

**MORSTON – PF/23/1764 - Use of land for stationing of a food and beverage trailer for no more than 56 days per annum for a temporary period of 5 years (retrospective) at National Trust Information Centre, Quay Lane, Morston, Holt NR25 7BH for National Trust**

**Minor Development**

**Target Date:** 11 October 2023

**Extension of time:** TBC

**Case Officer:** Darryl Watson

**Full Planning Permission**

**RELEVANT SITE CONSTRAINTS**

- LDF Countryside
- LDF Undeveloped Coast
- Heritage Coast
- Landscape Character Assessment - Type: OCM1 (Open Coastal Marshes)
- Norfolk Coast National Landscape (formerly known as Norfolk Coast Area of Outstanding Natural Beauty)
- Flood Zone 3A SFRA
- Flood Warning Area SFRA
- Areas Susceptible to Groundwater SFRA
- National Nature Reserve
- Agricultural Land Classification - Agricultural Land: Grade 3
- Mineral Safeguarding Area

The site is immediately adjacent to, but not within, the following designated areas

- Wetlands of International Importance - RAMSAR
- Special Area of Conservation
- Special Protection Area
- Site of Special Scientific Interest
- Candidate County Geodiversity Site
- County Wildlife Site - Morston Marshes

**RELEVANT PLANNING HISTORY**

The recent planning history is as follows, but this is not considered to be directly relevant to the consideration of the current proposal.

RV/23/1681: Variation of condition 1 (removal of buildings) of planning permission PF/18/0957 (Siting of portable buildings for use as catering store, secondary catering outlet and staff welfare/visitor welcome unit and temporary toilets; formation of waste compound and installation of window in rear wall of cafe building) as varied by RV/21/1565, allow buildings to be retained on site for a further 2 years until 1 August 2025 – Approved

RV/21/1565: Variation of condition 1 (requiring removal of the buildings on or before 1 August 2021) of planning permission PF/18/0957 to allow buildings to be retained on site for a further 2 years - Approved

NMA1/18/0957: Non-material amendment to planning permission PF/18/0957 to allow for use of concrete pad foundations for the approved portable buildings to enable them to be secured in case of flood risk and cutting back of a section of hedge to accommodate approved staff & welfare cabin - Approved

PF/18/0957: Siting of portable buildings for use as catering store, secondary catering outlet and staff welfare/visitor welcome unit and temporary toilets; formation of waste compound and installation of window in rear wall of cafe building - Approved

PF/16/1356: Installation of two pay & display machines (one is to replace existing machine) – Approved

## **THE APPLICATION**

As amended, this is for the use of a small parcel of land at Morston Quay for the stationing of a food and beverage trailer for no more than 56 days in a calendar year which would be for 8 weeks - the 6 week school holiday period and a week either side of it. Permission is sought for a limited period of five years.

The trailer is on wheels and can be towed on and off the land. It would be transported to the site and remain *in situ* during operational periods after which it would be relocated to another National Trust property. It is 4.57m in length, 2.4m wide and 2.73m high with a metal framework coloured dark grey and has a flat roof. The sides are clad in a timber effect vertical boarding also coloured dark grey. There is a personnel door at one end and a serving hatch in one side. The supporting statement states the trailer requires no additional utility services, as it will operate using existing connections.

The proposed core opening hours for the trailer are 10.00 – 14.30/15.00 but the applicant advises that these could vary slightly with tides and demand.

As first submitted, permission was sought to use the land for stationing of the trailer for up to 120 days per year but this was reduced to 56 days following advice from Officers.

## **REASONS FOR REFERRAL TO COMMITTEE:**

At the request of Cllr Holliday for the following reasons:

*“This proposal is completely unsuitable for this highly protected location. It will commercialise and suburbanise what is meant to be a tranquil and wild area with a sense of remoteness. It will increase footfall. There already is a cafe at the Quay. I find this proposal does not conform to local plan policies EN 1, 2, 3, 4 and 9”.*

Cllr Holliday also comments separately that *“I agree with the community that this proposal is completely unsuitable for this highly protected location. It will commercialise and suburbanise what is meant to be a tranquil and wild area with a sense of remoteness. I see from the application that it is considered not to have a negative impact on biodiversity or geological conservation – the site of the trailer itself is highly designated which is not highlighted. The proposed hours of operation will increase footfall as the Quay is only busy for the few hours around high tide, not all day. The increased staffing will require more corporate infrastructure all of which diminishes the natural surroundings. I have concerns around waste water run-off,*

waste volume and littering. I find this proposal does not conform to local plan policies EN1, 2, 3, 4 and 9”.

## **REPRESENTATIONS:**

Three received from addresses in Morston in response to application as first submitted with **objections** on the following summarised grounds:

- Applicant is looking for profit where what the public really need is adequate and decent toilets in Morston, planning for which has gone on for nearly twenty years.
- Morston Quay is within the AONB and is a wildlife reserve and should stop being managed as if it were a stately home. As it is tidal, plants and animals should have time to rest. It is not in the interests of nature to have people eating and drinking from 9-5 on Morston Quay. The very fact that the proposed opening hours are 9-5 shows that no thought has been given to the area.
- The site is with the Open Coastal Marsh (OCM) landscape character type noted for its natural character as reflected in the high number of statutory designations covering the area. The proposed development would be harmful to the valued features and qualities of this landscape type
- The applicant appears to have embarked on a plan to comprehensively destroy the strong sense of remoteness, tranquility and wildness which, until recently, was characteristic of Morston Quay and the surrounding marshland. It has greatly expanded its operations with the reference made to development previously carried out in breach of planning permission or without permission. The imperative for these actions is the need to generate more income from the Morston Quay site.
- Poor maintenance of structures that have been built previously.

Further publicity was carried out following the amendment to the proposal, with **no further representations received**.

## **CONSULTATIONS:**

**Landscape (NNDC) - No objection.**

**Natural England** – are not able to provide specific advice on the application and therefore has no comment to make on its details

**Norfolk Coast Partnership** - no comments submitted

**Morston Parish Council** - **Object** as this area is very heavily protected and it is considered that the proposal is an abuse of that protection and an inappropriate development for such a sensitive area. Concerns about over commercialisation – Morston Quay and Marshes are a unique area of land, marsh and wild life and should be retained as it is for the future. It should not be commercialised as Blakeney Quay has been. The National Trust already has a café which is big enough and there is under used space in the existing building if the NT believes more space is needed. The opening times on the trailer are not the same as in the planning request so are unlikely to require all the additional staff suggested.

Many find the van visually intrusive. The public are primarily at Morston for boat trips, not for food and drink. The footfall is pulsed with peak demand when several boats embark and

disembark at the same time. At these times queuing for refreshments and toilets is inevitable, some boats take 50 passengers at a time and there are 10+ working boats.

Having the van in situ for 120 days is excessive. The busiest time for visitors is the school summer holidays, which lasts no more than 60 days. Also, at that time of year, the weather is most likely to be suited to outdoor refreshments.

The PC state they have no idea of the NT's long term plans for the site and ask if the NT will want to make it more permanent and whether allowing it it easier to increase the commercialisation of the site and their buildings footprint.

Following amendment – the PC are still strongly opposed to the application which they consider does not comply with policies EN 1, 2, 3, 4 and 9. The points raised in the PC's earlier comments are reiterated.

## **HUMAN RIGHTS IMPLICATIONS**

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

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

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

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

## **CRIME AND DISORDER ACT 1998 - SECTION 17**

The application raises no significant crime and disorder issues.

## **LOCAL FINANCE CONSIDERATIONS**

Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are not considered to be material to this case.

## **RELEVANT POLICIES:**

### **North Norfolk Core Strategy (2008)**

Policy SS 1 - Spatial Strategy for North Norfolk

Policy SS 2 - Development in the Countryside

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 9 - Biodiversity and geology

Policy EN 10 – Development and Flood risk

Material Planning Considerations:

## **Supplementary Planning Documents**

North Norfolk Landscape Character Assessment SPD (2021) – *the site is within the Open Coastal Marshes landscape type*

**National Planning Policy Framework (NPPF):**

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

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

**OFFICER ASSESSMENT**

**Site description**

The site is within an area of grass adjacent to the north end of the Morston Quay car park and to the southeast of the National Trust Lookout building/visitor information point, which has a small takeaway café attached to it. Within the grassed area and adjacent to the west of the Lookout building there are a number of picnic tables. The Norfolk Coast Path runs to the north of the building and is at a slightly higher level than the site. Boats are stored on the land to the west of the site and the Lookout, and in a smaller area to the north. The main area of the car park is to the south with Quay Lane running along the northeast side. The surface is compacted ground/loose gravel. There is also parking to the east of Quay Lane adjacent to the hedge running north-south.

**Main issues for consideration:**

- 1. Whether the proposed development is acceptable in principle**
- 2. The effect on the character and appearance of the area and special qualities of the Norfolk Coast National Landscape (AONB)**
- 3. Whether the proposed development would have a significant effect on designated sites**

**Background**

Schedule 2, Part 4, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) considers temporary use of land and gives planning permission for the use of any land for any purpose for not more than 28 days in total in any calendar year and the provision on the land of any moveable structure for the purposes of the permitted use. There are no limitations under Class B which would apply in this case to the proposal at Morston.

This is an important material consideration in terms of assessing the likely impacts of the proposal which is effectively for an additional 28 days per year over what can be carried out without the need for permission from the Council.

**1. Principle**

The site is within the area designated as Countryside under policy SS 1 of the Core Strategy. Development related to recreation and tourism is a type listed under Policy SS 2 that can be

acceptable in principle within this area. The proposed development is deemed to require a rural location as it would be related to an existing recreation / tourism site in the Countryside. The stationing of a food and beverage trailer is therefore acceptable in principle and complies with policies SS 1 and SS 2. Nevertheless, to be acceptable overall, it must also comply with all other relevant Core Strategy policies, unless material considerations indicate otherwise.

## **2. Character and appearance**

Whilst the permission sought is for the use of the land, consideration of this issue is on the basis of the effect of stationing a trailer on the site. The trailer that was stationed on the site for a time during the summer of 2023 and which would be sited again, is as detailed above. If permission was granted any trailer that would fit on to the application site could be stationed on it. As such it is considered it would be appropriate to include a condition such that only a trailer of a size and appearance of that proposed could be stationed on the site.

Valued features and qualities the Open Coastal Marsh Landscape Character Type within which the site is located are listed in the North Norfolk Landscape Character Assessment SPD (LCA) are:

### *Natural character and nature conservation value:*

*Extensive natural and semi-natural habitats including coastal saltmarsh, coastal sand dunes and mud flats are relatively rare and provide internationally important biodiversity and geodiversity, reflected in the high number of statutory designations. The natural character provides a contrast to the intensely managed farmland which occupies the inland areas.*

### *Relative absence of human settlement and intervention:*

*The general absence of settlement and human intervention provides a strong sense of remoteness, tranquillity and wildness (and dark skies at night).*

### *The sense of openness, large skies, and quality of coastal light:*

*These characteristics provide a sense of space and long views.*

### *Recreational value*

*The beaches, footpaths, bird hides and boat moorings provide significant recreational value and enable managed enjoyment of the landscape by visitors.*

Many of the Valued Features and Qualities of the Open Coastal Marshes are also considered to contribute positively to Key Qualities of Natural Beauty of the Norfolk Coast AONB

Forces for change / detractors listed in the LCA as include

### *Recreational pressure from boating activities including organised boat trips*

*The development of boat trips (to Blakeney Point and the seal grounds) has encouraged large numbers of cars to Morston. The parking of cars on the hard is highly visible from this Type. These effects can detract from the wild/ natural character of the Type*

### *Recreation-related development*

*Features such as hides, lighting, small car parks, golf courses, camping and glamping facilities and other human related interventions can have an adverse impact on the 'wild' and natural*

*character of the landscape, as can large numbers of people in the landscape which can cause erosion of habitats and disturbance to species.*

Whilst the valued features and qualities of the wider landscape in this area are acknowledged, because of the site's location close to the edge of the car park, the immediate context in which the trailer would sit and be seen are parked cars, the Lookout and boats stored on the land. This, in combination with its small scale, appearance - which would ensure the trailer assimilates well with nearby buildings (the Lookout and temporary cabins to the south), and the fact that it would only be stationed on the site for a limited period during the peak summer months when the car park would be most heavily used, is such that it is considered any harm would be negligible.

In views westwards from the coast path and open landscape, existing landscape features would provide screening. It is not until a point closer to the Lookout that the trailer would be readily visible where it would be seen in the context of the nearby Lookout, with stored boats beyond. Similarly, in the opposite view on the approach along the coast path from the west, the trailer would be seen with the Lookout and parked cars and stored boats. On the approach from Morston via Quay Lane in the northwards view the trailer would be seen against parked cars in the foreground, the Lookout and stored boats.

With regards to Policy EN 3 as the proposal is to be used in association with an existing tourism site, it is deemed to require a coastal location. It is considered it would not, on balance, harm the open coastal character for the reasons stated above.

It is considered that the proposed development would not result in any material harm to the valued qualities and features of the Open Coastal Marshes landscape type or the special qualities of this part of the Norfolk Coast National Landscape (AONB). It is therefore considered acceptable in terms of compliance with Core Strategy policies EN 1, EN 2 and EN 3.

### **3. Designated sites**

Morston Quay is part of Blakeney National Nature Reserve which is internationally important for its habitats. The Reserve's features of interest include subtidal sandbanks, saltmarsh, intertidal mudflats and sandbanks, shallow inlets and bays and seal colonies. It is outside, but immediately adjacent to, the boundary of other designated sites as listed in the constraints section above.

Because of the site's location adjacent to the car park and at the main visitor entrance to Morston Quay, within an area where there are existing picnic tables, existing levels of human activity/footfall are high during peak seasons. People visiting the boat trips that operate from the Quay add to this. Visitor pressure in sensitive locations such as this can be a concern, however; because of its scale, specific siting and temporary nature, it is not considered the trailer would be an attractor or visitor destination in its own right that would draw more visitors to the site. It is therefore unlikely that the stationing of the trailer would result in a material increase in what the applicant has advised are the c.100,000 annual visits to Morston, and given that the trailer would only be on site for an additional 28 days when the permitted development allowance is taken into account.

The applicant estimates that 140 visitors/ tourists used the trailer each day it was open during 2023 who otherwise would not have been served due to the queue at the existing takeaway kiosk being too large. Those visitors were already on site for the seal trips or walking the coast. Morston Quay is a popular tourist destination as is much of the North Norfolk coast and amenities are needed for visitors and users of the coast path. The applicant states that the current kiosk is limited and queues that form lead to complaints which impact the experiences of visitors to Morston.

On balance it is considered the small scale and temporary nature of this additional facility would not result in harm to the special interest features of the area for the reasons stated and as such complies with Core Strategy policy EN 9

### **Other considerations**

- Concerns raised in representations about how the applicant (the National Trust), manages the site and maintains their existing structures are not material to the consideration of the current application. Neither, if there have been any, are previous breaches of planning control unless they are directly related to what is being considered now. In this case there are none.
- Flood risk – the proposal is minor development in relation to flood risk. Whilst the site is in flood zone 3A it is considered, because of its scale and temporary nature, it would not raise significant flood risk issues, and in this respect the permitted development right for the temporary use of land is not subject to prior approval by the local planning authority in respect of flooding. The proposal is a 'less vulnerable' use in terms of flood risk and such uses are compatible with flood zone 3A. The proposed development is therefore acceptable in terms of Core Strategy policy EN 10.
- Mineral safeguarding area – whilst the site is within this area, as it is a temporary development, consultation with the County Planning Authority is not required as set in appendix C of the Norfolk Minerals and Waste Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026
- It is considered some weight in the overall planning balance should be given to the fact that the applicant has stated that the operation of the trailer *“presents an opportunity for the property to generate charitable income, which will be utilised to fund essential infrastructure projects and conservation efforts”*. With regards to such projects, it is likely that proposals for a building to provide new visitor welcome area, staff office, replacement toilets including a changing places facility and catering store will come forward relatively shortly, with a pre-application enquiry (ref IS2/23/2144) relating to this currently under consideration.

### **Conclusion and planning balance**

The proposed development is considered to be acceptable for the reasons stated above and in compliance with relevant policies in the North Norfolk Core Strategy. It is considered the proposal would not result in any material harm to the character and appearance of the

surrounding landscape or have any harmful effect on designated sites. APPROVAL is therefore recommended subject to conditions

The issues raised in letters of representation received (summarised above) following publicity and consultation carried out in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), have been considered. They do not raise material considerations which outweigh the recommendation to approve.

**RECOMMENDATION:**

**APPROVAL subject to conditions relating to the following matters:**

- Limited period permission (5 years)
- Litter bin provision
- Only a trailer of the type specified in the application to be stationed on the land
- Opening hours

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