

SCOTTOW - PF/25/2438: Construction of two-storey dwelling (retrospective) at Scottow Barn, North Walsham Road, Scottow, Norwich, Norfolk
Applicant: Mrs C Rea

Minor Development

Full Planning Permission

Target Date: 16th April 2025

Extension of Time:

Case Officer: Mr R Arguile

RELEVANT SITE CONSTRAINTS:

Countryside Policy Area
Landscape Character Assessment (Low Plains Farmland)
National Character Area (North East Norfolk and Flegg - Eastern Arable)
Listed Building Grade II (Three Horseshoes Public House)
Nutrient Neutrality Foul Water Drainage (River Bure)
Nutrient Neutrality Rainfall (675mm - 700mm)
Nutrient Neutrality Surface Water (River Bure)
Biodiversity Net Gain (Woodland Core Area)
GIRAMS ZOI - Broadland Special Area of Conservation (SAC)
GIRAMS ZOI - Broadland RAMSAR
GIRAMS ZOI - Broadland Special Protection Area (SPA)
GIRAMS ZOI - Great Yarmouth North Denes Special Protection Area (SPA)
GIRAMS ZOI - Winterton-Horsey Dunes Special Area of Conservation (SAC)
GIRAMS ZOI - Breydon Water Special Protection Area (SPA)
GIRAMS ZOI - Norfolk Valley Fens Special Area of Conservation (SAC)
GIRAMS ZOI - North Norfolk Coast Special Area of Conservation (SAC)
GIRAMS ZOI - North Norfolk Coast RAMSAR
GIRAMS ZOI - North Norfolk Coast Special Protection Area (SPA)
GIRAMS ZOI - The Wash & North Norfolk Coast Special Area of Conservation (SAC)
Flood Zone 1 EA
Flood Zone 1 SRFA
High Risk Surface Water Flooding + CC EA
Medium Risk Surface Water Flooding + CC EA
Low Risk Surface Water Flooding + CC EA
Risk Surface Water Flooding 1 in 1000 EA
Risk Surface Water Flooding 1 in 100 EA
Risk Surface Water Flooding 1 in 30 EA

RELEVANT SITE HISTORY:

RV/24/1619 (A) (07.11.2024)

Alterations and demolition of additions to facilitate conversion of public house and function room to 2 dwellings without complying with condition 2 (approved plans) of listed building consent LA/12/1180 to allow for changes to layout and design

RV/24/1618 (A) (07.11.2024)

Conversion of public house and function room into 2 detached dwellings without complying with condition 2 (approved plans) and condition 15 (landscape plan) of planning permission PF/12/1181 allow for changes to the design, layout and landscaping

LA/12/1180 (A) (23.07.2013)

Alterations and demolition of additions to facilitate conversion of public house and function room to 2 dwellings

PF/12/1181 (A) (12.06.2013)

Conversion of public house and function room into 2 detached dwellings

LA/05/1226 (A) (20.09.2005)

RE-ROOFING OF FUNCTION ROOM

THE APPLICATION:

This proposal seeks full planning permission for the construction of a two-storey dwelling. The site previously benefitted from extant permission related to conversion of an existing building to dwelling. However, the applicant states that, whilst implementing the previous permission, structural failings occurred, which resulted in the demolition of the building overtime. The dwelling proposed is therefore new-build rather than conversion.

The applicant has stated that the new dwelling is being constructed to the same design as the previously approved drawings. The original design and appearance of the dwelling was approved in 2013 under PF/12/1181 and LA/12/1180. An alternative scheme varying some details was approved in 2024 under RV/24/1619 and RV/24/1618.

REASON FOR REFERRAL TO DEVELOPMENT MANAGEMENT COMMITTEE:

At the request of the Development Manager. The proposal is a departure from the Development Plan involving listed building and human rights implications associated with refusal of the application which need to be considered, and which justify the matter being determined by the Development Committee.

CONSULTATIONS:

Scottow Parish Council - Support

Conservation and Design Officer (NNDC) - Objection

- In the absence of any information to the contrary, Conservation and Design has always taken the view that this particular outbuilding forms part of the Three Horseshoes grade II listing; this on the basis that it was built in the 1860s and appears to have been in the same ownership as, and served an ancillary function to, the 'principal' listed building at the time the curtilage legislation was introduced in 1969. It is therefore regarded as an 'accessory' structure and is subject to the usual listed building considerations and controls.
- Against this context, it would be an understatement to say that there is disappointment that the building has been levelled to the ground and affectively no longer exists in its original form. Indeed, with the previous approvals sanctioning its conversion rather than its deconstruction, it would appear that a criminal offence has been committed under s9 of the Planning (Listed Building & Conservation Areas) Act, 1990. This in no way can be condoned within this consultation reply. Instead, what we must do hereunder is consider the merits of developing the site as essentially a piece of new build and what impact this has on the designated heritage asset.

- As a prelude to this, it is firstly worth considering the value of the 'barn' prior to the works commencing on site. Hence, rather than being where the main significance was derived, it was part of the support cast of structures. It was also built much later than the main pub and had a more functional appearance which did not replicate its characterful vernacular charm. Consequently, it very much played a secondary role to the 'principal' building.
- At the same time, however, it is thought to have stood on site for over 160 years and occupied a prominent position from the main road. During this time, it apparently served variously as a venue for the men of the village to pay their insurance subscriptions and as a community centre, a mobile theatre and cinema and as an overspill dormitory for RAF personnel during the war. Together with its more recent function room use, it therefore saw numerous people through its doors and served the village well over its life. Therefore, what it perhaps lacked aesthetically and architecturally, it made up for in evidential value and social interest. It is therefore argued that its loss has resulted in harm being caused to the overall significance and setting of the heritage asset.
- In terms of the quantifying the magnitude of this harm, the fact that the 'principal' building is not involved clearly means the impact falls within the 'less than substantial' category for the purposes of the NPPF. Nonetheless, as paragraph 212 of that document reminds us, great weight must be given to the conservation of heritage assets irrespective of the level of harm. Therefore, it is assumed that the outcome of this application rather depends upon whether there are other material planning considerations or public benefits accruing which might outweigh the identified harm.
- In weighing up the planning merits of the case, the following factors are considered to be relevant:
 - In the event of it being convincingly demonstrated that the building works were proceeding sensitively on site, and that the building fell down despite all due prudence being employed, this would have to attract some weight within the overall planning balance. As we stand, no such case appears to have been advanced to justify the current situation (and effectively provide a defence against the offence under s9(3) of the relevant act).
 - As part of the previously approved conversion, it was accepted that the character and appearance of the building would change as part of creating a viable habitable unit. However, the scheme was carefully negotiated in order to ensure that the true essence of the building was properly retained and did not undermine the original point of the conversion; i.e. to preserve the 'accessory' structure in its current form and enable it to continue to make a positive contribution to the overall heritage asset. Much of that has now been compromised as a result of the original structure no longer being upstanding.
 - Following on from the above bullet, it is noted that the applicants have salvaged as many of the original bricks as possible and have started to reuse these in the reconstruction. Whilst these obviously would provide a connection back to the original building, they clearly cannot replace its intrinsic value or all of its evidential value. In a similar vein, it would clearly be possible to rebuild the structure in accordance with the previously approved elevations. However, this would essentially be a three-dimensional manifestation (or pastiche) of the original structure and would not house all of the community memories built up over the years. It would, however, at least reinstate a relationship of sorts with the pub (albeit legally this would no longer be on the basis of 'accessory' and 'principal' buildings).

- The issue of whether the principle of a residential use has been lost will presumably feature heavily within the overall balancing exercise. As part of this, the barn would obviously contribute to our housing supply, albeit that contribution would be relatively modest in real terms given only 1 unit is involved.
- Summarising, the original point of allowing the 'barn' to be converted was to preserve it for future generations, and to provide an authentic physical legacy of all that has taken place on site. As a result of what has happened, however, much of this has effectively been swept away through the loss of historic fabric and enclosure. With this application realistically only able to deliver a pale imitation, Conservation and Design are unconvinced about the value of an approval now being issued. Particularly as this could be regarded by some as condoning the earlier events, care is needed not to create a precedent for future conversions.
- In view of this, and in the absence of a convincing account and justification having been made for the demolition or collapse having occurred despite all due precautions being put in place, it is difficult to see how Conservation and Design can realistically lend their support to this application.

Landscape Officer (Trees) (NNDC) - Comment

- The Landscape section considers that there is little input to be given at this stage, due to the retrospective nature of the application. It should however be noted that a Landscape plan was requested previously under application reference RV/24/1618 and has yet to be supplied. In the event that the application is approved, the previous condition should be reimposed.

Landscape Officer (Ecology) (NNDC) - Comment

- Following a discussion with the Landscape Office (Ecology) it is noted that there some inaccuracies within the supplied nutrient calculator. Subject to these being resolved and the purchasing of the relevant credits, this would allow the proposal to demonstrate that it was nutrient neutral.

Highways Authority (NCC) - No Objection

- Having considered the information submitted the Highway Authority has no objection to this retrospective application.

Minerals and Waste Authority (NCC) - No Objection

- While the application site is underlain by a Mineral Safeguarding Area (Sand and Gravel), it is considered that as a result of the site area and the nature of the development it would be exempt from the requirements of Policy MP11 - Mineral Safeguarding Area and Mineral Consultation Areas of the adopted Norfolk Minerals and Waste Local Plan

REPRESENTATIONS:

No public representations have been received.

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:

The application raises no significant crime and disorder issues.

EQUALITY AND DIVERSITY:

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.

DEVELOPMENT PLAN POLICIES:

North Norfolk Local Plan 2024-2040 (December 2025)

- Policy CC1 - Delivering Climate Resilient Sustainable Growth
- Policy CC3 - Sustainable Construction, Energy Efficiency & Carbon Reduction
- Policy CC4 - Water Efficiency
- Policy CC7 - Flood Risk & Surface Water Drainage
- Policy CC8 - Electric Vehicle Charging
- Policy CC9 - Sustainable Transport
- Policy CC12 - Trees, Hedgerows & Woodland
- Policy CC13 - Protecting Environmental Quality
- Policy SS1 - Spatial Strategy
- Policy SS2 - Development in the Countryside
- Policy HC5 - Fibre to the Premises (FTTP)
- Policy HC7 - Parking Provision
- Policy ENV2 - Protection & Enhancement of Landscape & Settlement Character
- Policy ENV4 - Biodiversity & Geodiversity
- Policy ENV5 - Impacts on international & European sites, Recreational Impact Avoidance Mitigation Strategy
- Policy ENV6 - Protection of Amenity
- Policy ENV7 - Protecting & Enhancing the Historic Environment
- Policy ENV8 - High Quality Design
- Policy HOU1 - Delivering Sufficient Homes
- Policy HOU8 - Accessible & Adaptable Homes
- Policy HOU9 - Minimum Space Standards

National Planning Policy Framework (NPPF) (December 2024)

- Chapter 2 - Achieving sustainable development
- Chapter 4 - Decision-making
- 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

Supplementary Planning Documents:

North Norfolk Design Guide (December 2008)
North Norfolk Landscape Character Assessment (January 2021)

Other Material Considerations:

The Conservation of Habitats and Species Regulations 2017 (November 2017)
North Norfolk Strategic Flood Risk Assessment (April 2018)
Natural England Advice Letter (March 2022)
Norfolk County Council Parking Guidelines for new developments in Norfolk (July 2022)
Planning Practice Guidance (February 2024)
Natural England National Character Area Profiles (May 2024)
Norfolk Recreational Impact Avoidance and Mitigation Strategy and Action Plan (June 2024)
Lead Local Flood Authority Guidance Document (April 2025)
Five-Year Supply of Housing Land 2025-2030 (September 2025)
Norfolk Local Nature Recovery Strategy (October 2025)

OFFICER ASSESSMENT:

Site History and Planning Context:

The site lies along North Walsham Road, within the village of Scottow. The application site comprises of a building under construction, a detached shed and caravan (where the applicants reside). Historically, the site formed part of a wider site, which included, prior to its conversion, the 'Three Horseshoes' public house. This is a grade II listed building. The recent planning history of the site commenced in 2011, whereby the public house and its outbuilding to the rear received planning permission to be converted to dwellings (LA/12/1180 and PF/12/1181).

Following the implementation of this permission, the 'Three Horseshoes' was converted into a dwelling, and the planning unit was split between public house the outbuilding and. In 2024, the proposal to convert the outbuilding was amended, largely in terms of materials and some design elements (RV/24/1619 and RV/24/1618). As the public house was converted first, this kept the permission to convert the outbuilding extant, allowing for these changes to sought as a variation of the original permission.

Subsequent to this, during the carrying out of these applications (RV/24/1619 and RV/24/1618) structural failings occurred. This resulted in the demolition of the building overtime. This resulted in none of the historic fabric being retained in situ, as approved by the local planning authority. As the building to be converted has, in effect, been removed, the planning permission for the conversion to a dwelling cannot be lawfully implemented. A replacement would be considered as a new-build dwelling. Following discussions between the local planning authority and the applicant, this application has been made in attempt to remedy the current breach of planning control in light of the above events.

Main Issues for Consideration:

- 1. Principle of Development**
- 2. Design and Appearance**
- 3. Heritage Impact**
- 4. Amenity Impact**
- 5. Landscape Impact**

- 6. Ecology Impact
- 7. Highways and Parking
- 8. Flood Risk

1. Principle of Development

Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004 sets out that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan now includes the Local Plan adopted on 17th December 2025.

Policy SS1 sets out the distribution of development (spatial strategy) and provides the framework to deliver sustainable growth to meet the existing and future needs for all types of development. The spatial strategy establishes a settlement hierarchy of identified 'Large Growth Towns', 'Small Growth Towns', 'Large Growth Villages', 'Small Growth Villages' and 'Countryside Policy Area'.

Policy SS2 manages development allowed in the designated 'Countryside Policy Area'. It sets out the strategic and overriding principle in areas outside settlements with development boundaries. The criteria set out the types of development that are considered appropriate in the rural area. These include but are not limited to re-use of existing buildings, agricultural/forestry use, affordable housing, accommodation for gypsies and travellers, and demonstrable community led development.

Policy SS2 limits development to that which requires a rural location and for the purposes specified in the policy. In this instance, the loss of the previous building has resulted in the loss of an extant planning permission. In policy terms, therefore, the proposal is considered to be for a wholly new dwelling, rather than conversion of a dwelling. It's location outside of a designated settlement boundary with the 'Countryside Policy Area' results in a proposal not permitted by Policy SS2. Whilst it is acknowledged that the end result of the proposal and the previous permission is a new dwelling in the countryside, the policy permits the reuse of buildings on the basis that they are retaining a majority of their structural material and in most cases this involves their historic fabric. Therefore, the proposal has to be considered as a new dwelling, which results in a conflict with Policy SS2.

With the above in mind, Officers consider that the proposal does not comply with Policy SS1 or Policy SS2 of the North Norfolk Local Plan and paragraph 11 of the NPPF. The proposal would amount to a departure from the Development Plan, and this would weigh heavily against the grant of planning permission. Sufficient material considerations in favour would be required to outweigh the policy conflict.

2. Design and Appearance

Design

The purpose of Policy ENV8 is to provide a set of design principles that will result in a high quality of design and ensure the special character and qualities of the district are maintained and enhanced. The policy criteria sets the approach to a number of considerations including the public realm, green infrastructure, landscaping and service facilities, having regard to the *North Norfolk Design Guide (December 2008)*.

In design terms, the elevations of the proposal two storey dwelling are identical to those submitted as part of the approval of the most recent application for conversion under application RV/24/1619.

The key difference, in design terms, is that the approval under application RV/24/1619 involved conversion and adaption of an existing building whereas the proposal is now a facsimile or pastiche of what once stood there. The implication of the loss of historic fabric is considered within the heritage section below.

As an entirely new-build structure, whilst many aspects of Policy ENV8 are complied with, the loss of historic fabric detracts from the special character of the historic environment and the proposal neither preserves or enhances the special character and this weighs heavily against the grant of planning permission.

Accessible and Adaptable Homes

Policy HOU8 ensures that new homes address the needs of the district's population. The policy's aim is to increase the supply and percentage of appropriately accessible housing across all tenures and enable homes to be further adapted in a cost-effective way. The policy requires all new dwellings to meet Building Regulation M4(2) standards. As this policy applies to all new dwellings, it would be mandatory as part of any future planning application (unless it can be justified that the proposal cannot meet these standards).

The submission includes a 'Accessible and Adaptable Homes Statement' stating the various adaptations and considerations for ground floor living. Although not specified in the statement it is a requirement of the policy to include compliance with Building Regulation M4(2) standards. On this basis, subject to conditions, the proposal is considered to comply with Policy HOU8.

Space Standards

The purpose of Policy HOU9 is to ensure design reflects the optional nationally described standards as set out in the Buildings Regulations and evoked through the Local Plan. This policy ensures new homes offer a reasonable minimum level of internal space, privacy, storage and usable rooms. This includes adaptable rooms and increases the usability of dwellings and their long-term use. Detailed standards are set out in the North Norfolk Local Plan's 'Appendix 3' which sets the minimum total gross internal areas of dwellings and their floor areas, depending on the number of bed spaces, stories and built-in storage.

The proposal includes a 'Minimum Space Standards Statement', which states that the proposal is for six bedrooms, with up to eight people living at the dwelling. The total floor area is given as 341m² with 13.6m² of storage space. On this basis this exceeds the nationally described space standard and therefore is acceptable under Policy HOU9.

Climate Change and Connectivity

Policy CC1 sets out the overarching principles for development in the district. This includes the requirements proposals should address and sets out a presumption in favour of sustainable development. It aims to ensure that all new development proposals positively contribute to mitigating and adapting to climate change and delivers climate resilient sustainable growth through reducing emissions, being energy and water efficient, minimising risk from flooding and overheating, and enhancing biodiversity and green infrastructure.

Policy CC3 promotes a proactive strategy to mitigate and adapt to climate change by requiring development proposals to achieve high standards of energy efficiency and carbon reduction

through layout, design and technology, and encourages the use of sustainable materials, the minimisation of waste, and consideration of lifecycle impacts. Submission of a 'Compliance Statement' is required for residential and commercial proposals. This should set out the approach to energy efficiency including in relation to the target energy performance and carbon emission rates in comparison to the benchmark Target Emissions Rate (TER) under Building Regulations Part L.

The purpose of Policy CC4 is to reduce the use of water by requiring developments to meet or exceed the higher water efficiency standard of 110 litres per person per day (lpppd) as set out in Building Regulations Part G. Sufficient detail is required to support an application, which sets out the measures to be incorporated to enable compliance with this policy.

The proposal has not addressed the above, insofar as explaining how the new dwelling will meet or exceed these requirements. However, it is stated that the dwelling will use 120 litres per person per day, although this is higher than permitted by Policy CC4. On this basis the proposal does not demonstrate compliance with Local Plan Policies

The purpose of Policy HC5 is to improve the provision and quality of digital communications including broadband, and to ensure that all new dwellings are connected by fibre, or are able to be connected in the future, in accordance with the building regulations in force at the time. This information has not been provided within the submission, therefore does not comply with Policy HC5.

Having regard to design and appearance, whilst some matters could be addressed by way of imposition of planning conditions, it is considered that the proposal does not comply with Local Plan Policies ENV8(d) CC1, CC3, CC4, HC5 and paragraph 164(b) of the NPPF and this weighs against the grant of planning permission.

3. Amenity Impact

Policy ENV6 aims to maintain, protect and promote adequate living and working conditions to ensure that all occupants benefit from a good standard of amenity by considering a number of matters including, overlooking, overshadowing, loss of privacy and prevention of disturbance from odour, noise and artificial light pollution. The policy applies to all development proposals, where existing and/or future occupiers may have their standard of amenity affected.

The proposal is not considered to raise any significant amenity concerns in respect of overlooking, overshadowing or privacy. Therefore, the proposal complies with Policy ENV6 of the North Norfolk Local Plan and paragraph 135(d) of the NPPF.

4. Heritage Impact

Policy ENV7 ensures that North Norfolk's historic environment is conserved and, wherever possible, enhanced, and that new development is of high quality design. Plans should set out a positive strategy for the conservation and enjoyment of the historic environment. The quality of the built environment and the presence of historic assets make a valuable contribution to the appeal of North Norfolk. All development proposals should, in the first instance, avoid harm to any heritage asset. Only where harm cannot be avoided will mitigation then be considered.

All development proposals that would affect the significance of a designated or non-designated heritage asset and/or its setting, or any known, or possible, archaeological sites, will be required to provide, in the form of a heritage statement, sufficient information proportionate to the importance of the asset and the impact of the proposed development, to

enable any impact to be accurately assessed. Given its heritage significance, consultation with the Conservation and Design Officer was sought and the following comments offered.

The previous structure 'Oddfellows Barn' was considered to be curtilage listed owing to its relationship to the adjacent Grade II listed building 'The Three Horseshoes' public house. This is why, despite not being listed itself, proposals required listed building consent. The latter has now been converted into a dwelling, as works were carried out under the original permission, granted in 2012.

'Oddfellows Barn' dated from the 1860s and operated as a function room to the previous use of the public house. Owing to its demolition, which could be considered a criminal offence under the Planning (Listed Building & Conservation Areas) Act, 1990, the previous permission to convert the building has been lost and with it the imbued heritage it contained. It was considered that the barn's value was derived from its supporting nature to the listed public house. Given its later construction and functional appearance, it was considered a secondary role to its host listing.

The age of the building and its prominent location along North Walsham Road did provide a more evidential value over its aesthetics. The building had a long history and was used for a variety of uses over the past 160 years. The demolition of the building resulted in 'less than substantial' harm being caused to the overall significance of the heritage asset. Under paragraph 212 of the NPPF, it is emphasised that great weight must be given to the conservation of heritage assets irrespective of the level of harm. Within the planning balance, this must be weighed against public benefit of the proposal and other material considerations.

Regarding the planning merits of the case, to date it has not been convincingly demonstrated by the applicant that the building works to implement the permission for "conversion" were proceeding sensitively on site and that all due prudence was being employed to ensure retention of as much historic fabric as possible.

As we stand, no such case appears to have been advanced to justify the current situation (and effectively provide a defence against the offence under s9(3) of the relevant act). Furthermore, it is also considered that the previously approved conversion was negotiated carefully in order to ensure that the building was retained and preserved its contribution to the overall heritage asset. The reuse of the viable bricks of the building do provide a connection back to the original structure, however it cannot replace the intrinsic heritage value. Furthermore, the recreation of the building using these bricks would not effectively restore what was lost.

In conclusion, the loss of the building (with its absence of justification) and impact upon the heritage asset of the listed building, the Conservation and Design Officer objects to the application and Officers concur with that view. Therefore, the proposal conflicts with Policy ENV7 of the North Norfolk Local Plan and paragraphs 207, 212, 213 and 217 of the NPPF.

5. Landscape Impact

Wider Landscape

Under Policy ENV2 development is required to respect and enhance local landscape character, settlement patterns and the relationship between settlements and their surroundings. Proposals should be assessed against the *North Norfolk Landscape Character Assessment (January 2021)* and should be sympathetic to the key characteristics and valued features of the area. Proposals should set out how the development will protect and conserve the defining qualities and distinctiveness of the 'Landscape Character Type'.

The site lies within the 'Low Plains Farmland' Landscape Character Type and the National Character Area 'North East Norfolk and Flegg - Eastern Arable'. On the basis that the dwelling is to be built to the same dimensions as the previous structure (albeit as an entirely new replacement dwelling as opposed to conversion of an historic building), it is considered to not have an impact upon the wider landscape setting and would comply with Policy ENV2 of the North Norfolk Local Plan and paragraphs 135(c) and 198 of the NPPF.

Local Landscape and Trees

The purpose of Policy CC12 is to support the retention and incorporation of existing and new trees and hedgerows within proposals and to protect trees, hedgerows, woodland and other natural landscape features from harm or loss. The criteria provides the approach to potential loss or harm of protected trees, hedgerows and woodland, including securing compensation. A landscape strategy will be required to detail the potential impact, loss or harm to any existing natural landscape features.

Following the removal of the trees on site, prior to the submission of the previous application (RV/24/1618) a hard and soft landscaping plan was conditioned to be submitted. This plan was not included within this application as a means to address this issue. Owing to the removal of the trees now being included within the policy, the absence of this information results in the proposal conflicting with Policy CC12, as this requires mitigation to lost trees and incorporated features to be included within the planning application.

On this basis the proposal conflicts with Policy CC12 North Norfolk Local Plan and paragraph 136 of the NPPF, albeit this matter is capable of being addressed through again conditioning requirement for a hard and soft landscaping plan to be submitted.

6. Ecological Impact

Policy ENV4 requires the protection, enhancement and net gain for biodiversity and geodiversity. Proposals must avoid harm to designated sites and deliver measurable Biodiversity Net Gain (BNG). The policy requires suitable ecological surveys to establish the extent of the potential impacts on ancient woodlands, veteran trees, protected species and priority species or priority habitats.

Biodiversity Net Gain

The site lies within the 'Biodiversity Net Gain (Woodland Core Area)' designation. However, the proposal is retrospective and therefore is exempt from mandatory BNG provisions.

GIRAMS

The purpose of Policy ENV5 is to require developments that increase recreational pressures on internationally designated nature conservation sites to mitigate their impacts from the development via a standard per-dwellings tariff secured through planning obligations and/or via on-site mitigation. The policy applies to all net increases in residential development within the identified 'Zones of Influence'. The site lies within eleven of the identified 'Zones of Influence' which relate to protected areas of ecological importance.

At the time of writing, the applicant has paid the relevant tariff fee, in order to comply with Policy ENV5.

Nutrient Neutrality

The *Conservation of Habitats and Species Regulations 2017 (as amended)* provide for the designation of sites in England that are important for protecting certain species and habitats. These sites are known as 'European sites' or 'Habitats sites' and form part of a network of protected sites across the UK known as the 'National Site Network'. The proposal site lies within the 'Nutrient Neutrality Foul Water Drainage (River Bure)', 'Nutrient Neutrality Rainfall (675mm - 700mm)' and 'Nutrient Neutrality Surface Water (River Bure)' designations. This means that both foul water and surface water from the site drain into the River Bure, which discharges into protected sites.

Under section 63 of the *Conservation of Habitats and Species Regulations 2017 (as amended)* and the publishing of Natural England's *Advice Letter (March 2022)*, it requires that a competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which is likely to have a significant effect on a 'European site' must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives. It also requires that a person applying for any such consent, permission or other authorisation must provide such information as the competent authority may reasonably require for the purposes of the assessment or to enable it to determine whether an appropriate assessment is required.

Furthermore, Policy CC13 ensures that every opportunity is taken to avoid, minimise and reduce, through appropriate mitigations measures, all emissions and other forms of pollution. The criteria require appropriate remediation where contamination is present and includes the approach where new overnight accommodation is proposed. A Habitat Regulations Assessment (HRA) will be required to demonstrate that there is no adverse effect on the integrity of the relevant protected habitats.

It is acknowledged that the previous permissions to convert the building into a dwelling did not require that nutrient neutrality be demonstrated. The reason for this is that the original permission (PF/11/1181) was granted prior to the publication of Natural England's guidance letter. This permission was then extant during the submission and approval of the variation of condition permission (RV/24/1618). Both of these permissions provided a lawful fallback position whereby nutrient neutrality was not a material consideration. In respect of the current proposal, the permission to convert the building to a dwelling has been lost as a result of its demolition and therefore there is no lawful fallback position. A new planning unit has been created for the application site, which has resulted in the requirement to demonstrate nutrient neutrality.

Following consultation with the Landscape Officer (Ecology), it is noted that there are some inaccuracies within the submitted nutrient calculator. Furthermore, the proposal does not include mitigation to demonstrate that it would be 'nutrient neutral'. This conflicts with Policy ENV4, which states '*Development where there is a likely significant effect on a European site should only be permitted where the proposal is in accordance with the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended) or any successive regulations in order to ensure adverse effects on integrity, alone or in-combination, are ruled out and any necessary mitigation secured*'.

With the above in mind, it is considered the proposal conflicts with Policy ENV4 and Policy CC13 of the North Norfolk Local Plan, and paragraphs 187, 193 and 195 of the NPPF.

A failure to address the impact of the proposal on European habitats protected under the habitats regulations would prevent the Development Committee from granting permission for the replacement dwelling.

7. Highways and Parking

The purpose of Policy CC9 is to ensure that new development maximises the opportunities for the use of sustainable forms of transport appropriate to its particular location, that the public highway remains safe and convenient to use for all road users and that proposals are served by safe and suitable access without detriment to the amenity and character of the local area. This is also reflected by paragraphs 115 and 117 of the NPPF. Furthermore, paragraph 116 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy HC7 ensures the provision of adequate safe and secure vehicle and cycle parking taking account of active travel objectives. Proposals should take account of the *Norfolk County Council Parking Guidelines for new developments in Norfolk (July 2022)* as a starting point, to ensure parking is integrated as a key element of design layouts, including the provision of electric vehicle charging infrastructure. Policy CC8 promotes and ensures delivery of appropriate electric vehicle charging infrastructure where vehicle parking forms part of a proposal. The criteria provide specific requirements for residential development in accordance with building regulations.

Following consultation with the Highways Authority no objections have been raised to the proposal. Notwithstanding this, some consideration must also be given to the previous application on the matter. At the time of writing, creation of an access has occurred in accordance with the previous approval on site. However, details regarding parking provision and electric vehicle charging infrastructure have not been included within the proposal.

On this basis, it is considered that the proposals impact upon the highway network on balance is acceptable under Policy CC9 of the North Norfolk Local Plan and paragraphs 115-117 of the NPPF. Conversely, the proposal conflicts with Policy CC8 and Policy HC7 of the North Norfolk Local Plan as it has not demonstrated the inclusion of electric vehicle charging infrastructure and adequate parking provision on site, albeit these matters are capable of being addressed through imposition of planning conditions.

8. Flood Risk

The purpose of Policy CC7 is to ensure flood risk is evaluated in development proposals and to require the appropriate management of surface and foul water disposal in order to reduce flood risk. The policy requires development to avoid areas of flood risk where possible, and to incorporate sustainable drainage systems (SuDS). All proposals must also ensure no increase in flood risk elsewhere. Appendix 1: Flood Risk & Surface Water Drainage of the Plan sets out the required level of supporting documentation and detail required.

The site is located within 'Flood Zone 1' and as such is not at a high risk of riparian flooding. Additionally, the proposal lies within 'High Risk Surface Water Flooding + CC EA' and 'Risk Surface Water Flooding 1 in 30 EA' which indicates a higher chance of surface water flood events. The proposal includes the use of soakaways (SuDs) and will be connecting the foul sewer to the existing mains.

On this basis, it is considered that the proposal would comply with Policy CC7 of the North Norfolk Local Plan and paragraphs 181 and 182 of the NPPF.

Planning Balance and Conclusion

Whilst the application before Committee may appear similar in many ways to that granted under application RV/24/1619, the loss / demolition of the existing building means that application RV/24/1619 is no longer capable of being implemented and the permission falls away, together with any fallback scenario, and this fundamentally affects how the proposal should be assessed.

Under the Local Plan, a proposal for a new build dwelling in the countryside is assessed quite differently to a scheme involving conversion of the existing building.

Officers consider that the proposal amounts to a new dwelling in the countryside policy area without adequate justification and is in conflict with Policies SS1 and SS2.

The removal the building known as 'Oddfellows Barn' has resulted in the loss of historic fabric which detracts from the special character of the historic environment. The proposal neither preserves or enhances the special character and this is in conflict with Policies ENV7 and ENV8.

Furthermore, the proposal has also not fully demonstrated that it would be nutrient neutral, given that it includes proposed overnight accommodation within a designated sensitive catchment area. On this basis, it is contrary to Policy ENV4 and Policy CC13.

As the local planning authority can demonstrate a five year housing land supply following the publication of the *Five-Year Supply of Housing Land 2025-2030 (September 2025)* the tilted balance does therefore not apply.

It is acknowledged that the proposal complies with some of the relevant Local Policies, for example Policy CC7 and Policy HOU9. It is also acknowledged that some matters are capable of being addressed through imposition of planning conditions. However, Officers conclude that any benefits associated with the proposal are more than outweighed by the harms that would result. In the case of matters relating to the habitats regulations and nutrient neutrality, absent resolution of this matter, then the Development Committee would not be able to lawfully grant permission, irrespective of whether sufficient material considerations had been provided to outweigh the policy conflicts.

RECOMMENDATION:

Delegate authority to the Assistant Director of Planning to REFUSE for the following reasons:

- 1. The site lies within the designated Countryside policy area. The acceptable forms of development listed under Policy SS 2 do not include new market dwellings, owing to limited opportunities for future occupiers to access services and facilities by safe modes of sustainable transport, making this location unsuitable for a new dwelling. The proposal is therefore contrary to Policy SS1 and Policy SS2 of the North Norfolk Local Plan. It is considered that there are no material planning considerations submitted by the applicant which would outweigh the conflict with these policies.**
- 2. The application has failed to demonstrate that the proposed development would not result in adverse effects, either alone or in combination, on the integrity of European sites arising as a result of the development including in relation to nutrient enrichment. Approval of the application would conflict with the legal requirements placed on the Local Planning Authority as competent authority under the**

Conservation of Habitats and Species Regulations 2017 (as amended). In the absence of evidence to rule out likely significant effects and in the absence of suitable mitigation measures to address likely significant effects, the proposal is contrary to the requirements of Policy ENV4 and Policy CC13 of the North Norfolk Local Plan and paragraphs 187, 193 and 195 of the NPPF.

- 3. The loss of the building (with its absence of sufficient justification) has resulted in less than substantial harm to the designated heritage asset (listed building). This harm has not been outweighed by any identified public benefits or other material considerations. It has not been sufficiently demonstrated that the building works were proceeding sensitively on site, and that the building fell down despite all due prudence being employed. Furthermore, the proposal has not included sufficient information with regard to the reuse of the existing materials. On this basis, the loss of historic fabric detracts from the special character of the historic environment and the proposal conflicts with Policy ENV7 and ENV8 of the North Norfolk Local Plan and paragraphs 207, 212, 213 and 217 of the NPPF.**