

# Development Committee



**Please contact:** Linda Yarham

**Please email:** [linda.yarham@north-norfolk.gov.uk](mailto:linda.yarham@north-norfolk.gov.uk) Direct Dial: 01263 516019

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

Wednesday, 12 May 2021

A meeting of the **Development Committee** will be held in the **Council Chamber - Council Offices** on **Thursday, 20 May 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:** If you wish to speak at this meeting, please email [DemocraticServices@north-norfolk.gov.uk](mailto:DemocraticServices@north-norfolk.gov.uk) by 5pm on the Tuesday before the meeting with a copy of your statement. If you wish to attend the meeting in person, please notify us as soon as possible so we can ensure that you are accommodated safely. Alternatively, the Chairman can read out your statement.

Anyone attending this meeting may take photographs, film or audio-record the proceedings and report on the meeting. Anyone wishing to do so should inform the Chairman. If you are a member of the public and you wish to speak on an item on the agenda, 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 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, 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 Toyé

All other Members of the Council for information.  
Members of the Management Team, appropriate Officers, Press and Public



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

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

**Chief Executive:** Steve Blatch  
**Tel** 01263 513811 **Fax** 01263 515042 **Minicom** 01263 516005  
**Email** [districtcouncil@north-norfolk.gov.uk](mailto:districtcouncil@north-norfolk.gov.uk) **Web site** [www.north-norfolk.gov.uk](http://www.north-norfolk.gov.uk)

## 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 8 April 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. SHERINGHAM - PF/21/0405 - USE OF LAND FOR SITING OF SHIPPING CONTAINER TO STORE WATER SPORTS EQUIPMENT FOR A LIMITED PERIOD FROM BEGINNING OF APRIL UNTIL END OF SEPTEMBER (2021 AND 2022), WITH REMOVAL OF CONTAINER OUTSIDE THOSE DATES; LAND ON THE PROMENADE.

(Pages 3 - 16)

SHERINGHAM, NORFOLK

8. WOLTERTON - PF/20/2072 - ERECTION OF DWELLING WITH ATTACHED DOUBLE GARAGE; PARK FARM OFFICE, WOLTERTON PARK, WOLTERTON FOR MR & MRS MICHAEL AND CLARE MCNAMARA (Pages 17 - 30)

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.

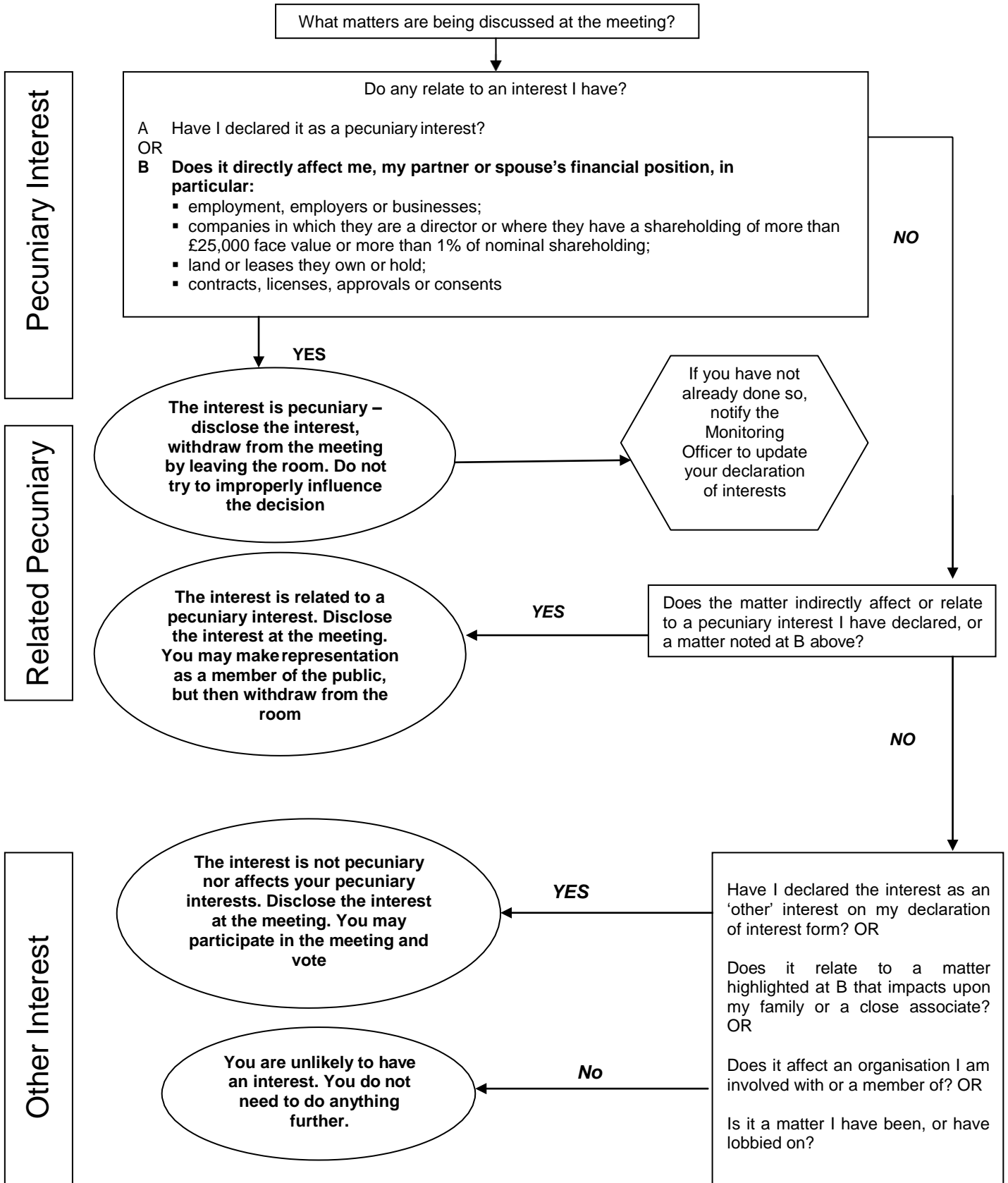
**FOR GUIDANCE REFER TO THE FLOWCHART OVERLEAF**

**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



**SHERINGHAM – PF/21/0405 - Use of land for siting of shipping container to store water sports equipment for a limited period from beginning of April until end of September (2021 and 2022), with removal of container outside those dates  
Land on The Promenade, Sheringham, Norfolk**

**Minor Development**

**Target Date: 20.04.2021**

**Extension of Time: 14.05.2021**

**Case Officer: Russell Stock**

**Full Planning Permission**

**RELEVANT SITE CONSTRAINTS**

Adjacent to the Undeveloped Coast  
England Coast Path Coastal Margin  
Within an 'Open Land Area'  
Within an area of 'Public Realm'  
Within the Settlement Boundary of Sheringham  
Sheringham Shore County Geodiversity Site  
Setting of North Norfolk Area of Outstanding Natural Beauty  
Setting of Sheringham Conservation Area

**RELEVANT PLANNING HISTORY**

None.

**THE APPLICATION**

Site description:

The application site consists of a section of the West Sheringham Promenade which juts out in front of an area of covered and uncovered seating and public toilets. The Marble Arch, which is found in this location is one of the key access/egress routes from the town onto the promenade and beach. The Lees gardens, play areas and the car parking along The Esplanade are located further to the south. Access to the beach in this location is provided via metal steps on either side of the section of promenade which juts out seaward. The promenade is of concrete construction with metal safety railings on the seaward edge.

Proposal:

This application seeks permission for the use of the land for the siting of a shipping container to store water sports equipment during the summer season (April – September). The description of the application notes that this would cover the years 2021 and 2022. The container would be 6.096m long, 2.438m wide and 2.438m tall and photos of shipping containers have been submitted as examples. The exact colour of the container is unknown at this stage, however the applicant has suggested that a neutral white, light grey/blue would be likely.

## REASONS FOR REFERRAL TO COMMITTEE

Councillor Liz Withington: *"Following the receipt of your report which recommends refusal of the SUP Shack application for a container on the Western Promenade I am asking for this application to be called in for consideration by the Development Committee.*

*I am concerned that the following planning considerations should be evaluated by the Committee since it has proven to be a controversial application. Support has been as forthcoming if not slightly more so for the proposal than those objecting.*

*I feel there are a number of points which the committee should be considering which have been expressed as concerns by both supporters and objectors, as to whether this application balances the economic/tourism development and health and wellbeing opportunities against the need to preserve and enhance the open realm and open land area and enhance this areas overall use.*

*Does in fact a greater weighting need to be placed on the balance for the creation of economic development in the area, in particular as part of an improved tourism offer for the town? There are currently no other leisure related businesses on the foreshore or in the town relating to the use of the beach and the sea, which many would consider to be Sheringham's greatest asset. Many supporters also identify that such facilities and services are part of a growing expectation of a destination such as Sheringham and serve as an attraction to encourage visitors to both chose Sheringham and return regularly. Paragraph 80 of the NPPF looks to develop conditions which allow for businesses to grow, expand and invest. Following on from the success of this business in their first year for the 2020 season, this could be considered to be necessary to enable the business to grow and become more sustainable.*

*In addition it should be asked as to whether the development of this business would have a significant impact on the vitality and viability the general foreshore area. With a growing number of businesses in the area providing evening offerings does such a business as SUP Shack, add to viability of these other businesses with sunset activities along the promenade. Under the EN5 and CT1 development and provision should also take account of the usability of the area. In fact Cromer has such businesses housed in containers on the promenade – albeit they have not been given formal permission for this. This generates the question to be considered - Is it therefore appropriate to refuse something which has been allowed in a similar setting without permission for a number of years in order to enable a similar business to grow?*

*EN5 allows for development in the event of other locations not being available. The business have explored a wider location further along the promenade but this is required as a turning area for the RNLi Lifeboat crew who also require access along the promenade at all times to respond to shouts at speed. The current location would not block emergency access to the promenade or life boat station.*

*Health and safety concerns have also been expressed if the paddle boards have to be carried down through the Marble Arch and slope areas which are busy with pedestrians since they are easily caught by the wind when being carried and will swing around and hit pedestrians.*



*The opposing view point to this is that development within a public realm area will be expected to enhance the overall appearance and usability of the area. Under CT1 development will not be allowed except where it enhances the open character or recreational use of the land. Objectors are focussing on the loss of the open view along the promenade and feel the container is not in keeping with the character of the promenade and how people wish to use the prom. Although not in the AONB or in the Conservation Zone, the Design and Conservation Team have concerns that this is not in keeping with the areas nearby and this forms the main reason for peoples objections as well.*

*Open Realm designations and the NPPF through the paragraphs 91 and 96 state the importance of access to high quality open spaces and opportunities for health and wellbeing and sport and physical activity, which this business does. Is there possibly an argument that this area of open space is increased by this business as it gives access to the sea. Policy EC7 also supports development in this area.*

*This is a particularly difficult one for the town as stated by the Town Council who are keen to support the business and the offering for Sheringham which they saw as positive but have concerns about the location. Sheringham needs to up its game in terms of its offering and to further build a sustainable local economy, particularly, with the growth of Staycations and the need for encouraging repeat visitors. It is possible that there will always be compromises needed in Sheringham due to the restricted space and locations available for business development on the foreshore and it is in this context I would like the Development Committee to explore and consider the issues raised by both objectors and supporters involved and raised by this planning application.”*

## **CONSULTATION**

Councillor Nigel Pearce: “I have no problems with this application it can go under delegated procedure” (It is noted that an initial consultation for this application was sent incorrectly to this Councillor who is not the local ward member)

Sheringham Town Council: “STC object to planning application PF/21/0405 due the significant visual impact on the seafront of a large shipping container at one of the most popular, and visually attractive access points to the seafront. The siting of the container contravenes NNDC Policy EN5 proposals will be expected to enhance the overall appearance and usability of the area. STC support local business and the enterprising work of the water sports team, who ran a successful season during a challenging year, and hope that an alternate suggestion may be put forward.”

Landscape Officer: Objection – Adverse landscape and visual impact contrary to Policies EN 2, EN 5 and CT 1.

Conservation and Design Officer: Objection – Less than substantial harm to the Sheringham Conservation area as a result of inappropriate development within its setting. The container would appear as a functional utilitarian structure without apparent visual merit within key vistas and views.

Leisure and Locality Services: Objection – Not supportive of the proposals in this location and would ask the applicant to seek an alternative site.

## **REPRESENTATIONS**

Public consultation of the application took place for a period of 21 days between 23/02/2021 to 19/03/2021. To date, a total of 35 representations have been received. 15 have been objections, whilst 20 have supported the proposals.

The key points raised in the OBJECTION representations are as follows:

- The location in front of the main seating area on the promenade would be unsightly and stop the enjoyment of many of the users of the Leas. Long distance views along the promenade would be blocked.
- This location is one of the main access points to the beach and would spoil the view. Views from the beach and sea would also be harmed by the presence of the container on the promenade.
- The container would block views out to sea from the undercover seating which is used to record seabirds and where people of all ages sit and enjoy views of the beach/sea in all weathers.
- The applicant should consider alternative locations which would not spoil the views and pleasure for the other people.
- The site lies in proximity to the Norfolk Coast Area of Outstanding Natural Beauty and is of a high landscape value.
- It would be an eyesore along the prom, severely adversely impacting on the visual appearance of the area.
- The approach from The Esplanade is through the historic Marble Arch. The area surrounding has been designed to be sympathetic in appearance and character. The metal container would be incongruous and highly visible.
- The container would result in the loss of amenity space for public using the promenade.
- Social distancing would be made harder given the space that this container would occupy.
- The business has operated successfully previously and therefore this proposal is not necessary for its function.
- Stand Up Paddleboards users could cause conflict with sea swimmers, particularly those who are less able to move quickly out of the way.
- Supportive of local businesses but the proposals are in an inappropriate location. The applicant should seek to find an alternative location. A number of alternative locations are suggested.
- The development would conflict with the Development Plan, including Policy EN 5 as it would not enhance the overall appearance and usability of the area.
- The location of the container would inhibit access for the Emergency Services.
- Physically locating the container at the site may be difficult given the access constraints.
- Security of the container should be considered given the value of the items being stored within.
- The development could set an unwelcome precedent.

The key points raised in the SUPPORT representations are as follows:

- The proposals are in full accordance with the Development Plan.
- Supporting younger people into business and providing employment opportunities should be a priority for the council.

- Water sports form a significant part of the economy and North Norfolk should embrace such development. There are no other facilities of this type in the area.
- The development would enhance tourism in the area. Helping to address the lack of activities for younger people to do in the area. The development would also be of benefit to other local businesses, such as the café and ice cream shops.
- This business was a great success last summer and should be supported.
- The location proposed is the only place it could be located to serve its purpose.
- The nature of the business promotes healthy living, physical exercise and mental wellbeing. It is an inclusive activity which both beginners and experienced persons can derive great pleasure and benefit.
- The business owners have shown that they are highly responsible and manage their facilities well.
- Storing equipment will be a key factor in the success of this business.
- The visual impacts of the development could be addressed by a local artist or children painting onto the container.
- The container would not be an 'eyesore'. If views are blocked, people can move as there are plenty of seats available.
- Historically other storage facilities have been placed on the promenade.
- Other development locally is more harmful.
- The proposals are not for a permanent structure and would only be there for half of the year. A temporary consent would allow for reconsideration of the container once it has been on site for a time.
- The visual impact of the development would be very limited and localised. The existing concrete promenade is not aesthetically pleasing.
- The beachside location would reduce footfall along the promenade and from the car parks, particularly those carrying large boards. The location would not obstruct the main promenade thoroughfare.

### **HUMAN RIGHTS IMPLICATIONS**

Art. 8: The right to respect for private and family life.

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

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

### **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 2010 (R9)

Planning Act 2008 (S183)

Human Rights Act 1998

Rights into UK Law – Art. 8 – Right to Respect for Private and Family Life

Planning (Listed Buildings and Conservation Areas) Act 1990 (S66(1) and S72)

## **RELEVANT POLICIES**

### **North Norfolk Local Development Framework Core Strategy, September 2008 (Development Plan):**

Policy SS 1 (Spatial Strategy for North Norfolk)  
Policy SS 4 (Environment)  
Policy SS 5 (Economy)  
Policy SS 12 (Sheringham)  
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 5 (Public Realm)  
Policy EN 8 (Protecting and Enhancing the Historic Environment)  
Policy EN 9 (Biodiversity & Geology)  
Policy EC 5 (Location of Retail and Commercial Leisure Development)  
Policy EC 7 (The Location of New Tourism Development)  
Policy CT 1 (Open Space Designations)  
Policy CT 5 (The Transport Impact of New Development)

### **Material Considerations:**

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

Design Guide Supplementary Planning Document (December 2008)  
North Norfolk Landscape Character Assessment 2021  
North Norfolk Tourism Sector Study 2005  
North Norfolk Retail and Commercial Leisure Study 2005

#### **National Planning Policy Framework (February 2019):**

Section 2 (Achieving sustainable development)  
Section 4 (Decision-making)  
Section 6 (Building a strong, competitive economy)  
Section 7 (Ensuring the vitality of town centres)  
Section 8 (Promoting healthy and safe communities)  
Section 9 (Promoting sustainable transport)  
Section 12 (Achieving well-designed places)  
Section 15 (Conserving and enhancing the natural environment)  
Section 16 (Conserving and enhancing the historic environment)

## **OFFICER ASSESSMENT**

### **Main Issues to consider:**

1. Principle of development, including location of tourism development, Public Realm and Open Land Area
2. Area of Outstanding Natural Beauty (AONB), Landscape and design
3. Historic Environment
4. Other material planning considerations
5. The Planning Balance

## 1. Principle of development

### Location of tourism development

The application site falls within the Settlement Boundary of Sheringham, a Secondary Settlement as defined by Policy SS 1, outside of the defined Town Centre, Shopping and Employment Areas. Policy SS 5 provides the overarching general support for economic development within the District. The most relevant part of this policy in relation to this application is the support it sets out for the tourism industry, including the encouragement of new attractions which help diversify the offer available and extend the season. Amongst other matters, the policy requires such proposals to demonstrate that they would not have a significant detrimental effect on the environment.

Policy EC 7 specifically addresses the location of new tourism development within the District. Supporting paragraph 3.4.25 highlights that the tourism economy in North Norfolk is heavily dependent on the quality of the natural environment, and many visitors come to enjoy the Norfolk Coast AONB, the beaches, coastal birdlife, the Broads and the character and tranquillity of the open countryside. It is also noted that the towns contain many attractions and act as a focus for visitors and accommodation, particularly around Cromer and Sheringham. This paragraph also sets out that to support the tourism economy, and provide facilities that will also benefit the local community, new tourist accommodation and attractions will be permitted in areas that can accommodate additional visitor numbers without detriment to the environment. All proposals should also demonstrate that they will have minimal effect on the environment. The Principal and Secondary Settlements are the preferred locations for new development in order that new facilities are accessible to existing visitors.

Paragraph 3.4.28 makes reference to the Tourism Sector study which identified four asset zones within the District which have different abilities to accommodate new development. The application site falls within the 'Resorts and hinterlands' area which covers parts of the district such as Cromer, Sheringham and Mundesley. This is the priority location for new tourism related development to support the role of the tourist resorts.

The proposals seek to locate a shipping container on the Sheringham Promenade for use as part of the applicant's Stand Up Paddle Board (SUP) hire business. No information has been submitted in support of the proposals detailing how the business operates or the exact function the container would play as part of its operations. It is however understood that the container would be used for the storage of boards.

The guidance contained within paragraph 80 of the NPPF sets out that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraph 91 of the NPPF supports development which enables and supports healthy lifestyles through the provision of sports facilities. Paragraph 96 sets out that access to high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities

Notwithstanding the lack of information submitted, it is considered that the proposed use would represent a 'tourism attraction' serving both holiday makers and local people alike, as

well as providing a new local sports facility which promotes physical activity. The economic benefits resultant of the development are however not fully known and neither has it been demonstrated that the proposals are required to address the applicant's specific business needs.

Policy EC 7 is nonetheless considered to be the most appropriate Development Plan policy in respect to establishing the principle of development. In this regard, the sites location within the Settlement Boundary of Sheringham, a Secondary Settlement as defined in Policy SS 1, would be a sequentially preferable location for new tourism development and thus the development would be supported, in principle, by Policy EC 7.

### Public Realm

Policy SS 4 amongst other matters seeks to ensure that development proposals contribute to ensuring the protection and enhancement of the natural and built environmental assets. Open spaces will be protected from harm with designated Public Realm being conserved and enhanced through the protection of buildings and structures which contribute to their surroundings, whilst innovative and locally distinctive design will be encouraged. This is supported by Policy SS 12 where it states that the Sheringham Public Realm designation is defined to co-ordinate the use of areas where pedestrian access, informal recreation and appearance are crucial to the town's attractiveness to residents and visitors.

Policy EN 5 specifically relates to defined areas of Public Realm. This policy states that within such areas proposals will be expected to enhance the overall appearance and usability of the area, and a co-ordinated approach to management will be encouraged. Paragraph 3.3.19 supporting Policy EN 5 sets out that the identification and designation of certain areas within settlements as Public Realm is intended to continue efforts of revitalising the settlements, by identifying areas which are particularly important for the function and attractiveness of the town, and seeking to ensure that all proposals in such areas (including highway works, shop front alterations, provision of public seating and landscaping etc) have regard to the appearance and usability of the area.

The promenade and esplanade are important historical built features of the town in their attractiveness and function as leisure facilities. This is recognised by their designation within the Development Plan as areas of Public Realm. As noted above Policy EN 5 requires that development proposals within areas of Public Realm should enhance the overall appearance and usability of the area. Whilst a 'shipping container' could be said to have a nautical link, in the location proposed its stark and industrial appearance would be an incongruous feature, unrelated to any surrounding form of development, sited in a prominent and busy location within an important public space. The physical siting of a shipping container in this location, coupled with the resultant visual impacts could not be said to enhance the appearance and usability of the site. As such the proposal fails to meet the criteria set out within Policies SS 4 and EN 5 of the Development Plan.

### Open Land Area

Paragraph 97 of the NPPF states that existing open space should not be built on unless the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

The application site falls within a designated Open Land Area where Policy CT 1 states that development will not be permitted except where it enhances the open character or recreational use of the land. Similar to the conclusions reached in relation to Policy EN 5 above, the development would not enhance the open character of the land designated to protect the visual and amenity contribution it makes to the locality as required for by Policy CT 1. Whilst the proposed use could be considered to diversify the recreational facilities available at Sheringham Beach, the physical presence and the siting of a storage container itself in this location would not enhance the recreational use of promenade. The proposals are related to a private business which is for a specific target audience, rather than the wider public. The siting of the container along with the operation of the business would result in the physical loss of open space where it has not been established that the benefits of the development clearly outweigh its existing use. As such the proposal fails to meet the criteria set out within Policy CT 1 of the Development Plan.

### Principle summary

The proposals are supported by Policy EC 7 as a location for new tourism development. Policy SS 5 would also provide support subject to it being demonstrated that the proposals would not result in a significant detrimental effect on the environment. In this regard, the development would have an unacceptable impact with conflict arising from the siting of a shipping container within an area designated as both 'Public Realm' and an 'Open Land Area', contrary to the requirements of Policies EN 5 and CT 1. As such the principle of the proposal is not supported by the Development Plan. These policies are consistent with the guidance contained within the NPPF and thus are to be afforded full weight.

## **2. Area of Outstanding Natural Beauty (AONB), Landscape and Design**

### AONB

The application site falls outside, but within the setting of the Norfolk Coast Area of Outstanding Natural Beauty (AONB) whereby Policy EN 1 is relevant. This sets out amongst other matters that development will be permitted where it is appropriate to the economic, social and environmental well-being of the area and does not detract from the special qualities of the AONB, facilitating the delivery of the Norfolk Coast AONB management plan objectives. Proposals that have an adverse effect will not be permitted unless it can be demonstrated that they cannot be located on alternative sites that would cause less harm and the benefits of the development clearly outweigh any adverse impacts.

In relation to this application site, the Norfolk Coast AONB is located 150 metres to the west, towards the end of the Sheringham Promenade. Great weight should be given to conserving and enhancing the landscape and scenic beauty of AONB's as set out within paragraph 172 of the NPPF. In this instance however, whilst the development may be unacceptable in more general landscape terms as detailed below, it is not considered that the development would be significantly detrimental to the special qualities of the Norfolk Coast AONB required for by Policy EN 1. As such a refusal in respect to this matter is not considered to be justified.

### Landscape Impacts

Policy EN 2 seeks amongst other matters to ensure that development be informed by, and be sympathetic to, the distinctive character areas identified in the North Norfolk Landscape Character Assessment. Proposals should demonstrate that their location, scale, design and

materials will protect, conserve and, where possible, enhance the special qualities and local distinctiveness of the area, distinctive settlement character and the setting of, and views from, Conservation Areas.

In accordance with the North Norfolk Landscape Character Assessment (2021 SPD) the site lies within the Coastal Shelf Landscape Type. This is a coastal strip of land incorporating the historic holiday towns of Cromer and Sheringham nestled amongst arable land between the dramatic Cromer Ridge and the sea. The site is located in part of the town where the interface of the distinct historic built form meets the coastal setting.

The container would be located within the site between the months of April and September. No information has been provided to demonstrate how the container would be used or from where it would be accessed. The applicants website [www.supshacksheringham.com](http://www.supshacksheringham.com) along with images on their social media pages would suggest that there would be some form of external business presence during opening hours (sales area, seating) in addition to the proposed container itself. This is indicated by the submitted location plan which covers a larger section of the promenade than that of just the container.

The proposed location is at one of the main points of access and egress to and from the beach in the town, where the walkway from The Esplanade meets the promenade. This is a busy junction due to the proximity of car parking, public toilets, beach huts, cafes and public seating with beach views. The use of the site would spill out beyond the confines of the container and take up more space than just the built structure. The promenade also forms the route of the England Coast Path National Trail. The open vista along the promenade in both directions would be interrupted by the large mass of the container placed on the seaward side of the promenade. Its physical presence in this location would also partially obstruct sea views from the public seating shelter directly opposite the site, and views of the container would be readily achievable from the majority of the surrounding public spaces.

The applicant has suggested that the container could be painted and/or the businesses logo displayed, this however would not lessen the physical or visual impact of the structure to where it could be said that it would preserve or enhance the appearance of the site. Having regard to the matters set out above, an objection to the proposed development has been received from the Landscape Officer.

The proposed development therefore would conflict with Policy EN 2 which seeks amongst other matters to ensure that development is informed by, and be sympathetic to, the distinctive character areas identified in the North Norfolk Landscape Character Assessment. Furthermore, the proposals have not demonstrated that its location, scale, design and materials would protect, conserve or enhance the special qualities and local distinctiveness of the settlement character.

### Design

All development will be designed to a high quality, reinforcing local distinctiveness in line with Policy EN 4. Furthermore, in accordance with this policy, design which fails to have regard to local context and does not preserve or enhance the character and quality of an area will not be considered acceptable.

As alluded to above, the siting of a functional utilitarian structure without any apparent visual merit within a key public space is not considered to represent good design. The container



would be of a significant size, sited on the seaward side of the promenade, failing to respect the existing built form arrangement where development along the promenade is located inland, often within the cliff structure. The metal structure would present a featureless 6m (approx.) flank elevation to users of the promenade and beach within close proximity, whilst the end elevations would be visible along the promenade in both directions as well as from other key public vantage points.

In this regard the proposals would not comply with the requirements set out within Policy EN 4 which amongst other matters seeks to ensure that all development be of a high quality design, reinforce local distinctiveness, have regard to local context and preserve or enhance the character and quality of the area.

### **3. Historic Environment**

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 196 of the NPPF provides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policy EN 8 of the Development Plan states that Development proposals should preserve or enhance the character and appearance of designated assets and their settings through high quality, sensitive design. It should be noted that the strict '*no harm permissible*' clause in Development Plan Policy EN 8 is not in strict conformity with the guidance contained in the latest version of the National Planning Policy Framework (NPPF 2019). As a result, in considering the proposal for this site, the Local Planning Authority will need to take into consideration the guidance contained within Section 16 of the NPPF as a material consideration. A number of these requirements are alluded to above, including the requirement to balance any less than substantial harm to the heritage assets against the public benefits of the development.

The application site lies approximately 16 metres from the current Sheringham Conservation Area which extends westwards to the south of the promenade in the vicinity of the application site. The Conservation and Design Officer has considered the proposed development and raises concern regarding the siting of a functional utilitarian structure without any apparent visual merit on the promenade where it would be readily visible from a range of different vantage points. These include:

- i) when approaching from the west along the promenade it would interrupt the continuity of the linear views back towards to the town centre.
- ii) Similarly, when walking the other way, it would interfere with the view down the length of the coastline and the open vista out to sea.
- iii) Coming down off the Esplanade and through the arch, a whole range of coastal views then open out from the two sloping footpaths and from the seating area on top of the shelter. These would certainly not be enhanced by having such a structure sitting on the outer edge of the promenade in full view.

- iv) In this exposed position (rather than backed up against the cliff), the container would also have an injurious presence from higher up on the Leas and its cliff top footpath.

With many of these vantage points mentioned above either falling within the Sheringham Conservation Area, or lying just outside it, there would clearly be an impact upon the views into and out from the designated area. As acknowledged in paragraph 194 of the NPPF, development within the setting of a heritage asset may impact on its significance. As such, the Conservation Officer concludes that the proposed development would result in 'less than substantial' harm being caused to a heritage asset.

The development would therefore be contrary to the requirements of Policy EN 8. The heritage balance required by paragraph 196 of the NPPF, along with the wider planning balance is set out within section 5 below.

#### **4. Other material planning considerations**

##### Retail and commercial leisure proposals

The proposals have been considered in light of the Council's tourism policies as set out above. Regard has also been given to Policy EC 5 which seeks to guide new retail and commercial leisure proposals to appropriate locations, including Principle and Secondary Settlements. This policy however is concerned with ensuring that 'significant' proposals for retail and commercial leisure development on unallocated and allocated sites are focused on the North Norfolk's eight town centres, as set out within paragraph 3.4.20 of this policy's supporting text. It is considered that the nature/scale of the proposed development would not fall within the remit of this policy and is therefore not applicable to the proposals.

##### Means of construction access

The means of accessing the site for the siting of the container has been raised by third parties. As the application is recommended for refusal for other matters, it has not been considered necessary to seek additional information in relation to access. Should the application be approved, further information in the form of a construction management plan could be secured via condition, provided that the relevant tests are met. In relation to matters raised regarding access along the promenade for emergency services, the container would be sited within part of the promenade which is wider and would thus not cause a narrowing of the route. Emergency vehicle access would therefore be retained.

#### **5. Planning Balance**

The principle of a tourism use as proposed is supported by Policy EC 7 of the Development Plan given the sites location within Sheringham which constitutes a sustainable location for such development and is defined as a 'Secondary Settlement'. However, conflict arises in relation to Policy SS 5, specifically its requirement for proposals to demonstrate that they would not result in significant detrimental effects to the environment.

The development would support a small newly created local business and help with the creation of employment opportunities. Such developments are generally supported by both the Development Plan and guidance as set out within the Government's planning policy (NPPF). In this instance, the extent of the economic benefits are not fully known given the

lack of information supporting the proposals. Whilst it is understood that the applicant would like to be able to store the water sports equipment on this site, the business/functional requirements to permanently store the equipment on this site has not been demonstrated. It is also understood that the business has previously successfully operated without such provision, storing equipment elsewhere and bring it to the beach/the site when required. Furthermore, no evidence has been provided by the applicant to demonstrate that alternative sites have been considered beyond the current application site. As a result of the limited information received, the weight which can be given to the unknown extent of any economic benefits is reduced.

The social benefits of the development would result from the provision of a facility which supports physical activities which would be accessible to a wide range of users. The siting of the shipping container would however be located on existing public open space, designated within the Development Plan as Open Land Area and Public Realm.

Adverse landscape and visual impacts have been identified and which conflict with Policy EN 2 which, amongst other matters, seek to ensure that development is informed by, and be sympathetic to, the distinctive character areas. Furthermore, the design of the proposal would not be of a high quality, reinforce local distinctiveness, have regard to local context or preserve/enhance the character and quality of the area, contrary to Policy EN 4. The application site is relatively sensitive to change, forming part of the Public Realm and Open Land Area's as defined by Policies EN 5 and CT 1 respectively. The development would not enhance the open character, appearance, usability or recreational use of the land contrary to the requirements of these policies. This represents a clear departure from the Development Plan.

As set out above paragraph 196 of the NPPF requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The Planning Practice Guidance (PPG) makes plain that for the purposes of applying the policy in paragraph 196 of the NPPF that public benefits could be anything that delivers economic, social or environmental progress as described in the NPPF. Less than substantial harm to the Sheringham Conservation area has been identified by virtue of development within its setting. The public benefits of the development comprise of both the economic and social aspects. The weight which can be given to these benefits however is reduced in the absence of supporting information/ justification. Furthermore, there would also be social harms as a result of the loss of 'open space'. The Sheringham Conservation Area is a designated heritage asset and paragraph 193 of the NPPF makes it clear that the decision maker should give great weight to the asset's conservation. Having regard to these matters, the harm resultant from the proposal would not be outweighed by the public benefits. Consequently, the development would be contrary to Policy EN 8 of the Development Plan and Section 16 of the NPPF and would weigh against granting permission in the overall balance.

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

## **RECOMMENDATION:**

To refuse on the following grounds

1. The proposed development would, by virtue of its design, scale and siting, appear as an incongruous form of development which would fail to conserve the special qualities and local distinctiveness of the area. The open vista along the promenade would be interrupted by the container, whilst views would be obstructed from nearby public areas including the covered seating. The proposed development would therefore conflict with Policies SS 5, EN 2 and EN 4 of the North Norfolk Local Development Framework Core Strategy September 2008 and Sections 12 and 15 of the National Planning Policy Framework (February 2019).
2. The siting of a shipping container within an area designated as both 'Public Realm' and an 'Open Land Area' would fail to enhance the overall appearance and usability of the area and would be detrimental to the open character and recreational use of the land contrary to Policies SS 4, EN 5 and CT 1 of the North Norfolk Local Development Framework Core Strategy September 2008 and Section 8 of the National Planning Policy Framework (February 2019).
3. The proposed development would be readily visible from vantage points within the Sheringham Conservation Area and forms part of its setting, the development would impact upon views into and out of the area thereby resulting in harm to the significance of the designated heritage asset and to the ability to appreciate such significance. Such harm would be within the less than substantial category, as set out in the National Planning Policy Framework (February 2019) and would not be outweighed by public benefits. The proposed development would therefore conflict with Policies EN 2 and EN 8 of the North Norfolk Local Development Framework Core Strategy September 2008 and Section 16 of the National Planning Policy Framework (February 2019).

**Wolterton - PF/20/2072 – Erection of dwelling with attached double garage; Park farm Office, Wolterton Park, Wolterton for Mr & Mrs Michael and Clare McNamara**

**Minor Development**

**- Target Date: 05 January 2021**

Case Officer: Mr D Watson

Full Planning Permission

RELEVANT SITE CONSTRAINTS

- LDF – Countryside
- Conservation Area
- Listed Building Grade II Consult Area
- Unclassified Road
- Landscape Character Area
- LDF Tourism Asset Zone

RELEVANT PLANNING HISTORY

*Relating to the application site*

PU/20/0766: Determination as to whether prior approval is required for a proposed change of use of a building from office use (Class B1(a)) to a dwellinghouse (Class C3). Prior Approval Given 30/06/2020

CL/20/0450: Certificate of Lawfulness for existing use of portacabin building as an office (Class B1(a)). Lawful – certificate issued 28/04/2020

PU/17/1490: Prior approval for a proposed change of use of a building from office use (B1a) to a dwellinghouse (C3). Refusal of Prior Notification 03/11/2017

PO/17/0216: Erection of two, 1.5 storey semi-detached dwellings. Refused 03/04/2017.

The reasons for refusal related to the fact that:

- the site was within the Countryside policy area where there is a general presumption against new build residential development.
- the proposal would not provide safe and convenient access on foot, cycle, public and private transport that addresses the needs of all, including those with a disability, by virtue of the distance from the site to local services such that future occupiers would be totally reliant on the use of the car for everyday travel.
- the location was considered to be unsustainable under paragraph 55 of the National Planning Policy Framework.

CL/13/1103: Certificate of lawfulness for existing use of land for siting office/storage building in connection with building/development business. Was Lawful Use 16/12/2013

*Relating to the wider Park Farm Barns site*

20000812: Barns 3 and 4. Conversion of agricultural buildings into two dwellings with cart shed garages. Refused 05/09/2000

20000835: Barns 1 and 2: Conversion of agricultural buildings to two holiday units with cart shed garages. Approved 06/12/2001

2000836: Barns 1 and 2: Conversion of agricultural buildings to two holiday units with cart shed garages (listed building consent). Approved 06/12/2001

20001632: Barns 3 and 4. Conversion of agricultural buildings into two holiday units with cart shed garages. Approved 06/12/2001

20021926: Conversion of barns to two dwellings. Refused 05/03/2003

20031416: Conversion of barns to two dwellings. Refused 07/07/2004 ADIS 15/12/2005

20051993: Barn 5 Conversion to one unit of holiday accommodation. Approved 17/03/2006

20071605: Barn 5. Removal of condition 2 of planning permission 20051993 to enable permanent residential occupancy. Approved 11/12/2007.

20081386: Barn 4. Conversion of garage to habitable accommodation and erection of detached garage. Refused 24/11/2008

PF/09/0052. Barn 4. Conversion of garage to habitable accommodation and erection of timber garage block. Approved 20/03/2009

PF/12/0277: Barn 4. Removal of condition 4 of planning permission reference 2000/1632 and condition 5 of planning permission reference 09/0052 to permit permanent residential occupation. Approved 16/01/2013

PF/19/0821: Barn 3: Removal of condition 4 (restricting occupation to holiday accommodation purposes only) of planning permission 2000/1632 to allow for unrestricted residential occupation. Approved 28/06/2019

## THE APPLICATION

The proposal, as amended, is for a single storey, detached 4-bedroom dwelling with accommodation within part of the roofspace. It would have a L shaped footprint with elevations facing, but set back from, Itteringham Road and the shared access serving the Park Farm Barns complex. There would be a two bay open-fronted garage attached the west end of the dwelling with parking in front of it. The existing roadside boundary hedge and other boundary planting and trees are indicated as being retained. Vehicular access to the public highway would be via the existing shared access facing Wall Road. External materials proposed are brick to the walls with some areas of timber cladding, pantiles to the roof and aluminium or timber windows and external doors.

The site is off the west side of the road between Itteringham and Wickmere (referred to in this report as Itteringham Road), opposite its junction with Wall Road. It is in the northeast corner of a complex of former agricultural buildings that have been converted to dwellings known as Park

Farm Barns. The site is within the Mannington and Wolterton Conservation Area, the land opposite bounded by Wall Road forms part of Wolterton Park which is a registered Historic Park and Garden and; the group of 3 barns on the south side of the complex are listed (grade II).

The application site is occupied in part by a 'portacabin' type building within an enclosed yard. It was originally used as the site office during the conversion of the barns and since the development was completed has been used as an office by the development company who converted the barns. The larger part of the site is used for storage of building materials, equipment etc, in association with the applicant's building business, having originally been the site compound for the conversion scheme. There was a certificate of lawfulness confirming this granted on 16/12/2013 as referred to in the planning history above.

A further certificate of lawfulness was granted on 28/04/2020 relating to the portacabin only, for its use as an office (Class B1(a)). Based on the evidence submitted, it was accepted that the previous certificate was incorrect in referring to the building itself being in B8 use.

There is extant permission for the conversion of the office to a dwelling. Part 3, Class O of the Town and Country Planning (General Permitted Development) Order 2015 permits the change of use of a building and any land within its curtilage from a use falling within Use Class B1(a) (offices) to a use falling within Use Class C3 (dwelling houses). This is subject to various restrictions, qualifications and conditions including the requirement to apply to the local planning authority for a determination as to whether its prior approval will be required in respect of a number of matters. Prior approval was given in June 2020. Class O does not include any building operations in connection with the residential conversion of the building and the red line defining the curtilage was tightly drawn around the building itself in order to reflect the lawful use of the immediate surrounding land for storage.

Also included within the application site is a landscaped strip that sits between the east edge of the storage area and the roadside boundary along which there is a hedge behind the grass verge. The north boundary of the site adjoins agricultural land and is enclosed by hedge/trees. Immediately to the west of the site is Barn 4 with a hedge running along the common side boundary and facing the south side of the site on the opposite side of the access is the garden to Park Farmhouse.

## REASONS FOR REFERRAL TO COMMITTEE

At the request of Cllr John Toye so the application has proper public debate because this plot and the application has always been somewhat contentious with the Parish Council seemingly against and locals supporting.

## PARISH/TOWN COUNCIL

Comments (summarised) as follows:

### *Application as first submitted*

- Brownfield status

The Parish Council has long challenged the 'Brownfield' label as the site is not on the council's Brownfield Site Register. Further, the portacabin is not a permanent structure and the planning application form itself states that the site is not currently vacant.

- Visibility

The statement that the development is 'not visible from the road', is untrue. The CGI image shows a view from Purdy House at the end of Itteringham Road, which shows just the top of the proposed development. If the site is approached from Wall Road it will be clearly visible to the right, from Itteringham direction it will be clearly visible to the left.

- Portacabin upgrade

The existing permission allows for the upgrading of the portacabin. As stated in the planning statement, the original footprint is 35 sq.m. Permitted development allows extensions totalling 76sq. metres giving a potential property of 111 sq.m. The proposed development is 170 sq.m - over 50% larger than allowed in normal circumstances. Justification for this is given as a shortfall of 3-bedroom properties in the area. The proposal is clearly for a 4-bedroom property - with 4 en-suites - so the justification does not fit the development.

The average footprint of a 3-bedroom property is 100 sq. metres so a property that fits the site could be built to fulfil the identified need.

Permitted development from the present footprint of 35sq m to 111sq m is an increase of 317%. The proposed development would create an increase of 486%

If the local planning authority approves this, or a future application, the PC suggest that the new property should 1) have a local residency covenant applied to ensure it helps fulfil the need for 3-bedroom houses in the area, and 2) not be used for holiday let.

- Insufficient on-site parking,

The proposal indicates only two parking spaces for a 4-bedroom property. This is insufficient as per local planning guidelines. Roadside parking would be inappropriate and unacceptable in this area and extra vehicles would impact on the small country roads/lanes.

- Bus services

The planning document misleadingly suggests that a regular bus service is available to neighbouring towns from Erpingham but this is very limited, especially during school holidays. Additionally, the service to Norwich runs only via the A140 so clearly residents would need vehicles to service their travel needs.

#### *Following amendments*

The PC notes a reduction in height to the overall building but it still remains a 4-bedroom property that takes up the majority of the plot. The parking, although not clear, appears to indicate additional parking in front of the cart shed garage. This is not in keeping with the rest of the development where parking is not visible from the entrance roadway.

The PC also notes that this plan shows a 3-bay cart shed garage to the rear of no 4 Park Farm Barns which was not on the previous plans. Checks show this was approved in 2009 (ref PF/09/0052), however there does not appear to have been any work carried out since then. The council assumes this has lapsed and asks for confirmation of this.



The PC are concerned that there appears to have been a lot of discussion behind the scenes that have led to the revisions, but the legitimate concerns and objections of the PC and local residents to the previous application have not been addressed or taken into consideration.

## REPRESENTATIONS

One objecting:

- Lack of parking which does not comply with current standards. Parking would be visible and one of the attractive features of the Park Farm Barns development is that all parking is recessed or to the rear of the buildings.
- Occupiers of the proposed dwelling may park on the access which would look unsightly and impede access to the entrance.
- People have been lobbied to support the application and provided with paragraphs to use. A lot of supporting comments are likely to have been made by people who are not residents of Park Farm Barns.

Sixteen supporting:

- Less environmental impact than office use.
- Better looking than the portacabin.
- Would blend well with the existing development and can only be an improvement on what is there now
- Would complete the site in a style sympathetic with the rest of the complex. It is sensitive to, and in keeping with, the converted barns which include grade II listed buildings. Uses traditional materials and the layout is flexible. Scale is appropriate in its design for the entrance to the development
- Residents have lived with an incomplete entrance for many years and it degrades a Walpole estate site.
- Removal of the storage yard and office would be an improvement for the environment and residents. Would improve their outlook.
- Conversion of the portacabin would not reflect the character of Park Farm and the surrounding countryside.
- Less traffic using the access would increase road safety.
- Will not be a holiday let of which there are far too many leading to 'dead' villages.
- Incorporates environmental features such as air source heat pumps and rainwater harvesting.
- Will provide work during construction.
- Provides for the resident to work from home.

## CONSULTATIONS

Conservation & Design: advise there are two designated heritage assets which potentially would be affected by the new dwelling; the Mannington & Wolterton Conservation Area, and the grade II listed range of former farm buildings to the southwest of the site. The former is a large rural area which was designated in 1989 and derives much of its significance from the wider Walpole estate. The latter comprises a mid-19th century group of model farm buildings which have been converted but which still make a positive contribution to the broader designation.

### *Comments on application as first submitted*

Whilst replacing the existing unsightly site office/portacabin could potentially be seen as positive, the replacement building would be a much larger structure which would be more impactful at the entrance to the site. The 17m long ridgeline and unattractive rash of roof lights facing straight down Wall Road, and with its first floor gable windows announcing the residential use from the two other approaches, the proposed development would be likely to exert itself in an area which has never previously supported built development.

The agrarian buildings were originally built to the rear of the main house as would be expected. Through the 19th and early 20th centuries, the buildings started to return back on the northern side of the access drive, but they still stopped short of the site entrance in deference to the house. With there also being a corresponding general reduction in scale and architectural importance, the proposal is not compatible with the site hierarchy and historic development of Park Farm.

Alternatively, it could be argued that developing the application site would constitute a natural progression or evolution of the group. This however, still requires the new build to be compatible with, and sympathetic to, the existing structures on site. It is considered this is the main crux here. A single-storey structure which nestled quietly within the existing boundary planting, would not result in harm to the appearance and character of the conservation area, and to the setting of the adjacent listed building, whereas, adding a second floor of accommodation and effectively creating a new threshing barn which would trump and thus potentially detract from the historic group, would have precisely the opposite effect. Not only would the new build have a greater presence within the landscape, but it would also result in harm being caused to heritage assets.

As the conservation area is an extremely large designation (of which Park Farm forms only a small part) and it would still be possible to appreciate the listed building even with the proposed building in place, the harm would be towards the lower end of the 'less than substantial' spectrum for NPPF purposes. This notwithstanding, as para 193 makes clear, harm is harm for heritage purposes and must be afforded great weight. Therefore, unless there are considered to be public benefits accruing from the proposals which would outweigh the identified harm, the local planning authority would be unable to support the application.

### *Following amendments*

No objections. In terms of scale and form, the amended proposal seems far more compatible and the proposed building would no longer unduly assert itself beyond the confines of the application site.

Other than the horizontally proportioned 4-light windows in the north and south gables which lean more towards residential bungalows than to converted outbuildings, the design is considered to be acceptable. The window on the north elevation also nips uncomfortably on the verge and tends to emphasise the proportions of the gable. Fenestration with a more vertical emphasis would therefore be preferred in order to reinforce (rather than conflict with) the proposed aesthetic. Further amended plans have now addressed these matters.

Landscape Officer: objected to proposals as first submitted due to the impact on the landscape and settlement character and that of the conservation area. The trees on site have amenity value and contribute to the landscape of the area. They would act as a screen for a modest development and need to be retained. The proposed two storey dwelling would be in

contrast with the predominantly single storey existing development. It would be clearly seen from the road and detract from the less impactful existing development.

It is considered the amendments to the scheme are an improvement and acceptable subject to conditions including the requirement for a landscape plan.

Norfolk County Council (Highways): no objection given the lawful use and the acceptable access to the public highway. A two-bay garage/car port and off-road parking space is considered to be sufficient and would not give rise to any on-road parking that would be detrimental to highway safety. A condition to secure the proposed parking is requested.

National Grid: site is in close proximity to a High-Pressure Gas Pipeline, but 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

National Planning Policy Framework (NPPF):

Section 2 – Achieving sustainable development

Section 4 – Decision-making

Section 5 – Delivering a sufficient supply of homes

Section 9 – Promoting sustainable transport

Section 12 - Achieving well-designed places

Section 15 - Conserving and enhancing the natural environment

Section 16 - Conserving and enhancing the historic environment

North Norfolk Core Strategy Policies:

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 8: - Protecting and enhancing the historic environment

EN 13 - Pollution and hazard prevention and minimisation

CT 5 - The transport impact of new development

CT 6 - Parking provision

Supplementary Planning Documents

North Norfolk Design Guide (December 2008)

## North Norfolk Landscape Character Assessment (January 2021)

Note: there is not currently a character appraisal for the Mannington and Wolterton Conservation Area

### MAIN ISSUES FOR CONSIDERATION

- Whether the proposed development is acceptable in principle
- The design of the proposed dwelling and its effect on the character and appearance of the conservation area, other nearby heritage assets and the landscape
- The effect on the living conditions of the occupiers of nearby dwellings and whether the proposed dwelling would provide satisfactory living conditions for the future occupiers
- The effect on the surrounding road network and whether there would be adequate parking provision
- The weight to be attached to other the material considerations, including the 'fall-back' position, in the overall planning balance

### APPRAISAL

#### Principle: policies SS 1 and SS 2

The site is within the area designated as Countryside under policy SS 1 of the Core Strategy. Policy SS 2 lists the types of development that can be acceptable in principle within this area, but new market dwellings as proposed are restricted in order to prevent dispersal of residential uses that may otherwise will lead to a dependency on travel by car to reach basic services, ensure more sustainable patterns of development, and to protect the intrinsic landscape character of the Countryside. Recent appeal decisions have confirmed that these policies remain consistent with the NPPF in respect of setting an overall strategy for the distribution of sufficient housing and focusing significant amounts in locations which are sustainable, thus limiting the need to travel, offering a choice of transport modes and helping to reduce congestion and emissions, so as to improve air quality and public health.

The site is within a complex of former agricultural buildings in a remote location that have previously been converted to holiday accommodation, officers note some units in these conversions now having unrestricted residential occupancy. The closest settlement is Wickmere which is just over 1km away but it has no facilities or services

It is about 3km as the crow flies to Aldborough and 5.3km to Corpusty, both of which are designated as Service Villages having some limited facilities. It is about 2.3km to Itteringham where there is small shop. The closest settlements with a wider range of facilities are Holt (9.8km) and Cromer (11.5km) both Principal Settlements and Aylsham (6.7km). There are however, no bus services that run close to the site.

To reach the limited facilities in the closest Service Villages involves walking or cycling along narrow, unlit rural lanes with no footways. This is an unattractive option, particularly during darker winter months. Therefore, it is considered very likely that the future occupiers would be dependent on the use of the car to reach the full range of everyday basic services. The site is clearly functionally isolated and car dependent.

The site is not physically isolated within the consideration under paragraph 78 of the NPPF. This states that policies should identify opportunities for villages to grow and thrive, especially where

this will support local services and that where there are groups of smaller settlements, development in one village may support services in a village nearby. The site is however outside of the closest settlement. The Planning Practice Guidance (PPG) notes that a wide range of settlements can play a role in delivering sustainable development in rural areas, so blanket policies restricting housing development in some types of settlement will need to be supported by robust evidence of their appropriateness. As referred to in a recent appeal decision (dated 17/09/2020) relating to a site in Erpingham where unlike the current case, there were a number of facilities within walking distance of the site *"policies SS 1 and SS 2 are firmly supported in this respect by the correlation between the locations for growth and the availability of an appropriate level of supporting services and infrastructure. This part of the PPG does not contradict the broader Framework principles for achieving sustainable development"*. It is considered that the proposal would result in significant harm with the introduction of a dwelling where it is likely there would be a very high reliance on private car use to access a full range of essential services, contrary to these principles.

Those dwellings in close proximity were formed through the conversion of the traditional barns which were worthy of retention and which would have complied with relevant policies in the development plan in force at that time. This application is new build development in the Countryside and subject to more restrictive policy control.

The proposal is contrary to policies SS 1 and SS 2 for the reasons stated above.

#### Design, character and appearance of the conservation area: policies EN 2, EN 4 and EN 8

With the amendments made to its height, it is considered that the proposed dwelling would be of an appropriate scale such that it would satisfactorily assimilate into the wider complex of converted barns and not be overly dominant. Whilst not a copy of a barn, its design takes its cues from them in terms of appearance and has a logical relationship with the existing development in terms of its siting on the plot and its footprint. External materials would reflect those of the adjacent buildings and further details would be secured by conditions. It is considered that the proposal would respect the character of the existing development and whilst it would be of a larger scale than the portacabin, its design and appearance would be more appropriate and result in an enhancement to the character and appearance of the conservation area. There would be no harm to the setting of the nearby listed buildings or Wolterton Park.

Existing landscape features such as trees and hedges on the boundaries of the site would be retained and could be secured through conditions along with additional planting. They would help to provide filtering in the main public views towards the site. The main and most expansive view of the site is from the east on Wall Road. With the reduction in height, the boundary hedge fronting the site and the fact that the dwelling would sit comfortably within the context of the existing development in this view, there would be no material harm to landscape character. In views from the north along Itteringham Road the proposed dwelling would largely be screened by existing planting. From the south on Itteringham Road, roadside planting would restrict views of the lower part of the dwelling and whilst the roof would be visible, it is not considered this would result in any material harm to landscape character.

The proposal is therefore considered to be in accordance with policies EN 2, EN 4 and EN 8 for the reasons stated.

Some of the supporting comments refer to the proposed development completing the (Park Farm Barns) site. Historically, there has never been a building on the site and one was not proposed

as part of the original conversion schemes. It is not clear whether it was originally intended that the site would be landscaped as although there was a landscaping condition imposed, there are no details on the historic file as to what if anything was ever approved. Notwithstanding that the existing uses of the site subsequently became lawful.

#### Living conditions: policy EN 4

The proposals raise no concerns in this respect. It is considered there would be no material impacts on the living conditions of the occupiers of the adjacent barn, in terms of overbearing or overshadowing impacts. With regard to privacy, the separation distances would comply with the amenity criteria in the North Norfolk Design Guide SPD. The private garden area serving the proposed dwelling would be of an adequate size and shape, complying with the requirements of the Design Guide in this respect. The proposal is considered to be acceptable in terms of policy EN 4.

#### Highways and parking: policies CT 5 and CT 6

The proposed development would use the existing shared access serving Park Farm Barns. It is of a good standard with adequate visibility. The lawful uses of the site would generate a number of vehicle movements as would the proposed dwelling, although it is likely the pattern of daily movements would be different. The Highway Authority have no concerns in this respect and the proposal is therefore considered to comply with Policy CT 5.

A 4-bedroom dwelling as proposed would require a minimum of 3 parking spaces to comply with the current adopted parking standards in appendix C of the Core Strategy. Four spaces would be provided – two within the garage and two in front of it. The Highway Authority consider the parking provision to be adequate and have no concerns in respect of overspill parking on adjacent public roads. A condition could be included to ensure the garages are kept available for parking and on that basis the proposal would comply with Policy CT 6.

#### Fall-back position and other material considerations

As outlined above, the erection of a dwelling in this location is a clear departure from Core Strategy Policy and contrary to national guidance relating to the location of new development. The location, whilst not isolated, is remote from services and occupants would be car dependant for all day to day needs. Such dispersed patterns of development which increase the need to travel are unsustainable and fail to address the impacts of climate change.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Therefore, the proposal could only be considered acceptable in this location if there are other material considerations in favour which outweigh the conflict with policies SS 1 and SS 2.

#### *Fall-back*

A fall-back position i.e. what would be the alternative use the site or development that could be carried out if planning permission was refused, is a material planning consideration. This can include development that can be carried out under permitted development rights. In this case the applicant is citing the existing permission for the conversion of the portacabin office building to a dwelling as a fall-back option. It should however, be noted that this does not include the remainder and much greater part of the current application site such that the potential fall-back only relates

to about 4% of the overall site area. On this basis the scope for further development under the fall-back position is considered to be strictly limited.

The weight to be attached to the possible fall back development should take proper account of the likelihood of such a fall back happening and should compare the relative merits of the fall back and the proposed development. The Courts have held that, in order to be a material consideration, a fall-back only has to have "more than a merely theoretical prospect". While the likelihood of the fall-back occurring may affect the weight to be attached to it by the decision maker, the Courts did not rule that this affected its status as a material planning consideration. Any proposed development which seeks to rely on the fall-back position should be given greater weight if it is more beneficial and has less impact than the development which could take place under the fall-back position.

There is no firm evidence provided within the application in respect of whether there is a realistic prospect of the existing permitted scheme being delivered if permission was to be refused. The fact that the existing permission has not been implemented, was only granted in June 2020 and was quickly followed by the current application could reasonably be interpreted as indicative of no likely intent to pursue the existing permission. Instead it argues that the extant permission has established the principle of residential use of the site and that the proposed development would result in an enhancement of the site and removal of the Class B8 use, which are considered separately below.

Officers consider that it is unlikely that the permitted scheme would be implemented if permission was refused, in particular due to the size of the dwelling that would be provided and the fact that currently it would have virtually no external amenity space. The submitted Planning Statement refers to the fact that if the building were to be converted it could be extended through permitted development rights which could add a further 76 sq.m floorspace giving an overall floorspace of 111 sq.m. This is however, incorrect as the relevant permitted development right applies to development within the curtilage of a dwellinghouse and in this case the building has virtually no curtilage.

#### *Removal of the B8 use of the land.*

The lawful use of the land other than that occupied by the portacabin is for storage (Use Class B8) in connection with the applicant's building/development company and is understood it continues be used as such. It is unlikely that this would preclude it being used for another purpose within Class B8 if the site was sold on. The use is very low key and has been in situ for a number of years, which historically this has not resulted in any complaints to the council. The use is at the eastern end of the complex of converted barns and close to the access, so vehicles making deliveries of materials do not have to pass any of them which could otherwise result in noise and disturbance potentially impacting on the amenity of their occupiers.

#### *Enhancement of the site and conservation area*

It is accepted that the existing building has no architectural merit being a functional grey box and, as considered elsewhere in the report, the proposed dwelling as amended is of an acceptable design. However, because of its limited scale and screening by fencing and hedges/trees, the overall harm caused by the building on the immediate area and designated heritage assets in considered to be negligible. As such whilst the proposed development would result in an overall enhancement, it is not considered this would outweigh the significant harm from the conflict with policies SS 1 and SS 2.

### *Contribution to housing supply*

Any contribution from the single dwelling proposed would be insignificant in this respect. Similarly, with regard to housing need, although the proposed dwelling would better meet this need than the one-bedroom dwelling that has permission, the contribution would be insignificant.

### *Whether the site is brownfield land*

The Planning Statement make reference to the site as 'brownfield' land. The definition of previously developed (brownfield) land in the NNPF is "*land which is occupied by a permanent structure including the curtilage of the developed land....and any associated fixed surface infrastructure*". The only permanent structure is the portacabin and it is considered that the remainder of the site is not part of its curtilage having a separate lawful use. There are shipping containers on the land but these are not permanent structures.

### *Replacement dwelling*

It is argued that the spirit of the proposal is as a replacement dwelling for the approved conversion and as such can be considered against policy HO 8. This is a hypothetical argument as the dwelling currently does not exist, only permission for one. Also as already referred to it is not considered the dwelling could be extended using permitted development rights given the restricted curtilage.

### Conclusion and Recommendation

The proposal is considered to be acceptable in terms of its design, effect on the character and appearance of the area, living conditions and highways related matters.

The proposal is however, unacceptable in principle and contrary to policies SS 1 and SS 2 and would not be sustainable development. Whilst some of the material considerations weigh in favour of the proposals, overall both individually and cumulatively, it is not considered these are of such weight such that the proposal, which is contrary to the development plan, should be approved. 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 HO9 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

The proposed dwelling would be within an area designated as Countryside where there is a general presumption against residential development and in a location with no services and poor access to a full range of basic services. The future occupiers would therefore be dependent on the car to be able to reach such services. The proposal would therefore not be sustainable development. In the opinion of the Local Planning Authority there is no



justification to permit the erection of the additional dwelling in the Countryside contrary to policies SS 1 and SS 2 of the adopted North Norfolk Core Strategy and paragraph 78 of the National Planning Policy Framework (February 2019).

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

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## APPEALS SECTION

### (a) NEW APPEALS

**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**

**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**

**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**

### (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

**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

**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 – Awaiting Decision

**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

**ITTINGHAM - ENF/17/0006 & CL/19/0756 - 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 for Mr E Goodman**

VIRTUAL PUBLIC INQUIRY 08 March 2021 – awaiting decision

**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**

**for Mr John Silk, Bluebird Commercial Properties Ltd**

VIRTUAL PUBLIC INQUIRY 25 January 2021 – to be Re-Scheduled – Awaiting Dates

**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**

**EDGEFIELD – PF/20/0761 - Erection of two storey front and side extension, new dormer to first floor West elevation and internal alterations  
Stonehaven, Ramsgate Street, Edgefield, Melton Constable NR24 2AX  
For Mr And Mrs Andrew And Lesley Rainsford  
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**

**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**

**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**

**WIVETON - ENF/18/0061 - Works not in accordance of permission - Telecommunications monopole not removed.; Telephone Exchange, Hall Lane, Wiveton for Arqiva Limited  
WRITTEN REPRESENTATION – LEAD APPEAL  
Appeal Allowed**

**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**

WRITTEN REPRESENTATION – JOINT WITH ENF/18/0061  
**Appeal Allowed**

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

No change since previous report.