

FAKENHAM – PF/24/2184 - Erection of two buildings for use as a restaurant and farm shop, and associated development including a separate wc and bar, two polytunnels, car-parking, paths and access at Salmonds Lane, Thorpland, Fakenham, Norfolk, NR21 0HB

Target Date: 06 June 2025

Extension of time: 06 June 2025

Case Officer: Miss Isobel McManus

Full Planning Permission

RELEVANT SITE CONSTRAINTS:

The site lies within an area of countryside for the purposes of the Core Strategy's spatial strategy

The site lies within the Rolling Open Farmland landscape type as defined in the North Norfolk Landscape Character Assessment

RELEVANT PLANNING HISTORY:

IS2/22/2999 - Erection of 190 sq.m building for use as restaurant with kitchen and separate WC block; associated development including car-park, paths and service access - Advice Given on 27 March 2023. In summary the advice was as follows:

"The proposals have been found to conflict with key strategic policies (SS 1, SS 2, EC 1 and EC 5) of the Core Strategy and such conflicts would weigh against the proposed development.

Notwithstanding, if any formal application is to be successful, this would need to clearly demonstrate that there would be sufficient public benefits associated with the development, which would comprise material considerations, which would dictate that a decision other than one in accordance with the development plan should be taken.

Whilst weight could be given to the economic benefits, as well as to employment opportunities which might be generated, based on information known at this stage, and on balance, it is likely that the proposals would be considered to result in more harm than benefits and that these limited benefits would not outweigh the harm overall, in particular in relation to the unsustainable and limited accessibility of the location."

THE APPLICATION:

Site Description

The site is a parcel of agricultural land with an area of approximately 0.8 hectares. It is within the area defined as Countryside by Policy SS 1 of the Core Strategy and Rolling Open Farmland within the North Norfolk Landscape Character Assessment (LCA). The site is adjoined by agricultural fields and there are a cluster of dwellings situated to the north. The site is bounded by a number of mature Oak trees that run along the eastern, northern and western boundaries, together with other tree groups and mature hedgerow. The southern boundary contains a group of field maple trees.

The site lies to the north of Fakenham, and approximately 200m north of the A148 Fakenham Bypass. Thorpland Road lies to the east of the site and heads to the north from the

A148/A1067 roundabout. The site is approximately 1.2 km from Fakenham's designated Town Centre.

Proposal

The application proposes the erection of two buildings for use as a restaurant/café, bar, ice cream parlour and a farm shop. Associated development includes a separate WC, two polytunnels, car-parking, paths and access.

REASONS FOR REFERRAL TO COMMITTEE:

At the request of Cllr. Cushing for the reasons set out below:

"I have been informed that Officers intend to refuse this application because "in respect to the information submitted to date, insufficient information has been provided in order to sufficiently demonstrate that the proposal would meet the tests of agricultural diversification as required by Policy EC 1 of the adopted North Norfolk Core Strategy. In particular, it has not been demonstrated that the overall scale of the proposed farm shop, café and associated development as part of the diversification scheme is based on the existing farm operations already in place, as opposed to the creation of a new unrestricted Class E retail development within the area designated as Countryside under Policy SS 1 of the adopted North Norfolk Core Strategy."

This refusal is based on the current Core Strategy which was adopted in 2008. I cannot find an equivalent of Policy EC1 in the new proposed Core Strategy (as published on the NNDC website). It seems unfair to me to base a refusal on a soon to be out-dated set of policies.

Also this misses the clear support for farm diversification projects that both the Local Plans have - which is also amplified in national planning policy.

The application has the support of the Fakenham Town Council and local community.

Farming is under considerable pressure from a variety of fronts. As I would expect, the NNDC Economic Development has given the application their strong support in context of the farming challenges stating:

"An Economic Growth Officer has reviewed the application, and it is recognised that the proposal is part of a wider business strategy that will not only support the sustainability and economic growth of the applicant business, but it will also contribute to the north Norfolk visitor economy. It is recognised that the applicant is planning to erect two buildings for use as a restaurant and farm shop as part of its farm diversification activities, thus supporting the development of an existing pop-up business and the expansion of business in a rural area.

The Economic Growth Team recognises that there are wider economic benefits that would be derived by this application – such as job creation, supporting the local and visitor economies, supporting local supply chain and local businesses etc."

CONSULTATIONS:

Fakenham Town Council: Support.

North Norfolk District Council Landscape: Object Proposed development will not protect, conserve or enhance the local area as set out in the Landscape Guidelines within the LCA and there is conflict with Core Strategy Policy EN 2: (Protection and Enhancement of Landscape and Settlement Character).

Norfolk County Council Highways: Object The applicant has failed to demonstrate that the site can be accessed safely for pedestrians and cyclists. Accordingly, it is considered that the site is unsustainably located and lacks the opportunity to improve accessibility.

North Norfolk District Council Economic and Tourism Development Manager: Support
It is recognised that the proposal is part of a wider business strategy that will not only support the sustainability and economic growth of the applicant business, but it will also contribute to the north Norfolk visitor economy.

North Norfolk District Council Environmental Health: No objection subject to conditions relating to the details of the kitchen extraction prior to the commencement of the use of the site and the hours of deliveries (including waste collections).

REPRESENTATIONS:

14 received **supporting** on the following summarised grounds:

- Current operations are great, fully support improvements.
- The Fat Cow is a real farm diversification success story, the application is a natural progression to develop the business by extending its season.
- Creation of more permanent jobs.
- Use of high quality local produce
- Not a 'drive' through, will save our countryside from discarded waste
- Important to the local economy – would support fellow local businesses and enhance opportunities for local businesses
- The Fat Cow is enjoyed by the community
- Permanent structure would allow a more enjoyable experience for customers
- Invaluable permanent amenity for local residents
- Offer a much needed boost to Norfolk's hospitality landscape, attract residents and visitors
- Aligns with growing demand for sustainable community orientated businesses
- The Fat Cow uses local produce such as cheese for cheeseburgers
- Design is in keeping with an agricultural site
- Site access is well placed near roundabout on main road
- Provision of polytunnels for horticulture is positive in encouraging healthy diet through fruit, herbs and vegetables
- Ideal for families with children
- Farm shop selling local produce is good support for local businesses

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, refusal 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.

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 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 6: Access and Infrastructure
Policy EN 2: Protection and Enhancement of Landscape and Settlement Character
Policy EN 4: Design
Policy EN 6: Sustainable construction and energy efficiency
Policy EN 9: Biodiversity and Geology
Policy EN 13: Pollution and Hazard Prevention and Minimisation
Policy EC 1: Farm Diversification
Policy EC 5: Location of Retail and Commercial Leisure Development
Policy CT 5: The Transport Impact of New Development
Policy CT 6: Parking provision

Material Considerations:

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 12: Achieving well designed places
Chapter 15: Conserving and enhancing the natural environment

Supplementary Planning Documents (SPD):

North Norfolk Landscape Character Assessment (2021)
North Norfolk Landscape Sensitivity Assessment (2021)

OFFICER ASSESSEMENT:

Main issues for consideration:

- 1. Principle of development**
- 2. Location, sustainability and impact on highway network**

3. Design and landscape character
4. Residential amenities
5. Trees
6. Ecology

1. Principle of development

The site lies within the area designated as countryside. 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 to support the rural economy, meet affordable housing needs and provide renewable energy.

The associated Policy SS 2, sets out what types of development can be acceptable within the Countryside provided it can be demonstrated that a rural location is required. Relevant to the current proposal, forms of development which requires a rural location include agriculture and agricultural diversification.

Supporting a prosperous rural economy is a key aim of the National Planning Policy Framework (NPPF) and support is outlined specifically for sustainable growth and expansion of all types of business within paragraph 88 b), including through:

'the development and diversification of agricultural and other land-based rural businesses'.

Paragraph 89 continues to state that:

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

The site comprises a field, a part of which has been used since 2021 during the summer months as a pop-up food venue known as Fat Cow which sells high quality burgers made using local, grass-fed beef, ice cream and locally brewed craft beer. The burger trailer operates 4 days a week with covered seating provided at picnic tables. The existing use has been/is being carried out utilising permitted development rights which allow for use of any land for any purpose (subject to exceptions) 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. Therefore this does not represent a fall-back position which would justify the proposal for permanent development at this site.

A supporting statement at paragraph 1.4 states that the Fat Cow has proved to be hugely popular with both locals from Fakenham and the surrounding villages, as well as with holiday-makers using the Fakenham bypass on their way to the Norfolk Coast and that it has also

significantly boosted the income of Thorpland Lodge Farm which has been essential to the farm's survival at an extremely challenging time for agriculture as profit margins are squeezed and government subsidies phased out.

Ashworths (the applicant) is a family farming partnership farming 214Ha at Thorpland Lodge Farm and a further 100Ha at The Grove and Lodge Farms, Stibbard. It is a mixed farm growing arable crops and grazing cattle on grassland areas. The arable crops include wheat, barley, rape, peas, potatoes and maize. There are also significant areas managed under countryside stewardship schemes.

The statement also refers to the fact that the Fat Cow has also provided seasonal employment for four employees, plus many other part time staff, and helped to maintain the existing farm employment. Further, it has supported the local economy by buying local sourced ingredients such as additional meat coming from the local butcher, beer from a nearby farm based brewery and cheese from a local dairy farm.

The proposals would have a wider offering including a farm shop and a restaurant that would sell produce and products grown and reared on the applicant's farm and local area, and a new kitchen garden within the site will grow the salad and vegetables that will be sold in the restaurant. This would showcase local products and offer a community facility for locals and visitors to enjoy throughout the year, 5 days a week.

CS Policy EC 1 sets out that development in the Countryside for farm diversification (the introduction of non-agricultural enterprises or novel agricultural enterprises into existing farm business / complex to support the agricultural enterprise) will be permitted provided that it can be demonstrated that the proposal would make an ongoing contribution to sustaining the agricultural enterprise as a whole and the proposal would not involve new-build development on undeveloped sites (defined as land upon which no building or the substantial remains of a building currently stands) unless:

- it is directly related to the agricultural business and the reuse or redevelopment of existing buildings on the holding for the intended use, in whole or in part, is not feasible or:
- an opportunity exists to demolish an existing structure and re-build in a more appropriate location and in all cases the proposed floor space is less than 250sqm

To support the application, the applicant has provided viability evidence in the form of four graphs which reflect four different scenarios, being:

- i) no expansion;
- ii) expansion of restaurant and farm shop;
- iii) fat cow discontinued and;
- iv) expansion with restaurant only.

The 'no expansion graph' suggests that from 2025 to 2027 the trajectory of the business will decline to be in a deficit by 2027. The 'expansion' – restaurant and farm shop (as proposed?) graph suggests that the net profit will double from 2025 to 2027. The 'fat cow discontinued' graph suggests that the net profit from 2025 to 2027 will be in deficit. The 'expansion with restaurant only' graph suggests that from 2025 to 2027 there will be a steady decline in net profit.

Officers have reviewed the submitted viability evidence, and the trajectory of the business does not make sense. This is because historically, the livestock have been sold directly to the open market e.g. a slaughterhouse/butcher and have made a profit. The evidence submitted suggests that should permission not be granted the trajectory of the business will decline to

be in a deficit by 2027. For a realistic comparison it would be useful for the applicant to compare what would happen if the Fat Cow as operating on site (a pop up) stopped and the farm reverted back to selling the cattle to the open market.

There are no existing structures on the application site. The proposed floor space is 387sqm. This exceeds the 250sqm set out in policy EC 1. As referred to above, the existing temporary use does not represent a fall-back position which would justify the proposal for permanent development at this site. The proposal therefore constitutes new-build development on an undeveloped site in the countryside.

Whilst the proposal is for a farm shop and cafe, it has not been adequately demonstrated which Class E uses would be directly linked with the farm's produce, and it is not considered that, as submitted this could be controlled by way of a planning condition. There is not a business plan regarding what produce from the farm would be sold in the shop and the café. Additionally, based on the submitted floor plans, it is considered that the café (194sq.m), kitchen (70sq.m) and bar (13.7sq.m) would not be ancillary to the farm shop but a significant part of the development proposal (277 sq.m) as the farm shop accounts for only 80 sq.m. The applicant has argued that a reduction of the scheme to under 250 sq.m in order to comply with the policy, would mean the loss of the farm shop and this would make the scheme unviable and undermine the wider benefits of the scheme, i.e. allowing a large amount of local produce to be directly marketed to users of the development.

Given the level of new retail enterprise proposed, a café, farm shop, ice cream parlour and bar seem to go above and beyond what is produced at the farm, it has not been robustly demonstrated that the focus of the diversification is based on the existing farm operations already in place, as opposed to the creation of a new unconstrained Class E enterprise in the countryside.

Therefore, with proposals such as this in the countryside, regard should be had to the requirements of CS Policy EC 5 which relates to the location of new retail and commercial leisure development. This directs small scale retail development (net sales area less than 500 sq.m) to sites within a development boundary on the best sequentially available site.

For a proposal that does not comply with that requirement it should be demonstrated that:

- a need exists within the catchment area for the scale and type of development proposed
- no sequentially preferable site is available, suitable and viable (starting with town centre, edge of centre sites, then out-of-centre locations)
- 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 the proposed development would be accessible by a choice of means of transport, including public transport, walking, cycling and the car

The policy states that "*proposals for retail development in the countryside will not be permitted unless they comply with other development plan policies. Within the defined development boundaries of service villages and coastal service villages proposals for shops up to 250sqm may be permitted provided the proposed development would not, individually or cumulatively, have a significant adverse impact on the vitality and viability of existing town and Service Village and Coastal Service Village centres*".

The application has not been put forward as new retail development in the countryside. Given the scale of new enterprise created, and lack of information provided within the application to sufficiently demonstrate that the proposal would meet the policy tests of agricultural

diversification, if the application was considered against CS Policy EC 5, it would not comply with the general thrust of this policy given the distance of the application site from Fakenham's designated Town Centre (approx.. 1.2 km) as the level of new 'retail' development proposed would result in the proposed development being considered a town centre use and would require a sequential assessment, and the site is not considered sustainable because it is not accessible by a choice of means of transport..

Paragraph 91 of the NPPF states that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

Paragraph 93 states that this sequential approach should not be applied to applications for small scale rural offices or other small scale rural development. In this case it is difficult to conclude that the proposed development could be considered as a 'small-scale' rural development, given that it is likely to generate and attract large numbers of people from the wider area.

The agent has referred to other examples of similar proposals within North Norfolk. It is considered that none of these are directly comparable or of a similar scale to the current application.

Overall, whilst Core Strategy policy would, in principle, support evidenced and appropriately scaled farm diversification, the application before Committee involves significant amounts of new build development beyond the scale identified within Core Strategy Policy EC 1. The scale of development proposed and the limited evidence of the amount of produce to be sold from the farmshop that is produced by the farm suggests a development that could and should be located in a more sustainable location. It is considered that the proposed development conflicts with the aims and objectives of Policies SS 1, SS 2, EC 1, EC 5 and CT 5 of the North Norfolk Core Strategy.

2. Location, Sustainability and Impact upon Highways Network

CS Policy CT 5 states that development will be designed to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to its particular location.

Development proposals will be considered against the following criteria:

- the proposal provides for safe and convenient access on foot, cycle, public and private transport addressing the needs of all, including those with a disability.
- the proposal is capable of being served by safe access to the highway network without detriment to the amenity or character of the locality.
- outside designated settlement boundaries the proposal does not involve direct access on to a Principal Route, unless the type of development requires a Principal Route location.
- the expected nature and volume of traffic generated by the proposal could be accommodated by the existing road network without detriment to the amenity or character of the surrounding area or highway safety; and
- if the proposal would have significant transport implications, it is accompanied by a transport assessment, the coverage and detail of which reflects the scale of development and the extent of the transport implications, and also, for non-residential schemes, a travel plan.

CS Policy CT 6 requires that adequate vehicle parking facilities must 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, including provision for parking for people with disabilities.

Paragraph 109 of the NPPF sets out that transport issues should be considered from the earliest stages of development proposals so that, amongst other matters, the potential impacts of development on transport networks can be addressed, opportunities to promote walking, cycling and public transport use are identified and pursued, and the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains.

Paragraph 115 of the NPPF states amongst other matters that development should ensure that sustainable transport modes are prioritised taking account of the vision for the site and the type of development and its location, and that safe and suitable access to the site can be achieved for all users.

Paragraph 116 of the NPPF states *“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, following mitigation, would be severe, taking into account all reasonable future scenarios”*.

Paragraph 117 continues by setting out that development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and facilitate access to high quality public transport. Development should also address the needs of all people with disabilities and reduced mobility in relation to all modes of transport. Additionally, create places that are safe, secure and attractive minimising the scope for conflict between pedestrian, cyclists and vehicles and allow for efficient delivery/access and be designed to enable charging of ultra-low emission vehicles.

Highways safety, accessibility and sustainability

The site is close to the A148, accessed via the C319 Salmonds Lane from the A148 roundabout some 200m south of the site, giving acceptable access for vehicles and deliveries. The site, however, fails to provide any suitable provision for pedestrians and other road users, requiring any non-car users from the south to cross the A148 and share the C319 with traffic, which would fall short of the requirements of the NPPF. Thorpland Road and the A148 are subject to the national speed limit (60mph).

The applicant's case within the updated Transport Statement is that a farm shop is expected to be in a rural location. However, officers consider that a café or general shop, would normally be expected to be located in an urban area to serve its catchment.

The NPPF does recognise that some facilities will be needed outside of developed areas, noting at Paragraph 89; that 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).

There are no public transport facilities which serve the site and no public footpaths available either side of Thorpland Road or beyond for users to access by foot, this is confirmed within the applicant's supporting Transport Statement. The nearest bus stop is on Clipbush Lane approximately 500m to the south of the site, however, users would be required to cross the

A148. The nearest train station to the site is Sheringham or Norwich but some distance away. As such, it is considered that the development would be almost wholly reliant upon the use private vehicles/cars to safely access the site and for trips to/from it by the future customers, staff, deliveries and construction.

Section 3.1 of the Transport Statement highlights this, in relation to the Highway Authority's request to consider options for pedestrian routes;

"The location of the site does not lend itself to pedestrian access; which would need to cross the A148 for the majority of pedestrians. The options for crossing the A148 would be any of the following:

- *Footbridge*
- *Tunnel*
- *Controlled crossing with/without refuge*
- *Uncontrolled crossing with/without refuge*

...and the likely costs for provision of any of the pedestrian crossings outlined would vastly outweigh any benefit to be gained from provision of the crossing and would be out of context with the proposed development."

Whilst a number of farm shop applications have been highlighted by the applicant and it is put forward that this development is a small-scale farm diversification project in a rural location, it is considered that the development as a whole would create a new destination over and above that of a modest farm shop alone.

Whilst the site is circa 200m from the edge of the settlement of Fakenham, Officers consider that the site does not have good links to this settlements with regards to access sustainability. Clearly in this instance, the applicant has failed to demonstrate that the site can be accessed safely for pedestrians and cyclists.

The proposed development does not adequately provide off-site facilities for pedestrians / cyclists / people with disabilities (those confined to a wheelchair or others with mobility difficulties) to link with existing provision and / or local services, contrary to CS Policy CT 5.

The proposal conflicts with the aims of sustainable development, the need to minimise travel, and the ability to encourage walking, cycling, use of public transport and reduce the reliance on the private car as represented in national and local policy. The proposal is therefore considered to be contrary to paragraphs 115 and 117 of the NPPF and Chapter 5 of Norfolk's Local Transport Plan 4 Strategy 2021-2036.

3. Design and Landscape Character

Policy SS 4 requires that all development proposals will contribute to the delivery of sustainable development, ensuring protection and enhancement of natural and built environmental assets and geodiversity. Open spaces will be protected from harm, and the restoration, enhancement, expansion and linking of these areas to create green networks will be encouraged. New development will incorporate open space and high-quality landscaping to provide attractive, beneficial environments for occupants and wildlife and contribute to a network of green spaces. Where there is no conflict with biodiversity interests, the quiet enjoyment and use of the natural environment will be encouraged, and all proposals should seek to increase public access to the countryside.

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 (including its historical, biodiversity and cultural character)
- gaps between settlements, and their landscape setting
- distinctive settlement character
- the pattern of distinctive landscape features, such as watercourses, woodland, trees and field boundaries, and their function as ecological corridors for dispersal of wildlife
- visually sensitive skylines, hillsides, seascapes, valley sides and geological features
- nocturnal character
- the setting of, and views from, Conservation Areas and Historic Parks and Gardens.
- the defined Setting of Sheringham Park, as shown on the Proposals Map.

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. 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.

Paragraph 131 of the NPPF advises that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve, with good design a key aspect of sustainable development. Paragraph 135 goes on to state that development should establish or maintain a strong sense of place, be sympathetic to local character and history, landscape setting and be visually attractive. Paragraph 139 states that permission should be refused for development of poor design which fails to take opportunities available for improving the character and quality of an area, taking into account local design standards or guidance contained with SPDs.

Paragraph 187 states that development should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.

The site lies within Rolling Open Farmland (ROF) landscape type as defined in the North Norfolk Landscape Character Assessment. This is predominantly an expansive open arable landscape with a rural character and a sense of remoteness and tranquillity with dark night skies being a defining feature. The settlement pattern is sparse and strongly nucleated as a result of historical land ownership. Conservation of rurality and tranquillity and conserving the nucleated character of settlements as a result of any new development are set out in the Landscape Guidelines for this Type.

The proposed location of the development would be set within Countryside would not reinforce the key characteristics and valued features of the ROF landscape type and would therefore conflict with CS Policy EN2.

The restaurant would comprise timber frame, clad with dark stained timber and a corrugated steel roof, with rooflights on the northern elevation. Black solar panels are proposed on the south facing roof of the restaurant. The south side of the restaurant building will be open but can be closed off during poor weather with transparent roll down PVC screens. The north internal wall of the restaurant is to be enclosed with timber cladding (reclaimed pallets or potato boxes) which conceals the separate kitchen facility which has a servery facing into the barn.

To the west of the restaurant building an external seating area with picnic tables, a circular bar and toilet block is proposed. The bar and toilets comprise of galvanised corrugated steel grain silos.

The proposed farm shop, which is a separate smaller barn with a gable end facing north would be to the east of the restaurant. This would comprise natural timber with metal double glaze doors. A lean to on the eastern elevation provides a small covered sitting area. Painted steel shipping containers are proposed for on site storage between the barns, and to the rear.

Considering the undeveloped and rural nature of the site, the large scale buildings will result in significant built form additions to landscape resulting in some adverse visual impacts within the local and wider area. There will also be harm from the intensification of a currently undeveloped site.

However, mitigation by way of hard and soft landscaping can be secured via condition to secure appropriate planting, surfacing and fencing details. The revised Proposed Site Plan shows a new additional hedgerow to the south and west of the polytunnels and it is now confirmed no existing hedgerow will be removed as part of the development.

Conditions requiring implementation of the approved landscaping scheme, management of it thereafter and replacement of plant failures are also recommended. It is considered that together with the retention of the existing hedgerows to the north and east this will, over time, provide some softening of views from Thorpland Road and from within the site.

External lighting could potentially cause adverse impacts on the dark night skies in the open, elevated rural landscape. A condition requiring details of any external lighting to be approved before installation is therefore recommended. This will also ensure any impacts upon nocturnal wildlife (e.g. foraging/commuting bats) are mitigated.

With the additional planting and recommended conditions , the proposal is considered to comply with CS Policies EN 2 and EN 4.

4. Residential Amenities

CS Policy EN 4 states that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers.

There are no dwellings immediately adjacent to the site and Environmental Health have raised no objections to the proposals subject to conditions including those relating to the provision of a kitchen extractor system.

Subject to appropriate conditions, the proposal is considered to be in accordance with CS Policies EN 4 and EN 13.

5. Trees

Paragraph 187 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value, minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

The application is supported by an Arboricultural Impact Assessment by A.T Coombes Associated Ltd. Concerns were previously raised by the Landscape Officer about the loss of hedgerow and the closeness of the proposals to important trees. The revised Proposed Site Plan illustrates more clearly that the section of hedgerow at the south site boundary will not be removed and it has been confirmed that it will remain. The radius of the root protection area of specific Veteran trees has been uplifted as suggested, the proposed restaurant/kitchen building and ice cream bar has been moved away from these important trees and habitats and adequate space is now proposed. The amendments are such that the layout of the site is acceptable. Construction of the site access is confirmed as no-dig and will avoid further compaction and damage to tree roots.

Subject to the tree protection measures as set out within the Arboricultural Impact Assessment being secured through conditions, the proposed development is acceptable on arboricultural grounds.

6. Ecology

The application is supported by an Ecology Report. A summary of the report findings include:

- No impacts are foreseen upon designated sites.
- The site was predominantly grassland with some arable and bramble scrub. The boundaries supported native species-rich hedgerows and mature trees. No hedgerows or trees are to be lost.
- Many of the boundary trees supported potential roost features for bats. However, no removal or works to those trees are proposed.
- The boundary trees and hedgerows are suitable for nesting birds. Any removal of woody vegetation must take place outside the main nesting period (March to August inclusive) or following a search for active nests.
- There is a low risk of impact to other transient wildlife, such as reptiles, badger and hedgehog, which can be mitigated effectively through general precautionary measures during the construction phase.
- Biodiversity enhancement recommendations include the installation of bat and bird boxes.

The Landscape Officer considers the reports to be fit-for-purpose and concur with the findings. The existing temporary use of the site and retention of the most ecologically valuable habitats will limit potential harm during the operation phase of the development. Construction impacts can be sufficiently avoided or mitigated through implementation of the recommended precautionary measures. These along with the enhancements recommended in Sections 6 and 7 of the report including the provision of bird boxes can be secured through conditions.

On that basis the proposal is acceptable in terms of CS Policy EN 9.

Effect on habitats sites – recreation

The Norfolk-wide Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS) applies to all net new residential and tourism-related growth. The GIRAM strategy is a strategic approach to ensure no adverse effects are caused to European sites across Norfolk, either alone or in combination from qualifying developments. Given that the

proposal does not include overnight accommodation it is not qualifying development for the purposes the GIRAMS and as such a mitigation contribution is not required..

Biodiversity Net Gain (BNG)

The application is supported by a Biodiversity Statement and an associated Statutory Metric. The Landscape Officer has reviewed the submitted Biodiversity Net Gain information and is satisfied the baseline calculations are an accurate reflection of the current site habitats and conditions. Medium distinctiveness habitats at the site include other neutral grassland, small areas of bramble scrub and rural trees, including three veteran oaks (irreplaceable habitats).

Part of the grassland will be lost, though the scrub and trees will be retained. New habitats of ecological value to be created include other neutral grassland, modified grassland and tree planting. The on-site net change for habitat units is calculated as being -33.18% and off-site intervention or purchase of statutory credits will be required to achieve the mandatory 10% gain.

Conversely, a gain of 12.62% of hedgerow units can be delivered onsite through the enhancement of 118m of native species-rich hedgerow with trees from 'Moderate' condition to 'Good'.

The statutory BNG implementation condition would ensure the biodiversity gain plan (BGP) is submitted and additional implementation conditions will secure delivery.

Subject to the imposition of conditions the proposal would accord with the aims of CS Policy EN 9.

Planning Balance and Conclusion

It is acknowledged that that the proposed development would deliver some, albeit modest economic benefits. CS Policy EC 1 is supportive in principle of proposals for development in the Countryside for the purposes of farm diversification, but this is subject to its criteria being met. This includes the requirement that the proposed floor space is less than 250sq.m.

Paragraph 88 of the NPPF indicates that decisions should enable the diversification of agricultural and other land-based rural businesses to support a prosperous rural economy.

In this case however, it is considered that the proposed development would clearly go beyond the scale of development envisaged by Policy EC 1 as the supporting text at paragraph 3.4.4 states "*where new building on undeveloped sites is necessary, the intention is to ensure that the size of any such development is limited*". The scale of the proposed development is considered to be excessive and the need for the development has not been adequately justified, with the viability evidence submitted suggesting that the farm is currently profitable

The proposal would introduce a new 'destination' in a Countryside location that is contrary to the sequential approach to the location of such development required by CS Policy EC 5. Furthermore, the Countryside location is such that the development cannot provide for safe and convenient access on foot, cycle, public and private transport to address the needs of all, including those with a disability as sought by CS Policy CT 5. It is apparent that it is not feasible to make the location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport) as suggested in the NPPF.

It is therefore considered that the proposed development is contrary to CS policies EC 1, EC 5 and CT 5. Whilst the proposal is acceptable in other respects and complies with CS policies relevant to those matters, and would also provide economic benefits, it is considered that these benefits do not outweigh the harm from the main policy conflicts.

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

RECOMMENDATION:

REFUSAL

Insufficient information has been provided by the applicant in order to sufficiently demonstrate that the proposal would meet the tests of agricultural diversification as required by Policy EC 1 of the adopted North Norfolk Core Strategy.

In particular, it has not been demonstrated that the overall scale of the proposed farm shop and café as part of the diversification scheme is based on the existing farm operations already in place, as opposed to the creation of a new unrestricted retail development within an area designated as Countryside under Policy SS 1 of the adopted North Norfolk Core Strategy.

The proposal would result in an unsustainable form of development where sustainable modes of transport such as walking and cycling cannot be accessed nor improved, such that the vast majority of trips would be to be made by car. The proposed development would therefore be in conflict with Policy EC 1 of the adopted North Norfolk Core Strategy and contrary to its strategic aims of achieving sustainable development and give rise to accessibility concerns as set out within Policies SS 1, SS 2 and CT 5 of the adopted North Norfolk Core Strategy and paras 115, 116 and 117 of the NPPF.

Final wording of refusal to be delegated to the Assistant Director - Planning.