

CLEY-NEXT-THE-SEA – PF/24/0747 – Insertion of 3 windows in western elevation of building with permission for use as a hotel/guest house (Use Class C1) at Cookes Marsh, Holt Road, Cley-next-the-sea, Holt

Minor Development

Target Date: 6th June 2024

Extension of time: 30th July 2024

Case Officer: Miss Jamie Smith

Full Planning Permission

RELEVANT SITE CONSTRAINTS

Countryside

Norfolk Coast National Landscape (formerly AONB)

Undeveloped Coast

Conservation Area - Cley and Glaven Valley

Landscape Character Assessment – within River Valleys landscape type

Flood Zone 3B

Areas Susceptible to Groundwater SFRA - Classification: $\geq 25\%$ $< 50\%$

EA Risk Surface Water Flooding 1 in 1000

Tidal 0.1% AEP + CC SFRA

Fluvial 1% AEP + 35% CC SFRA

Flood Warning Area

Agricultural Land Classification - Grade 4

RELEVANT PLANNING HISTORY

CL/24/0447– Certificate of Lawfulness for existing operation - addition of render on external walls of building - Was lawful.

PF/23/0001 - Change of use of the land from agriculture to land associated with Class C1 (Guesthouse) to include the formation of parking and turning areas, 3 door openings in west elevation, 2 window openings in east elevation and rendering of walls – refused.

ENF/22/0315: Enforcement Enquiry (creation of hard standing) – pending.

PF/21/2188: External works including insertion of windows, external doors and vertical boarding to external walls to building with permission for use within Class C1 (guesthouse) – withdrawn,

CL/20/1881: Lawful Development Certificate for an existing operation - replacement of roof material on agricultural building – Was lawful

PND/USE/20/0001: Notification under Class R of Schedule 2, Part 3 of the GPDO, proposed change of use of agricultural building to a flexible commercial use within Class C1 (hotels) of the Schedule to the Use Classes Order. *(Developer only required to notify the local planning authority as the cumulative floor space changing use did not exceed 150 square metres)*

THE APPLICATION

The application proposes the insertion of three glazed window openings within the western elevation of the building

REASONS FOR REFERRAL TO COMMITTEE

At the request of Cllr. Holliday due to non-conformity with Core Strategy polices EN 1, EN 2 and EN 3 and paragraph 182 of the National Planning Policy Framework.

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

CRIME AND DISORDER

The application raises no significant crime and disorder issues.

EQUALITY AND DIVERSITY ISSUES

The application raises no significant equality and diversity issues.

LOCAL FINANCE CONSIDERATIONS

Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application.

Local finance considerations are not considered to be material to this case.

CONSULTATIONS:

Cley Parish Council - Object, the animation and suburbanisation of a previously agricultural building is considered harmful and will conflict with Core Strategy polices EN 1, 2, 3 and paragraph 182 of the NPPF. The proposed development will divorce the building from its agrarian function and setting. The drawings also show new glazed doors to the existing opening on the north elevation, which is only 300m south of the North Norfolk Coast SAC/SPA/Ramsar/SSSI and therefore in a highly sensitive location. The building will be more readily apparent in views from the valley sides especially from the north and west and appear as an anomaly in the grazing marsh. Increased lighting and light pollution will not protect or enhance the special qualities and nocturnal landscape of the AONB. It should be noted that the existing roof lights already in situ give added light spill. This application should be refused.

Landscape (NNDC) - No objection. Has had regard to the Class R permission. Acknowledges the importance of the wider designated landscape and that the west elevation is the least prominent elevation. Notwithstanding this, whilst additional openings could increase the animation of this elevation, there would be no views of this elevation from Holt Road from the east. Intervening vegetation also restricts any daytime views from roads within Wiveton on the valley side to the west. The increased light spill resulting from three additional single door sized openings could increase the nocturnal visibility of the building within the open undeveloped water meadows and this could harm the inherent dark night skies that are a noted quality of the National Landscape. Light spill could however, be reduced through the use of 0.65 Visible Light Transmission glass and this would assist in mitigating this aspect of

the proposal. If this were to be included within the proposal, it is considered that an objection on grounds of landscape and visual impact would be difficult to sustain.

Conservation and Design (NNDC) - No objection. Given the nature of the proposal, an objection is not considered sustainable.

REPRESENTATIONS:

11 received with **objections** on the following summarised grounds.

- Provision of windows would increase the suburbanisation of a rural building.
- Impact upon dark skies status due to light pollution.
- Increased traffic movement.
- Harmful to wildlife.
- Erosion of sense of remoteness and tranquillity of the location and would have an adverse effect on the AONB, and therefore contrary to CS Policies EN 1, EN 2, EN 3 and EN 4.
- Works to the building have taken place without consent (render and groundworks).
- Inappropriate development within an area at risk from flooding.
- Retrospective application calls the integrity of the planning system into question.
- Impact on conservation area.
- Reference to refusal of PF/23/0001, impact of change remains the same.
- Increased sewerage risk.
- Would set a precedent for further inappropriate development.

RELEVANT PLANNING POLICIES:

North Norfolk Core Strategy (2008)

SS 1 - Spatial Strategy for North Norfolk

SS 2 – Development in the Countryside.

EN 1 – Norfolk Coast AONB.

EN 2 – Protection and Enhancement of Landscape and Settlement Character.

EN 3 – Undeveloped Coast.

EN 4 – Design.

EN 8 - Protecting and enhancing the historic environment

Material Considerations

National Planning Policy Framework (NPPF):

Section 2: Achieving Sustainable Development.

Section 12: Achieving well designed places.

Section 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change.

Section 15: Conserving and Enhancing the Natural Environment.

Section 16: Conserving and Enhancing the Natural Environment.

Supplementary Planning Documents

North Norfolk Design Guide(2008)

North Norfolk Landscape Character Assessment (2021)

Cley-next-the-Sea Conservation Area Appraisal and Management Plan (July 2019)

Glaven Valley Conservation Area Appraisal and Management Plan (January 2024)

Schedule 2, Part 3 Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - *Development consisting of a change of*

use of a building and any land within its curtilage from a use as an agricultural building to a flexible use

OFFICER ASSESSMENT

Site description

The application relates to a small modern agricultural building on a small holding off the west side of Holt Road between the main part of the village and Newgate/Cley Green in an area known as Cooks Marsh. The building sits approximately 100 metres back from the road accessed via an unmade private track which also provides access to other agricultural buildings immediately to the west. The A149 Coast Road is approximately 250 metres to the north, Leatherpool Lane the closest public road to the west is 273 metres away and to the south Bridgefoot Lane is over 800 metres away. There are no public rights of way running close to the site.

The building has permission for use as a hotel/guest house (Use Class C1) granted under Schedule 2, Part 3. Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). However, Officers understand that this use has yet to be implemented.

Main Issues for Consideration

- 1. Whether the proposed development is acceptable in principle.**
- 2. The effect on the special qualities of the Norfolk Coast National Landscape.**
- 3. The effect on the Cley an Glaven Valley Conservation Area.**

1. Principle

The permission granted under Class R of Schedule 2, Part 3 of the GPDO does not include building operations. Therefore, the provision of additional openings as proposed, requires planning permission from the local planning authority. The effect of such building operations are a separate consideration and it does not necessarily follow that operational development will be acceptable just because the change of use is permitted development.

2. The effect on the special qualities of the Norfolk Coast National Landscape.

The site is located within the designated Norfolk Coast National Landscape, River Valley Landscape Character Type and Undeveloped Coast.

Policy EN 1 of the Core Strategy sets out that the impact of individual proposals, and their cumulative effect on the Norfolk Coast National Landscape, formerly AONB, The Broads and their settings will be carefully considered. 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 AONB or The Broads; and seeks to facilitate delivery of the AONB management plan objectives. Development proposals that would be significantly detrimental to the special qualities of the AONB or The Broads and their settings will not be permitted.

Policy EN 2 states that proposals for development should be informed by, and be sympathetic to, the distinctive character areas identified in the North Norfolk Landscape Character Assessment and features identified in relevant settlement character studies.

Development 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 (including its historical, biodiversity and cultural character), gaps between settlements, and their landscape setting, distinctive settlement character, the nocturnal character, and the setting of, and views from, Conservation Areas and Historic Parks and Gardens, amongst other things.

Policy EN 3 states that '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'.

Paragraph 180 of the NPPF requires that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan

Paragraph 182 requires 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. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

Paragraph 191 of the NPPF sets out that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes, and nature conservation.

It is considered that increased light spill resulting from three additional door sized glazed openings proposed could increase the nocturnal visibility of the building within the open undeveloped water meadows and that this could harm the inherent dark night skies that are a noted quality of the National Landscape. However, regard has been given to the proposed location of the three openings, which are to be located on the least prominent, western elevation. Views of this elevation are not available from Holt Road and distant views are limited by virtue of both the close proximity to the mature vegetation on the west boundary and existing agricultural buildings on the adjacent plot. There may be some oblique views, from the Coast Road to the more northerly aspect of the western elevation which would be vegetation/seasonally dependant. Furthermore, a two-metre-high fence is proposed on the northern section of the western boundary. It should be noted that the erection of this fence would, in itself, be permitted development. It has been recommended to the applicant that this should be a willow style fence rather than an urbanising close boarded type.

It is considered that, whilst the additional windows would undoubtedly increase the animation of this elevation, views of it would be limited due to views available including intervening features. Additionally, light spill could be reduced through the use of 0.65 Visible Light Transmission (VLT) glass, and this would further assist in mitigating this aspect of the proposal. The agent has confirmed willingness to use such glazing.

It is therefore considered that subject to a planning condition ensuring the use of 0.65 VLT glass, the proposed development would not have a materially harmful landscape and visual impact and would not harm the special qualities of the designated landscape. It is therefore considered to be acceptable in terms of CS Policies EN 1, EN 2 and EN 3 and the relevant paragraphs in the NPPF.

3. The effect on the Cley an Glaven Valley Conservation Area

The site lies within the Cley and Glaven Valley Conservation Areas where considerable weight must be given to the preservation of heritage assets including their setting.

Policy EN8 requires that development proposals should preserve or enhance the character and appearance of designated assets. Development that would have an adverse impact on their special historic or architectural interest will not be permitted.

Paragraph 208 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Inevitably, it is the intended use of the building as a guesthouse which has generated the need for increased openings and the lawful works that have been carried out to date, have consequently increased animation of the building. This application is however, only considering three openings to the western elevation, which will be located on the least prominent elevation where potential views and light spill are limited. Furthermore, the use of light restricting glass and boundary screening (in part - where the latter is permitted development and outside of the control of the planning application) would assist in mitigating views and light spill, if arisen.

It is therefore considered that the proposed development would not result in harm to the character and appearance of the conservation and their significance as designated heritage assets. The proposed development is therefore considered to be acceptable in terms of CS Policies EN 4, EN 8 and Paragraph 208 of the NPPF.

Other considerations

Class R of Schedule 2, Part 3 of the GPDO does not require consideration of flood risk where the area of floor space changing use does not exceed 150 sq. metres, which is the case in respect to this building. Whilst objections have been raised with regards to the building's location in an area at high risk from flooding, the provision of three additional openings does not change the proposed use which is permitted development.

With regards to other issues raised in representations covered above, the insertion of three windows as proposed would not result in increased traffic movement or sewage risk. Each application is considered on its own planning merits and as such approval of the application would be very unlikely to create a precedent. Whilst works have been carried out previously without planning permission being obtained, they have subsequently been found to be lawful. The planning system does allow for planning permission to be sought retrospectively however, this application is not retrospective,

Planning Balance and Conclusion:

Building operations to alter the building have taken place previously which were lawful with Lawful Development Certificates granted for the replacement of roof on the agricultural building (ref. CL/20/1881) and application of render to external walls (ref. CL/24/0747). Additionally, the re-opening of two windows to eastern elevation are considered to be permitted development.

It is acknowledged that it is the intended use as a guesthouse which has generated the need for increased openings and the lawful works that have consequently increased animation of the building. However, the current application is only considering three openings to the western elevation and given the limited views including the use of light restricting glass, it is considered that the proposal would not result in any materially harmful effects and is considered acceptable with regards to relevant planning policies for the reasons stated above.

Approval is therefore recommended.

RECOMMENDATION:

APPROVAL subject to conditions relating to the following matters.

- Time limit
- Approved plans
- Use and retention of glazing with Visible Light Transmission of 0.65.

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