

Protect OFFICER REPORT

Application Ref: PF/21/2186
Site Address: Land On, Langham Road, Langham, Norfolk
Ward: Priory
Proposal: Change of use of land to storage of caravans and boats, siting of 39 storage containers, siting of portable building for office use and erection of boundary fence
Site Visit Date: 19th August 2021
Expiry Date: 11th November 2021
Extension Date: 29th April 2022

Recommendation:

Refuse for the reason(s) set out at the end of this report.

Site Constraints:

The site falls within a Countryside Location (Outside of Settlement Policy Boundary)
The site lies within a Mineral Safeguarding Area
The site is within the Norfolk Coast Area of Outstanding Natural Beauty (AONB)
The site lies within the Undeveloped Coast

Relevant Site History:

PF/20/0747

Change of use of land to storage of caravans and boats, siting of 40 storage containers, siting of porta- cabin for office use, erection of up to 33 No. 3m high security lights and erection of boundary fencing.
Withdrawn 09.11.2020

The Application

The application site is located approximately 380 metres to the north of the village of Langham and just over 1km to the south of the village of Morston. The site forms an area of woodland and scrub which is connected by hedging and trees to other parcels of woodland within a rolling arable coastal landscape. Access to the site is provided via metal gates set off the Langham Road. The site was used during the Second World War by the Royal Air Force and areas of hardstanding remain, some more visually exposed than others.

This application seeks planning permission for the change of use of the land for the siting of 39 containers and for open boat and caravan storage. The supporting Design and Access Statement notes that there would be up to 107 caravans or boats stored at the site. The

proposals include the siting of a site office near to the entrance from the Langham Road. The proposals seek to expose areas of hardstanding from within the site which the majority of the storage would take place on, whilst security lighting and fencing would also be provided.

Reasons for referral to Committee

The planning agent for this application is a close relative of a staff member.

Consultations:

Cllr R Kershaw: “Thank you for the notification re PF/21/2186. I have read through the application and associated objections, comments etc... on my return from leave. To my mind this application varies only very slightly from the last one that was submitted. I cannot see how this has improved the situation and I am very concerned at the increase in heavy traffic that this would cause on narrow country lanes and can see no reason why these craft could not be accommodated at any of the coastal boatyards.

I also note the concerns of residents and am concerned by any light pollution this would cause.”

Langham Parish Council: Objection.

Morston Parish Council: Objection.

Economic Development Officer: Support.

Conservation and Design Officer: No comments.

Environmental Protection Officer: No objection, subject to conditions.

Landscape, Ecology and Tree Officer: Objection.

Norfolk County Council Lead Local Flood Authority: No comments.

Norfolk County Council Minerals and Waste Officer: No objection.

Norfolk County Council Highway Authority: No objection, subject to condition.

Norfolk Coast Partnership: Objection.

Representations:

37 letters of objection received as summarised below:

- This latest application is similar to that previously considered by the Local Authority. Insufficient information has been provided.
- The applicant's submission is misleading. The reports submitted in support do not accurately consider the development being proposed.
- There is existing boat storage provision within the area, including sites with capacity to spare. It is not understood why boats would need to be stored within containers.

- The applicant has not proven a local need for this development.
- The application seek permission for major development within the Norfolk Coast Area of Outstanding Natural Beauty, contrary to governmental policy.
- The site lies in close proximity to another woodland block which was subject to a dismissed appeal following the refusal of application PF/16/1157.
- The proposals would result in a significant industrial storage area within the Norfolk Coast Area of Outstanding Natural Beauty and wider rural area.
- The development would have adverse visual impacts.
- The increase in traffic, and the nature of the vehicles, would diminish the natural beauty of the designated area.
- There is no need for any artificial lighting. The proposals would result in significant light pollution and adversely impact upon the areas Dark Skies designation.
- The development would be detrimental to the open coastal character.
- The development would have an adverse impact upon birds and animals which rely on the site as an area of refuge from the surrounding intensely farmed land.
- The applicant's ecological reports have not considered the wider woodland setting which the site forms part of.
- The development would adversely impact upon protected species.
- Oil, fuel and other pollutants would leach into the ground.
- The site is within sight of a designated Heritage Coastline and long distance footpath.
- The road which serves the site is narrow and unsuitable for large vehicles, such as those transporting boats, goods and shipping containers. Passing such vehicles would be difficult-impossible.
- There are existing highway issues in the area which this development would exacerbate.
- On-street parking in Langham has resulted in a narrowing of the road and would impact upon the additional movements from the application site.
- The development would impact upon the local school through the addition of cars, boats, and container lorries alongside the general traffic.
- The development would not result in benefits to the local population as claimed within the applicant's submission.
- There would be adverse impacts upon health and living conditions, including through the additional exhaust fumes.
- Ambient noise levels would increase, particularly at night if generators are to be used on site.
- The development would attract criminal activity to the area.

Relevant Policies:

North Norfolk Local Development Framework Core Strategy (September 2008):

Policy SS 1: Spatial Strategy for North Norfolk

Policy SS 2: Development in the Countryside

Policy SS 4: Environment

Policy SS 5: Economy

Policy SS 6: Access and Infrastructure

Policy EN 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 6: Sustainable Construction and Energy Efficiency
Policy EN 8: Protecting and Enhancing the Historic Environment
Policy EN 9: Biodiversity & Geology
Policy EN 10: Development and Flood Risk
Policy EN 13: Pollution and Hazard Prevention and Minimisation
Policy CT 5: The Transport Impact of New Development
Policy CT 6: Parking Provision

Minerals and Waste Development Framework - Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026

Policy CS16: Safeguarding mineral and waste sites and mineral resources

Material Considerations:

Supplementary Planning Documents and Guidance:

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

National Planning Policy Framework (2021):

Chapter 2: Achieving sustainable development
Chapter 4: Decision-making
Chapter 6: Building a strong, competitive economy
Chapter 9: Promoting sustainable transport
Chapter 11: Making effective use of land
Chapter 12: Achieving well-designed places
Chapter 14: Meeting the challenge of climate change, flooding and coastal change
Chapter 15: Conserving and enhancing the natural environment
Chapter 16: Conserving and enhancing the historic environment
Chapter 17: Facilitating the sustainable use of minerals

Other material documents/guidance:

(Working document) Norfolk Coast Area of Outstanding Natural Beauty Management Strategy 2019 – 2024
Norfolk Coast Area of Outstanding Natural Beauty Management Strategy 2014 – 2019
Norfolk Coast AONB Integrated landscape character guidance
Natural England National Character Areas – 78 Central North Norfolk (2014)
Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy - Habitats Regulations Assessment Strategy Document (2021)

OFFICER ASSESSMENT:

Main Sections/Issues:

1. Relevant planning history
2. Principle of development

3. Impact on the Norfolk Coast Area of Outstanding Natural Beauty (AONB), Undeveloped Coast, Landscape Character and Design
4. Ecology
5. Arboricultural impacts
6. Highways safety
7. Residential amenities
8. Flood Risk and Drainage
9. Heritage
10. Other matters
11. Planning balance/Conclusion:

1. Relevant planning history

Application PF/20/0747 was withdrawn by the applicants on the 09.11.2020. This previous application sought to provide 40 storage containers on the site, a site office and up to 33 security lights and boundary fencing. The current application has been submitted with the aim of successfully addressing the material concerns raised at that time. The assessment below has had due regard to the information submitted by the applicant alongside the most up to date policy and guidance documents which largely remain identical to those relevant as part of the considerations of application PF/20/0747.

2. Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the Development Plan for the area consists of the North Norfolk Local Development Framework Core Strategy (2008) (Core Strategy), the North Norfolk Site Allocations Development Plan Document (2011) and the Minerals and Waste Development Framework - Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026 (2011). At a national level, the National Planning Policy Framework (NPPF) constitutes guidance which the Local Planning Authority must have regard to. The NPPF does not change the statutory status of the development plan as the starting point for decision making, but is a material consideration in any subsequent determination.

- Core Strategy

Core Strategy Policy SS 1 sets out the spatial strategy for North Norfolk seeking to locate the majority of new development within the towns and larger villages, dependent on their local needs, their role as employment, retail and service centres and particular environmental and infrastructure constraints.

Policy SS 2 of the Core Strategy states that in areas designated as Countryside development will be limited to that which requires a rural location and is one or more of a list of certain forms of development. Most relevant to this application, the list includes 'new-build employment generating proposals where there is particular environmental or operational justification'.

Overarching Policy SS 5 relates to the economy and supports the creation of jobs and economic development through the designation of employment sites. The rural economy and farm diversification will be supported including extensions to existing businesses of an appropriate scale and re-use of existing buildings, including appropriate re-use of the operational land at redundant defence establishments.

Whilst the site was formally used by the Royal Air Force during the Second World War, redundant defence establishments as set out within Policy SS 5 are limited to the four sites defined within the Core Strategy itself. Consequently, these provisions, as expanded upon within Policy EC 4, are not relevant to this development or site.

The applicant has not demonstrated via evidence that there is a need for the development proposed, either locally or within the wider area. Whilst statements to suggest that there is a lack of suitable caravan and boat storage facilities available, no data or supporting justification has been provided. Comments received from third parties on the application state that there is sufficient capacity at existing boat storage facilities locally.

The Council look to support local businesses and employment generating proposals wherever possible and the provisions made within the Core Strategy provide the planning mechanisms to achieve these aims. In this instance Policy SS 2 is clear that new build development within the countryside will be limited to that which has a particular environmental or operational justification. The information provided in support of this application does not demonstrate that there is a site or countryside specific justification for this development. The nature of the uses being sought would appear to be capable of being met via existing provision or through new build development within settlements or identified employment sites.

Consequently, the development would conflict with the aims of Core Strategy Policy SS 2 in this respect.

- National Planning Policy Framework (NPPF)

In terms of the NPPF, paragraph 81 states 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 84, which provides support for a prosperous rural economy, states the planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

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

Having regard to the Framework in this respect, it is considered that the provisions made within the Core Strategy for enabling sustainable economic development are largely consistent with the latest national planning policy, albeit that the Framework’s approach does not require the demonstration of need for a rural location. In relation to this proposal, the development would involve new built form on an undeveloped parcel of land within an area which is not well served by public transport. The proposals do not demonstrate that opportunities for making the location more sustainable have been considered. Furthermore, the site is not considered to constitute previously developed land as in line with the NPPF

glossary definition (see extract below), the site's fixed surface structures have blended into the landscape:

“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings;and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”

Further consideration of the developments impact on the Norfolk Coast Area of Outstanding Natural Beauty, landscape, and local roads is set out within the relevant sections below.

3. Impact on the Norfolk Coast Area of Outstanding Natural Beauty (AONB), Undeveloped Coast, Landscape Character and Design

Impact on the Norfolk Coast Area of Outstanding Natural Beauty (AONB)

Core Strategy Policy EN 1 relates to the Norfolk Coast Area of Outstanding Natural Beauty (AONB) and The Broads. The policy states that The impact of individual proposals, and their cumulative effect, on the Norfolk Coast AONB, The Broads and their settings, will be carefully assessed. Development will be permitted where it;

- is appropriate to the economic, social and environmental well-being of the area or is desirable for the understanding and enjoyment of the area;
- does not detract from the special qualities of the Norfolk Coast AONB or The Broads; and
- seeks to facilitate delivery of the Norfolk Coast AONB management plan objectives.

The policy continues in stating that opportunities for remediation and improvement of damaged landscapes will be taken as they arise. 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. Development proposals that would be significantly detrimental to the special qualities of the Norfolk Coast AONB or The Broads and their settings will not be permitted.

The National Planning Policy Framework (NPPF) sets out within paragraph 176 that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. This paragraph also states that the scale and extent of development within AONB's should be limited.

The Norfolk Coast Management Plan (2014-2019) provides a summary of the special qualities of the AONB. Relevant to these proposals the qualities include the; dynamic character of the coast, strong and distinctive links between land and sea, exceptionally important, varied and distinctive habitats and species, sense of tranquillity, wildness and remoteness and quiet enjoyment of the area and dark night skies.

The application site falls within national landscape Character Area 78 – ‘Central North Norfolk’, the key characteristics of which include, amongst other things, a gently undulating landscape dissected by river valleys and a tranquil agricultural landscape with extensive areas of arable

land, with some relatively well-wooded areas. The site is characteristic of these broad landscape classifications within the Norfolk Coast AONB.

The applicant has supported their application with a planning statement, design and access alongside a number of plans and other documents. The applicant's planning statement sets out that the development would support the tourism industry whilst the landscape impact would be limited by the retention of the existing mature vegetation on site, alongside proposed mitigative planting.

The Landscape Officer, having considered the submission, states that the proposed change of use would result in the intensification and industrialisation of an area of woodland within the sensitive open elevated landscape of the Norfolk Coast AONB. Although altered from the previous application so that an area in the north west portion of the site remains undisturbed, the proposed storage areas would still occupy a large proportion of the site. A site office is proposed close to the site entrance and a mesh wire fence is proposed around the entire site boundary. The design and access statement states that additional planting is proposed as mitigation however the Landscape Officer does not consider that the additional planting to screen the development necessarily makes it acceptable.

The change of use of the site at the scale proposed would not only fundamentally alter the character and ecology of the site, but will also alter the character of the wider area through generation of traffic movements along the quiet rural road network that is characteristic of this part of the AONB. As classified in the North Norfolk Landscape Character Assessment, (LCA) the site lies within the Tributary Farmland Landscape Type (TF1, Tributary Farmland). Open rolling rural farmland with areas of elevated plateau resulting in long range uninterrupted panoramic views are typical characteristics of this Type. At the coast near Morston, in proximity to the site, there is a strong visual relationship between the farmland, the coastal marshes and the sea beyond with few detracting features. This is very apparent when moving north along Langham Road from Langham to Morston and past the site.

Defined Valued Features of this Landscape Type (LCA p. 59), which if diluted or adversely affected would detrimentally change the landscape character, include 'a strong rural character with a sense of remoteness and tranquillity'. This arises from the land use, rural settlement pattern with areas of quiet farmland and dark night skies between the villages.

The AONB Integrated Landscape Character Guidance notes that the Morston & Hindringham Tributary Farmland Character Area has a lower than average density of woodland (often in small fragmented parcels) (p.5). The Landscape Guidance (p.9) assesses that all existing woodland copses and hedgerow trees are part of the inherent sensitivity of the Character Area because they create significant visual structure and provide biodiversity value and should therefore be retained and enhanced. This development would dilute and erode one of these noted parcels of woodland and for this reason would have an adverse effect on the landscape character of the AONB. One of the defined key qualities of the Norfolk Coast AONB is a 'Sense of remoteness, tranquillity and wildness' resulting from the low level of development, population density and road infrastructure. Dark night skies and a sense of remoteness and wildness are qualities rare in lowland coastal England. This site is within a part of the AONB that strongly demonstrates this quality and the proposed development would not reinforce this identified quality.

The Landscape Officer considers that the proposed change of use would introduce an incongruous land use into a naturally regenerated wooded area resulting in the

industrialisation of a highly rural location which fails to reinforce, conserve or enhance this “Valued Feature” and therefore the prevailing landscape character. Other “Valued Features” that would be adversely affected include woodland cover and long range views over undeveloped skylines.

The proposal relies unrealistically on the existing vegetation effectively screening the development and advocates additional mitigation planting. Screening the development as proposed indicates that the change of use is not appropriate in this location. Should the development go ahead, it is inevitable that the site would become more visible in the landscape due to tree pruning required to facilitate visibility splays at the entrance and within the site for vehicle access (as set out in the Tree Survey) and to facilitate delivery and placing of the 39 containers. There would also be a considerable loss of scrub vegetation (both mature and scattered) and self-sown trees to accommodate access to the six open boat/caravan storage areas located around the site. The vegetation along the boundaries of the site is not dense or particularly significant in height and views of stored and stationed boats, caravans and containers would be readily perceivable from the surrounding landscaping, including from the Langham Road, the B1156 and the unnamed road connecting them.

The storage of valuable boats, outboards and caravans in this remote location will require effective security measures, a perimeter boundary fence is proposed. Paraphernalia and enclosure associated with securing this use appears incompatible with the quiet, remote, location within an elevated open rural landscape. Storage of such valuable equipment in an urban setting such as an industrial estate, where there is more surveillance and where security measures as described above could be implemented without harm, could be more appropriate and policy compliant.

In light of the above, Policy EN 1 sets out that proposals that would 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. The application has not demonstrated that alternative sites are/are not available.

The proposed development, if permitted, would be significantly detrimental to the special qualities of the Norfolk Coast AONB contrary to the requirements of Policy EN 1 of the Core Strategy and Chapter 15 of the NPPF. The benefits associated with the development are considered further in light of the adverse impacts identified as required by Policy EN 1 within the Planning Balance section at the end of this report.

- Major development

Paragraph 177 of the NPPF states that planning permission should be refused for major development⁶⁰ within AONBs other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*

Footnote 60 of the NPPF states for the purposes of paragraph 177, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

The application site would extend to approximately 4 hectares, above the 1 hectare threshold for 'major' development as set out within The Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO). Whilst this may be case, as explicitly stated within footnote 60 of the NPPF, whether or not a proposal is 'major development' for the purpose of paragraph 177 is a matter for the decision maker.

In this case, the 39 storage containers, office building, boundary fencing and areas of hardstanding for up to 107 caravans/boats storage proposed within the 4 hectare site would be a significant scale in the sites rural context. The landscape between Langham and Morston is open, predominantly arable with sporadic woodland blocks and no built form, contributing to the distinct separation between the two villages. The proposals would result in the loss of an appreciable area of undeveloped highly sensitive countryside characteristic of the AONB, introducing a significant footprint of development and associated activities and vehicle movements.

As set out above, it would do so in a way which have a significantly harmful visual impact in certain perspectives and would harmfully disturb the remote, wild and tranquil character of the AONB. This form of development would not be compatible in this setting and it would not preserve and enhance the defined features of the designated landscape. It would, by virtue of its scale and harmful impact, in this location, amount to major development in the AONB. Consequently, paragraph 177 of the NPPF states that planning permission should be refused other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.

Turning to these matters, whilst the provision of the proposal would have some economic benefit, these have not been quantified by the applicant and based on the submission, would be expected to be relatively modest in scale. These economic benefits would not amount to exceptional circumstances which would outweigh the identified environmental harm to the Norfolk Coast AONB. Additionally, no alternative sites have been considered by the applicants, albeit that vague statements regarding lack of suitable alternative provisions have been made. As such the development would not be in the public interest. Consequently, paragraph 177 of the NPPF indicates that planning permission should be refused.

Moreover, the proposal would not accord with the linked requirements in Policy EN 1 to demonstrate: (1) that less harmful alternative sites exist; and (2) that the benefits clearly outweigh any adverse impacts. Due to the environmental harm identified to the character and special qualities of the AONB the proposal would also conflict with Policy SS 5 and so would not be a form of sustainable development which the development plan encourages.

Undeveloped Coast

Policy EN 3 of the Core Strategy states that within the Undeveloped Coast area, only development that can be demonstrated to require a coastal location and that will not be significantly detrimental to the open coastal character will be permitted. This is reflected within

the NPPF at paragraph 174 where it is stated that decisions should contribute to and enhance the natural environment by maintaining the character of the undeveloped coast.

The site also lies within Undeveloped Coast. Para. 3.3.10 of the Core Strategy explains that this designation is designed to minimise the wider impact of general development, additional transport and light pollution on the distinctive coastal area. It has not been demonstrated through this submission that this development requires a coastal location (as required under Policy EN 3), nor that it should be within the AONB (required under Policy EN 1). The Landscape Officer does not consider that it is essential for such a storage facility to be close to where the boats/caravans are sited during the summer months and that an alternative location should be first considered. Indeed, it would not be possible to restrict the use of the site to visitors and customers of nearby tourist sites/activities via condition, rather the development, if permitted, would result in a general commercial/industrial storage use, which may or may not be used by tourists/holiday makers. A type of use which should be located within settlements or designated sites for such uses, where there is suitable infrastructure to accommodate the nature of the use.

Consequently, the effect of the proposed development on the area of Undeveloped Coast would be significantly detrimental and would not accord with the requirements of Policy EN 3 of the Core Strategy.

Landscape Impact and Design

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.

Core Strategy Policy EN 4 states that all development will be of a high quality design and reinforce local distinctiveness. Design which fails to have regard to local context and does not preserve or enhance the character and quality of an area will not be acceptable.

The plans provided for the proposed portacabin are not to scale, albeit demonstrate that the building would be functional in design with limited, if any, architectural merit or interest. Similarly, the proposed storage containers would have a functional and industrial appearance. In light of the analysis set out above, such development would contrast with the rural and undeveloped character of the area, failing to have regard to the local context and adversely impacting upon the character and appearance of the area through the introduction of incongruous industrial built form into the landscape. Limited details of the proposed fencing have been provided with the application and whilst additional information could be secured via condition, the visual impacts of 0.86km of security fencing would add to the industrialisation of the site, contributing to the adverse impact this form of development would incur upon the sites rural and undeveloped character.

For the reasons set out within the Norfolk Coast AONB section above, the development would fail to protect or conserve the special qualities and local distinctiveness of the area and would be inappropriate in its location. Conflict with the aims of Policies EN 2 and EN 4 of the Core Strategy would therefore arise.

4. Ecology

The Council has a duty under the Natural Environment and Rural Communities Act 2006 to have full regard to the purpose of conserving biodiversity which extends to being mindful of the legislation that considers protected species and their habitats and to the impact of the development upon sites designated for their ecological interest.

Core Strategy Policy SS 4 states that areas of biodiversity interest will be protected from harm, and the restoration, enhancement, expansion and linking of these areas to create green networks will be encouraged. Policy EN 2 states that development should protect, conserve and, where possible, enhance distinctive landscape features, such as woodland, trees and field boundaries, and their function as ecological corridors for dispersal of wildlife.

Policy EN 9 States that development proposals that would cause a direct adverse effect to protected species will not be permitted unless they cannot be located on alternative sites that would cause less or no harm and the benefits of the development clearly outweigh the impacts on the features of the site and the wider network of natural habitats. All development should protect the biodiversity value of land and buildings and minimise the fragmentation of habitats, maximise opportunities for restoration, enhancement and connection of natural habitats and incorporate beneficial biodiversity conservation features where appropriate.

Paragraph 174 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value, minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 180 states that when determining planning applications, significant harm to biodiversity should be avoided, adequately mitigated, or, as a last resort, compensated for. Should this not be possible, then permission should be refused. Opportunities to incorporate biodiversity improvement in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

The applicants have supported their application with a Preliminary Ecological Appraisal dated May 2020. This appraisal found that the site supports habitats including broadleaved woodland, dense continuous scrub, rough grassland and areas of existing internal hardstanding roads and areas of concrete pads. The appraisal found that the intrinsic value of the habitats on-site within a defined geographic context is generally considered to be of importance at site level only with some features of local interest. The site comprises a patch of woodland and scrub surrounded by arable fields and these habitats are widespread and abundant locally. The appraisal highlights that the on-site woodland and hedgerows are both Habitats of Principal Importance (HPI) under the Natural Environment and Rural Communities (NERC) Act but considers that the proposed use would not result in the loss of any areas of these habitats.

The appraisal states that the site contains a range of natural and semi-natural habitats, which in turn support protected species including bats, birds and mammals, and also has some potential for reptiles and hedgehogs. However, the author highlights that the proposed site would be for (winter) storage of boats and caravans and activity on site will be almost entirely limited to the existing areas of hardstanding. The author notes that localised clearance of small areas of encroaching scrub and tall herbs would be required but the habitat across the majority of the site would be largely retained. The appraisal considers that the operational activities occurring at the site would be very low key with limited potential for disturbance or indirect

impacts to local wildlife, albeit noting that the site would be fenced which could lead to restrictions of animal movement including protected mammal species, but this will be mitigated by providing gaps or gates in the fencing to allow unobstructed passage. The appraisal provides a number of recommended mitigation measures.

The Council's Ecology Officer has considered the submitted information and notes that the vegetation loss proposed is significant for its ecological value and the clearance of areas of scrub would result in considerable habitat loss and disturbance, particularly to the protected species within the site. Officers consider that to accommodate this development on the site, there would be a requirement for removal of considerably more vegetation within the site than is stated. This conflict is shown by comparing the Phase One Habitat Survey Plan (Figure 1) provided as part of the Ecology and the proposed site plan.

The dense scrub habitat on the site is of high value to nesting birds, and the site supports a diverse assemblage of breeding and passage birds. The clearance and loss of this habitat (which has not been quantified by the applicant but is likely to be significant given the dense and overgrown nature of the site) would diminish the value of the site to the local and migrant bird populations. The proposed landscape mitigation would not compensate for the loss of this habitat resulting in a net loss of biodiversity, contrary to the aims of paragraph 174 of the National Planning Policy Framework. In addition, any potential lighting required on the site could have an impact on protected bat and mammal populations that use the site.

The site is known to contain protected species as well as suitable foraging habitats for them. The applicant's ecological appraisal and validation letter highlights that these are present onsite, with activity increasing between the Ecologist visits to the site. The development proposals would result in areas of open boat and caravan storage in close vicinity to the breeding/nesting areas of the protected species. The creation of these storage areas would require extensive scrub removal which would result in disturbance to the protected species, and a licence for these works is likely to be required from Natural England. The Ecology Officer considers that the removal of the scrub and vegetation, together with the increased activity, including human, associated with the storage use on the site would cause significant disruption to the protected species breeding/nesting areas as well as their foraging activities, such that it could cause the breeding/nesting areas to be abandoned. Given the size and significance of the protected species population supported by the site, the proposed development is likely to result in an adverse impact at the District level.

Having regard to the above, the development would not meet the requirements of Policy EN 9 and the application has failed to demonstrate that the development cannot be located in a less sensitive location that would cause less harm. The development would result in net losses for biodiversity and adversely impact upon the sites ability to provide safe and undisturbed refuge to local and migratory wildlife. Furthermore, the development does not comply with the mitigation hierarchy as set out in paragraph 180 (a) of the National Planning Policy Framework.

5. Arboricultural impacts

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

Paragraph 174 of the NPPF states that decisions should recognise the intrinsic character and beauty of the countryside, including the benefits associated with trees and woodland.

The application has been supported by a Tree Survey and Arboricultural Impact Assessment/Method Statement/Tree Protection Plan dated April 2020 as well as Addendum dated August 2021. These reports, prepared by the applicant themselves, conclude that the development would not have an impact upon trees within the site. This is predicated on the intention to utilise the hardstanding within the site for the storage purposes.

The Tree Officer has considered the proposed development alongside the information submitted by the applicants. They note that trees at the site entrance would need to be pruned back to achieve the required visibility splays and that the clearance of scrub and small self-sown trees which are establishing on the areas of hard standing would be required to facilitate the development. The ecological and landscape value of these areas has been considered above. The whole site is covered by a Tree Preservation Order and this order was made to ensure that the woodland that is establishing on the site, which is providing significant public amenity and biodiversity value, is retained and indiscriminate removal of vegetation is prevented.

The extent of shrub and small tree clearance is not fully known as the applicant has not provided sufficient information in this respect. Based upon the applicants Ecological Report, supporting photographs and Officer site visits, the balance of probability is that development would necessitate a significant amount of biomass clearance in order to expose and utilise the historic concrete slabs for storage purposes. Further tree works/loss would be expected in order to facilitate the movements of large vehicles, containers and boats, as well as security fencing.

The development would therefore fail to protect, conserve or enhance this distinctive natural landscape feature, and the individual trees contained within, contrary to the requirements of Policies EN 2 and EN 9 of the Core Strategy.

6. Highways safety

Policy CT 5 requires development to provide safe and convenient access for all modes of transport, including access to the highway network. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The applicant has supported their application with a Design and Access Statement which provides a copy of informal Highways advice. The Design and Access Statement confirms that the proposals seek to store a total of 107 caravans and boats on the site, in addition to the 39 containers. Such a use of the site would result in additional traffic when compared to the sites longstanding inactivity.

The Highway Authority were consulted as part of this planning application and having considered the latest development proposals, raise no objection, highlighting that the C314 Langham Road is a classified route and the access visibility proposals are acceptable. A condition is suggested in order to ensure the visibility splays are provided and maintained in accordance with the approved plans.

It is noted that many of the objections to the development highlight concerns regarding traffic generation, the condition of surrounding highway network and existing highway related issues. In this instance however, in light of the comments provided by the Highway Authority, the experts in highway safety matters, a reason for refusal could not be justified.

Therefore, the proposals would accord with the requirements of Policy CT 5 of the Core Strategy, subject to a condition ensuring that suitable visibility splays at the sites entrance are provided and maintained.

7. Residential amenities

Policy EN 4 states that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers. In this case, the proposed development would be sited over 360 metres from the nearest residential property. The extent of this distance, coupled with intervening field and road boundaries would result in no adverse amenity concerns. The increase in traffic, including larger vehicles, on the surrounding highway networks would be perceived by local residents, however in light of the lack of objection from the Highway Authority, an adverse impact cannot be demonstrated. The development would therefore comply with Policy EN 4 in respect to these matters.

8. Flood Risk and Drainage

Policy EN 10 of the Core Strategy states that the sequential test will be applied rigorously across North Norfolk and most new development should be located in Flood Risk Zone 1. The policy also states that appropriate surface water drainage arrangements for dealing with surface water runoff from new development will be required. The use of Sustainable Drainage Systems will be the preference unless, following an adequate assessment, soil conditions and / or engineering feasibility dictate otherwise.

Paragraph 159 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Paragraph 167 of the NPPF sets out that development should ensure that flood risk is not increased elsewhere and where appropriate, applications should be supported by a site-specific flood-risk assessment.

The application site measures approximately 4 hectares and is located within Flood Zone 1. In accordance with Policy EN 10 of the Core Strategy, a site-specific flood risk assessment should be provided. The proposals have not been supported by such an assessment. It is however noted that paragraph 167 of the National Planning Policy Framework and associated footnote 55, that an assessment should be provided for such sized sites where the development would introduce a more vulnerable use. In the case of this application, the proposed use would fall within the same vulnerability category as the existing (Less Vulnerable).

The Lead Local Flood Authority were consulted on this application and responded by stating that the development falls below their current thresholds for providing detailed comments.

In light of this, and taking into account that the proposals seek to utilise existing areas of hardstanding and no flooding issues are known at or in the vicinity of the site, a reason for refusal based on the lack of a flood risk assessment would not be justified. Should the application have been found acceptable, conditions could have been imposed to secure

further details in relation to surface water drainage, given that exposing the hardstanding would alter the current hydrological situation.

9. Heritage

Policy EN 8 of the Core Strategy states that development proposals should preserve or enhance the character and appearance of designated assets, historic buildings/structures, monuments, landscapes and their settings through high quality, sensitive design. This policy also seeks to ensure that the character and appearance of conservation areas are preserved, and where possible enhanced, encouraging the highest quality building design, townscape creation and landscaping in keeping with these defined areas.

The application site lies approximately 350 metres to the north of the Langham Conservation Area and the listed buildings contained within it, and 1.5 kilometres south of the North Norfolk Heritage Coast and Morston Conservation Area and listed building contained within. Having considered the proposed development, the Conservation and Design Officer raises no objection and it is not considered that the development would harm the significance of these designated heritage assets.

10. Other matters

Nutrient Neutrality

Alongside all other local planning authorities in Norfolk, the Council received a letter in March 2022 from Natural England about nutrient pollution in the protected habitats of the River Wensum Special Area of Conservation (SAC) and the Broads Special Area of Conservation and Ramsar site. This letter placed a moratorium on granting new planning permissions for new overnight accommodation proposals, either themselves or for those where their eventual foul water outfall is within the affected catchments. For those applications affected, they must demonstrate by way of Habitat Regulations Assessment - Appropriate Assessment that they have a neutral effect on the ingress of nutrients into the watercourses of the affected catchments.

In this instance the proposal lies outside of the catchment areas for The Broads and River Wensum SACs and Ramsar sites. No information has been provided by the applicant as to how the foul water generated on-site would be dealt with. A condition could secure these details. Notwithstanding the lack of detail in this respect, given the distance of the site from the affected catchment area and that the development seeks a commercial/industrial use, rather than overnight accommodation, significant effects on the protected sites concerned can be ruled out and the proposal can therefore be considered for determination.

Mineral safeguarding area

The application site is partially underlain by a Mineral Safeguarding Area (Sand and Gravel) and falls within Mineral Safeguarding Areas whereby Norfolk County Council as the Minerals and Waste Authority have been consulted. Having had regard to the proposed development the Minerals and Waste Authority consider that as a result of the nature of the proposed development (change of use of existing hardstanding), it would be exempt from the requirements of Policy CS16-safeguarding of the adopted Norfolk Minerals and Waste Core Strategy. No objection is therefore raised in this respect.

11. Planning balance/Conclusion:

The proposed development has been found to conflict with the Core Strategy in respect to the locational requirements for new build employment generating uses (Policy SS 2 and SS 5). This conflict with the Core Strategy's aims of delivering sustainable employment uses weighs against the development. Having regard to the NPPF, the proposals have not demonstrated that opportunities for making the location more sustainable have been considered. Notwithstanding this, it is acknowledged that the development would result in some economic benefits, including on-site employment opportunities as well as potential support to other local business. Economic growth is supported by the Council and Core Strategy, however in this instance, whilst there would be benefits in this respect, the full extent of the local business need(s) are unclear. Nevertheless, weight is given to the economic and employment generating benefits associated with the development.

The proposals have been found to represent major development within and which would be significantly detrimental to the special qualities of the Norfolk Coast AONB contrary to the requirements of Policy EN 1 of the Core Strategy and Chapter 15 of the NPPF. Mindful of the requirements set out within paragraph 176 of the NPPF, great weight is afforded to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty and the harms identified weight heavily against the grant of permission. In a similar vein, the proposals would conflict with Core Strategy Policy EN 3 and paragraph 174 of the NPPF with respect to the adverse impacts upon the sites Undeveloped Coast location. The development would also fail to protect or conserve the special qualities and local distinctiveness of the area conflicting with the aims of Policies EN 2 and EN 4 of the Core Strategy.

The proposals would result in net losses for biodiversity and adversely impact upon the sites ability to provide a safe and undisturbed refuge to local and migratory wildlife, contrary to the requirements of Policy EN 9. The development does not comply with the mitigation hierarchy as set out in paragraph 180 (a) of the National Planning Policy Framework. The development would also fail to protect, conserve or enhance this distinctive natural landscape feature, and the individual trees contained within, contrary to the requirements of Policies EN 2 and EN 9 of the Core Strategy.

Matters which are neutral in the overall planning balance in this instance include the developments acceptable impact upon neighbouring amenities, upon the historic environment, flooding risk and in respect of highway safety.

In undertaking an overall balance of the competing aspects of the proposal, it is considered that the harms identified, would demonstrably 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 site is located in an area designated as Countryside where Policy SS 2 limits development to that which requires a rural location. The proposals have not demonstrated that there is a particular environmental or operational justification for the development. The site is isolated from the nearest settlement, not well served by public

transport and would rely on the use of the private car and would not respond positively to tackling the impacts of climate change contrary to Policies SS 1, SS 2 and CT 5 of the adopted North Norfolk Core Strategy (2008) and the sustainable development principles detailed within the National Planning Policy Framework (2021).

2. The proposed development would be of a significant scale, representing major development within the sites rural context and Norfolk Coast Area of Outstanding Natural Beauty (AONB). The introduction of built form and change of use of land would introduce an incongruous use into a naturally regenerated wooded area resulting in the industrialisation of a highly rural open coastal location which would not reinforce, conserve or enhance the sites remote, tranquil, open and elevated landscape setting. The development would fail to conserve or enhance the special landscape and scenic beauty qualities of the AONB and prevailing landscape character and fails to have regard to local context and does not preserve or enhance the character and quality of an area contrary to the requirements of Policies EN 1, EN 2, EN 3 and EN 4 of the adopted North Norfolk Core Strategy, Chapter 15 of the National Planning Policy Framework (2021) and the guidance contained within the North Norfolk Landscape Character Assessment Supplementary Planning Document (2021), the Norfolk Coast Area of Outstanding Natural Beauty Management Strategy 2014 – 2019 and the Norfolk Coast AONB Integrated Landscape Character Guidance.
3. The proposals would necessitate the removal of a significant amount of scrub and woodland which is known to support breeding populations for a range of protected species, including mammals and birds of conservation concern, and considered likely to also provide shelter and foraging opportunities for other protected species (e.g. reptiles). The disturbances and increased activities associated with the proposed use would have an adverse impact upon these species. The proposed landscape mitigation would not compensate for the loss of habitat resulting in a net loss of biodiversity, contrary to the aims of paragraph 174 of the National Planning Policy Framework (2021). The proposals have not demonstrated that the development could be located in a less sensitive location that would cause less harm contrary to the requirements of Policy EN 9 of the adopted North Norfolk Core Strategy (2008). Furthermore, the development does not comply with the mitigation hierarchy as set out in paragraph 180 (a) of the National Planning Policy Framework (2021).

Informative(s)

- 1 In accordance with paragraph 38 of the National Planning Policy Framework (NPPF) in dealing with this application, the Council has worked with the Applicant in the following positive and creative manner:-
 - proactively offering a pre-application advice (in accordance with paragraphs 39 - 46);
 - seeking further information following receipt of the application;
 - seeking amendments to the proposed development following receipt of the application;
 - considering the imposition of conditions (in accordance with paragraphs 54-57).

In this instance:

- the Applicant was updated of any issues after the initial site visit;
- additional information was submitted by the Applicant and has been given due consideration;
- the details of this application have been passed onto the Council's Economic Development Team with the hope that positive engagement can be made which will

help support the applicant and their business needs.

In such ways the Council has demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.

Human Rights:

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, the recommendation to Refuse this application 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)

Mr Russell Stock

Team Leader (Development Management)

29th November 2022