

Development Committee



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TO REGISTER TO SPEAK PLEASE SEE BOX BELOW

Wednesday, 23 June 2021

A meeting of the **Development Committee** will be held in the **Council Chamber - Council Offices** on **Thursday, 1 July 2021 at 9.30 am.**

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

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

Public speaking:

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

Anyone may take photographs, film or audio-record the proceedings and report on the meeting. You must inform the Chairman if you wish to do so and must not disrupt the meeting. If you are a member of the public and you wish to speak, please be aware that you may be filmed or photographed.

Emma Denny
Democratic Services Manager

To: Mrs P Grove-Jones, Mr P Heinrich, Mr A Brown, Mr P Fisher, Mrs A Fitch-Tillett, Dr V Holliday, Mr R Kershaw, Mr N Lloyd, Mr G Mancini-Boyle, Mr N Pearce, Dr C Stockton, Mr A Varley, Ms L Withington and Mr A Yiasimi

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

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

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 meetings of the Committee held on 20 May and 3 June 2021.

4. ITEMS OF URGENT BUSINESS

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

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

5. ORDER OF BUSINESS

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

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

6. DECLARATIONS OF INTEREST

(Pages 1 - 2)

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

ITEMS FOR DECISION

PLANNING APPLICATIONS

7. BLAKENEY - PF/20/1347 - VARIATION OF CONDITION 5 (CARAVAN OCCUPANCY PERIOD RESTRICTIONS) OF PLANNING PERMISSION REF: PF/19/0768 (CHANGE OF USE OF LAND (PADDOCK) TO ENABLE THE RELOCATION OF AN EXISTING STATIC CARAVAN BUSINESS), TO PERMIT CARAVANS TO BE

(Pages 3 - 12)

OCCUPIED FROM 20 MARCH TO 02 JANUARY IN ANY ONE YEAR FOR HOLIDAY OCCUPATION AT GRIMES CARAVAN SITE, LANGHAM ROAD, BLAKENEY FOR MR BUNN

8. SUTTON - TPO 21/0001 (SUTTON) DRIFTWOOD, MOOR ROAD, SUTTON, NORFOLK, NR21 9QN (Pages 13 - 30)

To consider whether to confirm a Tree Preservation Order (TPO) to protect two Oak trees at the above site.

9. APPEALS SECTION (Pages 31 - 34)

- (a) New Appeals
- (b) Inquiries and Hearings – Progress
- (c) Written Representations Appeals – In Hand
- (d) Appeal Decisions
- (e) Court Cases – Progress and Results

10. ANY OTHER URGENT BUSINESS AT THE DISCRETION OF THE CHAIRMAN AND AS PREVIOUSLY DETERMINED UNDER ITEM 4 ABOVE

11. 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

12. ANY OTHER URGENT EXEMPT BUSINESS AT THE DISCRETION OF THE CHAIRMAN AND AS PREVIOUSLY DETERMINED UNDER ITEM 4 ABOVE

13. TO CONSIDER ANY EXEMPT MATTERS ARISING FROM CONSIDERATION OF THE PUBLIC BUSINESS OF THE AGENDA

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Declarations of Interest at Meetings

When declaring an interest at a meeting, Members are asked to indicate whether their interest in the matter is pecuniary, or if the matter relates to, or affects a pecuniary interest they have, or if it is another type of interest Members are required to identify the nature of the interest and the agenda item to which it relates. In the case of other interests, the member may speak and vote. If it is a pecuniary interest, the member must withdraw from the meeting when it is discussed. If it affects or relates to a pecuniary interest the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting.

Have you declared the interest in the register of interests as a pecuniary interest? If Yes, you will need to withdraw from the room when it is discussed.

Does the interest directly:

1. Affect yours, or your spouse / partner's financial position?
2. Relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner?
3. Relate to a contract you, or your spouse / partner have with the Council
4. Affect land you or your spouse / partner own
5. Affect a company that you or your partner own, or have a shareholding in

If the answer is "yes" to any of the above, it is likely to be pecuniary.

Please refer to the guidance given on declaring pecuniary interests in the register of interest forms. If you have a pecuniary interest, you will need to inform the meeting and then withdraw from the room when it is discussed. If it has not been previously declared, you will also need to notify the Monitoring Officer within 28 days.

Does the interest indirectly affect or relate to any pecuniary interest you have already declared, or an interest you have identified at 1-5 above?

If yes, you need to inform the meeting. When it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.

Is the interest not related to any of the above? If so, it is likely to be another interest. You will need to declare the interest, but may participate in discussion and voting on the item.

Have you made any statements or undertaken any actions that would indicate that you have a closed mind on a matter under discussion? If so, you may be predetermined on the issue; you will need to inform the meeting and when it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.

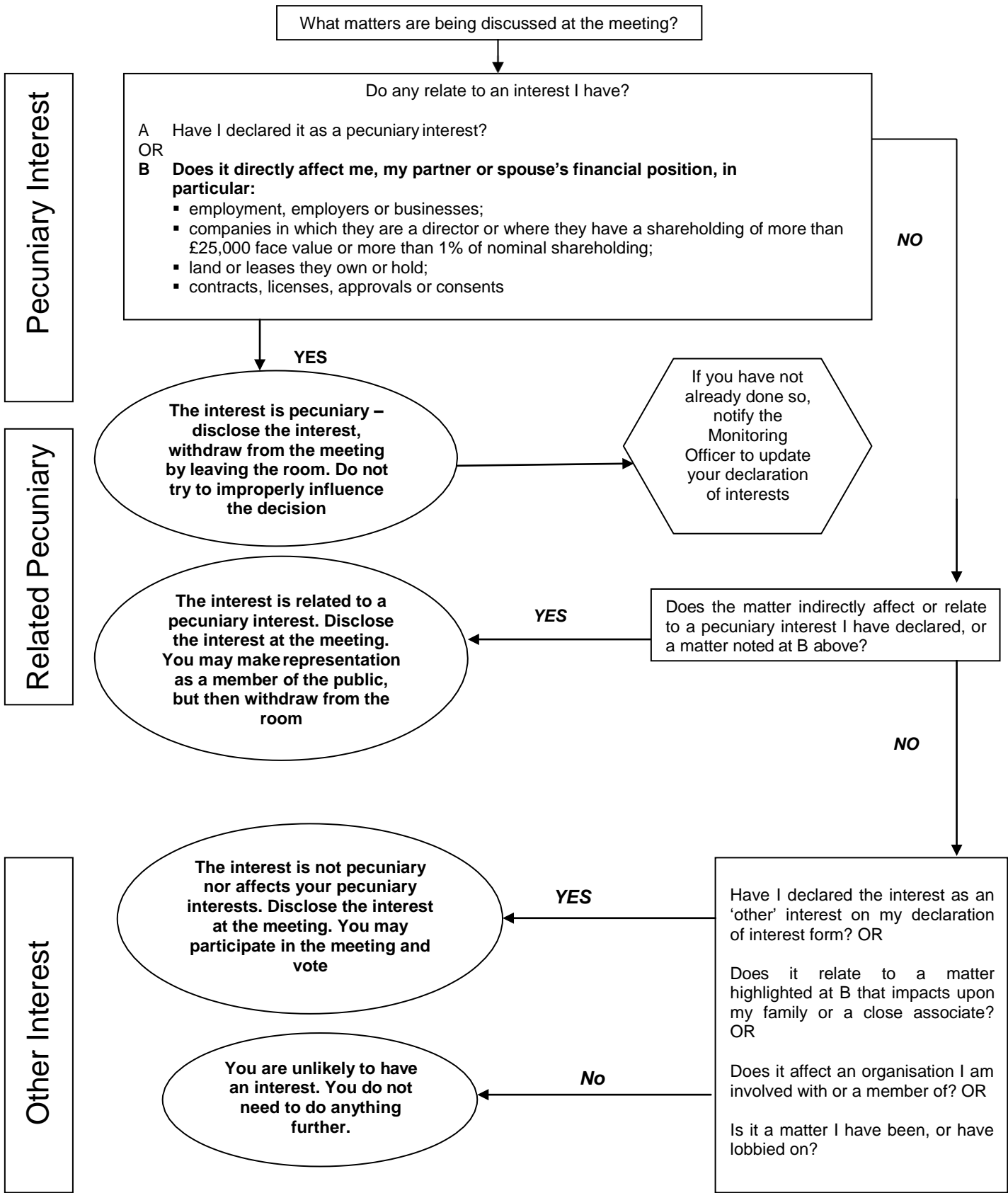
FOR GUIDANCE REFER TO THE FLOWCHART OVERLEAF

PLEASE REFER ANY QUERIES TO THE MONITORING OFFICER IN THE FIRST INSTANCE

DEVELOPMENT COMMITTEE MEMBERS SHOULD ALSO REFER TO THE PLANNING PROTOCOL

Declarations of Interest at Meetings

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



BLAKENEY – PF/20/1347 - Variation of condition 5 (Caravan occupancy period restrictions) of planning permission ref: PF/19/0768 (Change of use of land (paddock) to enable the relocation of an existing static caravan business), to permit caravans to be occupied from 20 March to 02 January in any one year for holiday occupation at Grimes Caravan Site, Langham Road, Blakeney for Mr Bunn.

Minor Development

- Target Date: 07 July 2021

Case Officer: Miss J Smith

Full Planning Permission

RELEVANT CONSTRAINTS

- LDF Tourism Asset Zone
- Landscape Character Area
- EA Risk of Flooding from Surface Water 1 in 100
- Area of Outstanding Natural Beauty
- Countryside
- Undeveloped Coast
- B Road

RELEVANT PLANNING HISTORY

PF/19/0768 PF

Caravan Site, Galley Hill House, Langham Road, Blakeney, Holt, NR25 7PR

Change of use of land (paddock) to enable the relocation of an existing static caravan business

Approved 26/09/2019

PF/19/1908 HOU

Galley Hill House, Langham Road, Blakeney, Holt, NR25 7PR

New access point onto Langham Road, Blakeney to serve land to the South of Galley Hill House

Withdrawn - Invalid 06/11/2019

PF/19/1992 PF

Galley Hill House, Langham Road, Blakeney, Holt, NR25 7PR

Formation of new access to Langham Road to serve relocated caravans approved under planning permission ref. no. PF/19/0768

Withdrawn by Applicant 29/01/2020

CL/20/0292 CL

Caravan Site, Galley Hill House, Langham Road, Blakeney, Holt, NR25 7PR

Certificate of Lawfulness for Existing Use of the site for the stationing of 6 no. static caravans

Was Not Lawful 10/04/2020

PF/20/0293 PF

Grimes Caravan Site, Langham Road, Blakeney, Holt, NR25 7PR

Variation of condition 3 of planning permission PF/19/0768 to remove the restriction that 2no. of the 6 no. caravans should be touring caravans

Refused 09/04/2020

Appeal Allowed 02.12.2020

CDA/19/0768 CD

Caravan Site, Galley Hill House, Langham Road, Blakeney, Holt, NR25 7PR

Discharge of Condition 7 (Landscaping) and Condition 8 (Lighting) for Planning Permission PF 19 0768

Condition Discharge Reply 20/08/2020

THE APPLICATION

Proposes to vary of Condition 5 (Caravan occupancy period restrictions) of planning permission ref: PF/19/0768 for the change of use of land (paddock) to enable the relocation of an existing static caravan business).

Condition 5 states:

No static or touring caravan placed on site shall be occupied outside the period of 20 March to 31 October in any one year.

Reason:

In order to ensure that caravans are restricted to holiday use only and not used as permanent residential accommodation in accordance with Policies SS 2, EC 9 and EC 10 of the adopted North Norfolk Core Strategy

The proposal as amended seeks to allow the caravans to be occupied between 20 March to 02 January in any one year for holiday occupation. This would allow for an additional 8 weeks of opening, such that, the site would remain closed for 11 weeks of the year between 2 January and 20 March.

As originally submitted all year occupation of the caravans was sought.

REASONS FOR REFERRAL TO COMMITTEE

At the request of Cllr Holliday due to the impact on the AONB and its dark skies (Policies EN 1, EN 2, NPPF para. 172 and Policy EC9) and the precedent which would be set for nearby caravan and camp sites.

PARISH/TOWN COUNCIL

Blakeney Parish Council (application as first submitted): Object - other caravan sites in the village, i.e. Friary Farm and Galley Hill for example are not permitted to have site occupancy out of season. The application is of no benefit to the AONB and detrimental to the protection and conservation of the setting as per EN 1 & EN 2 of the adopted Core Strategy.

Blakeney Parish Council (amended proposals) Object for the same reasons as stated previously. In addition, the PC consider that the potential additional income which this application may bring to the village as mentioned in the application, does not outweigh their concerns, i.e. it is not of significant value. Whilst landscape screening of this site is important, the intensification of this site is not appropriate and to allow this application would set a precedent that the PC not wish to see.

REPRESENTATIONS

One letter of objection to the amended proposal on the following grounds:

- Excessive lighting design submitted in an earlier application (CDA/19/0768) which contained some 22 external lights with high output which were not fully shielded.
- Any scheme which was previously considered acceptable needs to be reviewed in the light of the proposed operation of the site in the winter months.
- Also other landscaping should be reviewed in the light of winter operation.
- Supportive of operating this sort of site on a year-round basis due to its important contribution to the local economy.
- With a revised lighting scheme and landscaping, this could be good.

CONSULTATIONS

Landscape Officer (application as first submitted): consider that the proposal will have an adverse impact on the defined special qualities of the Norfolk Coast AONB. Dark night skies are a stated feature of one of the defined special qualities of the Norfolk Coast AONB which is 'a sense of remoteness, tranquillity and wildness.' In this part of the Norfolk Coast AONB, this quality is particularly relevant to the sparsely populated landscape between the coastal settlements. Allowing year round use of this site will introduce light, noise and vehicle movements into this rural landscape during the quiet winter months which will not conserve or enhance the sense of remoteness, tranquillity and wildness, as required by para 172 of the NPPF. The Landscape Officer does not consider that these adverse effects can be effectively mitigated through additional landscape planting. This proposal represents intensification of the use of the site which is not appropriate in this sensitive location. Furthermore, approval of the application may set a precedent for further similar applications within the AONB.

Landscape Officer (amended proposal): One of the reasons for imposition of condition 5 was Core Strategy Policy EC9: "*Holiday and Seasonal Occupancy Conditions*", which states that "*A seasonal occupancy condition will be attached where the accommodation is not suitable for year round occupation by nature of its location, design or proximity to a habitat that needs extra protection at certain times of year*". The application site lies within the nationally designated landscape of the Norfolk Coast AONB. Dark night skies are a stated feature of one of the defined special qualities of the Norfolk Coast AONB, namely 'a sense of remoteness, tranquillity and wildness.' In this part of the AONB, this quality is particularly relevant to the sparsely populated landscape between the coastal settlements.

This amended proposal is seeking to allow an increase in use of the site during the months of November and December, which is the period of the year with the shortest daylight hours and extended periods of darkness. Whilst limited external lighting and landscape mitigation was negotiated under PF/19/0768 to minimise landscape and visual impact, the extended use period proposed still raises concerns with regard to potential adverse impacts on the defined special qualities of the AONB from noise, traffic and lighting during the quiet dark winter months in this rural landscape setting, which is particularly tranquil and undisturbed outside of the main tourist season and hosts overwintering migratory birds roosting and foraging on the surrounding arable fields. This is a sensitive habitat and protected landscape, the conservation and enhancement of which must be afforded '*great weight*' in the planning balance (para 172 of the NPPF).

Incremental increases in disturbance and activity such as that proposed in this otherwise undeveloped, open, rural part of the AONB designation will result in erosion of the defining characteristics of this protected landscape and therefore it is considered that this proposal would not be compliant with Core Strategy policies EN 1, EN 2, EC 9 or para 172 of the NPPF. The

condition as it stands is considered to be reasonable and allows for an acceptable period of operation within this sensitive location.

Norfolk Coast Partnership (amended proposal): Whilst no significant objection was raised to the original application (PF/19/0768) subject to conditions there is concern regarding a precedent being set by the granting of all year round use.

Even with seasonal occupancy there will still be some visual disturbance, movement and light pollution etc. in the locality. The Landscape Officer has mentioned the impact on dark skies, a special feature of the AONB designation and therefore this will not serve to 'conserve and enhance' the AONB in line with NPPF.

Recently, there have been many applications in the AONB to intensify existing caravan and camping sites by increasing size and extending to an all year round offer. NCP take the stance that this will gradually cumulatively erode the special qualities of the AONB and therefore would prefer to see a more limited provision in order to lessen visual impact to the landscape and visitor impact to wildlife.

County Council (Highway) No objection.

Environmental Health: No objections

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

National Planning Policy Framework (NPPF):

Section 2: Achieving sustainable development

Section 5: Delivering sufficient supply of homes

Section 6: Building a strong, competitive economy

Section 12: Achieving well designed places

Section 15: Conserving and enhancing the natural environment

Other material considerations

Ministerial Statement (14/07/2020) made by The Right Honourable Secretary of State for the Ministry of Housing, Communities and Local Government, Robert Jenrick.

Ministerial Statement (14/07/2020) made by Minister of State for Building Safety and Communities, Lord Greenhalgh

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

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

Policy EN 3: Undeveloped Coast

Policy EN 4: Design

Policy EN 13: Pollution and hazard prevention and minimisation

Policy EC 9: Holiday and seasonal occupancy conditions

Policy EC 10: Static and touring caravans and camping sites

Policy CT 5: The transport impact on new development

Policy CT 6: Parking Provision

APPRAISAL

Background

Section 73 of the Town and Country Planning Act 1990 provides that an application may be made for planning permission without complying with conditions applied to a previous permission. A local planning authority may decide whether to grant permission subject to different conditions (this can include imposing new conditions), remove the conditions altogether or refuse to alter conditions. In considering such an application however, a Local Planning Authority may only consider the question of the conditions and not revisit the principle of the development.

Therefore, only the acceptability of the proposal in the context of the reasons for the imposition of the conditions falls to be considered in the determination of the current application. However, in terms of decision making, a section 73 application should be treated just like any other application, with due regard paid to the Development Plan and other material considerations.

The application was originally submitted to vary Condition 5 to permit all year round use of the caravans for holiday occupancy. Officers raised concern with regards to the use of the site within the AONB on an all year round basis and its wider impacts on landscape and sustainability. It was considered that the site, which is currently devoid of light and other human activity during the winter months, would acquire a year-round domestic presence and would introduce a steady level of activity throughout the year such as lights, noise, and domestic activity and paraphilia which would have a significant adverse impact on the landscape and therefore conflict with policies seeking to protect the special qualities of the AONB.

Additionally, removal of the condition would effectively enable the caravans to be used as a second homes which could encourage the loss of holiday accommodation in the district and could lead to pressure for similar occupation conditions relating to other caravan parks within the North Norfolk district to be removed or varied which would be difficult to resist. It is considered this would potentially undermine the established tourist strategy and the contribution of caravan parks make to the local economy.

The planning application has subsequently been amended to vary the condition to permit caravans to be occupied from 20 March to 02 January in any one year for holiday occupation. In summary, this would allow for an additional 8 weeks when the caravans could be occupied, with the site remaining closed for 11 weeks during early January to late March.

In terms of operational development, there would be no physical change on site, with changes merely to the habitation period of the caravans. However, consideration must be given as to whether the change in habitation period proposed in this current application would result in any additional harm and conflict with Local and National policy.

Main Issues

Whether the proposed variation is acceptable in principle

Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. The NPPF makes clear that, for decision taking, this means approving development proposals that accord with an up to date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless;

- *application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or*
- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

The NPPF recognises that planning policies should not just support but 'enable' economic growth in rural areas, in order to create jobs and prosperity, by taking a positive approach to sustainable new development (paragraph 83 and 84). This includes support for sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. Such support includes supporting tourist and visitor facilities in appropriate locations.

In support of the application the applicant has referred to changes in modern holiday use which has established that historic closed season occupancy conditions are being replaced with less restrictive occupancy conditions, extended holiday seasons and planning conditions which, if appropriately worded, still limit the use of caravans which are a sufficient means of control. Additionally, there is an economic benefit from extending the tourist season.

To provide further clarification it is noted that there is little current formal guidance on holiday occupancy conditions, however the following provides a helpful basis in understanding how applications have been determined previously.

- Circular 11/95 The use of conditions in planning permissions (repealed) - indicated that in cases where holiday use would be acceptable, but permanent residential use would not, holiday occupancy conditions alone would be more appropriate unless there were exceptional reasons why the holiday occupancy should be more limited e.g. to certain months of the year (for instance where the character or design of the construction means that the structure is unsuitable for continuous occupation, particularly in the winter months).
- Good Practice Guide on Planning for Tourism (repealed) - states that the imposition of holiday occupancy conditions would be appropriate (a) in order to ensure that policies for the protection of the countryside are not compromised, (b) to avoid occupation by permanent households which would put undue pressure on local services or (c) to strengthen tourism in an area by ensuring that there is a wide range of properties available to tourists.

Although as noted, both sets of guidance have been repealed, they provide useful background in determining what would be considered 'reasonable' in approaching this type of case. Further to this, the Housing Secretary Robert Jenrick issued a written ministerial statement (dated 14.7.2020) outlining how councils should handle moves by holiday park operators to extend their working season. The statement advises that the operation of caravan and holiday parks in England beyond the usual summer season will be invaluable to parks as the sector begins to recover from the Covid 19 pandemic. The statement says that authorities should consider the benefits to the local economy of temporary relaxation to allow longer opening season times, as it recovers from the impact of Covid-19.

Ministerial statements such as this can be material considerations in the determination of planning applications, as they give an indication of the Government's future policy direction and are often given weight by Planning Inspectors on appeal.

The reason why condition 5 was attached to planning permission PF/ PF/19/0768 was to ensure that the caravans were not occupied as permanent residential properties but remained for holiday use only and also to ensure protection of the sensitive landscape, in accordance with Policy EC 9 of the adopted Core Strategy which states that '*A seasonal occupancy condition will be attached where the accommodation is not suitable for year round occupation by nature of its location, design or proximity to a habitat that needs extra protection at certain times of year*'.

Given the increasing trend for people to holiday away from home during what was traditionally the 'off-season', it is considered that there is scope for this proposal to allow further economic development of the area. Accordingly, it is considered the variation of the condition as proposed would not be contrary to the aims of the NPPF. The variation of the existing condition would still allow for a closed season of the site in the winter months for 11 weeks where appropriate planning conditions would be imposed to retain the seasonal occupancy of the site and ensure that the caravans remain for holiday purpose only.

On balance, subject to the imposition of appropriate planning conditions, the proposal as amended would be in line with current trends and the Government's objective of encouraging tourism and local planning policy. The proposed variation is not considered to be in conflict with Policies SS 1, SS 2 and EC 9 of the adopted Core Strategy.

The effect of the proposed variation on the landscape and the Norfolk Coast Area of Outstanding Natural Beauty (AONB)

The site is located within the AONB. Policy EN 1 seeks to ensure that the development does not detract from the special qualities of the AONB. The impact of the proposal in the landscape and the AONB is one of a number of concerns which have been raised within the objections and consultee responses received. The application does not propose any changes to the physical layout of the site or, in terms of any operational development. Therefore, the proposed change is solely to allow for an additional 8 weeks of occupation of the caravans over that already permitted.

The caravan site is well screened by the existing hedgerow and trees to the west of the site. The landscape impact was referred to in the recent appeal decision (APP/Y2620/W/20/32552/61) at the same site, in respect of the proposal to increase the number of static caravans from 4 to 6.as follows: The Planning Inspector stated:

“PF/19/0768 in effect extended the area of the existing caravan site to the south. The Council considered that the relocation of caravans from the north to the southern part of the site on a ‘like for like basis ‘6 with appropriate screening, layout and landscaping would not result in overdevelopment or have an adverse effect on the surrounding landscape. It would also improve the setting of the main house. From my own observations of the site and the surrounding area I agree with that assessment.

However, contrary to the Council’s position, I consider that the substitution of 2 touring caravans for 2 static caravans, resulting in the same total of 6 caravans, would make very little difference to the presence and visibility of development within the site and the wider landscape overall. While the 2 static caravans would be larger than the tourers, the 6 caravans together would still be capable of adequate mitigation in terms of existing tree screening and hedgerow boundary treatment. As such, the proposal would not result in any significant intensification or overdevelopment of the site, or have any discernible adverse effect on the character and appearance of the surrounding landscape. Consequently, there would also be no conflict with the statutory purpose of AONBs which is to conserve and enhance the natural beauty of the area. For these reasons there would be no conflict with the requirements of Policies EC 10, EN 1, and EN 2 of the North Norfolk Core Strategy (2008)”.

The sensitivity of the site’s location within the AONB and potential impacts have been considered along with the comments raised in consultation responses and the representation. It is however considered that the whilst the use of the site for an additional 8 weeks for up to 6 caravans would result in increased activity in the winter months of November and December, this would not result in an adverse impact to a degree that would warrant a recommendation of refusal on landscape grounds alone.

Contrary to the representation received, application (CDA/19/0768) permitted 11 lights (not 22) which have a maximum 15w output which the Landscape Officer considered was acceptable for this rural location. Additionally, a landscaping scheme has been agreed, that, amongst other enhancements, retains the western hedgerow at a height of 2-3 metres and plants a mixed native hedge to the south west boundary and again was considered acceptable by the Landscape Officer. It is considered that these matters are important to the mitigation of the development and to prevent adverse impact occurring. However, the lighting scheme could be reviewed in order to consider a more hooded unit that directs the light downwards and consider movement sensors – so that the lighting is not on when not required. A condition is recommended to secure this

It is considered that subject to a new lighting scheme and the landscaping scheme already agreed, on balance, the special qualities and character of the AONB would not be unduly harmed by the additional 8 weeks of occupation of the caravans. The proposal is therefore considered to be acceptable in terms of Policies EN 1 and EN 2 of the adopted Core Strategy and Section 15 of the NPPF.

The effect of the proposed variation on Amenity

Given the distance of the site to the nearest dwelling, it is not considered the variation to the occupancy would give rise to significant increase in noise and disturbance that would otherwise be harmful to the amenity of its occupier. The proposed variation would therefore comply with Policies EN 4 of the adopted Core Strategy and Section 12 of the NPPF.

The effect of the proposed variation on highway safety

The Highway Authority have no objection and consider that the proposed changes to the habitation period of the caravan site would not have an adverse impact on the safety of users of the highway or on the highway network. The proposal therefore remains compliant with Policies CT 5 and CT 6 of the Core Strategy and the principles of the NPPF.

Conclusion and planning balance

It is considered that the benefits from the scheme would relate to economic benefit of an additional period of holiday accommodation at the site and enhancing the visitor economy especially with the recovery from the Covid 19 pandemic. With regard to the potential harm arising from the proposal, whilst it is acknowledged that there would be some impacts on the landscape due to the increased use in winter months, subject to the continued seasonal condition imposed including holiday occupancy restrictions and a new lighting scheme, the special qualities of the AONB would not be unduly harmed by the proposal for an additional 8 weeks opening for 6 caravans. On balance, the scheme is recommended for approval on this basis.

RECOMMENDATION - APPROVAL

Approve subject to conditions relating to the following:

1. In accordance with approved plans (approved through PF/19/0768)
2. The maximum number of caravans on site shall not exceed 6 in total (allowed at Appeal APP/Y2620/W/20/32552/61)
3. Any static or touring caravan placed on site shall be used for holiday accommodation purposes only and for no other purpose.
4. No static or touring caravan placed on site shall be occupied outside the period of 20 March to 02 January in any one year.
5. Prior to the siting of any static caravan on site, full details of the design and external appearance of the caravan shall be submitted to and approved in writing by the Local Planning Authority. The caravans shall then be sited in accordance with the approved details.
6. Landscaping Plan (already approved through PF/19/0768)
7. There shall be no external lighting within the site other than in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.
8. Prior to the first occupation of the development hereby permitted the proposed on-site car parking, servicing, loading, unloading, turning, and waiting area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
9. The existing hedgerow along the north western boundary of the site adjacent to Langham Road shall be retained and maintained, at a minimum height of 2 metres from ground level, for a period of not less than ten years from the date of this permission. Should the hedge die, or become seriously damaged or defective, a replacement hedge or other means of enclosure shall be provided in accordance with details and timescales which shall be submitted to and approved in writing by the Local Planning Authority.
10. Within 3 months of the first occupation of the proposed caravan site hereby permitted, the existing caravan site shall cease operation and all associated apparatus, structures, fences and hard surfaces shall be permanently removed from the land.

APPROVAL:

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.

STANDING DUTIES

Due regard has been given to the following duties:

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)

DEVELOPMENT COMMITTEE
PUBLIC BUSINESS – ITEM FOR DECISION

**SUTTON – TPO 21/0001 (Sutton) Driftwood, Moor Road, Sutton, Norfolk,
NR21 9QN**

To consider whether to confirm a Tree Preservation Order (TPO) to protect two Oak trees at the above site.

Background

The two Oak trees are in the rear garden of Driftwood.

The Council received a complaint from the owner of Driftwood regarding a neighbour wanting to cut down the tree. The Officer visited the site and considered serving a TPO to protect amenity as both the trees contributed to the tree scape of the area. Before the TPO was served a large branch on the neighbour's side was removed. This work did not meet the standards for tree pruning work set out in BS 3998 Works to Trees.

A map and photographs are attached (**Appendix A**)

Representations

Objections to the Order:-

Two letters of objection to the Order has been received. (**Appendix B**)

One letter of support. (**Appendix B**)

All representations can be read in full in the appendix, the main objections are:

1. The tree cannot be seen from a public place and therefore cannot hold amenity.
2. The tree causes shading.
3. The tree causes debris from leaves and pigeon mess.
4. The tree has been badly maintained in the past.
5. The ownership of the tree is disputed.

Appraisal

In response to the objections the following comments are made:

The tree is visible from the road and contributes to the treed landscape of the street scene. Amenity is not defined in the act and has now been accepted to be more than just visual. Climate change has raised awareness of the importance of trees and the “hidden” benefits they bring to communities such as carbon sequestration and biodiversity.

Shade is a major consideration for anyone who buys a property adjacent to a large tree. Any purchaser should be aware that they may not be able to remove established trees to provide more light.

Leaves and debris such as seeds from trees and pigeon mess is considered a management issue and not grounds to revoke a TPO. Leaves and debris are a natural feature and a Judge has ruled that they can be managed through appropriate maintenance.

The TPO will ensure that all future works will be appropriate and meet the standards set out in BS 3998.

The TPO does not consider ownership as land boundaries and ownership changes. The requirement is that any TPO trees can be identified from the description and map.

Human Rights Implications

It is considered that the serving of the Order may raise issues relevant to Article 8: The right to respect for private and family life, and 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, it is anticipated that the confirmation of this Order would be proportionate, justified and in accordance with planning law

Main Issues for Consideration

1. Whether or not the Order was served correctly in accordance with the relevant legislation and the Council’s adopted policy.

Officers are satisfied that the proper procedures were followed when serving the Order.

2. Whether or not the Order has been served on trees of sufficient amenity value to warrant a Preservation Order.

Officers consider that the tree makes a significant contribution to the quality of the local environment and its enjoyment by the wider public and that therefore has high amenity value.

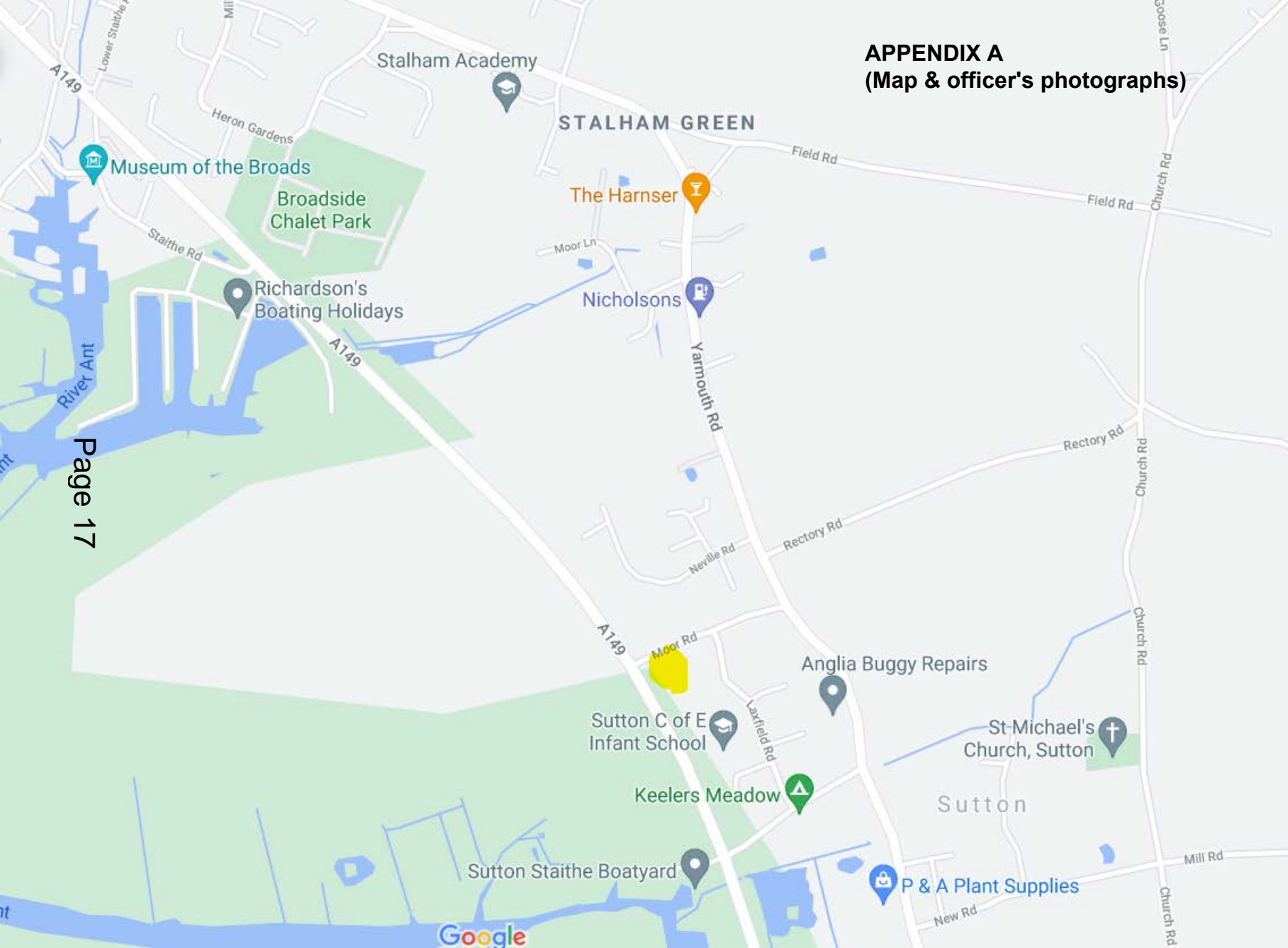
Recommendation:-

That the Order be confirmed.

**Simon Case (Landscape Officer)
Ext. 6142**

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**APPENDIX A
(Map & officer's photographs)**







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From: [Chris](#)
To: [Planning Department](#)
Subject: TPO/21/0001 Tree ref T1 - FORWARDED TO SIMON CASE - RJ
Date: 12 January 2021 20:56:27

Sir

Please accept this as formal objection to the above TPO.

Firstly I would question the location of the tree in question. We have lived here for over 40 years and have spoken many times with the previous owner of Driftwood, and have always been in total agreement with Mr Wood that the hedge between the properties, and any trees growing therein, form a shared boundary. We have always been happy to maintain the hedge between our properties, on that understanding. The tree in question grows much closer to the boundary than your drawing suggests, and I know that this boundary is currently in dispute, and it may well prove that T1 is actually on land belonging to 8 Laxfield Road.

According to Andrews Arboriculture who did some work on the tree in December, the tree has been badly maintained in the past, with the result that it is significantly weakened on the side overhanging Driftwood. The tree causes significant upset and inconvenience, blocking out sunlight for much of the day, and leaving us constantly digging up oak saplings rooted from dropped acorns. Fallen leaves are a constant chore during the autumn. There is an area of our garden that we have been unable to tame because of this tree.

As I understand it, a TPO should be used to protect a tree or trees that bring significant amenity benefit to the local area. This is quite blatantly not the case here. The tree is surrounded by private gardens and is all but invisible to the general public.

It is my opinion that a TPO on this tree is totally inappropriate, and quite possibly an abuse of power. In preventing any and all proper maintenance you would cause significant disadvantage to those of us who live in its shadow.

Yours faithfully
CJ Wright



Sent from my iPad

Dear Simon

Thank you for providing the documentation in relation to the proposed Tree Preservation Order ("TPO") for 2 Oak Trees on what you have stated as being located on Driftwood, Moor Road. Could we first start by advising the Oak Tree marked TPO1 on the plan provided by you, is actually situated on a shared boundary and not wholly within Driftwood. It is also within the boundary to our property, 8 Laxfield Road. Attached is a copy of the Conveyance plan to Driftwood from which it clearly states the middle of the hedge / tree is where the boundary lies.

We would like to object to the TPO on the following basis:

1. It is our understanding that the purpose of a TPO is to protect trees of amenity value to local communities (including those under threat from new developers). The tree marked TPO1, cannot be seen from any public place and therefore surely this cannot hold any amenity value. This surely puts the tree outside of the scope of a TPO.
2. The tree marked TPO1, causes nuisance and financial loss of use to our property. The overhang from the tree causes an extreme amount of loss of leaves which is causing damage to our fences, lawn and property. We re-turfed our lawn approximately 5 years ago and due to the amount of loss of leaves and lack of light, this is now ruined. The fence was repainted in April 2020 and already requires attention. Our children's play equipment and trampoline are constantly covered in leaves and pigeon excrement due to the amount of pigeons nesting in the tree.
3. Our property has no sunlight from lunchtime onwards as a result of the height of the tree.
4. We are unable to grow any vegetables / flowers within our garden due to the lack of light which our children are extremely upset about.
5. The tree is of no benefit to us but affects the way we can use our garden. We, as a family, are not able to enjoy the part of our garden that is damaged by the tree which is a fairly significant area.

We would also like to advise that we have recently engaged the services of a tree surgeon to cut back the overhang of the tree (please note this was prior to us receiving notice of the TPO.) We have been advised that the tree has been so badly maintained and cut by the owners of Driftwood, that the new growth on the tree will now not form correctly and will peel back from the joint causing the branches to grow without any strength. There is quite possibly a potential danger of falling branches. You will appreciate that this is a huge concern as we have two young daughters. It surely cannot be the case that the children are unable to use that part of the garden because of a protected ("dangerous") tree?

I attach photographs to evidence this all and am happy to talk this through further should you wish to visit our property to see the damage the tree is causing yourself.

I look forward to hearing from you.

Kind regards

Amanda and Alastair Nudd [REDACTED]



Photographs referred to in Mr & Mrs Nudd's objection:

1. Fence only repainted in April 20
2. Leaves
3. More leaves
4. Play area
5. Trampoline



Ms Claire Middleton (Woods)
Driftwood
Moor Road
Sutton
Norwich
NR12 9QN
28th January 2021

Planning Department
North Norfolk District Council
Holt Road
Cromer

Ref: Supporting Letter for TPO/Sutton/21/0001, dated 5th January 2021

Dear Sirs,

I am writing in support of the tree preservation order which was issued on 5th January this year and which I very much hope will be made permanent. Please find below my supporting letter, a potted history and map of Driftwood, Moor Road, Sutton. I include details of the recent communications with the neighbour with dates of his actions to try to cut down the tree. Included with this letter are photos of the property, details of the plot, boundaries and tree line. Should you need any further information, please do not hesitate to contact me.

I wish to have a permanent TPO in order to protect the Oak tree (T1) growing on my property for the following reasons:

- It is a landmark tree in an old hedge line
- It is one of a small number of trees in the immediate area of this age still standing
- It is part of the village history and has been for over 60+ years
- It is beautiful to look at through all seasons of the year and provides visual amenity.
 - It is visible to over 30+ properties located in Moor Road, Laxfield Road and the Old Yarmouth Road. It also forms a green backdrop for people walking and driving around the village, and for children being taken to Sutton Primary school.
- It is part of a diverse insect, bird and wildlife ecosystem, these include Deer, Squirrels and Bats which have existed since I was a child living here and can still be seen today.
- It forms part of a wildlife corridor essential to provide habitats for many species
 - The Oak tree (T1) acts as a landmark, vantage point/lookout post for bird life in the surrounding area.
 - The hedge and oak trees are of high nature conservation value supporting diverse ecosystems of over 230+ insects (details from the Woodland Trust) birds and animals.
- It has health benefits to all by cleaning the air
- Surrounding neighbours object to this mature tree being removed
- I have been through a very traumatic family period with the loss of my father, and now feel unable to leave my father's property for fear that the neighbour will cut down or damage the Oak tree (T1) or the hedge line. A permanent TPO will ensure this cannot happen and reduce the anxiety and stress this is causing me. I do not want relations with the neighbour to deteriorate. [REDACTED]

I appeal to NNDC to professionally step in and put an end to this dispute with legislation.

Details of the history and location of TPO/ Sutton/21/0001.

Property Location: Driftwood, Moor Road Sutton, Norwich NR12 9QN.

Property owner: Mr P Woods - Retired Principal Architect at North Norfolk District Council. Mr Woods sadly passed away in November 2020 and the property has passed to me, his only daughter.

The field was originally owned by the Richardson family who lived in Moor Road. Mrs Richardson asked my father to split the field into 4 plots. See plot plan provided dated 1960/1961. Moor Road was undeveloped, originally a dead-end road, with the old railway line running past the end of the road. When the railway was shut, the line was turned into the new A149 with Moor Road having access onto the new road.

The boundary line adjoining the field was originally a Nursery owned by Mr F Grimes. The Nursery was sold around 1967/1968 and is now Laxfield Road. The housing plan and design within Laxfield Estate did not include large, mature or specimen trees, just low line bushes. Wildlife relied on surrounding trees (such as this one) and old hedge lines of Moor Road and the Old Yarmouth Road for substantial cover and viewing points. The google map below shows the location of these roads and the mature trees can be seen.

The original boundary bank/hedge line between Plot 1 and Laxfield Road was planted with a selection of hedging, fruit trees and non-deciduous trees. Additional hedging was planted by agreement and by both the nursery owner and my father, in order to build up the hedge line and designate the boundary between the nursery and Plot 1. The Oak tree (T1) was part of the already well-established hedge line growing in the plot when my father bought the land in 1961/62, (see the picture of end of the rear garden with oak trees from 1962/63 of similar size oak trees). The trees in the garden of Driftwood link up with those located at the end of the Sutton Primary school playing field, the school ponds, the verge and trees of the main A149 road, moorland around Sutton Staithe and Sutton broad.



Google view of the property showing its location and the hedge lines forming the boundary at the rear. Driftwood is the 4th property along Moor Rd, on the right-hand side after the junction with the A419. Trees adjoining hedge line include: Willow, Ash, Hazel, Beech and Cherry. Trees in the Garden include: Oak, Fir, Holly, Plumb, Cherry and Lilac. The hedging includes: Privet, Ivy, Holly and Laurel.

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APPEALS SECTION

(a) NEW APPEALS

HIGH KELLING – TW/20/0427 - To remove 2 pine trees as concerns over the safety and close proximity to the dwelling, replacement trees could be planted in the woodland Coach House At Voewood, Cromer Road, High Kelling, Holt NR25 6QS

For Mrs Sylvia Ackling
Fast Track

(b) INQUIRIES AND HEARINGS – IN PROGRESS

AYLMERTON – PF/20/0691 - Discontinuation of use of land for aggregate recycling and erection of a single self-build detached dwelling with garage, and ecological improvements.

**Highfield Aggregates And Recycling, Church Road, Aylmerton NR11 8PZ
For Mr Scott Wells**

~~INFORMAL HEARING – Date TBA~~ **Changed to WRITTEN REPRESENTATION**

BRISTON - PF/19/1567 - Change of use of land for the stationing of 9 no. caravans for residential use

**Land North Of Mill Road, Briston
For Mr David O'Connor**

INFORMAL HEARING – Date TBA

CLEY-NEXT-THE-SEA - ENF/18/0164 - Alleged further amendments to an unlawful dwelling

**Arcady, Holt Road, Cley-next-the-Sea, Holt, NR25 7TU
for Mr Adam Spiegel**

VIRTUAL INFORMAL HEARING 08 February 2021 – Deferred until after 31 March 2021 – upon determination of newly submitted planning application

RYBURGH - ENF/20/0231 – Replacement Roof

**19 Station Road, Great Ryburgh, Fakenham NR21 0DX
For Christopher Buxton and A E Simcock**

INFORMAL HEARING – no date as yet

(c) WRITTEN REPRESENTATIONS APPEALS - IN HAND

BLAKENEY – PF/20/0614 - Subdivision of single dwelling to form two dwellings including replacement white PVC doors and windows throughout and erection of a detached double garage/cartshed for each dwelling, and conversion of existing detached garage to habitable space for proposed 'Dwelling 2'.

**Galley Hill House, Langham Road, Blakeney, Holt NR25 7PR
For J Bunn Homes Ltd**

WRITTEN REPRESENTATION

CORPUSTY & SAXTHORPE - PU/20/0398 - Application to determine if prior approval is required for change of use of agricultural building to a dwellinghouse (Class C3) and for associated building operations

**Barn At Valley Farm, Wood Dalling Road, Corpusty, Norwich NR11 6QW
For Mr George Craig**

WRITTEN REPRESENTATION

CROMER – ADV/20/1701 - Upgrading of advertisement hoardings to digital display of static, internally illuminated advertisements (instead of posters)
Land at Station Road Junction, Norwich Road, Cromer
For Wildstone Group Limited
WRITTEN REPRESENTATION – CAS (Commercial Appeals Service)

HAPPISBURGH – PF/20/0778 – Single storey detached dwelling to rear of existing dwelling and alterations to vehicular access
Old Police House, North Walsham Road, Happisburgh NR12 0QU
For Mr & Mrs Mullins
WRITTEN REPRESENTATION

HICKLING – CDC/19/0400 – Discharge of Conditions 6 (Visibility Splay) and 7 (On-site Parking and Turning) of Planning Permission PF/19/0400
Former Andrews Garage Site, The Green, Hickling, Norwich NR12 0XR
For Mr George Hermann
WRITTEN REPRESENTATION

HIGH KELLING - ENF/16/0131 - Alleged Unauthorised Development and Recreational Activity
Holt Woodland Archery, Cromer Road, High Kelling
for Mr Jonathan Hancock
WRITTEN REPRESENTATION

MUNDESLEY – PF/20/1585 – Alterations to roof to form roof terrace with access via external stairs
1 Bramble Close, Mundesley, Norwich, NR11 8NF
For Mr Richard Wideman
WRITTEN REPRESENTATION – Householder Appeals Service (HAS)

NORTH WALSHAM – PP/20/0160 – Permission in principle for the demolition of the existing buildings on site and the erection of four dwellings with associated parking and gardens and an extension of 30mph speed limit
Land East of Bacton Road, North Walsham NR28
For Mr David Taylor – Cincomas Ltd
WRITTEN REPRESENTATION

NORTH WALSHAM – PO/20/1081 - Detached two storey dwelling - Outline application for access & layout (all other matters reserved)
52 Aylsham Road, North Walsham, NR28 0BL
For Mr John Smith
WRITTEN REPRESENTATION

SHERINGHAM – PF/20/1660 - Demolition of redundant A1 use building and replacement with 6 no. studio holiday lets
The Granary, Rear of 51 Station Road, Sheringham NR26 8RG
For Mr Jon Nash
WRITTEN REPRESENTATION

SMALLBURGH – PF/19/1834 - Demolition of farm buildings and redevelopment of agricultural land to provide 4 no. two-storey dwellings
Chapel Farm Barn, Norwich Road, Smallburgh NR12 9LU
For Mr George Watson
WRITTEN REPRESENTATION

SOUTHREPPS – PF/20/0932 - Change of use from dwelling (Class C3) to mixed use of dwelling house and skin health clinic
Church Farm, 20 Church Street, Southrepps NR11 8NP
For Mrs Olga Brennand
WRITTEN REPRESENTATION

STALHAM - PF/20/1073 - Single storey detached dwelling and garage
Land At Lucinda House, Moor Lane, The Green, Stalham, Norwich NR12 9QD
For Mrs Linda Fiske
WRITTEN REPRESENTATION

WEST RUNTON – ENF/20/0058 – Erection of a Rear Extension
The Thatched Cottage, The Hurn, West Runton, Cromer NR27 9QS
For Mr M Fisher
WRITTEN REPRESENTATION

(d) APPEAL DECISIONS - RESULTS AND SUMMARIES

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 20 October 2020
APPEAL ALLOWED

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 manouvered outside the area details in the planning permission 02/0013
Bluebird Container Storage, Laundry Loke, North Walsham, NR28 0BD
for Mr John Silk, Bluebird Commercial Properties Ltd
VIRTUAL PUBLIC INQUIRY 25 January 2021 – to be Re-Scheduled – Awaiting Dates
Subsequent Application PF/21/0581 has been Approved therefore ENF Notice being Withdrawn and Appeal to be Withdrawn

(e) COURT CASES

No change since previous report.

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