

**PUDDING NORTON - PF/23/2102 – Continued use of land as a residential caravan site at Parklands, Green Lane Estate, Pudding Norton for Mr David O'Connor**

**Major Development**

**Target Date: 29th December 2023**

**Extension of time: 11<sup>th</sup> March 2024**

**Case Officer: Mark Brands**

**Full Planning Permission**

**RELEVANT SITE CONSTRAINTS**

The site is located within the countryside

Enforcement Cases - Reference: ENF/23/0016 (engineering works)

Landscape Character Assessment - Tributary Farmland

Landfill Gas Site

Mineral Safeguarding Area

SFRA Detailed River Network: Drain

Risk from ground / surface Water Flooding

Nutrient Neutrality Zone - Catchment River Wensum

GIRAMS Zones of Influence (various)

**RELEVANT PLANNING HISTORY**

Reference	CL/23/0500
Description	Certificate of Lawful Use Existing for residential mobile home caravan site
Outcome	Application Withdrawn
Reference	QF/96/1461
Description	Continued use of building as homeless accommodation
Outcome	Temporary Approval 10.03.1997
Reference	QF/91/1140
Description	Location of relocatable building for homeless accommodation
Outcome	Temporary Approval 13.11.1991
Reference	QF/90/1138
Description	Extension of laundry block
Outcome	Approved 12.07.1990
Reference	QF/89/1973
Description	Serviced hardstandings for residential caravans
Outcome	Approved 08.03.1991
Reference	WM.4963
Description	Erection of 39 dwellings and garages
Outcome	Approved 26.08.1970
Reference	WM.4010
Description	Erection of 38 dwellings, 25 garages and formation of 25 caravan standings

Outcome Approved 13.03.1968

Reference WM.2120

Description Proposed use of ex-POW camp for residential purposes

Outcome Approved 14.11.1962

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

This application has been referred to the Development Committee as requested by Cllr Housden given the public interest in this proposal.

#### **REPRESENTATIONS**

4 public **objections** registered (some additional comments have been withdrawn upon request from the public domain), summary of main concerns below (full registered comments viewable on the public site);

- Concerns over sale of the site and new owners
- Lack of engagement and consultation with residents on the proposals and how these would affect existing residents and how these are to be implemented
- Loss of amenity
- Loss of parking, insufficient spaces
- Highway safety concerns, additional road parking on Green Lane Estate
- Impact on local infrastructure
- Fire safety
- Insufficient land for additional units and overcrowding
- Detriment to countryside and views

#### **CONSULTATIONS**

**Pudding Norton Parish Council – No comments received**

**Environmental Health – No comments**

**NCC Flood & Water Mgmt (LLFA) - Objects**

**County Council Highways (Cromer) – No objections subject to condition**

#### **RELEVANT POLICIES**

##### **North Norfolk Core Strategy**

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 EC 10: (Static and Touring Caravan and Camping Sites)

Policy EN 2: (Protection and Enhancement of Landscape and Settlement Character)

Policy EN 4: (Design)  
Policy EN 9: (Biodiversity and 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)

### Material Considerations

#### **Supplementary Planning Documents:**

North Norfolk Design Guidance (2008)  
North Norfolk Landscape Character Assessment (2021)  
North Norfolk Landscape Sensitivity Assessment (2021)

#### **National Planning Policy Framework (2023):**

Chapter 2: (Achieving sustainable development)  
Chapter 4: (Decision-making)  
Chapter 8: (Promoting healthy and safe communities)  
Chapter 9: (Promoting sustainable transport)  
Chapter 12: (Achieving well-designed and beautiful places)  
Chapter 14: (Meeting the challenge of climate change, flooding and coastal change)  
Chapter 15: (Conserving and enhancing the natural environment)

#### **Other Material Considerations**

Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy - Habitats Regulations Assessment Strategy Document (2021)

## **OFFICER ASSESSMENT**

### **THE SITE**

The site consists of a residential caravan site located to the east of a housing estate at Pudding Norton. The main core layout has 25 units. The units are arranged in a planned layout with parking and an amenity block in the middle. There is a row to the east, adjacent to the core layout with 7 units. These appear to be from the permissions WM.4010 and QF/89/1973 on the permitted hardstandings.

In addition to the 32 pitches and units outlined above, in the intervening period, 6 units with no specific planning history have been located to the south, which have been in situ for a prolonged period (excess of 10 years).

South and north of the 38 units was formerly amenity space associated with the site. The southern amenity space has more recent hardstandings and additional units (subject to a separate enforcement case). This area south of the 38 units was the location of temporary homeless accommodation that was subsequently removed from the site. The northern amenity space remains as grassland. To the south, east and north of the site is open countryside, with the site adjacent to the housing estate to the west.

The site was previously owned and run by North Norfolk District Council, before this was sold to the current applicant. Local Authorities are not required to have a site licence for caravan sites under the Caravan Sites and Control of Development Act 1960.

Since the site has been sold it is recognised a site licence is required by the new operators, which requires a certificate of lawfulness or planning permission to obtain. As set out in the supporting statement, the council does not dispute there have been 38 units on the site for a continuous period and engaged with the applicants, and have encouraged the resubmission of a certificate of lawfulness to confirm this to enable obtaining a licence for the site (following the withdrawal of the previous certificate of lawfulness). However this has not taken place and a planning permission has been submitted instead. The submission essentially seeks retrospective planning permission for the use of the site as a caravan site. The permission sought concerns the use aspect only, and would not cover operational development including hardstanding pitches.

Amendments / additional documentation received during the course of the application:

There was an 'indicative' plan submitted with the application that showed an additional 20 units on the site, this has since been formally withdrawn from the planning consideration (confirmed through email correspondence received 24<sup>th</sup> January 2024).

On 27<sup>th</sup> November 2023 a Flood Risk Assessment and Nutrient Calculator was received by the Local Planning Authority.

**Main issues for consideration:**

1. Principle
2. Housing Land Supply
3. Design and amenity
4. Highways
5. GIRAMS and nutrient neutrality
6. Flood risk
7. Planning balance/conclusion

**1. Principle**

In terms of the adopted Core Strategy, Policy SS 1 sets out that the majority of new development will take place in larger towns and villages, service and coastal villages in accordance with the settlement hierarchy. Pudding Norton is not designated under the settlement hierarchy and for planning purposes is categorised as the countryside where development is restricted - as development is directed towards the sustainable parts of the district. The site is around 1 mile south of Fakenham, this is a notable distance which would likely mean people residing on the site would be dependent on the use of a car to access services and facilities in the absence of such provision in Pudding Norton.

Policy SS 2 sets out that development in the countryside will be restricted to only those that require a rural location and lists the exceptions, with development not falling within these criteria not normally being permitted. The development would not accord with the listed exemptions listed under this policy.

It is recognised this form of housing is not directly referred to in the Local Plan. The supporting statement makes reference to Policy EC 10. This policy and chapter of the Local Plan relates to holiday accommodation rather than permanently lived in units. As these are akin to new

dwellings in planning terms and permanently resided in, the policies under the housing section are more pertinent and EC 10 is not considered relevant to this case.

Given the scale of the site, this would additionally usually trigger provision of affordable housing on the site subject to viability. However, as set out in the supporting statement, given the context of the site whereby this has been in situ for a prolonged period, the 38 units would have been immune from enforcement action, and the Local Planning Authority would have been in a position to support a certificate of lawfulness application subject to revisions.

While this would ordinarily be contrary to local policy considerations as this is a retrospective planning application concerning the continuation of the use of the site only, and no intensification is proposed, this is considered an exceptional circumstance to justify a departure from these policies.

The principle of development to continue the use is therefore considered acceptable. For the avoidance of doubt, while the principle of continuing the use is acceptable, this would not cover operational development, or resolve the Enforcement case on the site regarding the operational development on the creation of additional hardstandings which will remain outstanding post any determination.

## **2. Housing Land Supply**

The National Planning Policy Framework (NPPF) requires Local Planning Authorities to identify a five year supply of specific deliverable sites to meet housing needs. At the current time the Council is unable to demonstrate that it has 5 years' worth of deliverable sites. Planning applications for housing must therefore be considered in line with paragraph 11(d) of the NPPF which states that where relevant policies are considered out of date permission will be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

This issue will be considered further under the planning balance.

## **3. Design and amenity**

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 units have been in situ for a continuous period exceeding 10 years, the visual and amenity impacts have already been established, and the permission to continue the use of the site would not be significantly impacted from the status quo.

#### 4. Highways

Policy CT 5 requires development to provide safe and convenient access for all modes of transport, including access to the highway network. Policy CT 6 requires new development to have sufficient parking facilities. 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 highways officer has raised no objections to the proposals and considers the proposals would not affect current traffic patterns in the vicinity given the context of the site.

#### 5. GIRAMS and Nutrient Neutrality

A new Norfolk wide Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS) has come into effect (effective 01 April 2022). This is a strategic approach to ensure no adverse effects are caused to European sites across Norfolk, either alone or in combination from qualifying developments and ensures that applicants and Local Planning Authorities (LPA) meet with the requirements of Conservation of Habitats and Species Regulations 2017 (as amended). The GIRAMS Strategy applies to all net new residential and tourism-related growth and this proposal has been identified as qualifying development under GIRAMS. The development site would fall within the following Zones of Influence as defined by the GIRAMS Strategy:

Breckland Special Protection Area (SPA) Zone of Influence  
The Wash & North Norfolk Coast Special Area of Conservation (SAC) Zone of Influence  
The Wash RAMSAR Zone of Influence  
The Wash Special Protection Area (SPA) Zone of Influence  
North Norfolk Coast Special Protection Area (SPA) Zone of Influence  
North Norfolk Coast RAMSAR Zone of Influence  
North Norfolk Coast Special Area of Conservation (SAC) Zone of Influence

Mitigation for the proposed development would therefore usually be required in the form of a one-off RAMS tariff payment of £210.84 per unit. However as the proposal is for the continuation only, with the 38 units on the site for an excess of 10 years and does not include additional net units being added to the site, this contribution would not be required. This is because there would not be a change from the status quo under the proposals, as such would not adversely effect, either alone or in combination on the integrity of European Sites arising as a result of the development including in relation to recreational disturbance. Any additional units on the site would be subject to this financial contribution.

The proposed development comprises a dwelling that falls within the catchment of the Broads Special Area of Conservation and Ramsar site and River Wensum Special Area of Conservation and is likely to have an adverse impact on European Designations requiring mitigation in relation to nutrient enrichment. However as the 38 units has been on site for a continuous period and on the basis there are no net additional units creating overnight accommodation being provided on the site, the proposal would not result in adverse effects, either alone or in combination, on the integrity of European Sites arising as a result of the development including in relation to nutrient enrichment, as there would be no additional load bearing from the status quo.

There is therefore no conflict with Policies EN 9 and EN 13 of the adopted North Norfolk Core Strategy or the requirements places on the Local Planning Authority as competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended).

## **6. Flood Risk**

Chapter 14 of the NPPF sets out 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). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. The NPPF does exclude some minor development and changes of use being subject to the sequential or exception tests but should still meet the requirements for site specific flood risk assessments. The aim is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.

Local Policy EN 10 reflects the requirements of the NPPF and national guidance, only permitting changes of use where this would result in an equal or lower risk category in the flood risk vulnerability classification and where there is no operational development involved in the change of use. The policy sets out that most new development should be directed towards areas at lower risk of flooding in floodzone 1, restricting development to those which have lower vulnerability.

The northern part of the site is impacted by surface water flooding. The LLFA has commented on the plans including the indicative plan showing an additional 20 units and have raised an objection to the proposal. The LLFA raised concerns that the proposals placed multiple mobile homes (classed as highly vulnerable by the NPPF Flood Risk Vulnerability Classification) within a surface water flow path, where as the preference would be for any construction in surface water flow paths or areas of significant flood risk to be completely avoided.

Additionally, there were deficiencies identified over the scope and content of the Flood Risk Assessment. However, as noted, the indicative plan showing an additional 20 units that the LLFA have objected to has since been withdrawn, and this would address the concerns raised by the LLFA who have been notified of this change and the LPA's intention to recommend approval. As there is not new development proposed, the site is not subject to these requirements, but any operational development including creation of hardstanding pitches or intensification would be subject to further permissions and subject to further flood risk considerations.

On balance the proposal would accord with Development Plan Policy.

## **7. Planning balance / conclusion**

The site has been in continuous use as a caravan site with 38 units on the site for an excess of 10 years, as demonstrated through the planning history of the site and the passage of time.

The application seeks to regularise this and obtain a planning permission to enable the new site owners to obtain a site licence, rather than through a certificate of lawfulness (which the Council consider would have been the preferred to remedy the situation).

The continuation of the use of the caravan site is considered acceptable given the background to the site. There is no intensification or operational development proposed with this application.

Officers consider there is sufficient evidence that 38 units have been on site for a long enough period to be immune from enforcement action. However, there is no justification at this time for a higher number and therefore any permission should be subject to a condition restricting the site to 38 residential park homes.

As this is, in effect, a housing proposal, appropriate weight needs to be given to the tilted balance under NPPF paragraph 11 (d) which is theoretically engaged because the Council cannot currently demonstrate a five year housing land supply. Officers consider that, given the 38 units / dwellings have been in existence for more than 10 years, the tilted balance would be disengaged otherwise the provision of the dwellings would be double counted in housing number terms.

Irrespective of the five year housing supply position, Officers consider there is sufficient evidence to justify approval of the application on the basis that the development of 38 units would already be immune from enforcement action.

## **RECOMMENDATION**

**APPROVAL subject to the imposition of the following conditions and any others considered necessary by the Assistant Director – Planning).**

1. The development hereby permitted shall be carried out in accordance with the following approved plans and documents, except as may be required by specific condition(s):

Drawing LP001, Site location plan, received 28 September 2023

Reason for condition:

For the avoidance of doubt.

2. There shall be no more than 38no. residential park homes on the site (as identified on plan LP001) and no further units will be permitted except pursuant to the grant of a separate planning permission.

Reason:

To enable the Local Planning Authority to retain control over the development and ensure this is no intensification of use of the site without express planning permission. The supporting information seeks a continuation of the use of the site for which there have been 38 units on the site for a continuous period. The site is impacted from surface water flooding issues to the northern part of the site and any intensification would need to demonstrate nutrient neutrality to avoid further pollution impacting protected habitats. The site is also in an unsustainable location. Any additional units on this site would be contrary to local policy considerations



**Final wording of conditions to be delegated to the Assistant Director – Planning**

APPLICATION PF/23/2102 WITHDRAWN