

Fulmodeston – PF/24/2434 – Erection of additional four, one-bedroom self-contained tree houses for use as short-term holiday let accommodation with external works and servicing (to include solar panels, ponds and car parking provision) at Land at Woodland, Browns Covert, Hindolveston Road, Fulmodeston for Mr D Astley

Minor Development

Target Date: 07 Feb 2025

Extension of Time: 31 July 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 is detailed as River Network SFRA

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

The site lies adjacent to the Site of Special Scientific Interest

RELEVANT PLANNING HISTORY

PF/24/1746 - Supporting infrastructure related to the two treehouses approved under planning permission PF/21/3458 comprising guest arrival area with parking, open canopy and timber boardwalk, fire water ponds and a single array of solar PV panels to serve both units – Approved.

RV/24/1502 - Variation of condition 2 (approved plans) of planning permission PF/21/3458 (Erection of two one-bed tree houses with external works and servicing (to include biorock drainage system and solar panels) to allow design alterations to Treehouse 1 and provision of bin and gas bottle store – Approved.

PF/21/3458 - Erection of two one-bed tree houses with external works and servicing (to include biorock drainage system and solar panels) – Approved.

NP/24/2167 - Prior notification of proposed upgrading of track for forestry use - Prior Approval not required.

GF/94/0011 - Improvements to forest road/turning area to facilitate removal of timber (notification by Forestry Commission) – no objections.

THE APPLICATION

The site is located at the western edge of Little Wood and Brown's Covert approximately 0.6km east of Fulmodeston and 0.9km southwest of Swanton Novers along the Hindolveston Road.

The application seeks full planning permission for the provision of four self-contained treehouses within Swanton Novers Wood on the Astley Estate to be used as visitor

accommodation including with external works and servicing (to include solar panels, ponds and car parking provision).

The application states that a total of '14' treehouse were outlined in the approved application PF/21/3458. The current application proposes 'four' treehouses to form part of the second phase of construction and will bring the total up to 'six' treehouses.

The proposal includes solar PV to enable the scheme to be entirely supported by renewable energy and the construction of three new clay lined ponds, which will provide both a water source for the fire and rescue service and contribute to the forest's biodiversity.

The application states that the income earned from the treehouses will help to deliver a sustainable environmental management programme and biodiversity enhancements over an area spanning in excess of 450 acres. The proposed treehouses would also contribute to other sustainable projects across the wider Estate and would provide an independent revenue stream to subsidise the income from farming and help to deliver an essential conservation woodland management plan. The income from the treehouses will replace the revenue from timber extraction helping to supplement the ongoing farming operation and finance the establishment and maintenance of the woodland conservation area.

The scheme proposes off road parking for visitors along the access road into the site. Additionally, the scheme proposes an arrival area with timber canopies to include luggage trollies, head torches and maps.

REASONS FOR REFERRAL TO COMMITTEE

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

"This is an unusual innovative proposal that combines the need to manage the woodland through the support of an eco-tourism project. The proposal provides access to the countryside for tourism whilst at the same time achieving a scientifically developed funding plan that respects the ecological footprint. Given the unusual nature of the proposal and the complexity, I think it is best subjected to review by the Development Committee".

CONSULTATIONS

Swanton Novers Parish Council: Support.

Fulmodeston Parish Council: No objection.

North Norfolk District Council Landscape: Holding Objection under CS Policy EN 9. (Currently awaiting further comments regarding SSSI impact assessment and use of a cesspit).

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

Norfolk County Council Highways: No objection.

Public Rights of Way & Green Infrastructure: No objection.

Natural England: Further information required, subject to ensuring measures are in place to manage impact of new overnight tourist accommodation on the qualifying features of the European Site(s) (habitats site(s), i.e. GI RAMS payment and completion of an appropriate assessment.

Economic And Tourism Development Manager: Support. The application on the basis of farm diversification, rural business and tourism development. It is also recognised that there are wider potential economic benefits that would be derived by such a proposal – such as jobs in the construction phase, local spend from visitors, supporting the local and visitor economies.

Fire Service: No objection, subject to ensuring building regulation and fire safety policies have been agreed and undertaken.

REPRESENTATIONS

One comment and one objection have been received on the following grounds:

Comment

- Request more detail on the effect of Swanton Novers National Nature Reserve.
- Vehicle movement assessment from Hindolveston Road.
- Impact of the internal and external lighting.
- Detailed site and access photos required.
- Site 1, 2 and 3 will be visible from the PROW and from Fulmodeston footpath 3.

Objection

- Concern regarding the presumption of the previous approval.
- Extent of the estate recreational diversification scheme and how large will it be?
- Cumulative impact of piecemeal planning on NNR biodiversity, access and local amenity and lack of sustainability.
- Lack of action or other planning approvals in the Estate for housing.
- Expanded forest track in respect to materiality and requirement for fire engines and tankers etc, on land which was wetland.
- Drainage.
- Light pollution.
- Impact on River Stiffkey Chalk Stream.
- Fire ponds will be breeding ground for louse flies and mosquitoes.
- Principle of another 10 treehouses building close to the NNR and its impact thereafter.
- Impact on biodiversity and species.
- Fire risk.
- Would the money be better spent towards woodland management and investment in woodland grants.
- Checking of the woodland and visitor plan to ensure that BNG plans are being implemented.
- Incremental loss of biodiversity and not a sustainable project in relation to location and next to an NNR.

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
EN 2: Protection and Enhancement of Landscape and Settlement Character
EN 4: Design
EN 9: Biodiversity and Geology
EN 10: Development and Flood Risk
EN 13: Pollution and Hazard Prevention and Minimisation
EC 7: The Location of New Tourism Development
EC 9: Holiday and Seasonal Occupancy Conditions
CT 5: The Transport Impact of New Development
CT 6: Parking Provision

Supplementary Planning Documents:

North Norfolk Design Guidance (2011)
North Norfolk Landscape Character Assessment (2021)
North Norfolk Landscape Sensitivity Assessment (2021)

Material considerations

National Planning Policy Framework (NPPF):

Chapter 2: Achieving sustainable development
Chapter 4: Decision-making
Chapter 6: Building a strong, competitive economy
Chapter 8: Promoting healthy and safe communities
Chapter 9: Promoting sustainable transport
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 16: Conserving and enhancing the historic environment

North Norfolk Emerging Local Plan

The Council's Emerging Local Plan was subject to a further round of examination in April 2025 and, following receipt of the Inspector's letter dated 08 May 2025, subject to completion of required Main Modifications, six-week public consultation and completion of any additional modifications, the plan is expected to be found sound and adopted in Autumn 2025. At this stage, whilst the Emerging Local Plan is capable of attracting some weight for decision making purposes, this would be considered "limited" at this stage and, in any event, there are no specific proposed new policies that would lead to a materially different planning outcome than the policies within the existing Core Strategy documents.

Other relevant documents/considerations

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

OFFICER ASSESSMENT

Main Issues for consideration:

- 1. Principle of development**
- 2. Design, appearance and effect on the character of the area**
- 3. Biodiversity & ecology**
- 4. Arboriculture**
- 5. Residential amenities**
- 6. Sustainable construction and energy efficiency**
- 7. Highways and parking**
- 8. Flooding and Drainage**
- 9. Other 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 Local Planning Authorities (LPA's) 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 Policy SS 1 of the Core Strategy (CS). 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 principle and secondary settlements as well as service and coastal service villages. The rest of North Norfolk is designated as 'Countryside'. CS Policy SS 2 restricts development within areas designated as Countryside to that which requires a rural location and is for one of more of the types of development listed in the Policy. These include development for agriculture, recreation and tourism.

Whilst the application refers to agricultural diversification, the most relevant CS policy relating to the consideration of this application is CS Policy EC 7 as it specifically relates to the location of new tourism development and sets out a sequential approach for such accommodation and attractions. The Policy states that:

“New tourist accommodation and attractions should be located in accordance with the sequential approach below:

- Proposals for new build tourist accommodation and attractions should be located within the Principal and Secondary Settlements.*
- Within the Service Villages, Coastal Service Villages and the Countryside proposals for new tourist accommodation and attractions will be permitted in accordance with other policies for Employment Areas, the Re-use of Buildings in the Countryside, and Extensions to Existing Businesses in the Countryside.*
- Where it can be demonstrated that there are no sequentially preferable sites, no suitable buildings for re-use and that a rural location is necessary, then new build attractions and serviced accommodation may be permitted in the ‘resorts and hinterland’ and ‘rural’ Tourism Asset Zones of the Countryside where they are in close proximity and have good links to, the Principal and Secondary Settlements.*

Proposals for new build un-serviced holiday accommodation in the Countryside will be treated as though they are permanent residential dwellings and will not be permitted.”

The NPPF (at para 88) sets out a presumption in favour of sustainable development for decisions on planning applications. It states that planning decisions should enable ‘*sustainable rural tourism and leisure developments which respect the character of the countryside*’. Additionally, the NPPF (at para 89) states 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 site lies within the ‘rural’ Tourism Asset Zone, which, in terms of the policy’s sequential approach, is where new tourism development *may* be permitted subject to qualifying criteria. The site is not considered to be in close proximity, nor does it have good links to the Principal and Secondary Settlements. The site is 5 miles from Fakenham and 7.5-miles from Holt which are the closest Principal Settlements. These settlements could only realistically be reached by car, and given the lack of public transport, the distance and road conditions, would deter walking and cycling. Therefore, the proposal would not represent sustainable development. Furthermore, as the proposal is for un-serviced accommodation it has to be treated as though it is for permanent residential dwellings which the policy makes clear will not be permitted.

Although the Core Strategy was adopted prior to the introduction of the NPPF, its relevant policies remain consistent with the NPPF’s aims. Both policy documents support the principle of sustainable rural tourism and place strong emphasis on protecting the intrinsic character of the countryside. The proposed development seeks to deliver a tourism offer that is inherently linked to a rural setting. It is acknowledged that the sites remote location may enhance its

appeal to visitors seeking a tranquil and countryside experience. However, the isolated nature of the site also raises significant concerns regarding sustainability. The proposal involves new built form in an undeveloped woodland area. Due to the lack of nearby services and public transport options, future users of the development would be heavily reliant on private vehicles for access to essential facilities. The level of car dependency is contrary to the principle of sustainable development as outlined in para 85 of the NPPF, which encourages rural development that is both sensitive to its setting and capable of being made more sustainable. In this case, given the site's more isolated location, meaningful improvements to its sustainability credentials are not realistically achievable.

In the event that the proposed were to be supported by the Local Planning Authority (LPA), then CS Policy EC 9 would also be relevant. This sets out that new holiday accommodation in the countryside will be subject to restrictive conditions in order to provide the correct balance between encouraging tourism and other policy aims of controlling development in the countryside. Such conditions would ensure that the tree houses would only be used for holiday purposes and not the sole/main residence of the occupiers.

For the reasons stated, it is considered that the proposed scheme would not accord with the key CS policy relating to new tourism accommodation (Policy EC 7).

2. Design, appearance and effect on landscape character

CS Policy SS 4 states 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.

CS 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.

CS 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, successful proposals will:

- incorporate sustainable construction principles,
- make efficient use of land,
- be suitably designed within their context,
- retain important landscape and natural features
- incorporate landscape enhancements, ensure buildings are appropriate scale and massing,
- make clear distinctions between public and private spaces,
- create safe places, which 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 lies within designated Countryside and within the Tributary Farmland Landscape Type for the purposes of the North Norfolk Landscape Character Assessment (SPD 2021) where the guidelines for managing impacts upon the Tributary Farmland Landscape Type include conserving a sense of rurality.

Paragraph 131 of the NPPF states that the creation of high quality, beautiful and sustainable 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(b) states that *'development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping'*. Paragraph 139(b) of the NPPF goes on to state that significant weight should be given to *'outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings'*.

It is considered that the treehouses offer 'four' architecturally distinct, bespoke holiday units and provide unique experiences that would widen and enhance the existing tourism offer in the area. Whilst the treehouses sit within a close relationship to surrounding trees, they are structurally independent from the trees themselves. The design incorporates sustainable principles, including the use of site sourced timber, renewable energy via PV arrays and wood burners for heating.

Although the treehouses are architecturally distinctive, they would not be readily visible from outside the application site. Whilst glimpses of treehouse 3 may be available from the PROW to the east, the structures would largely be experienced within the woodland and not be visually intrusive. In line with Paragraph 187 of the NPPF, the proposal seeks the use of natural materials and unique design to help integrate the development into the woodland setting.

Application PF/21/3458 raised concerns about bird strikes and light spill from the treehouses affecting the woodlands nocturnal character. The current proposal addresses these through design consideration, to include glazing size and placement on the buildings and a comprehensive internal and external lighting strategy. This strategy includes a 40% reduction to the external visible light transmission compared to a standard residential dwelling, and

minimal environmentally sensitive external lighting. officers consider that the mitigation strategy can be secured by condition, but critically the development has an incremental / cumulative effect on the woodland and its nighttime environment due to inherent tension between lighting, activity and the ecological sensitivity. Even with the proposed mitigation officers consider that the woodland does not have the capacity to appropriately absorb the further adverse landscape impacts arising from the proposals.

Subject to conditions, the proposal is considered to not conflict with the aims of CS Policies EN 2 and EN 4 and Paragraph 187 of the NPPF.

3. 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 a Preliminary Ecological Assessment to help provide an understanding of the ecological impacts of the development. The application also proposes a

lighting strategy informed by Guidance Note 08/23: Bats and Artificial Lighting at Night from the Institution of Lighting Professionals (ILP) and the Bat Conservation Trust to reduce the impact on sensitive ecological species.

An assessment of the impact of the proposal on Swanton Novers SSSI has also been provided at the time this report was being completed and Officers will update the Committee verbally on this matter.

Officers note that whilst income generated from the treehouses may support the wider sustainable and conservation objectives and aspirations of the Estate, the increase in visitor numbers associated with this proposal will inevitably lead to pressure on the woodlands including through habitat disturbance. Therefore, whilst mitigation and enhancement is proposed, Officers consider that the proposed development will still adversely impact on the woodlands character and nighttime environment, contrary to the aim of Core Strategy Policy EN 9 and these policy conflicts weigh against the grant of planning permission.

Biodiversity Next 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 the baseline calculations have been satisfied.

The applicant is proposing to deliver an 18.44% gain in Habitat Units through enhancement of 0.5ha of woodland in accordance with the Estate's wider Woodland Management Plan. If planning permission is granted, the mandatory BNG condition would apply requiring the 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.

In relation to BNG, it is considered that the scheme would accord with the requirements of CS Policy EN 9.

Recreation impacts

Norfolk LPA's 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 GIRAMS strategy, a financial contribution of £304.17 per dwelling is identified in the approved GIRAMS that would provide appropriate mitigation for the indirect effects identified on designated habitat sites in Norfolk. However, as tourism accommodation, the GIRAMS tariff is calculated on the basis of one Rams tariff per 6 bed spaces for hotel or tourist accommodation. The creation of four units each having two-bed spaces results in creation of 8 bed spaces requiring a total GIRAMS contribution of £406.56 to provide the required mitigation..

Whilst the GIRAMS contribution has yet to be paid, the applicant has indicated that the GIRAMS tariff will be secured through a S106 Obligation. Subject to the appropriate tariff fee

being secured, the GIRAMS element would be acceptable and would accord with Core Strategy Policy EN 9.

Nutrient neutrality

Whilst the proposal is technically located outside of the Nutrient Neutrality catchment areas of the River Wensum Special Area of Conservation and the Broads Special Area of Conservation and Ramsar site, it is nonetheless in very close proximity to the catchment area (circa 500m away) and will result in additional overnight accommodation.

The application proposes a sealed cess pit system (2 no.) with no outflow. Waste is proposed to be removed by licenced contractors in compliance with the Environmental Protection Act 1990. Subject to confirmation that the waste will be disposed outside of the Nutrient Neutrality Catchment Area, the proposal is unlikely to significantly effect conservation objectives, either alone or in combination with other projects. In the event the application is approved, Officers would recommend that disposal of waste waters from the proposed cess pit systems is secured via a S106 to ensure that waste waters are disposed outside of the Nutrient Neutrality Catchment Area for the lifetime of the development or in perpetuity (circa 80 years). Subject to securing this, no further assessment is required, and the application can safely be determined in relation to Nutrient Neutrality under the Conservation of Species and Habitats Regulations 2017 (as amended) and would comply with CS Policies SS 4 and EN 9.

4. Arboricultural

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 a Woodland Management Plan, Arboricultural Assessment, Tree Protection Plan and Arboricultural Method Statement. No objection has been received from the Landscape Officer in terms of the impact of the development on trees.

However, despite proposed mitigation, future expansion of the tourism offer and intensification of use of the woodland will likely pose a risk to high biodiversity value trees, potentially leading to their removal. This would conflict with CS Policy EN 4 which requires proposals to respect the character, landscape and biodiversity of the surrounding area.

Officers consider that the proposed sealed cess pit systems are unlikely to result in adverse arboricultural impacts.

As presented and with the imposition of appropriate conditions, the proposed development would accord with CS Policies SS 4, EN 4 and EN 9.

5. Residential Amenity

CS Policy EN 4 states that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers. Paragraph 135(f) of the NPPF states that developments should create places with a high standard of amenity for existing and future users.

Paragraph 3.3.10 of the North Norfolk Design Guide (SPD) states that residents have 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.

The proposals would introduce some noise and disturbance into an otherwise tranquil woodland. However, given the site's more isolated location and the nearest dwelling (Keepers Cottage) being approximately 130 m from the closest treehouse, it is unlikely the development would materially harm residential amenity through noise, disturbance, or traffic or lead to significantly detrimental impacts. The proposed development therefore complies with Policy EN 4 and Section 12 of the NPPF.

6. Highways, Parking and Accessibility to the Site

As a remote location which intends to service four additional treehouses for holiday purposes then CS 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 Fulmodeston Road which contains no pedestrian facilities such that virtually all trips to and from it would be dependent on the use of a private car.

Accessibility to Site

While rural settings are characteristic for this type of development, sustainability in transport remains essential. The NPPF and CS Policy CT 5 propose sustainable transport by encouraging walking, cycling and public transport, and directing development to accessible locations. Whilst no highways safety or parking concerns were raised by the Highways Officer, the sites more remote location is inherently unsustainable, relying heavily on private vehicles for access by users, staff and deliveries.

The lack of sustainable transport is a key consideration. This reliance conflicts with the aims of CS Policy CT 5 and criterion contained within EC 7, and paragraph 117 of the NPPF, which prioritise sustainable access and transport choice. As such, the conflicts with Development Plan policy weigh against the grant of planning permission.

Parking

Although the Councils parking standards do not specifically cover this type of development, hotel and guest house standards are considered a suitable comparison. These require one space per bedroom. Two spaces are provided for each unit as part of this scheme, along with cycle parking and access via a private road off Fulmodeston Road. The provision is considered compliant with CS Policy CT 6.

7. Flooding and Drainage

Flood risk

CS Policy EN 10 of the Core Strategy states that the sequential test will be applied rigorously across North Norfolk and most new development should be located in Flood Risk Zone 1.

The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. This applies a sequential approach, to steer new development to areas with the lowest risk of flooding from any source, taking advice from the Environment Agency and Lead Local Flood Authorities to ensure that risks of flooding are adequately managed, whilst also accounting for future climate change.

As the site lies within Flood Zone 1, which is the lowest risk of flooding, the proposed development raises no concerns in this respect.

Surface water and foul drainage

CS Policy EN 10 states that appropriate surface water drainage arrangements for dealing with surface water runoff from new development will be required. The use of Sustainable Drainage Systems will be the preference unless, following an adequate assessment, soil conditions and / or engineering feasibility dictate otherwise.

The Planning Practice Guidance (PPG) details what sort of sustainable drainage system should be considered. Generally, the aim should be to discharge surface run-off as high up the following hierarchy of drainage options as reasonably practicable. This is 1) Into the ground (infiltration); 2) To a surface water body; 3) To a surface water sewer, highway drain or another drainage system; 4) To a combined sewer. This hierarchy follows the same order of priority of Approved Document H3 of the Building Regulations.

Given the scale of development, it is considered that the minor water displacement from the proposed treehouses would percolate naturally into the ground.

The PPG outlines a hierarchy for foul drainage, prioritising connection to the main sewer. Where this is not feasible, alternatives such as package treatment plant or septic tank may be considered. The application has proposed the use of a cesspit, supported by a Drainage Strategy from a Consulting Engineer confirming the absence of a local sewer infrastructure. Given the sites rural and woodland setting, proximity to protected sites and lack of suitable discharge outlets, the strategy concludes that a cesspit – though the least preferable option, is stated to be the only practical solution.

Subject to confirming there are no unresolved issues in respect to the drainage hierarchy, it is considered that foul drainage could be controlled by planning condition if permission were to be granted.

8. Environmental Considerations

CS Policy EN 13 states that all developments should minimise, and where possible reduce, all emissions and other forms of pollution and ensure no deterioration in water quality.

The Environmental Health team raise no objection subject to conditions, restricting the treehouses to holiday use only and agreeing recycling and waste collections which can be

treated by way of planning conditions.

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.

Other Material Considerations

Fire Safety

The Norfolk Fire Service raised no objection to the scheme subject to the following key safety measures; meeting Building Regulations, procedures and process to ensure - protection from woodland fires, emergency procedures (relating to BBQ's etc, testing mobile signals and escape procedures), site maintenance to avoid fire risk and a fire risk assessment.

In the event that planning permission were granted, It is considered that fire safety matters could be agreed by planning condition.

Planning balance and conclusion

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

As presented, the proposed development is considered to conflict with CS Policy EC 7. This policy seeks to ensure that tourism related development in rural areas is sustainable and appropriately located. The proposal involves the creation of new build, un-serviced holiday accommodation in the open countryside. In accordance with CS Policy EC7, such developments are to be treated as if they were permanent residential dwellings. As such, they are not permitted in locations where permanent housing would not be acceptable, particularly where there is no access to essential infrastructure or services

There is further concern relating to the sustainability of the site's location. The development is situated in an isolated countryside setting, where access to services and facilities is limited and future users would be heavily reliant on private vehicles. This level of car dependency is inconsistent with the principles of sustainable development promoted by both the CS and the NPPF.

The proposal to cease commercial woodland forestry operations in favour of conservation is tied to the income generated by the treehouses, in order to support the delivery of the Woodland Management Plan. Whilst this is positive, it is acknowledged that the woodland already holds biodiversity value and could remain commercially viable without development. It is acknowledged that the current scheme reflects lessons learned through the earlier application, addressing concerns around design, namely lighting and glazing. However, impacts on the woodlands nocturnal character and ecological sensitivity will increase over time as visitor numbers grow.

The proposal offers economic and sustainability benefits, including those of renewable energy and a distinctive architectural approach, which weigh positively in its favour. These elements contribute to the diversification to the local tourism offer and support low carbon development principles. However, the biodiversity enhancements largely relate to the previously approved scheme, (PF/21/3458) and therefore carries limited additional weight in this assessment (it would not be reasonable to double count the biodiversity net gain associated with the previously approved scheme). While the proposal aligns with some national and local policy objectives, it also presents clear conflict with CS Policy SS 1, SS 2, EC 7 and CT 5 and paragraphs 110 and 117 of the NPPF.

The applicant refers in their design and access statement that "...a total of 14 treehouses have been outlined in the application PF/21/3458, with these four treehouses being established in the second phase of construction and bringing the total up to six treehouses". Committee need to be absolutely clear that there is no planning permission for 14 treehouses, only two have been granted so far. In considering this proposal, Officer advice is that the proposal before you should be considered on its own merits assessed against relevant Development Plan policy and having regard to any relevant material planning considerations. Whilst the two tree houses approved under application PF/21/3458 provide some context in relation to the way the Planning Committee at that time assessed that particular proposal and weighed material considerations in favour, that decision on its own does not automatically mean that a scheme for a further four units should also be approved contrary to the development plan. The proposal represents a clear departure from the Development Plan and policies in the Emerging Plan would unlikely lead to a material different recommendation.

Therefore, whilst the benefits of the scheme are acknowledged they are not considered sufficient to demonstrably outweigh the identified policy conflicts.

RECOMMENDATION:

REFUSE for the reasons outlined below

- **Policy EC 7 states that proposals for new un-serviced holiday accommodation in the countryside will be treated as though they are permanent residential dwellings and will not be permitted. The site lies within the countryside as designated within Policy SS 1 of the Core Strategy and the proposed four houses would be fully self-contained and therefore un-serviced, the proposal therefore fails to comply with Policy EC 7 of the North Norfolk Core Strategy.**
- **It is considered that the proposal is remote from local service centre provision conflicting 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. The proposals fail to comply with Policy CT 5 of the adopted Core Strategy and Policy EC7. The proposed development would therefore conflict with Policy, EC 7 and paragraphs 110 and 117 of the NPPF.**

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