

Fulmodeston – PF/21/3458 - Erection of two one-bed tree houses with external works and servicing (to include biorock drainage system and solar panels) at Land at Woodland, Browns Covert, Hindolveston Road, Fulmodeston for Mr D Astley

- Target Date: 26 January 2023

Case Officer: Miss J Smith

Minor Development

RELEVANT SITE CONSTRAINTS

- Countryside
- Areas Susceptible to Groundwater SFRA
- Surface Water Flooding
- Detailed River Network SFRA
- Landscape Character Area - Type TF1 (Tributary Farmland)
- Within the Zones of Influence of a number of habitats sites for the purposes of the GIRAMS

RELEVANT PLANNING HISTORY

GF/94/0011: Brown's Covert, Hindolveston Road, Fulmodeston

Proposal: Improvements to forest road/turning area to facilitate removal of timber (notification by Forestry Commission) – no objections.

THE APPLICATION

The application is for the provision of two self-contained treehouses within Swanton Novers Wood on the Astley Estate to be used as visitor accommodation as part of a proposed farm diversification scheme.

The supporting information with the application states that the 'initial' two tree houses will form the first phase of a sustainable tourism venture which envisages up to 14 tree houses sited in suitable location across the 450 acres of the wider woodland) which will see the Estate invest in rural tourism.

The income earned from the treehouses will enable the Estate to extend the adjacent National Nature Reserve (Swanton Great Wood and Little Wood) by another 450 acres into the woodland, 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 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 scheme proposes off road parking for visitors along the access road in to the site.

The proposed self-contained treehouses would be sited on the edge of the woodland where views will be afforded across the meadow to the north-west. Solar PV is proposed at ground level and positioned facing to the west within the meadow.

There is a Public Right of Way running north-south through the meadow located near the northern boundary of the site.

REASONS FOR REFERRAL TO COMMITTEE

At the request of Cllr Fitzpatrick due to the enhanced public amenity and economic development benefits.

PARISH/TOWN COUNCIL

Fulmodeston Parish Council: No comments submitted.

REPRESENTATIONS

Two objections on the following grounds:

- Impact of construction of modernistic trees houses in close proximity to nature reserve.
- Impact of noise, disturbance, litter to wildlife.
- The area is currently closed to public access. How will the site/area be managed to deter anyone visiting the site, woodland and encroaching on Conservation Area?
- How will parking be managed in the area?
- Treatment of foul water from the cabins into the River Stiffkey.
- Further tree houses are proposed, these should be identified on the plans.
- Fire risk from barbeques and smoking.
- Impact upon the dark skies in the area due to extent of glazing looking out from the woodlands.
- Impact of lighting on wildlife.
- No guarantee that the guests will use local facilities as suggested such as the Back to the Garden Farm Shop.
- Unsuitable location.
- The environmental impact has not fully thought through.

CONSULTATIONS

Norfolk County Council (Highways): No Objection

The site access is suitable and although the site is remote and isolated, which may lead to a reliance upon the private car, contrary to local and national sustainability objectives, given the small scale of the proposal, the Highway Authority does not raise a formal objection at this time.

However, further development in this location (beyond that proposed) would likely warrant an objection for the following reason:

- 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 as represented in

national and local policy. Contrary to the National Planning Policy Framework and Policy 5 of Norfolk's 3rd Local Transport Plan - *Connecting Norfolk*.

Public Rights of Way & Green Infrastructure: No objection

Natural England: Confirms that GI RAMS payment is required if development is approved.

Landscape Officer: Comment that:

- No substantive issues were raised in the Preliminary Ecological Appraisal regarding protected species, subject to conditions.
- The Arboricultural Impact Assessment is considered acceptable.
- Whilst external lighting can be controlled through condition, internal lighting design cannot. Therefore, issues relating to dispersal of internal light must remain a material consideration and glazing design is therefore the easiest way to address concerns of light pollution. Consideration must also be given to the impacts of excessive glazing within the woodland setting upon wildlife - for example, the potential for bird strikes due to reflective surfaces. Whilst the materials of the proposed development could be appropriate for the setting (e.g. use of timber cladding), the extent of glazing proposed has the potential to emit light into the woodland and grassland area to the west, and would be highly visible at night due to the dark skies location and woodland backdrop. Due to the current designs, it is considered that the proposed development would have the potential to cause significant light pollution within an otherwise unlit setting and therefore would not be in accordance with Policy EN 2 of the adopted North Norfolk Core Strategy.
- It is considered that the proposed development could be implemented in accordance with Policy EN 9 of the North Norfolk Core Strategy and the gains from extension of the adjacent nature reserve would be significant. However, questions remain over the potential impacts of internal lighting upon nocturnal wildlife and potential for bird strikes due to the extent of glazing proposed. These issues could both be resolved (from an ecological perspective) through the installation of smaller windows on all four elevations of the building.
- The management of the woodland to 'nature reserve' quality is intrinsically linked to the proposed development and therefore an enforceable condition would need to be attached to ensure the proposed development would indeed result in biodiversity gains in accordance with Policy EN 9.
- The principle of new tourism accommodation within woodland and at the proposed location is not considered to be in accordance with Policies EC 7 or SS 2. Furthermore, the extent of glazing proposed is likely to lead to a negative impact upon the nocturnal character of the area whereby increased applications of this type could exacerbate this in the future.

Planning Policy: No comments received

Economic And Tourism Development Manager: Supports the application. The proposal of unique treehouses provides an offer of sustainable tourism which the Economic Growth team supports. 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, supporting the local supply chain, conservation and woodland management, local spend from visitors etc. - which would serve the wider business community within the area.

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.

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.

STANDING DUTIES

Due regard has been given to the following duties: Environment Act 2021 Equality Act 2010 Crime and Disorder Act, 1998 (S17) Natural Environment & Rural Communities Act 2006 (S40) The Conservation of Habitats and Species Regulations 2017 (R9) Planning Act 2008 (S183) Human Rights Act 1998 – this incorporates the rights of the European Convention on Human Rights into UK Law - Article 8 – Right to Respect for Private and Family Life Planning (Listed Buildings and Conservation Areas) Act 1990 (S66(1) and S72)

POLICIES

North Norfolk Core Strategy (adopted 2008)

Policy SS 1 (Spatial Strategy for North Norfolk)
Policy SS 2 (Development in the Countryside)
Policy SS 4 (Environment)
Policy SS 5 (Economy)
Policy SS 6 (Access and Infrastructure)
Policy EN 2 (Protection and Enhancement of Landscape and Settlement Character)
Policy EN 4 (Design)
Policy EN 9 (Biodiversity and Geology)
Policy EN 10 (Development and Flood Risk)
Policy EN 13 (Pollution and Hazard Prevention and Minimisation)
Policy EC 1 (Farm Diversification)
Policy EC 7 (The Location of New Tourism Development)
Policy EC 9 (Holiday and Seasonal Occupancy Conditions)
Policy CT 5 (The Transport Impact of New Development)
Policy CT 6 (Parking Provision)

Supplementary Planning Documents:

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

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)

Other relevant documents/considerations

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

Main issues for consideration

- 1. Whether the proposed development is acceptable in principle**
- 2. The effect on the character and appearance of the area and landscape**
- 3. The effect on protected species**
- 4. The effect on trees**
- 5. The effect on the living conditions of any nearby residents**
- 6. Whether the proposed development would have any highway and parking impacts**
- 7. Whether the proposed development would have any flooding or drainage impacts**
- 8. The effect on designated habitats sites**
- 9. Other Considerations**

APPRAISAL

1. Principle of development

The spatial strategy for North Norfolk is set out within Policy SS 1 of the Core Strategy. 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'. 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.

The Astley Estate as a whole, comprises an organic arable and livestock farm, tenanted farmland, forestry, rental properties, a farm shop, and cafe, and employs a number of people across the estate. The construction of self-contained tree houses is proposed as part of a farm diversification scheme which would facilitate the transition from timber extraction to woodland management and the creation of a nature reserve focused on conservation practices. The proposed treehouses

would provide an alternative source of income to allow the Estate to convert from commercial forestry (450 acres) to a nature reserve, which would offset the loss of income from timber extraction. Additionally, the provision of tree house accommodation would enable the Estate to diversify its income stream to a less volatile tourism market to generate additional income, to take into account the gradual loss of Government agricultural subsidies.

Core Strategy Policy EC 1 indicates that development in the Countryside for farm diversification (defined as *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 unless:
 - it is directly related to the agricultural business, and
 - the re-use and / 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.

It is considered that the proposed scheme is not a true reflection of agricultural diversification in terms of what Policy EN 1 expects. The policy provides support for developments which make an ongoing contribution to sustaining the agricultural enterprise as a whole and which would be directly related to the agricultural business and furthermore, proposals must comply with all of the policy's criteria. The provision of treehouses introduces a new tourism operation as part of the wider business operation in order to offset the impacts of both loss of government subsidy (Basic Payment System) for both the applicant and tenants along with having regard to the general increase in food, food and inflation.

It is not considered that the first criterion in Policy EC1 has been fully met, in that the proposed two tree houses will sustain the existing agricultural Estate and tenanted farms, as suggested. It is stated in the application that the proposed two tree houses would be the first of a number of units (up to 14) where there is a long term aim for an increased tourism offer. Additionally, given that the proposal involves new buildings (rather than converting redundant buildings on the Estate for example), in the way of tourism units, these are not considered to directly relate to the agricultural enterprise. Furthermore, it has not been demonstrated that other buildings across the estate are available for this purpose, or that opportunity exists to demolish an existing structure and re-build in a more appropriate location.

Additionally, the definition of agriculture in the Town and Country Planning 1990 Act is considered of relevance:

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly”

Therefore, for woodland to be considered 'agricultural' for the purposes of Policy EC 1, its use/occupation should be ancillary to the agricultural land, for example, shelterbelts, cover for pheasants, amenity woodlands. Woodland used for the production of commercial timber as in this case, is not considered to be ancillary to the farming of land.

The most relevant Core Strategy policy relating to the consideration of this application, expanding on the reference within Policy SS 2 to recreation and tourism within the countryside, is 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 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 but only subject to certain 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 given the lack of public transport, the distance and road conditions, which would deter walking and cycling, the proposal would not represent sustainable development. Furthermore, as the proposal is for un-serviced accommodation it has to be treated though it is for permanent residential dwellings which the policy makes clear will not be permitted.

In the event that the proposed were to be supported by the Local Planning Authority, then Core Strategy 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.

With regard to national planning policy, supporting a prosperous rural economy is a key aim of the NPPF and support is outlined specifically for tourism within paragraph 84 which states that *"planning policies and decisions should enable sustainable rural tourism and leisure development which respect the character of the countryside"*.

NPPF Paragraph 85 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 use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.”*

Although the Core Strategy pre-dates the NPPF it is considered that its relevant policies do not conflict with the NPPF, as they seek to support sustainable rural tourism within the district. There is emphasis on supporting development which respects the character of the countryside. The proposed development would involve new built form on an undeveloped area of woodland but where users of the development would be fundamentally reliant on the use of the car to reach services and facilities. Whilst the proposal offers the use of bicycles, because of the sites very isolated location it is considered that realistically it cannot be made more sustainable as envisaged by paragraph 85 of the NPPF.

For the reasons stated, it is considered that the proposed scheme would accord not with the key Core Strategy policies relating to new tourism accommodation (Policy EC 7) or agricultural diversification (Policy EC 1).

2. Character and appearance

Core Strategy 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.

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 buildings are appropriate scale and massing, 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 126 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 130 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 174 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 designated Countryside and within the Tributary Farmland Landscape Type for the purposes of the North Norfolk Landscape Character Assessment (SPD 2021). The application is supported by a Landscape and Visual Impact Assessment (LVIA). As acknowledged within the LVIA, the guidelines for managing impacts upon the Tributary Farmland Landscape Type include conserving a sense of rurality.

Both treehouses would sit on steel post substructures, be raised off the ground and constructed in timber. The supporting statement considers the tree houses to be bespoke to the site, and whilst this may be the case and a timber form of construction would be expected in this more rural location, there are concerns with regards to the level of glazing that is proposed. Whilst it is acknowledged the visual impacts of the proposed development would likely be minimal during the day, it is not considered that the LVIA fully appreciates the potential impact the proposed development could have on the nocturnal character of the area. Furthermore, the increased base levels of light as a result of the proposed development potentially would impact upon the overall landscape character and views from the Public Right of Way to the north and west.

Whilst the buildings would have small glazed openings looking back into the woodland and it is accepted that external lighting could be managed through a condition, the specifications for internal lighting cannot necessarily be controlled by the planning process and must therefore be addressed through other means – for example, by ensuring any glazing is appropriate and sensitive to potential light emission. Due to the current design and resultant expanse of glazing, it is considered the proposed development would have the potential to cause significant light pollution within an otherwise unlit setting into the woodland and grassland area to the west and would be highly visible at night due to the site's rural location with little other development in the immediate vicinity and woodland backdrop. The proposal is therefore considered to conflict with the aims of Core Strategy Policies EN 2 and EN 4 and Paragraph 174 of the NPPF.

3. Protected Species

Policy SS 4 states 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 through a variety of measures such as:

- maximising opportunities for creation of new green infrastructure and networks in sites allocated for development.
- creating green networks to link urban areas to the countryside;
- the designation of Local Nature Reserves and County Wildlife Sites;
- appropriate management of valuable areas, such as County Wildlife Sites;
- minimising the fragmentation of habitats, creation of new habitats and connection of existing areas to create an ecological network as identified in the North Norfolk ecological network report;
- progress towards Biodiversity Action Plan targets; and
- conservation and enhancement of Sites of Special Scientific Interest (SSSI) in accordance with the Wildlife and Countryside Act

Policy EN 2 states that development should protect, conserve and, where possible, enhance distinctive landscape features, such as woodland, trees and field boundaries, and their function as ecological corridors for dispersal of wildlife.

Policy EN 9 States 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.

Development proposals that would be significantly detrimental to the nature conservation interests of nationally designated sites will not be permitted.

Paragraph 174 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.

Paragraph 180 states 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. Development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland) should be refused unless there are wholly exceptional reasons. Opportunities to incorporate biodiversity improvement in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

The proposed development has the potential to impact upon priority habitats and protected species. A Preliminary Ecological Appraisal (PEA) has been submitted with the application to help provide a fuller understanding of the ecological impacts of the development. However, no substantive issues were identified or raised in the PEA regarding protected species.

In terms of ecological enhancement, the development is being promoted as 'enabling development' with the financial gains providing the means to manage approximately 450 acres of woodland for biodiversity gain as an extension to the adjacent National Nature Reserve. This has also been supported by a supplementary document stating the Biodiversity Net Gain Calculation from bringing this additional woodland under conservation management will result in substantial Biodiversity Net Gain in excess of 10%.

The supporting documentation also states that the project would help increase the variety and type of accommodation available to tourists and other visitors to the area. Volunteers working with the Wildlife Trust and Natural England in the adjacent Nature Reserve would have an opportunity to get involved in activities on the site. Guided tours would also be made available to schools and other groups, and individuals interested in learning about nature conservation and woodland management could have the opportunity to get involved. Additionally, where the existing woodland currently has no public access and whilst some areas would need to be fenced to encourage biodiversity and protect habitats, the supporting documentation states that areas would be open and available for enjoyment by locals and visitors where activities, such as, yoga or pilates could take place outdoors. However, no details have been provided within the submitted documents as to how the provision of access, management and tours etc. would occur and nor any mechanism such as a planning obligation to secure it.

The site is currently used as a commercial woodland where the cessation of commercial forestry in favour of conservation would clearly offer increased biodiversity enhancement over that which already exists. However, it is also recognised that as per the Finance Section of the supporting statement, a 'do nothing approach' would still enable commercial profits to be made for the Estate from the woodland and, despite its commercial use, the woodland has an existing biodiversity value in its current form. The woodland is currently subject to a Management Plan in agreement with the Forestry Commission where the most recent management plan was provided to the LPA to review. It was observed that this was dated 2013-2017 and the agent has advised that this is valid until 2023. The management of the woodland to 'nature reserve' is proposed as being intrinsically linked to the proposed development however, the application is not supported with an up-to-date Woodland Management Plan detailing the financial implications and biodiversity enhancement details.

There are issues surrounding lighting and its impact on the wider rural landscape as noted above. External lighting could be controlled through a condition, but internal lighting cannot. Whilst the treehouses would be under the applicant's control, planning conditions could not control internal lighting, or even the provision of blinds. Issues relating to dispersal of internal light remain a material consideration and control of glazing design, position of windows on the building and overall glazing size is therefore the only real way to address these concerns. Reducing the amount of glazing would help limit the impact upon the nocturnal character of the area. Consideration has also been given to the impacts of excessive glazing within the woodland setting upon wildlife, for example, the potential for bird strikes due to reflective surfaces.

These issues could be resolved (from an ecological perspective) through the installation of smaller windows on all four elevations of the buildings. This would however, impact upon the overall design solution proposed but has not been explored by the applicant.

It is considered that the extent and levels of glazing proposed would lead to an adverse impact upon the nocturnal character of the area. The proposed development is therefore be contrary to Policies EN 2 and EN 9 of the adopted Core Strategy and Section 15 of the NPPF.

4. Trees

Policy EN 2 states that development should protect, conserve and, where possible, enhance distinctive landscape features, such as woodland, trees and field boundaries. Policy EN 9 seeks to maximise opportunities for restoration, enhancement and connection of natural habitats.

Paragraph 170 of the NPPF states that decisions should recognise the intrinsic character and beauty of the countryside, including the benefits associated with trees and woodland

There is the potential for trees to be affected by the proposed development. An Arboricultural Impact Assessment has been submitted as part of the application and the Landscape Officer considers this to be acceptable subject to appropriate conditions.

In respect to impact on trees, the proposed development is considered to accord with Core Strategy Policies EN 2, EN 4 and EN 9 and Section 12 of the NPPF.

5. Living conditions

Core Strategy Policy EN 4 states that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers. Paragraph 130 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 a level of noise/disturbance into what is currently a tranquil and undisturbed woodland setting. Given the site's isolated location with no immediate residential properties nearby, it is considered it would be unlikely that the development would have any materially harmful effect on living conditions in relation to both noise and disturbance, or as a result of traffic movements. The proposed development would therefore comply with Policy EN 4 and Section 12 of the NPPF.

6. Highways, Parking and Accessibility to the Site

Core Strategy 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.

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

Paragraph 104 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 105 states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. It also recognises that transport solutions will vary between urban and rural areas.

Paragraph 110 states amongst other matters that development should ensure that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location, and that safe and suitable access to the site can be achieved for all users.

Paragraph 112 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 where possible. Development should also address the needs of all users, be safe, secure and attractive avoiding conflict between transport users, allow for efficient delivery/access and be designed to enable charging of ultralow emission vehicles.

Accessibility to Site

It is considered likely that the users/customers of the development would be wholly reliant upon private vehicles to access the site and for trips from it. Staff, deliveries and construction works would also be reliant upon private vehicle for access. Users of the proposed development would be required to leave the site to access facilities and services for day to day needs as well as more general tourism activities/attractions.

Whilst the Highway Authority have not raised a formal objection to the proposed development, they have recognised the unsustainable location of the site which would therefore be at odds with

the policy aims of directing uses towards sustainable locations, and therefore is seen as a negative aspect of the proposal. It is recognised that the scheme proposes and encourages the use of bikes, however, the sustainability credentials of the site are limited and are not considered to be in line with paragraph 105 of the NPPF. Whilst it is recognised that applications of this type would be set within a more rural setting, the site would require a journey of approximately 5 miles by car to the nearest Principal Settlement (Fakenham). Therefore, it is not considered that the site is in close proximity to or has good links to these settlements with regards to sustainability. There are also no bus stops, footpaths near to the site.

The inaccessibility of the site by non-car modes would therefore be at odds with the policy aims of directing uses towards sustainable locations. As a result, it is considered that the development would conflict with the aims of Policy EC7 in relation to new tourism development given its remote countryside location. The site would be significantly reliant upon private vehicles for access contrary to the aims of the Core Strategy Policy CT 5 and the NPPF.

Accessibility to the Tree Houses

The Design and Access Statement explains that.

‘The final access to the treehouses will be on foot through the wood along existing logging tracks, it is intended that this is part of the theatre of arriving and the start of the guest’s engagement with the rich ancient woodland. The estate is exploring the idea of providing simple ‘barrows’ that will be left for guests at the car parking at the start of their stay. The ‘barrows’ will contain a ‘kit’ for arrival such as an umbrella and torches possibly even wellington boots, if requested, as well as a map of the route, (even though it will along a defined existing path it could point out flora and things of interest along the route. ‘It is understood that the nature of the treehouse and the means of access makes it difficult to accommodate mobility disabilities and this would be addressed in future accommodation proposals on the estate’.

It is considered that the site’s isolated location, combined with access to the site on foot with wheel barrows for visitors, and workers (cleaning, maintenance, refuse collection by way of quad bike), demonstrates a level of impracticality, especially in the winter months, adding to concerns about the site’s general accessibility.

Parking

The Council’s adopted parking standards do not specifically address the requirements for development of this type, however, they do provide a standard for uses such as hotels and guesthouses. Such uses are considered comparable to that being proposed and therefore would be an appropriate starting position. These standards require 1 vehicular space per bedroom and based on the current proposals, this would equate to a requirement to provide two spaces for each unit. Two parking spaces per unit (with secure cycle parking) would be provided on the private access (off Fulmodeston Road). It is considered that this would comply with Core Strategy Policy CT 6.

7. Flooding and Drainage

Flood risk

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.

Paragraph 167 of the NPPF sets out that where appropriate, applications should be supported by a site-specific flood-risk assessment.

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

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 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 where the tree houses would be are raised off the ground, it is considered that the minor water displacement from the proposed treehouses would percolate naturally into the ground.

With regards to foul drainage, the first priority under the Building Regulations is for foul drainage to connect to the public foul sewer system. Only if a public foul sewer is not available, can alternative means of disposal be considered. In the absence of a viable connection to a public sewer, it is proposed to use a package treatment plant which is the next preferred option and as such is acceptable.

The application is considered to accord with Policy EN 10 of the North Norfolk Core Strategy and Section 14 of the NPPF.

8. Habitats sites

Nutrient neutrality

The proposal will result in additional overnight accommodation. The site is however, located outside the catchment areas of the River Wensum Special Area of Conservation and the Broads

Special Area of Conservation and Ramsar sites and does not involve foul or surface water drainage into those catchment areas.

The application proposes to use a private sewerage system. The agent has provided clarification that the location of this proposal does not fall into a Nutrient Neutrality Impact Risk Zone (IRZ).

The Environment Agency's catchment explorer confirms that the tributary of the River Stiffkey that would receive outflow from the package treatment plant flows northwards to the sea and that the site is not within the catchment of The Broads SAC nor the River Wensum SAC. As such, the proposal is not likely to have a significant effect on the conservation objectives either alone or in combination with other projects and there is no requirement for additional information to be submitted to further assess the effects. The application can, with regards nutrient neutrality, be safely determined with regards the Conservation of Species Habitats Regulations 2017 (as amended).

It is therefore considered that the demonstration that the development is nutrient neutral is not required in this instance and as such the proposals would comply with Policies SS 4 and EN 9 of the North Norfolk Core Strategy.

GI RAMS

The site is located in the Zone of Influence for recreational impacts from residential development (which also includes development where new overnight is proposed) accommodation for a number of designated habitats sites. The Norfolk Wide Green Infrastructure and Recreational Avoidance Mitigation Strategy (GI RAMS) has been formally agreed and adopted by the Norfolk Planning Authorities and Natural England. It is a strategic approach to ensure no adverse effects are caused to European sites across Norfolk, either alone or in-combination from qualifying developments. Taking a coordinated approach to mitigation has benefits and efficiencies and ensures that developers and the Local Planning Authorities (LPA) meet with the Conservation of Habitats and Species Regulations 2017

A financial contribution of £185.93 per dwelling is identified in the approved GI RAMS that would provide appropriate mitigation for the indirect effects identified on designated habitat sites in Norfolk. The proposed development would create 4 bed spaces which would requires a contribution of £123.95 to provide the required mitigation in this case.

To date, this financial contribution has not been made and as such the proposal does not currently comply with Core Strategy Policy EN 9 in this respect and as it cannot be concluded that the proposal would not be likely to have a significant effect upon the features of the European Sites through increased recreational pressure, when considered individually or in combination

9. Other Considerations

Refuse and Recycling

The application proposes refuse and recycling would be picked up from the treehouses, (via quad bikes) on the meadow side by Estate workers and disposed of through the Estate's existing refuse and recycling facilities. Environmental Heath have suggested that the principle of removal of waste to be collected from the site and taken to another location would be acceptable subject to

the Estate having a waste carrier's licence and appropriate contracts in place. On that basis it is considered that proposal would be able to accord with Core Strategy Policy EN 13.

Fire Safety

The applicant proposes to purchase a mobile firefighting trailer, which consists of a lightweight 500l/min pump with 1000L tank. The trailer would also carry a 4" suction pipe allowing for direct extraction from the River Stiffkey located 60 metres from both treehouses. It is also stated to be lightweight in design, it can be towed by either a quad bike or truck to any location to ensure every location has full firefighting capability.

Whilst the issue over fire safety falls within the remit of Building Regulations, the practicality of the site has been discussed with the Council's Building Regulations Team. It was advised that.

'Access and facilities for the fire service is covered within Document B5 of the Building Regulations. For low rise domestic dwellings the requirements are quite simple and can be summarised as follows:

1. A dwelling needs access for a pumping appliance within 45 metres of all points inside the dwelling (the pumping appliance is referring to a Fire Service vehicle).
2. Access routes and hardstanding's need to provide capacity to handle 12.5 tonne vehicles, any bridges require 17 tonne capacity.
3. Dead end zones exceeding 20 metres must provide turning facilities.

In this case, whilst it does not look ideal to comply with the above, however it may be possible for them to introduce other provisions to offset non-compliance such as sprinkler systems and their offer of a firefighting trailer may be accepted by the fire service but we would have to consult with them. [Building Control Officer view is that] the fire service may be reluctant to consider the use of a firefighting appliance owned and maintained by other persons.'

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.

The proposed development is considered to conflict with the Core Strategy Policy EC 7 for the reasons explained above which relate primarily to the sustainability of the site's location and as new build un-serviced holiday accommodation in the Countryside must be treated as though they are permanent residential dwellings and will not be permitted. On the basis of the information submitted, it is also considered the proposed development does not meet the requirements of Policy EC 1, to be considered as farm diversification.

There are also concerns regarding the adverse impact of the proposed development upon the nocturnal character of the area due to the extent and levels of glazing proposed contrary to Core Strategy Policies EN 2 and EN 9. Whilst it is likely this could be addressed through amendments to the design of the units, the main issue in terms of the principle of the development would remain. Given the applicant's stated aspirations for additional development in the future, whilst any subsequent applications would have to be considered on their own merits, approval of this application could make it difficult to resist them. As such the landscape issues raised as part of

this application i.e. impact upon nocturnal character) could realistically be exacerbated in the future.

Weighing in favour of the proposed development are the biodiversity and landscape benefits/enhancement offered as part of the scheme along with the economic benefits of additional tourism and leisure spending and; any additional employment opportunities which might be generated or safeguarded. Given the scale of the development proposed it is considered that any economic and employment benefits arising from the proposals would be limited. With regards to the biodiversity benefits nothing has been put forward to secure them or which quantifies them specifically and as such, in the absence of this information, it is considered they can carry only limited weight.

On balance, it is considered these material planning considerations are not of sufficient weight to outweigh the conflict with the development plan - specifically, Core Strategy policies SS 1, SS 2, SS 4, EC 1, EC 7, EN 2, EN 4, EN 9 and CT5 and NPPF Paragraphs 105, 130, 134, 174.

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 tree 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.**
- **The proposal would be contrary to Policy EC1 as it would not constitute diversification of a farm business.**
- **The proposed development, by virtue of its design, in particular the extent and level of glazing would fail to protect the appearance, tranquillity and rurality of the surrounding rural landscape (identified as Tributary Farmland landscape character area (North Norfolk Landscape Character Assessment, SPD 2021) resulting in changes to the prevailing landscape character from increased recreation pressure and light pollution. The proposed development is therefore contrary to the requirements of Policies SS 4, EN 2, EN 4 and EN 9 of the adopted North Norfolk Core Strategy, Para 's 130, 134 and 174 of the NPPF and the principles set out in the North Norfolk Landscape Character Assessment, 2021 (NNLCA SPD) and the North Norfolk Design Guide (SPD).**
- **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 as required by Policy CT 5 of the adopted Core Strategy and the aim of Policy EC7 in relation to new tourism development given its remote countryside location. The proposed development would therefore conflict with Policy CT5, EC7 and para 105 of the NPPF.**

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