

LOWER BODHAM – PF/24/2705 – Demolition of workshop building and erection of building for use as a live/work unit, recladding of retained storage building, demolition of other storage buildings and erection of cart shed at Old Scarfe Brothers Workshop, Church Road, Lower Bodham, Holt, NR25 6PS

Minor Development

Target Date: 04.07.2025

Extension of Time: 04.07.2025

Case Officer: Jamie Smith

Full Planning Permission

RELEVANT SITE CONSTRAINTS

The site lies within a Countryside location in policy terms

The site lies within the Tributary Farmland landscape type in the North Norfolk Landscape Character Assessment

The site is within a Mineral Safeguarding Area

The site contains an area at risk of surface water flooding

The site contains an area at risk of ground water flooding

The site lies within the Zone of Influence of a number of habitats sites

RELEVANT PLANNING HISTORY

PF/22/1077: Demolition of existing structures; Conversion of existing building to dwelling - refused due to failure to comply with CS Policy HO 9 (Conversions and re-use of building in the countryside), CS Policy SS 2 (Development in the Countryside), CS Policies EN 2 and EN 4 (Design and Protection and Enhancement of the Landscape Character), Policy EC9 (Ecology)

IS2/20/0130: Proposed erection of two-storey detached dwelling (C3) using highly innovative construction system, following demolition of existing unsafe buildings (B8) - advice given raising concerns regarding compliance with CS Policy SS 2 (Development in the Countryside) for a residential dwelling and Paragraph 79 of the NPPF (now Paragraph 84).

PU/18/1115: Notification for prior approval for change of use from storage or distribution building (Class B8) to dwellinghouse (Class C3) - refuse prior notification

THE APPLICATION

Site Description:

The site is located on Church Road in Lower Bodham and historically operated as haulage business with lorry and coach workshop. The site contains both disused buildings which are deteriorating and with overgrown vegetation. A woodland with mature trees bounds the site to the south and southwest with agricultural fields to the north, south and southeast.

Proposal:

This application seeks full planning permission for the demolition of the existing workshop and a storage building and the erection of a new two storey building as a live/work unit, and a cart shed. A retained storage building would be reclad.

The proposed two storey live work building would comprise a five bedroom dwelling on the first floor with a workspace comprising storage, office and sales area on the ground floor for BFR Equestrian Country which sells rural and countryside products. They currently operate online but want to expand by offering retail/showroom space. The proposal is a mixed use and as such would not fall within a specified Use Class.

In terms of the dimensions of the proposal:

- The live work building would measure approximately 28.8 metres in length x 11 metres in width x 9.9 metres in height.
- The cart shed would measure approximately 14 metres in length x 4 metres in width x 6 metres in height.
- The existing store measures approximately 6.4 metres in length x 7.2 metres in width 5.6 in height.

Alongside the proposed buildings, the development would include an area of hardstanding for vehicular movements and parking, soft landscaping and private amenity provision.

REASONS FOR REFERRAL TO COMMITTEE

The application has been referred to committee at the request of Cllr Ringer for the following reasons:

- Paragraphs 124 and 125 of the National Planning Policy Framework (NPPF) support re-use of such land for housing and economic development
- The showroom meets a genuine rural economic function (equestrian retail)
- The development is designed off-grid, relying on renewable energy and appropriate in scale, showing sustainability in construction and operation. This aligns with Core Strategy Policy EN6 (Sustainable Construction) and EN7 (Renewable Energy)
- The proposal would generate local employment and support wider equestrian and tourism-linked activity in the area, satisfying NPPF Paragraph 88 on supporting rural enterprises and diversification.
- The proposal has been designed to reflect the scale and massing of existing structures on the site. This demonstrates compliance with Core Strategy Policy EN2 (Landscape Character) and EN4 (Design), which promote context-sensitive development.
- The shift from a derelict yard to a well-designed, self-sustaining development constitutes a visual and environmental enhancement, not harm
- The site is previously developed (brownfield) land—a disused former lorry yard. Both NPPF Paragraphs 124 and 125 support re-use of such land for housing and economic development
- Core Strategy Policy SS2 new-build employment generating proposals where there is particular environmental or operational justification and in part the re-use and adaptation of buildings for appropriate purposes
- Disagree that this application doesn't comply with Core Strategy Policy EC5 - the proposed development would not, individually or cumulatively, have a significant adverse impact on the vitality and viability of existing town centres or nearby service villages or coastal service village. Whilst it is not accessible by public transport it is by Horse!

CONSULTATIONS

Bodham Parish Council: Support

North Norfolk District Council Landscape: Object

Conflict with CS Policies EN 2 and EN 4. *(Currently awaiting further comments regarding ecology and trees which will be reported verbally at the meeting).*

North Norfolk District Council Environmental Health: No objection subject to conditions.

Norfolk County Council Highways: No objection, subject to conditions.

Norfolk County Council Minerals and Waste: No objection

REPRESENTATIONS

Two **supporting** for the following reasons:

- Development of a disused site.
- Sustainable work/live unit which will lower the carbon footprint of the site.
- Supports North Norfolk's aspiration for carbon neutrality.
- Will bring new life into the derelict site.
- Plans appear well considered from a community and environmental perspective.

HUMAN RIGHTS IMPLICATIONS

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, refusal 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.

RELEVANT PLANNING POLICIES

North Norfolk Core Strategy

SS 1: Spatial Strategy for North Norfolk
SS 2: Development in the Countryside
SS 4: Environment
SS 5: Economy
SS 6: Access and Infrastructure
HO 7: Making the most efficient use of land
EN 2: Protection and Enhancement of Landscape and Settlement Character
EN 4: Design
EN 6: Sustainable Construction and Energy Efficiency
EN 9: Biodiversity & Geology
EN 13: Pollution and Hazard Prevention and Minimisation
CT 5: The Transport Impact of New Development
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:

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

National Planning Policy Framework

Chapter 2: Achieving sustainable development
Chapter 4: Decision-making
Chapter 6: Building a strong, competitive economy
Chapter 7: Ensuring the vitality of town centres
Chapter 8: Promoting healthy and safe communities
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 17: Facilitating the sustainable use of minerals

OFFICER ASSESSMENT

Main Issues for consideration:

- 1. Principle of development**
- 2. Design and appearance of the proposed development and its effect on the character of the area**
- 3. Residential amenities**
- 4. Biodiversity & ecology**
- 5. Arboriculture**
- 6. Sustainable construction and energy efficiency**

- 7. Highways and parking
- 8. Environmental considerations

1. Principle of development

In accordance with Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004, planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

At a national level, the National Planning Policy Framework (NPPF) constitutes guidance which the LPA 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.

The spatial strategy for North Norfolk is set out within Core Strategy (CS) Policy SS 1. This states that the majority of new development within the district will take place in the towns and larger villages dependent on their local housing needs, their role as employment, retail and service centres and particular environmental and infrastructure constraints. The policy lists Principal and Secondary Settlements as well as Service and Coastal Service Villages. The rest of North Norfolk is designated as 'Countryside' where development is restricted to particular types of development to support the rural economy, meet affordable housing needs and provide renewable energy.

Housing in the Countryside

The application site is within the Countryside where CS Policy SS 2 limits development to that which requires a rural location and is for one of the types of development listed in the policy. Other than rural workers dwellings, the only new build residential proposals that are considered acceptable under this is affordable housing under the exceptions policy (HO 3).

As the proposal is not for affordable housing, or a rural workers dwelling, the proposal is contrary to CS Policies SS 1 and SS 2.

Paragraph 84 of the NPPF

Paragraph 84 of the NPPF applies to consideration of development in isolated countryside locations and states:

"Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;*
- d) the development would involve the subdivision of an existing residential building; or*
- e) the design is of exceptional quality, in that it:*

- i. is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
- ii. would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area”.*

For NPPF paragraph 84 to be applicable then the application site must be isolated in its setting. The Bramshill judgement addresses the interpretation and application of policies in the NPPF against the development of isolated homes in the countryside and on the assessment of harm and benefit to heritage assets. The Bramshill judgement determined that the measure for whether a site is isolated is its proximity to a settlement, not other dwellings, and confirms that the definition of a “settlement”; and whether the development would be “isolated” from a settlement, are both matters of planning judgment for the decision-maker on the facts of the particular case.

Whilst the application site is located approximately 130m and 190m respectively from Church Farm Cottage and Church Farmhouse to the west; and approximately 190m from Highfield House to the northwest, it is approximately 4km from the edge of Holt as the nearest designated settlement. It is therefore concluded that the site can be considered ‘isolated’ in the terms of paragraph 84.

However, the application fails to comply with the relevant criteria (c) and (e) in paragraph 84. With regards to criterion (c), the application fails to ‘re-use redundant or disused buildings’, as required by this criterion as the scheme proposes to demolish the existing structures on site other than a storage building. With regards to criterion (e), whilst there may be some landscape and biodiversity benefits, the design of the proposal is clearly not ‘exceptional or truly outstanding’, given its excessive and suburban appearance such that it would not “significantly enhance” the immediate setting as required by paragraph 84.

Economic impact and retail Development in the countryside

CS Policy SS 5 supports the rural economy and farm diversification, including extensions to existing businesses in the countryside of an appropriate scale and re-use of existing buildings. However, as the application is for the erection of a new building as a live work unit, rather than the conversion of the existing building(s), and is not for the expansion of an existing rural business which is currently located at Fulmodeston, the proposed development conflicts with the aims of CS Policy SS 5.

Paragraph 86(e) states that “policies should be flexible to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live work accommodation) and to enable a rapid response to changes in economic circumstances”.

The NPPF states at Paragraph 88 states that:

“Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings and*
- b) the development and diversification of agricultural and other land-based rural businesses”.*

Paragraph 89 further adds that *“planning policies and 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**”*. [emphasis added]

It is contended within the supporting Planning Statement that this proposal utilises brownfield (or “previously developed land”). The Glossary at Annex 2 of the NPPF defines previously developed land as:

“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; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape”.

Officers consider that the site would meet the definition of “previously developed land” (brownfield).

The CS does not include any specific policies that address the reuse of brownfield land, however, paragraph 125 (d) of the NPPF states that decisions should *“support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained...”*.

The proposal includes a mixed use. Whilst there is no current business being operated at the site; consideration has been given to the previous haulage business (use class unclear albeit Use Class B8 - storage and distribution is stated in the application form), as a fallback position in that permission would not be required for such a use to resume.

Officers consider that, whilst the site would meet the definition of previously developed land and this would attract positive weight in favour of the proposal, this does not necessarily provide an unqualified basis for allowing development which would otherwise conflict with other policies in the Development Plan such those relating to the location as housing or retail development.

Therefore, whilst the principle of a new business similar to that previously operating from the site, which would not generate similar levels of traffic movements may well be acceptable at this site, it is considered that a particular environmental or operational justification for residential or retail development in this countryside location has been provided, as required under CS Policies SS 2 and EC 5.

It is also contended by the applicant that the residential element is necessary to provide essential crime prevention and ensure the safe operation of the business. Whilst it is

acknowledged that this would be a concern for the applicant, given that no business is currently operating at the site, there is no evidence available to show that there have been losses, break-ins, or vandalism at the site. Similarly, no information been provided to show that alternative means of improving security, such as CCTV, security alarms, or robust fencing have been explored, or deployed, or why such measures would not successfully overcome the concerns in this regard. Based on this, it is not considered that a residential presence on-site to provide security is adequately justified.

Whilst accepting that an appropriate business use may be acceptable on this site, given the unsustainable location, the proposed live/work development would not comply with the spatial strategy conflicting with CS Policies SS 1 and SS 2.

Retail Impact

CS Policy EC 5 indicates that proposals for retail development in the Countryside will not be permitted unless they comply with other relevant CS policies. The policy also sets out that proposals that do not comply with the acceptable retail and commercial leisure location table set out within the policy should demonstrate that

- a need exists within the catchment area for the scale and type of development proposed; and
- no sequentially preferable site is available, suitable and viable (starting with town centre, edge of centre sites, then out-of-centre locations), and
- the proposed development would not, individually or cumulatively, have a significant adverse impact on the vitality and viability of existing town centres or nearby Service Villages or Coastal Service Villages; and
- and the proposed development would be accessible by a choice of means of transport, including public transport, walking, cycling and the car.

Chapter 7 of the NPPF emphasises the need to ensure the vitality of town centres and advises that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

The retail element of the proposal is considered to be a Town Centre Use on the basis of the definition in the NPPF, as it would involve the retail sale of goods such as equestrian supplies, pet foods and country clothing, as confirmed within the supporting Planning Statement. CS Policy EC 5 seeks to guide retail and commercial leisure development to the most sustainable locations, specifying acceptable locations dependent upon the floor areas of a proposed development. In this case, the application site does not fall within any of these locations. As set out above, the policy continues to state that proposals which do not comply with these locations should demonstrate that its four criteria are met.

Whilst the application form states that 47 sq. metre trading space will be created, the proposed ground floor plan details a shop/showroom including the counter of approximately 100 sq. metres. The existing business (located elsewhere in Fulmodeston the district) is currently online only, and the Planning Statement refers to *'expanding the business by incorporating a retail and storage space to diversify its offerings and improve customer access' and 'a dedicated area for customer interaction and showcasing products'*.

No information has been provided to demonstrate that there are no sequentially preferable sites available, suitable and viable (starting with town centre, edge of centre sites, then out-of-centre locations). Additionally, no consideration has been given to how the proposed

development would be accessible by a choice of means of transport, other than the private car.

In the absence of information, it is not possible to fully assess the impacts of the proposal. As such the proposal conflicts with CS Policy EC 5 as well as the guidance contained within Chapter 7 of the NPPF.

Summary

It is considered that whilst the principle of re-using this site for an appropriate economic purpose may be acceptable and would result in some economic benefits. the matters of housing, retail provision and the sustainability of the site's location weigh heavily against the proposal.

2. Design, appearance and effect on character

Policy EN 2 states that proposals 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, gaps between settlements, distinctive settlement character, landscape features, visually sensitive areas, nocturnal character, the setting of, and views from, Conservation Areas, Historic Parks and Gardens and the defined Setting of Sheringham Park.

Policy EN 4 seeks to ensure 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. Proposals will be expected to have regard to the North Norfolk Design Guide, incorporate sustainable construction principles, make efficient use of land, be suitably designed within their context, retain important landscape and natural features and incorporate landscape enhancements, ensure appropriate scales, make clear distinctions between public and private spaces, create safe places, are accessible to all, incorporate footpaths and green links, ensure that parking is discreet and accessible and where possible, contain a mix of uses, buildings and landscaping.

The site is located in the Tributary Farmland (TF) Landscape Character Type as defined in the North Norfolk Landscape Character Assessment (SPD 2021) but is located close to the Wooded Glacial Ridge (WGR) which exerts a strong influence on this landscape type. A valued feature and quality of this landscape is the strong rural character with a sense of remoteness and tranquillity, with the rural lanes contributing to the perception of a rural landscape and providing historical continuity. Farm diversification, including change of use to small scale industrial uses and storage facilities, and the conversion of agricultural buildings and scale of new storage structures continue to contribute to development pressures and is a key force for change in the landscape.

The current condition of the site is detracting from the prevailing landscape characteristics. However, it is the decline in the usefulness of the buildings which has led to neglect. The site is situated on Church Road a quiet, rural road directly adjacent to Dark Plantation, a finger of woodland that connects northwards to a large swathe of woodland making up High Kelling.

The site is bounded by hedgerows, all of which are positive features of the local landscape character. The site is currently a mix of unused modern agricultural style buildings constructed in concrete block and corrugated steel. Along Church Road, there is sporadic development in the form of former traditional farmsteads such as Church Farm with associated cottages. In its current condition the site is an incongruous feature but as the buildings are well recessed back into it, it does not significantly detract from the local landscape character.

The proposed live/work unit would occupy the similar position to that of the existing workshop and would retain the same east-west alignment. However, the live/work unit would be significantly larger in overall scale and size. Whilst the existing building is approximately 5.9 metres in height with a varied roofline, the proposed live/work unit is significantly larger at just under 10 metres in height comprising 2.5 storeys and with a continuous 28 metre long ridgeline. It would therefore be significantly more visible from the road frontage.

It is considered that the overall size and scale of the building has not been justified. The size of the building would be more than doubled by the inclusion of the living accommodation at first floor and storage at second floor (within the roof), making it far larger than required solely by the necessity for the proposed business use. Consequently, it would not be appropriate in scale, when applying the principles contained within CS Policy EN 4 which requires *'the scale and massing of buildings to relate sympathetically to the surrounding area'*.

Proposed materials are black slate roof tiles, black bitumen corrugated cladding to the lower elevation and timber cladding to the upper section with anthracite grey aluminium windows and doors. It is considered that due to its scale, height and massing the proposed live/work building would appear incongruous and more as a large suburban building in this highly rural setting.

The extent and impact of the glazing is also of concern, more so within the nocturnal rural setting. The existing building contains limited openings (6 on the north elevation, two on the south elevation, 3 on the west and 1 on the east elevation). In contrast, the proposed north elevation contains 16 glazed openings (11 double height) with 7 rooflights. The proposed south elevation contains 15 openings, the east elevation contains 4 (3 double height) and the west elevation contains 2 openings. Despite the proposed curved canopies on some windows and the roof overhang, the light spill from the significant increase in openings would be very noticeable and detract from the valued dark night skies of the prevailing landscape and potentially impact protected species. The high number of openings is not typical of large farm buildings. The presence of a number of glazed doors, windows and rooflights, would give rise to a suburban rather than rural appearance. The proposed large building will be read neither as a dwelling nor a retail unit and as such will appear as a new built feature that is incompatible with the local vernacular.

Whilst the application refers to the use of blackout blinds and automatic shading systems to control light spill, internal lighting cannot be controlled by way of planning condition. Issues relating to dispersal of internal light remain a material consideration and control of glazing design, position of windows and overall glazing size is therefore the only real way to address these concerns.

Overall, the scale, height and appearance of the new building would not contribute positively to the defined local landscape character. Therefore, the proposed development would not accord with CS Policies EN 2 or EN 4.

3. Residential amenities

CS Policy EN 4 states amongst other things that *“proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers...”*. CS Policy EN 13 requires that all development should minimise and reduce forms of pollution and indicates development will only be permitted where there are not unacceptable impacts on general amenity, health and safety of the public and air quality, amongst other matters.

Paragraph 3.3.10 of the North Norfolk Design Guide refers to residents having the right to adequate privacy levels, and that new development should not lead to any overbearing impacts upon existing dwellings. Existing residents should also be kept free from excessive noise and unwanted social contact.

Paragraph 135 f) of the NPPF refers to the need for developments to create places with a high standard of amenity for existing and future users. Paragraph 187 e) advises that planning decisions should prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution. Paragraph 198 advises that planning decisions should ensure new development is appropriate for its location taking into account the likely effects of pollution on health and living conditions.

The proposal's impact including the operation of the proposed business on the amenities of nearby residential properties have been considered. The application site has three neighbouring properties - Church Farm Cottage (approximately 130 metres to the west), Church Farmhouse (approx. 190 metres to the west) and Highfield House a similar distance to the northwest. Given the distance between the site and these dwellings there would be no adverse overbearing, overshadowing or loss of light impacts.

With regards to the business element of the proposal, this would re-introduce noise and disturbance emanating from the site, although it must be acknowledged that previous use is not considered to have been abandoned. In order to protect residential amenities, conditions requiring the prior submission of details for any plant, machinery, ventilation, air conditioning or extraction would be imposed. Furthermore, in order to limit noise and disturbance extending into unsociable times of the day, conditions restricting opening/operating and delivery hours would be required. The Environmental Health Officer advises that a condition to ensure that the business premises can only be operated by the occupier/s of the residential element would also help to avoid future impacts of noise and disturbance.

Subject to the imposition of conditions, it is considered that the proposal would comply with relevant elements of CS Policies EN 4 and EN 13.

4. Biodiversity and 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.

CS Policy SS 4 indicates 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.

CS Policy EN 2 aims to ensure that development protects, conserves and, where possible, enhances distinctive landscape features, such as woodland, trees and field boundaries, and their function as ecological corridors for dispersal of wildlife.

CS Policy EN 9 states amongst other things that *“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. Proposals which cause a direct or indirect adverse effect to nationally designated sites, other designated areas or protected species will not be permitted unless:*

- *they cannot be located on alternative sites that would cause less or no harm;*
- *the benefits of the development clearly outweigh the impacts on the features of the site and the wider network of natural habitats; and*
- *prevention, mitigation and compensation measures are provided”.*

Paragraph 187 of the NPPF advises 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 and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs. Paragraph 193 advises 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.

Ecology

The application is supported by an Ecological Assessment. A wind turbine initially proposed has now been removed from the scheme, alleviating concerns raised by the Council's Landscape Officer regarding potential impacts upon protected species, including birds and foraging/commuting bats.

Subject to the Landscape Officer confirming there are no unresolved issues and with the imposition of appropriate conditions regarding mitigation and enhancement measures as detailed in the Ecology Assessment, the proposed development would accord with CS Policies SS 4 and EN 9.

Biodiversity Net Gain

In relation to Biodiversity Net Gain (BNG), the application is supported by a completed copy of the Council's Biodiversity Gain Statement template and Statutory Metric. The Landscape Officer has confirmed that subject to updating of the metric in relation to comments advised, and agreeing these prior to approval, the baseline calculations have been satisfied.

However, there are concerns regarding post intervention proposals and how 10% habitat can be achieved. However, the use of off-site units or statutory credits to deliver the habitat units necessary to achieve a 10% gain can be established when discharging the statutory

biodiversity gain condition which requires submission of a Biodiversity Gain Plan and Habitat Monitoring and Management Plan. A condition and informative to secure the BNG provisions would be imposed in the event that an approval is granted.

It is therefore considered that the scheme would accord with the requirements of CS Policy EN 9.

Recreation impacts

Norfolk local planning authorities (LPAs) have worked collaboratively to adopt and deliver a Green Infrastructure and Recreational Impact Avoidance and Mitigation (GIRAM) Strategy to ensure that the cumulative impacts of additional visitors, arising from new developments of housing and tourism to European sites, will not result in any likely significant effects which cannot be mitigated. The application site is within the Zone of Influence of a number of such sites with regards to potential recreational impacts.

In line with the RAM strategy a mechanism has been secured to ensure the appropriate financial contribution per dwelling prior to occupation as part of this proposal at the time planning permission is approved. It is considered that the contribution (£304.17) which has been secured, is sufficient to conclude that the project will not have an adverse effect on the integrity of the above identified European sites from recreational disturbance, when considered alone or 'in combination' with other development. As such the proposal complies with CS policy EN 9.

5. Arboriculture

CS Policy EN 2 aims to ensure that development protects, conserves and, where possible, enhance distinctive landscape features, such as woodland, trees and field boundaries. CS Policy EN 4 advises that development will be expected to retain existing important landscaping and natural features. Policy EN 9 seeks to maximise opportunities for restoration, enhancement and connection of natural habitats.

Paragraph 187 of the NPPF indicates that decisions should recognise the intrinsic character and beauty of the countryside, including the benefits associated with trees and woodland.

The application is supported by an Arboricultural Assessment and Tree Protection Plan. No objection has been received from the Landscape Officer in terms of the impact of the development on trees.

It is therefore considered that with the imposition of appropriate conditions, the proposed development would accord with CS Policies SS 4 and EN 9.

6. Sustainable construction and energy efficiency

CS Policy EN 6 requires that new development demonstrates how it minimises resource and energy consumption and how it is located and designed to withstand the longer-term impacts of climate change. All developments are encouraged to incorporate on site renewable and / or decentralised renewable or low carbon energy sources, and regard should be given to the North Norfolk Design Guide in consideration the most appropriate technology for the site.

Whilst the proposed wind turbine had to be removed due to ecology concerns, PV panels would be provided on the roof of the proposed building. Additionally, the building will be constructed with timber framed Structural Insulated Panels and incorporate water efficiency saving measures, amongst other sustainability features. This approach is considered to be consistent with CS Policy EN 6.

7. Highways and parking

As a remote location which intends to service a single new build live/work unit then Policy CT 5 (The Transport Impact of New Development) is a material consideration. The policy requires that proposals provide safe and convenient access on foot, cycle, public and private transport inclusive of those with a disability; and that they are capable of being served via a safe highway network without detriment to the character or amenity of the locality. The expected nature and volume of traffic generated by the proposal should be able to be accommodated by the existing road network without detriment to the amenity or character of the surrounding area or highway safety. Access to the site is via narrow rural lanes with no pedestrian facilities such that virtually all trips to and from it would be dependent on the use of a private car.

It is recognised that the site has an existing access and an extant use as a haulage business which would have generated a number of daily vehicle movements including by good vehicles. However, to ensure that the site reflects both that which has been proposed, as a live work unit and reduce the potential for more traffic intensive commercial uses at the site, the Highway Authority advise that if permission was granted it should be subject to a condition to limit the use of the site to the applicants only (i.e. a personal permission). On that basis the Highway Authority raises no objection on highway safety grounds and it is considered that the proposed development would accord with Policy CT 5. Officers note the request from the Highway Authority for a "personal permission" type condition. However, such a condition would be unlikely to meet the six tests for conditions. Instead, if permission were to be granted then conditions could be imposed controlling the types of retail activities that can take place and ensuring the retail and the dwelling are tied so that they do not become separate planning units, which could result in increases in traffic movements.

Policy CT 6 requires that adequate vehicle parking facilities will be provided by the developer to serve the needs of the proposed development. Development proposals should make provision for vehicle and cycle parking in accordance with the Council's parking standards at Appendix C of the Core Strategy, including provision for parking for people with disabilities.

Given the size of the site, it has the capacity to accommodate parking and turning associated with the proposed development that would accord with the adopted standards. With conditions to secure this it is considered that the proposed development would accord with CS Policy CT 6.

8. Environmental considerations

Policy EN 13 of the Core Strategy states that all developments should minimise, and where possible reduce, all emissions and other forms of pollution, and ensure no deterioration in water quality. Development proposals on contaminated land (or where there is reason to suspect contamination) must include an assessment of the extent of contamination and any possible risks. Proposals will only be permitted where the land is, or is made, suitable for the proposed use.

Paragraph 187 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing development from contributing to or being put at risk from unacceptable levels of pollution; along with remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate. Paragraph 196 states that planning policies, and decisions should ensure that sites are suitable for the proposed use, taking account of ground conditions and risks arising from contamination.

No objections were received from the Environmental Health Officer subject to conditions in relation to noise, machinery and ventilation, hours of use, contaminated land and lighting. Subject to the imposition of the relevant conditions the proposal is considered to be compliant with CS Policy EN 13 and Chapter 15 of the NPPF.

9. Other consideration

Mineral Safeguarding

The application site is within a Mineral Safeguarding Area whereby Policy 16 of the Norfolk County Council's Minerals Plan is relevant. This policy seeks to ensure that existing mineral deposits are safeguarded from needless sterilisation. The County Council's Minerals and Waste Officer has raised no objection to the proposed development. The development is therefore considered to comply with Policy CS16 of the adopted Norfolk Minerals and Waste Core Strategy.

10. Planning balance/conclusions

Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004, planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

In terms of the residential element, the development has been found to conflict with CS Policies, SS 1 and SS 2, which seek to limit development within the Countryside to that which requires a rural location.

Whilst the site can be considered 'isolated' and therefore afforded weight under NPPF paragraph 84 as an exception to the plan-led approach, within the context of NPPF paragraph 84, then the proposals do not re-use redundant or disused buildings as required by criterion c) and are not considered to be exceptional in terms of design which may be otherwise be supported by paragraph 84e).

The site is considered to meet the definition of "previously developed land" (brownfield) and this would attract moderate weight in favour.

As the council is currently unable to demonstrate deliverable sites sufficient to provide a minimum of five years' worth of housing. Planning applications will therefore be considered in line with paragraph 11(d) "Tilted Balance" of the NPPF which states that:

"Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

ii) 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination".

CS Policies SS 1 and SS 2 are therefore considered "out of date" in accordance with NPPF paragraph 11 d). Recent appeal decisions have however, continued to confirm that these policies remain broadly consistent with the NPPF in respect of setting an overall strategy for the distribution of sufficient housing and focusing significant amounts in locations which are sustainable, thus limiting the need to travel, offering a choice of transport modes and helping to reduce congestion and emissions, so as to improve air quality and public health.

The benefits of the proposal are: *Social* - the proposals would only add a single dwelling to the housing supply. which is afforded limited weight in meeting the undersupply of housing within the district. Further limited positive weight is given to the employment provided during construction and future occupants contribution to spending to the local economy.

Economic - these would be provided through the construction of the development with work for local contractors, trades people and suppliers. This, however, would be limited and short lived. Occupiers of the development would contribute to the local economy by spending within the surrounding area and the wider District The relocation and expansion of an existing business would also attract some weight, especially if the proposal helps to maintain employment opportunities in the local area..

Environmental – the development would involve the reuse of a site of which is previously developed / brownfield land, albeit demolition rather than conversion. The replacement building would be energy efficient and make use of renewable energy sources. Some minor biodiversity gains could be secured through a condition.

The Committee are being asked to weigh up many competing planning issues. On the one hand, the use of previously developed land for appropriate economic uses would likely be supported in principle enabling an existing business to relocate, expand and improve its offer to its customers. However, the case for a dwelling to accompany the retail unit is less convincing and the design, scale, height and massing of the building(s) would result in a visually discordant and overly dominant element of built form which would be harmful to the character and appearance of the surrounding landscape.

The proposal is therefore considered to be contrary to CS Policies SS 1, SS 2 EN 2 and EN 4 for the reasons stated.

Therefore, **REFUSAL** of the application is recommended.

RECOMMENDATION:

To **REFUSE** permission on the following grounds:

- 1 Whilst the site is considered to be “previously developed land” the proposed residential element of the live/work unit would be located on land designated as 'Countryside' where there is a general presumption against residential development and in a location with poor access to a full range of basic services. The future occupiers would therefore be highly dependent on the car to be able to reach such services. There is no overriding justification for the proposed development in this unsustainable location, and the proposal therefore represents an undesirable and sporadic form of residential development in the countryside. The proposal would therefore not be sustainable development and is contrary to policies SS 1, SS 2 and SS 4 of the adopted North Norfolk Core Strategy. Whilst the location of the development is considered to be isolated in terms of paragraph 84 of the National Planning Policy Framework, no evidence has been provided that the provision of such a dwelling would meet the criteria in paragraph 84
- 2 The proposed development by reason of design, scale, height and massing would result in a visually discordant and overly dominant element of built form which would be harmful to the character and appearance of the surrounding landscape. As such, the proposal would be contrary to the aims of North Norfolk Core Strategy Policies EN 2 and EN 4.

The proposals are contrary to North Norfolk Core Strategy Policies SS 1, SS 2, SS 4, EN 2 and EN 4

Final wording of reasons for refusal and any others considered to be necessary, to be delegated to the Assistant Director – Planning