

**NORTH NORFOLK DISTRICT COUNCIL**  
 HOLT ROAD CROMER NORFOLK NR27 9EN  
 Telephone 01263 513811  
 www.northnorfolk.org  
 e-mail planning@north-norfolk.gov.uk



Ms Burgan  
 Small Fish  
 Cavell House  
 Stannard Place  
 St Crispins Road  
 Norwich  
 NR3 1YE

Application Number  
 PP/19/1307

Date Registered  
 16 August 2019

North Walsham

## DECISION NOTICE

### Town and Country Planning Act 1990 Town and Country Planning (Permission in Principle) (Amendment) Order 2017

**Location: Land east of, Bacton Road, North Walsham, NR28 0RA**

**Proposal: Permission in principle for the demolition of the existing buildings on site & the erection of 5 no. dwellings**

**Applicant: Cincomas Limited**

**NORTH NORFOLK DISTRICT COUNCIL**, in pursuance of powers under the above mentioned Act, hereby **REFUSE** to grant permission in principle, for the reasons specified hereunder:

The District Council adopted the North Norfolk Core Strategy on the 24th September 2008 and the North Norfolk Site Allocations Development Plan in February 2011. The National Planning Policy Framework was published in March 2012 and subsequently revised and updated in 2019. Collectively these provide the context for the determination of planning applications in accordance with Section 38 of the Planning and Compensation Act 2004.

The Core Strategy includes the following applicable policies:

- SS 1 - Spatial Strategy for North Norfolk
- SS 2 - Development in the Countryside
- SS 6 – Access and Infrastructure
- HO 3 - Affordable Housing in the Countryside
- EN 2 - Protection and Enhancement of Landscape and Settlement Character
- EN 4 – Design
- EN 9 - Biodiversity and Geology
- EN 13 – Pollution and Hazard Prevention and Minimisation
- CT 5 - The transport impact on new development

The proposal is contrary to the provisions of the adopted development plan which designates the site as Countryside and in the opinion of the Local Planning Authority there are no material considerations which should be afforded sufficient weight to justify the departures from adopted policies. In particular:

1. The proposal is for residential development on a site which is located on land designated as 'Countryside' under Policy SS 1 of the adopted Core Strategy. Policies SS 1 and SS 2 seek to prevent new housing development in the Countryside apart from certain limited exceptions which do not apply in this case. Furthermore, the principle of such a development in the designated 'Countryside' area falls outside the scope of the requirements of rural housing set out within the National Planning Policy Framework (NPPF) Paragraphs, 77, 78 and 79.
2. The proposal fails to provide an appropriate number of affordable homes in the Countryside in order to address specifically identified local housing needs, and fails to provide evidence or justification for the proposed under-supply of affordable housing, contrary to the requirements of Policies SS 1, SS 2 and HO 3 of the adopted Core Strategy and Paragraph 77 of the NPPF.
3. Inadequate visibility splays are provided at the junction of the access to the site with the County highway and this would cause danger and inconvenience to users of the adjoining public highway. The proposal, if permitted, would be contrary to Core Strategy Policy CT 5 and National Planning Policy Framework paragraphs 108 and 109.
4. The proposed development does not adequately provide off-site facilities for pedestrians / cyclists / people with disabilities (those confined to a wheelchair or others with mobility difficulties) to link with existing provision and local services. The proposal is therefore contrary to sustainability objectives seeking to locate residential development where safe access to local services by foot, cycle and public transport is available. Contrary to Core Strategy Policies SS 6 and CT 5 and National Planning Policy Framework paragraphs 91, 102, 108, 109, 110 and 127.
5. Insufficient information has been provided by way of a Noise and Odour Assessment, to inform the development proposals and demonstrate that a residential use is suitable on this site given the existing commercial use on adjacent sites. It therefore cannot be concluded that a residential use on the site can be achieved which provides acceptable residential amenity standards to all future occupiers, contrary to Core Strategy Policy EN 13 and EN 4 and the expectations of the North Norfolk Design Guide 2008 and paragraph 127(f) of the NPPF.
6. Insufficient information has been provided relating to protected species use of the site and its existing buildings proposed to be removed or regarding the scale of any tree removal and any mitigation measures proposed on both counts. It has not therefore been adequately demonstrated that residential development of the site would not have a detrimental impact on trees, biodiversity or protected species, contrary to North Norfolk Core Strategy policies EN 2 and EN 9 and paragraph 175 of the NPPF.

Decision Date 19 September 2019



Phillip Rowson, Head of Planning  
Acting under Delegated Authority  
On Behalf of the Council

## NOTES TO APPLICANT

The Local Planning Authority has been unable to work positively and proactively with the applicant to address any arising issues in relation to determining this permission in principle and to secure a policy compliant proposal in this case. The decision notice sets out clearly the reasons for the refusal. Where appropriate and reasonable to do so, the Local Planning Authority is prepared to enter into further dialogue with the applicant with the aim of securing if possible, a positive outcome in the wider public interest through a further application.

### ***Notes relating to decisions on permission in principle***

#### 1. Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission in principle for the proposed development, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this decision notice.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

- The Secretary of State can allow a longer period for making an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in making an appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted permission in principle for the proposed development having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Secretary of State.