All matters reserved except for means of access; Land off Beresford Road, Holt for Gladman Developments Ltd
PUBLIC INQUIRY (re-started due to change in procedure)

RUNTON - ENF/20/0058 - Erection of a rear extension; The Thatched Cottage, The Hurn, West Runton, Cromer, NR27 9QS

(b) INQUIRIES AND HEARINGS – PROGRESS

FIELD DALLING - PO/19/1249 - Proposed agricultural dwelling (Outline planning permission with all matters reserved); Strawberry Farm, Langham Road, Field Dalling, Holt, NR25 7LG for Sharrington Strawberries
INFORMAL HEARING

CLEY-NEXT-THE-SEA - ENF/18/0164 - Alleged further amendments to an unlawful dwelling; Arcady, Holt Road, Cley-next-the-Sea, Holt, NR25 7TU
INFORMAL HEARING

HIGH KELLING - ENF/16/0131 - Alleged Unauthorised Development and Recreational Activity; Holt Woodland Archery, Cromer Road, High Kelling
INFORMAL HEARING

(c) WRITTEN REPRESENTATIONS APPEALS - IN HAND

DILHAM - PF/19/1565 - Erection of a two storey rear extension; 2 Ivy Farm, Honing Road, Dilham, North Walsham, NR28 9PN for Mr Paterson

GIMINGHAM - PF/19/0870 - Two storey detached dwelling; Land adj to 1 Harvey Estate, Gimingham, Norwich, NR11 8HA for Mr Mayes

HINDOLVESTON - PO/19/1751 - Erection of 2 no. dwellings with access (Outline application with all matters reserved other than access); Land off The Street,

Hindolveston, NR20 5AW for Mr Macann

SWANTON NOVERS - PF/19/1366 - Demolition of outbuilding and creation of vehicular access and conversion of barn to residential dwelling; Barn at rear of Dennisby House, The Street, Swanton Novers for Mr & Mrs Barnes

TRIMINGHAM - PF/18/2051 - Installation of 56 static holiday lodge bases, with associated access, services, veranda, car parking spaces and landscaping; Woodland Holiday Park, Cromer Road, Trimingham, Norwich, NR11 8QJ for Woodland Holiday Park

WIVETON - PF/19/0856 - Retention of an electronic communications base station without removing the existing 12.5m high monopole mast and attached transmission dish (as required by condition 5 of prior approval ref. no. PA/17/0681); Telephone Exchange, Hall Lane, Wiveton for Arqiva Limited

ITTERINGHAM - ENF/17/0006 - Annex which has permission for holiday let is being used for full residential purposes.; The Muster, Land adjoining Robin Farm, The Street, Itteringham, Norwich, NR11 7AX

ITTERINGHAM – CL/19/0756 - Lawful Development Certificate for an Existing Use of single storey building known as the Muster (known formerly as The Gardeners Shed) as a Class C3 dwellinghouse.; The Muster, Land adjoining Robin Farm, The Street, Itteringham, Norwich, NR11 7AX

NORTH WALSHAM - ENF/18/0339 - Material change of use of the land for stationing of containers and jet washing of coaches, and a breach of condition as coaches are stored and manoeuvred outside the area details in the planning permission 02/0013; Bluebird Container Storage, Laundry Loke, North Walsham, NR28 0BD

RUNTON - ENF/20/0058 - Erection of a rear extension; The Thatched Cottage, The Hurn, West Runton, Cromer, NR27 9QS

WIVETON - ENF/18/0061 - Works not in accordance of permission - Telecommunications monopole not removed; Telephone Exchange, Hall Lane, Wiveton

(d) **APPEAL DECISIONS**

**ALDBOROUGH - PF/19/1130 - Raising height of garage roof to create storage space; 44 Margaret Lilly Way, Aldborough, Norwich, NR11 7PA for Mr Pegg
APPEAL DECISION:- APPEAL DISMISSED**

**BLAKENEY - ADV/19/1297 - Erection and display of 1 x illuminated fascia sign and 1 x illuminated hanging sign; 5A The Granary, High Street, Blakeney, Holt, NR25 7AL for The Blakeney Cottage Company
APPEAL DECISION:- APPEAL DISMISSED**

**BRISTON - PO/19/1400 - Erection of detached dwelling & garage (Outline with all matters reserved); Land east of Reephram Road, Briston, NR24 2LJ for Messrs Berwick
APPEAL DECISION:- APPEAL DISMISSED**

**HAPPISBURGH – CL/18/1570 - Certificate of Lawfulness for use of land as garden land for Aspen House; Aspen House, The Common, Happisburgh, Norwich, NR12 0RT for Mr Lennox
APPEAL WITHDRAWN**

**HIGH KELLING - PO/18/2221 - Erection of two detached dwellings following demolition of existing dwelling and outbuildings with new access to Pineheath Road to serve plot 2 (outline - details of access only); Glyntor, 5 Avenue Road, High Kelling, Holt, NR25 6RD for Mr Whitlock
APPEAL DECISION:- APPEAL DISMISSED**

**HIGH KELLING - PF/19/0861 - Removal of condition 2 (restricting use of garden room to ancillary accommodation in association with the main dwelling) of planning permission PF/13/0312 to allow use of garden room for bed and breakfast accommodation; Blackwater House, Vale Road, High Kelling, Holt, NR25 6RA for Ms Carratu
APPEAL DECISION:- APPEAL DISMISSED**

**HOLT - PM/19/0981 - Erection of 66 bed, 3 storey care home for older people (Use Class C2) with associated parking, access and landscaping (reserved matters for: access, appearance, layout and scale) pursuant to outline permission PO/16/0253; Land off Nightjar Road, Holt, Norfolk for LNT Care Developments
APPEAL DECISION:- APPEAL DISMISSED (summary attached at Appendix 1)**

**SHERINGHAM - PF/19/0426 - Erection of detached single dwelling, creation of new vehicular access and associated works; Land North of East Court 2, Abbey Road, Sheringham for GSM Investments Ltd
APPEAL DECISION:- APPEAL DISMISSED**

**WALCOTT – CL/19/0211 - Certificate of lawfulness for existing use of land for stationing of caravans for residential use; Land to rear Lighthouse Inn, Coast Road, Walcott, Norfolk, NR12 0PE for Mr S Bullimore
APPEAL DECISION:- APPEAL DISMISSED**

(e) **COURT CASES - PROGRESS AND RESULTS**

No change since previous report.

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Application Number: PM/19/0981	Appeal Reference: APP/Y2620/W/20/3244606
Location: Land off Nightjar Road, Heath Farm, Hempstead Road, Holt NR25 6JU	
Proposal: Erection of 66 bed, 3 storey care home for older people (Use Class C2) with associated parking, access and landscaping (reserved matters for: access, appearance, layout and scale).	
Officer Recommendation: Refusal	Member decision (if applicable) Refusal
Appeal Decision: DISMISSED	Costs: None Made / awarded
<p>Summary: The Inspector considered that the main issues in this appeal were:</p> <ul style="list-style-type: none"> • the effect of the proposed care home on the character and appearance of the surrounding area, and • whether the proposed development would provide acceptable living conditions for future occupiers, with regard to the provision of amenity space. <p>Character and Appearance</p> <p>The Inspector noted that the appeal site occupied a gateway location in the wider Heath Farm development at a prominent location adjacent to the roundabout on the A148 Holt bypass. The Inspector noted that the proposal would comprise an extensive single building, occupying almost the full width of the site as it faces onto the prominent frontage with the A148 and roundabout. Whilst recognising some attempts made by the appellant to provide some articulation and variety to the proposed building, the Inspector nonetheless concluded that the design approach, would not sufficiently reduce the impact of the overall massing of the building across the site frontage. The inspector considered it would appear as a highly conspicuous bulky block of development, particularly in longer views from the west along the straight alignment of the A148 bypass road and went on to comment that ‘Given the semi-rural, transitional edge of town character, the appeal proposal would appear as a harmfully discordant and incongruously cumbersome urban form’.</p> <p>In terms of how the building would sit with the residential development on the other side of Nightjar Road, the Inspector concluded that the appeal proposal building, exacerbated by its peripheral, gateway location, would be a somewhat ungainly building that would fail to relate sympathetically to the local context.</p> <p>The Inspector went further setting out that the Heath farm site is a ‘gateway location and the appeal site has a particularly high profile where development needs to successfully create a new edge to the town including onto the green corridor character of the A148 bypass. The scale and massing of the appeal proposal as a particularly bulky and solid form of development would fail to do that and would appear as a harmfully abrupt and overbearing entrance development’.</p> <p>In terms of the development brief for the Heath Farm site and the need for a ‘highlight’ building on the appeal site, the Inspector commented that ‘To my mind “highlight” means an emphasis on design quality as a comprehensive concept, not just scale. A larger building may well form the focal point as sought by the brief, however, the design proposed would result in a dominant yet undistinguished building that would appear harmfully ponderous. It would not create an attractive, welcoming and distinctive place that would be sympathetic to local character. It would not be, therefore, compliant with the wider requirement for a ‘highlight’ building as sought by the development brief’.</p> <p>Although landscaping was not a reserved matter for determination as part of the appeal, the Inspector went out of his way to note that he had ‘reservations that there would be sufficient room to accommodate a necessarily comprehensive structural landscaping scheme at reserved matters. Furthermore, even allowing for a reasonable period of time, I am not persuaded that landscaping would sufficiently mitigate the visual impact of the vast massing of the building to</p>	

assist maintain the principal green corridor character of the A148 and transition to adjoining countryside’.

In terms of character and appearance, the Inspector concluded the proposal was contrary to Core Strategy Policies EN 2, EN 4 and HO 1 and in conflict with NPPF para 127 in relation to design.

Living Conditions

The Inspector noted that as a C2 care home use for both general residents and those needing dementia care, it seems reasonable to assume there would be a proportion of residents who would be able to readily benefit from enjoyment of the garden areas for their well-being. Additionally, in summer months, the garden areas would be likely to be used as spaces for residents to receive visits from family and friends. With significant staff numbers it is also reasonable to assume that staff too would benefit from amenity space for breaks.

The Inspector remarked that the issues of quantity and quality of amenity space are inherently linked and whilst accepting that a reasonable amount of amenity space for relaxation and well-being would be provided he noted that the two secure landscape gardens facing towards the A148 and the Nightjar Road roundabout would be particularly exposed to traffic noise and emissions, particularly in the busier summer months when residents and visitors are more likely to want to use outdoor amenity space. The Inspector noted that any comprehensive landscaping to the front of the building would result in these areas becoming particularly shady and gloomy. The Inspector found that these two front areas would not provide appropriate, quality amenity space for future occupants. The Inspector considered that areas to the rear of the building are wedged between the building and the car park. On their own they would not provide a sufficient quantity of amenity space for the 66 residents, visitors and staff.

The Inspector agreed with the Council’s description that future occupants would be “vulnerable” in the sense they could not readily access alternative amenity spaces elsewhere in Holt. Consequently, they would be reliant on the on-site provision such that there would be significant social harm to well-being arising from the identified deficiencies in the quantity and quality of amenity space proposed. The Inspector concluded that the proposal would not provide acceptable living conditions for future occupiers, with regard to the provision of amenity space, contrary to Policy EN 4 which requires all development proposals to secure a high quality of design. The Inspector found Core Strategy Policy EN 4 to be consistent with NPPF para 127 on design.

Other Matters

In terms of light spillage from the proposed development, the Inspector was not persuaded that the proposal would generate harmful light pollution and that any external lighting could be managed through an appropriate planning condition.

The Inspector remarked that, whilst the location of the Care Home would not accord with the illustrative masterplan for the site, he did not consider this conflict, in terms of land-use, to be significant given the lack of commercial land take-up at the Heath Farm site. Indeed, the Inspector considered that the appeal proposal may well stimulate other commercial interest in the Heath Farm site.

Relevant Core Strategy Policies: EN 2, EN 4 HO 1

Relevant NPPF Sections/Paragraphs: Section 12 para 127

Learning Points/Actions: Whilst Officers and Committee Members will fully recognise that there is clearly an identifiable need to improve accommodation choices for older persons in this part of North Norfolk, including those needing care for conditions such as dementia, this appeal decision brings home the need to ensure that proposed accommodation for vulnerable people in our communities is proposed to a high standard not only in terms of matters of appearance and scale but through ensuring a layout which enables the provision of sufficient quantity and quality of amenity space so as to provide acceptable living conditions for future occupiers.

This decision should give further weight to empower officers and Committee to act in the wider public interest and to refuse schemes which are not of the standard required.

A full copy of the Inspector's decision can be found on the Council's public access pages.

Source:

Geoff Lyon – Major Projects Manager

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