



Planning Committee

Agenda

Monday, 6th October, 2025
at 9.30 am

in the

**Assembly Room
Town Hall
King's Lynn**

Also available to view at:

<https://www.youtube.com/user/WestNorfolkBC>



King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX
Telephone: 01553 616200
Fax: 01553 691663

PLANNING COMMITTEE AGENDA

Please ensure that all mobile phones are switched to silent

DATE: Monday, 6th October, 2025

VENUE: Assembly Room, Town Hall, Saturday Market Place, King's
Lynn PE30 5DQ

TIME: 9.30 am

1. APOLOGIES

To receive any apologies for absence and to note any substitutions.

2. MINUTES (Pages 6 - 13)

To confirm as a correct record the Minutes of the Meeting held on 1 September 2025 and the Reconvened Meeting held on 4 September 2025 (previously circulated).

3. DECLARATIONS OF INTEREST (Page 14)

Please indicate if there are any interests which should be declared. A declaration of an interest should indicate the nature of the interest (if not already declared on the Register of Interests) and the agenda item to which it relates. If a disclosable pecuniary interest is declared, the Member should withdraw from the room whilst the matter is discussed.

These declarations apply to all Members present, whether the Member is part of the meeting, attending to speak as a local Member on an item or simply observing the meeting from the public seating area.

Councillor appointed representatives on the Internal Drainage Boards are noted.

4. URGENT BUSINESS UNDER STANDING ORDER 7

To consider any business, which by reason of special circumstances, the Chair proposes to accept, under Section 100(b)(4)(b) of the Local Government Act, 1972.

5. MEMBERS ATTENDING UNDER STANDING ORDER 34

Members wishing to speak pursuant to Standing Order 34 should inform the Chairman of their intention to do so and on what items they wish to be heard before a decision on that item is taken.

6. CHAIR'S CORRESPONDENCE

To receive any Chair's correspondence.

7. RECEIPT OF CORRESPONDENCE RECEIVED AFTER THE PUBLICATION OF THE AGENDA

To receive the Correspondence received since the publication of the agenda.

8. INDEX OF APPLICATIONS (Pages 15 - 16)

The Committee is asked to note the Index of Applications.

9. DECISION ON APPLICATIONS (Pages 17 - 121)

The Committee is asked to consider and determine the attached Schedules of Planning Applications submitted by the Assistant Director.

10. DELEGATED DECISIONS (Page 122)

To receive the Schedule of Planning Applications determined by the Executive Director.

To: Members of the Planning Committee

Councillors B Anota, T Barclay, R Blunt, F Bone (Chair), A Bubb, M de Whalley, T de Winton, P Devulapalli, S Everett, J Fry, S Lintern, C Rose, A Ryves, Mrs V Spikings (Vice-Chair) and M Storey

Site Visit Arrangements

When a decision for a site inspection is made, consideration of the application will be adjourned, the site visited, and the meeting reconvened on the same day for a decision to be made. Timings for the site inspections will be announced at the meeting.

If there are any site inspections arising from this meeting, these will be held on **Thursday 9 October 2025** (time to be confirmed) and the meeting reconvened on the same day (time to be agreed).

Please note:

- (1) At the discretion of the Chair, items may not necessarily be taken in the order in which they appear in the agenda.
- (2) An Agenda summarising Correspondence Received After the Publication of the Agenda received by 5.00 pm on the Wednesday before the meeting will be emailed. Correspondence received after that time will not be specifically reported during the Meeting.
- (3) **Public Speaking**

Please note that the deadline for registering to speak on the application is 5.00 pm two working days before the meeting. Please contact borough.planning@west-norfolk.gov.uk or call (01553) 616818 or 616234 to register. Please note that you need to have made representations on an application to be able to register to speak.

For Major Applications

Two speakers may register under each category: to object to and in support of the application. A Parish or Town Council representative may also register to speak. Each speaker will be permitted to speak for five minutes

For Minor Applications

One Speaker may register under category: to object to and in support of the application. A Parish or Town Council representative may also register to speak. Each speaker will be permitted to speak for three minutes.

For Further information, please contact:

democratic.services@west-norfolk.gov.uk

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK**PLANNING COMMITTEE**

Minutes from the Meeting of the Planning Committee held on Monday, 1st September, 2025 at 9.30 am in the Assembly Room, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ

PRESENT: Councillor F Bone (Chair)
Councillors B Anota, R Blunt, A Bubb, R Coates (sub), M de Whalley,
T de Winton, P Devulapalli, S Everett, S Lintern, C Rose,
Mrs V Spikings and M Storey

PC32: **APOLOGIES**

Apologies for absence had been received from Councillor Barclay (Councillor Coates substitute).

The Chair thanked Councillor Coates for being a substitute at the meeting.

PC33: **MINUTES**

The minutes of the meeting held on 28 July 2025 were agreed as a correct record and signed by the Chair.

PC34: **DECLARATIONS OF INTEREST**

There were no declarations of interest.

PC35: **URGENT BUSINESS UNDER STANDING ORDER 7**

There was none.

PC36: **MEMBERS ATTENDING UNDER STANDING ORDER 34**

The following Councillors attended and addressed the Committee:

Cllr Kirk	9/1(d)	Walsoken
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The Democratic Services Officer read out statements for:

Cllr Hodson	9/1(a)	Denver
Cllr Collingham	9/1(b)	Dersingham

PC37: **CHAIR'S CORRESPONDENCE**

The Chair reported that any correspondence received had been read and passed to the appropriate officer.

PC38: **CORRESPONDENCE RECEIVED AFTER THE PUBLICATION OF THE AGENDA**

A copy of the correspondence received after the publication of the agenda, which had previously been circulated, was received. A copy of the agenda would be held for public inspection with a list of background papers.

PC39: **DECISION ON APPLICATIONS**

The Committee considered schedules of applications for planning permission submitted by the Assistant Director for Planning and Environment (copies of the schedules were published with the agenda). Any changes to the schedules will be recorded in the minutes.

RESOLVED: That the application be determined, as set out at (i) – (iv) below, where appropriate to the conditions and reasons or grounds of refusal, set out in the schedules signed by the Chair.

- (i) **25/00836/F**
Denver: Land at E561752 N302002 North of 61 And 63
Ryston Road: Self-build- Proposed Self Building Dwelling
and Garage: Mr and Mrs Foster-Bentham

[Click here to view a recording of this item on You Tube](#)

The case officer introduced the report and explained that planning permission was sought for a proposed self-build dwelling and garage at land north of 61 and 63 Ryston Road, Denver.

Denver was classified as a Tier 5 Settlement (Rural Villages) under Policy LP01 of the Local Plan 2021-2040. The application site was located within the development boundary of Denver.

The application had been referred to the Committee for determination at the request of Councillor Hodson.

The Committee noted the key issues for consideration whilst determining the application, as set out in the report.

The Democratic Services Officer read out a statement from Councillor Hodson who was objecting to the application.

The Democratic Services Officer then carried out a roll call on the recommendation to approve the application and, after having been put to the vote was carried (12 votes for, 2 votes against and 1 abstention).

RESOLVED: That the application be approved as recommended.

(ii) 25/01036/F

Dersingham: 8 Park Hill: Proposed extensions and alterations including the creation of a new first floor via the provision of a new roof structure and porch: c/o ACS Architectural Ltd

[Click here to view a recording of this item on You Tube](#)

The case officer introduced the report and explained that planning permission was sought for extensions and alterations to an existing dwelling including the creation of a new first floor via the provision of a new roof structure and porch.

Dersingham was classified as a Tier 4 Key Rural Service Centre under Policy LP01 of the Local Plan 2021-2040. The surrounding area was residential, with woodland to the south. The site was located toward the higher end of Park Hill.

The site was located in Flood Zone 1.

The application had been referred to the Committee for determination at the request of Councillors Bubb and Collingham.

The Committee noted the key issues for consideration whilst determining the application, as set out in the report.

In accordance with the adopted public speaking protocol, Mr M Dady (objecting), Coral Shepherd (objecting on behalf of the Parish Council) and Nick Borrmann (supporting) addressed the Committee in relation to the application.

The Democratic Services Officer read out a statement from Councillor Collingham (objecting to the application).

In view of the comments in the agenda relating to Councillor Bubb calling in the application, the Legal Advisor asked Councillor Bubb if he had come to the meeting with an open mind. Councillor Bubb confirmed that this was the case, and the Legal Advisor informed the Committee that he was content for Councillor Bubb to participate and vote in the meeting.

Councillor Bubb (Ward Member) explained that the site was on a steep hill and would be very visible and the photographs did not show the gradient of the hill. He therefore proposed that the Committee carry out a site visit and this was seconded by Councillor Ryves.

The Democratic Services Officer then carried out a roll call on the proposal to carry out a site visit, after having been put to the vote, was carried (7 votes for, 6 votes against and 2 abstentions).

RESOLVED: That the determination of the application be adjourned, the site visited, and the application determined at the reconvened meeting held on the same day (Thursday 4 September 2025).

The Committee then adjourned at 10.30 am for a comfort break and reconvened at 10.45 am.

(iii) 25/00846/F

Thornham: Megget, Ploughmans Piece: Self-Build – Replacement dwelling: Mr Hunter

[Click here to view a recording of this item on You Tube](#)

The case officer introduced the report and explained that the application was for the demolition of the existing bungalow at the end of a cul-de-sac on Ploughmans Piece in Thornham for a replacement self-build dwelling.

The application site was located within the development boundary as seen within the policies map as defined by the Local Plan 2021-2040 and Map 8 of Thornham Neighbourhood Plan 2020-2036.

The site comprised of a residential curtilage of approximately 678 m² and accommodated a brick bungalow with pitched roof. Surrounding the site was residential use.

The application had been referred to the Committee for determination at the request of the Planning Sifting Panel.

The Committee noted the key issues for consideration whilst determining the application, as set out in the report.

In accordance with the adopted public speaking protocol, Mr Jason Law (supporting) addressed the Committee in relation to the application.

The Democratic Services Officer then carried out a roll call on the recommendation to approve the application and, after having been put to the vote, was carried unanimously.

RESOLVED: That the application be approved as recommended.

(iv) 25/00389/F

Walsoken: Land E of Willowdene N of Clydesdale Biggs Road: Intensification of use of existing hardstanding at an existing Gypsy / Traveller site to enable standing of an additional five static caravans and one touring caravan (retrospective): Mr J Rooney

[Click here to view a recording of this item on You Tube](#)

The case officer introduced the report and explained that the application sought retrospective planning permission for the intensification of use of existing hardstanding at an existing Gypsy / Traveller site to enable standing of an additional five static caravans and one touring caravan. The proposal included an extension of the previous site boundary to the east (rear) to increase the overall site area.

Application reference 23/01082/F granted consent under delegated powers for the siting of one residential static caravan and two touring caravans. The site, known as 'Land next to Clydesdale' in the GTAA provided one G&T pitch. This retrospective proposal would increase this to a total of six static caravans and three touring caravans on the site at any one time.

The application site was outside of any development boundary and within Flood Zones 2 & 3.

The application had been referred to the Committee for determination at the request of Councillor Kirk, and the officer recommendation was at odds with the views of the Parish Council.

The Committee noted the key issues for consideration whilst determining the application, as set out in the report.

In accordance with the adopted public speaking protocol, Rachel Bingham (objecting) and Fred Leach (objecting on behalf of the Parish Council) addressed the Committee in relation to the application.

Under Standing Order 34, Councillor Kirk addressed the Committee and outlined his concerns to the application.

Luke Brown, Senior Policy Planner explained the planning policy considerations in relation to the application. He explained that the Council as part of the Local Plan process undertook a call for land for gypsy and traveller accommodation and also a Gypsy & Traveller Need Accommodation Assessment and that identified where the need for gypsy and traveller accommodation was arising across the Borough. The assessment also identified the need for a flexible approach in the policy for any windfall sites that came forward. Part 1 of the Policy LP32 did allocate enough sites to meet the five-year need but Part 2 was there to manage any windfall development that came forward.

In terms of any constraints, they were identified and looked at as part of the site allocation process and at that time this site was identified as not suitable but the main issue because of that identification was the fact that no need was arising from this particular site. He further explained that in terms of the gypsy and traveller accommodation assessment, that was carried out in 2023 and considered up to date,

and as part of the Local Plan Examination, the Inspectors validated that and supported it, which is why it had been allocated through the Local Plan.

The case officer responded to issues raised by the public speakers.

Members of the Committee raised the following issues:

- The site was outside the development boundary but in Flood Zones 2 and 3.
- Unfair distribution of G&T sites in this area.
- Foul and surface water drainage arrangements
- Location and number of caravans on the site and whether they could be moved as far to the east as possible to lessen the impact on the neighbours.
- Further time was needed to study LP32.
- Condition 3 – did the timescales need to be reduced.
- The need for additional boundary treatments.

In view of the questions that the Committee had, it was proposed by Councillor Ryves and seconded by Councillor de Whalley that the application be deferred.

The Democratic Services Officer then carried out a roll call on the proposal to defer the application and, after having been put to the vote, was carried unanimously.

RESOLVED: That the application be deferred to provide additional information as detailed above.

PC40: **DELEGATED DECISIONS**

The Committee received schedules relating to the above.

RESOLVED: That the reports be noted.

The meeting closed at 11.55 am

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

PLANNING COMMITTEE

**Minutes from the Reconvened Meeting of the Planning Committee held on
Thursday, 4th September, 2025 at 9.30 am in the Assembly Room, Town
Hall, Saturday Market Place, King's Lynn PE30 5DQ**

PRESENT: Councillor F Bone (Chair)
Councillors R Blunt, A Bubb, R Coates and Mrs V Spikings

PC41: WELCOME

The Chair welcomed everyone to the Reconvened Meeting of the Planning Committee. He reminded the Committee that the meeting was being recorded and streamed live to YouTube.

He then invited the Democratic Services Officer to conduct a roll call to check who was present at the meeting.

PC42: APOLOGIES

Apologies for absence were received from Councillors Barclay, Devulapalli, Everett, Fry, Lintern, Rose, Storey and De Winton.

PC43: DECLARATIONS OF INTEREST

There were no declarations of interest.

PC44: DECISION ON APPLICATION

25/01036/F

Dersingham: 8 Park Hill: Proposed extensions and alterations including the creation of a new first floor via the provision of a new roof structure and porch

[Click here to view a recording of this item on You Tube](#)

The case officer reminded the Committee that determination of the application had been adjourned for a site visit, which had taken place prior to the reconvened meeting. The case officer introduced the report and outlined where the Committee had been during the visit.

The case officer responded to questions from the Committee in relation to:

- Overshadowing and potential loss of light; and
- Parking arrangements.

The Democratic Services Officer then carried out a roll call on the recommendation to approve the application and, after having been put to the vote was carried (5 votes for, 1 against and 1 abstention).

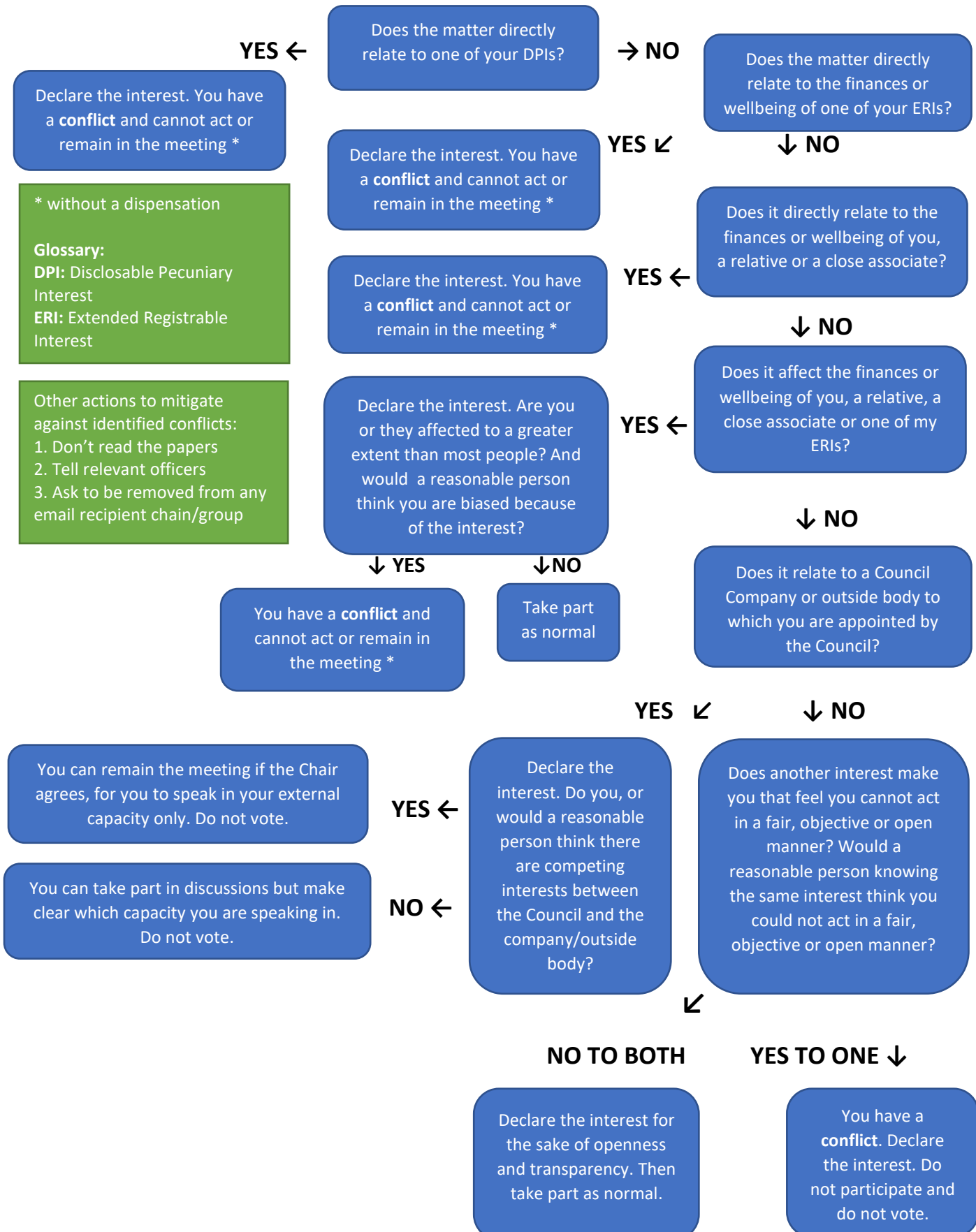
RESOLVED: That the application be approved as recommended.

The meeting closed at 10.37 am

DECLARING AN INTEREST AND MANAGING ANY CONFLICTS FLOWCHART



START



* without a dispensation

Glossary:

DPI: Disclosable Pecuniary Interest

ERI: Extended Registrable Interest

Other actions to mitigate against identified conflicts:

1. Don't read the papers
2. Tell relevant officers
3. Ask to be removed from any email recipient chain/group

**INDEX OF APPLICATIONS
TO BE DETERMINED BY THE PLANNING COMMITTEE AT THE MEETING
TO BE HELD ON MONDAY 6 October 2025**

Item No.	Application No. Location and Description of Site Development	PARISH	Recommendation	Page No.
9/1	DEFERRED ITEMS			
9/1(a)	25/00389/F Land E of Willowdene N of Clydesdale Biggs Road Walsoken Norfolk PE14 7BD Intensification of use of existing hardstanding at an existing Gypsy / Traveller site to enable standing of an additional five static caravans and one touring caravan	WALSOKEN	APPROVE	17
9/2	MAJOR DEVELOPMENTS			
9/2(a)	25/01068/FM Land At E572391 N297113 Brook Lane Brookville Norfolk IP26 4RG Construction, operation, maintenance and eventual decommissioning of up to a 15MW Solar Farm comprising the construction of solar panels mounted on metal frames, invertors, spares container, substation, auxiliary transformer, DNO substation, new access tracks, underground cabling, perimeter fencing with CCTV cameras and access gates, temporary construction compound, landscaping, and all ancillary grid infrastructure and associated site works	METHWOLD NORTHWOLD	APPROVE	34
9/3 OTHER APPLICATIONS/APPLICATIONS REQUIRING REFERENCE TO THE COMMITTEE				
9/3(a)	25/00865/F 3 Saw Mill Road Brancaster King's Lynn Norfolk PE31 8AJ VARIATION of condition 2 and REMOVAL of condition 7 attached to planning permission 24/01167/F: Extensions, alterations & remodelling of dwelling and proposed outbuild	BRANCASTER	APPROVE	80

Item No.	Application No. Location and Description of Site Development	PARISH	Recommendation	Page No.
9/3(b)	25/01058/F Lowood Herrings Lane Burnham Market King's Lynn PE31 8DW Proposed Self-Build Replacement Dwelling Following Demolition of Existing Chalet.	BURNHAM MARKET	APPROVE	91
9/3(c)	25/00256/O Land N of Kiln House Sandy Lane Blackborough End PE32 1SE OUTLINE PLANNING PERMISSION WITH ALL MATTERS RESERVED FOR: 4 Self- build/Custom detached dwellings	MIDDLETON	APPROVE	106



25/00389/F

Land E of Willowdene N of Clydesdale Biggs Road Walsoken Norfolk PE14 7BD



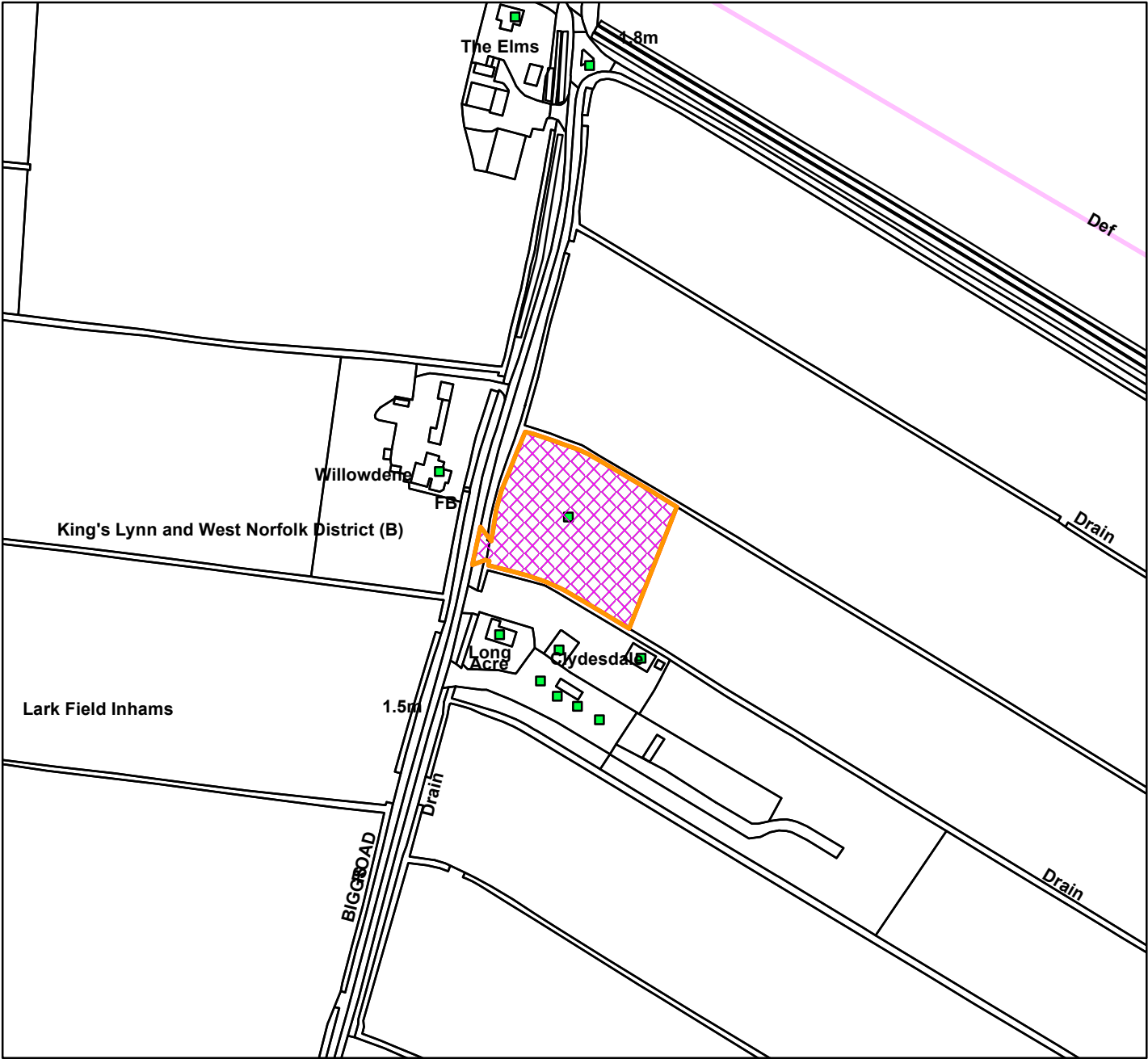
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Ordnance Survey AC0000819234

Scale: 1:1,250

Organisation	BCKLWN
Department	Department
Comments	
Date	11/08/2025
MSA Number	0100024314



Land E of Willowdene N of Clydesdale Biggs Road Walsoken Norfolk PE14 7BD



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Ordnance Survey AC0000819234

Scale: 1:2,500

Organisation	BCKLWN
Department	Department
Comments	
Date	11/08/2025
MSA Number	0100024314

AGENDA ITEM NO: 9/1(a)

Parish:	Walsoken	
Proposal:	Intensification of use of existing hardstanding at an existing Gypsy / Traveller site to enable standing of an additional five static caravans and one touring caravan (RETROSPECTIVE)	
Location:	Land E of Willowdene N of Clydesdale Biggs Road Walsoken Norfolk PE14 7BD	
Applicant:	Mr J Rooney	
Case No:	25/00389/F (Full Application)	
Case Officer:	Lucy Smith	Date for Determination: 13 May 2025 Extension of Time Expiry Date: 5 September 2025

Reason for Referral to Planning Committee –

Deferred from 1st September 2025 Planning Committee. Originally called in by Cllr Kirk, and the officer recommendation is at odds with the views of the Parish Council.

Neighbourhood Plan: No

Members Update

This application was deferred at September's Planning Committee to allow additional information to be sought regarding drainage, and to clarify the full criteria of Policy LP32 of the Local Plan as well as the Planning Policy for Traveller Sites. The following report has been updated to reflect the new information received.

Case Summary

The application seeks retrospective planning permission for the Intensification of use of existing hardstanding at an existing Gypsy / Traveller site to enable standing of an additional five static caravans and one touring caravan. The proposal includes an extension of the previous site boundary to the east (rear) to increase the overall site area.

Application reference 23/01082/F granted consent under delegated powers for the siting of one residential static caravan and two touring caravans. The site, known as 'Land Next To Clydesdale' in the GTAA provides one G&T pitch. This retrospective proposal would increase this to a total of six static caravans and three touring caravans on the site at any one time.

The application site is outside of any development boundary and within Flood Zones 2 & 3.

Key Issues

Principle of development and assessment against Policy LP32
Planning Policy for Traveller Sites
Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

The application seeks retrospective planning permission for the Intensification of use of existing hardstanding at an existing Gypsy / Traveller site to enable standing of an additional five static caravans and one touring caravan. The proposal includes an extension of the previous site boundary to the east (rear) to increase the overall site area, by approximately 710m² from the previous consent.

Application reference 23/01082/F granted consent under delegated powers for the siting of one residential static caravan and two touring caravans. The site, known as 'Land Next To Clydesdale' in the GTAA provides one G&T pitch. This current retrospective proposal would increase this to a total of six static caravans and three touring caravans on the site at any one time.

The application site is outside of any development boundary and within Flood Zones 2 & 3.

Members at the previous planning committee raised concern over the location of each caravan and the proximity to the front boundary and these concerns are acknowledged however are considerations controlled in more detail under the licensing regime. Given that consent is sought for the siting of the caravans within the site (i.e. a change of use of land), variations to the siting of the caravans would be within the realms of the consent. Therefore, whilst a revised block plan has been provided showing a line of static caravans along the west boundary and the touring caravans in the northeast corner, this plan should be considered as indicative given that the requirements of caravan licenses would likely require repositioning of the units. Full consideration of the impact on amenity takes place within this report.

The application site is located on the eastern side of Biggs Road, Walsoken, approximately 1.5km from its junction with Broadend Road (East) and approximately 2.0km by road to the A47. The site is approximately 1.0km from the development boundary of Walsoken as the bird flies; however, by road it is approximately 3.0km outside of from the development boundary.

The application site now comprises largely hardcore upon which the static and touring caravans are sited, with the existing access comprising brick pillars and iron gates. To the rear of the application site, an extension into agricultural land is proposed as shown on the submitted block plan.

To the immediate south is a larger mixed site comprising both a dwellinghouse and various mobile homes - three of those pitches (known within that document as Clydesdale, 1 Longacre and 3 Long Acre) are noted in the GTAA 2023 as providing a total of three G&T pitches; however it is understood that caravan site licenses split the site differently and may allow a larger number of caravans on the site as a whole. Opposite the site (west) is a detached dwellinghouse and to the north and east (rear) is agricultural land.

SUPPORTING CASE

None provided at time of writing

PLANNING HISTORY

23/01082/F: Application Permitted: 14/02/24 - Change of use to station one residential static caravan and two touring caravans to include ancillary Works . - Land North of Clydesdale – DELEGATED DECISION

21/01198/F: Application Refused: 30/09/22 - Proposed mobile home and day room on site - Land North of Clydesdale – DELEGATED DECISION

2/93/0891/F: Application Permitted: 03/08/93 - Construction of a steel framed blockwork barn - Ashlark Nurseries – DELEGATED DECISION

RESPONSE TO CONSULTATION

Parish Council: OBJECT

The Parish Council provided comments objecting on the grounds of over development, the retrospective nature of the application and a disregard for council processes. Full comments are available on the online file.

Local Highway Authority: Recommended condition, with the following comments:

With reference to the amendment consultation, following our previous correspondence it is observed that the number of caravans applied for has altered to 6 static and 3 touring.

Our previous correspondence referred to a planning inspectorate decision and additionally a historic application for the site (which should be 23/01082/F) where 2 touring caravans were not recommended for objection by the LHA, on balance for their tendency to be less frequently moved and the number was low.

It is noted that one additional touring caravan is now proposed in addition to that previous considered. On the basis that it is just one more touring caravan (3 in total) and that is then the absolute limit for this site, we are of the view that the touring aspect could be accommodated given that the tendency for a longer stay.

With reference to the 6 static caravans, I would refer your authority to the transport accessibility considerations previously made for your consideration. However, in relation to the vehicle impact on the highway associated with these types of accommodation. The planning inspectorate did not raise an objection to the non-trailed elements and therefore we believe that it would be difficult for a highway safety objection to be substantiated for the level of static units proposed.'

Recommended a condition relating to the upgrading of the existing access point, and an informative relating to works in the highway.

Internal Drainage Board: The Board's Byelaws apply

Environmental Health & Housing - Environmental Quality: No objection

Environment Agency: No objection to revised FRA, subject to condition.

CSNN: Recommended conditions with the following summarised comments:

- Request for foul drainage information
- Request for solid fencing along the south and west boundaries

- Information is required for waste/recycling provision
- Conditions should be used to control commercial activities, burning and external lighting

REPRESENTATIONS

SEVENTEEN letters of **OBJECTION** (across two rounds of consultation) summarised as follows:

- Concern over continued intensification during application process
- Out of keeping with surroundings
- Concern over retrospective nature of the application
- Poor quality road, narrow with no passing places
- Lack of infrastructure, facilities and services (doctors etc)
- Not an appropriate location
- Does not comply with planning policy
- Impact on drainage and waste management
- Impact on local landscape and environment
- Inadequate consultation with the local community about the proposed Development
- Impacts on and proximity to neighbours
- Overdevelopment
- personal safety and security and anti-social behaviour

Cllr Julian Kirk: OBJECTS with the following comments:

'I am objecting to this application as the Borough Councillor. I have received emails and verbal contacts from constituents regarding this enlargement of the site I live reasonably local to the site so know the area very well.

The site is not fit for purpose, it's low lying so is vulnerable to flooding, there are no main wastewater drainage systems in the area. There is a residential property on the opposite side of the road, just a few metres away. This proposed site will overlook the residential property.

If this application goes ahead property prices will be adversely affected.'

KING'S LYNN AND WEST NORFOLK LOCAL PLAN 2021-2040

LP01 - Spatial Strategy and Settlement Hierarchy Policy (Strategic Policy)

LP02 - Residential Development on Windfall Sites (Strategic Policy)

LP06 - Climate Change (Strategic Policy)

LP13 - Transportation (Strategic Policy)

LP18 - Design & Sustainable Development (Strategic Policy)

LP19 - Environmental Assets - Green Infrastructure, Landscape Character, Biodiversity and Geodiversity (Strategic Policy)

LP21 - Environment, Design and Amenity (Strategic Policy)

25/00389/F

Planning Committee
6 October 2025

LP32 - Sites for Gypsies, Travellers and Travelling Showpeople (Strategic Policy)

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
National Design Guide 2021
Planning Policy for Traveller Sites (2024)

PLANNING CONSIDERATIONS

The main considerations are:

Principle of development and assessment against Policy LP32
Planning Policy for Traveller Sites
Other Material Considerations

Principle of Development and assessment against LP32:

The application site lies approx. 1km outside the development boundary for Walsoken, as defined by the Policies Plan. The site is considered to be within the wider countryside for the purposes of the NPPF.

Paragraph 8 of the NPPF identifies an environmental objective in order to achieve sustainable development. Planning should 'protect and enhance our natural, built and historic environment...'

National planning policy is clear that the countryside should be protected for its intrinsic character and beauty and should only be developed in exceptional circumstances.

The Planning Policy for Traveller Sites (PPTS) sits alongside the NPPF (2024) and the Local Plan Policies as a material consideration when considering gypsy and traveller accommodation within the Borough. The PPTS generally allows the Local Plan within an area to set their own policy criteria for Gypsy and Traveller Sites, however this is underpinned by the overarching aims of ensuring that traveller sites are sustainable economically, socially and environmentally.

The site is not allocated for extensions to sites for Gypsies and Travellers under the current Local Plan, and the windfall policy therefore applies as set out in LP32 which states:

"2. Proposals for the above allocations, for new sites, and for the extension or intensification of other existing authorised sites for Gypsies and Travellers and Travelling Showpeople, should, where appropriate:

- a. address an unmet need for Gypsy and Traveller or Travelling Showpeople Accommodation;
- b. be appropriate in scale to the character of the local area, and, in the case of an extension, in relation to the size of the existing site, and make effective use of brownfield land, where practicable, in line with Policy LP18 - Design and Sustainable Development;
- c. safeguard the amenity of neighbouring residents in line with Policy LP21 Environment, Design and Amenity;

- d. provide safe and suitable access to the highway network and sufficient access and turning space for emergency and refuse vehicles in line with Policy LP13 Transportation;
- e. have the ability to connect to all necessary utilities on the site including mains water, electricity supply, drainage, sanitation and provision for the screened storage and collection of refuse, including recyclable materials;
- f. have no unacceptable impact on heritage assets and their settings in line with LP20 – Historic Environment;
- g. have no unacceptable impact on biodiversity and environmental assets in line with Policy LP19 - Environmental Assets, Green Infrastructure, Landscape Character, Biodiversity and Geodiversity and Policy LP21- Environment, Design and Amenity;
- h. safeguard existing boundary treatments where they provide adequate screening and/ or use new boundary treatments and screening materials which are sympathetic to the existing urban or rural form in line with Policy LP19 – Environmental Assets, Green Infrastructure, Landscape Character, Biodiversity and Geodiversity;
- i. ensure that amenity buildings or day rooms are the minimum size necessary to provide required facilities;
- j. address all forms of flood risk (coastal inundation, fluvial, pluvial and groundwater) through a site-specific Flood Risk Assessment (FRA) in line with Policy LP25;
- k. Provide a flood evacuation plan for the site that has been agreed by the Environment Agency and the Local Flood Authority.
- l. provide a bespoke Habitat Regulations Assessment (HRA) in accordance with GIRAMS requirements for sites either within or just outside Impact Risk Zones (IRZ) for SSSIs, SACs, SPAs and Ramsar sites; namely, GT17, GT18, GT25, GT28, GT34, GT39, GT54, GT65 and GT66. This would also be a requirement for any windfall sites that are within or in close proximity to the boundary of an IRZ. For remaining sites, a project level HRA is required in accordance with GIRAMS.”

A. Need for pitches

Paragraph 25 of the PPTS sets that Local Planning Authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- a) the existing level of local provision and need for sites
- b) the availability (or lack) of alternative accommodation for the applicants
- c) other personal circumstances of the applicant
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- e) that they should determine applications for sites from any travellers and not just those with local connections

Further consideration of the Planning Policy for Traveller Sites (PPTS) is below. Paragraph 25 of the PPTS aligns with the aims of LP32(2a) more generally.

The most recent GTAA (June 2023) indicated that there is a significant unmet need for G&T sites within the Borough. It was conclusive that the Council had, prior to the adoption of the now current Local Plan, failed to have a 5-year supply of deliverable sites.

The GTAA identified a local need for an additional 76 pitches within the period 2023-2027, and a future need to 2039 of 97 additional pitches.

The Current Local Plan therefore seeks to identify allocations for gypsy, traveller and travelling showpeople within Part 1 of Policy LP32 – Sites for Gypsies, Travellers and Travelling Showpeople. These allocations meet all the required identified need for gypsy, travellers and travelling showpeople until 2028.

Beyond the identified need, additional need will continue to arise due to changing personal and family circumstances over the plan period. These are classified as unmet need which is also accounted for in the GTAA and is considered windfall development, controlled and managed through Part 2 of Policy 32 of the Local Plan.

Part 2 of Policy LP32 enables non-allocated sites to come forward where additional need arises over the plan period. If an application can satisfy the relevant criteria in this part of the policy (and subject to other relevant policies within the plan), then the principle of such development can be supported.

It is important to note that, as with the Housing Land Supply for general market housing, the identified need does not provide a cap on the overall need for gypsy and traveller sites. As discussed within the most recent GTAA, unmet need is still need which the LPA should have regard to as part of consideration of applications.

By virtue of the application, it is therefore considered that the proposal would meet an unmet need. Planning conditions would be utilised to restrict occupation only to those meeting the relevant definition set down within the PPTS and would therefore ensure that the additional caravans provided by virtue of this consent continue to meet the unmet need going forwards.

B. Scale, Character & Use of Brownfield Land

Paragraph 15 of the NPPF is quite clear in promoting a genuinely plan led system, empowering local people to shape their surroundings requiring up-to-date plans which provide a practical framework for which decisions on planning applications can be made. It seeks to ensure high quality development and a good standard of amenity seeking ways to enhance and improve places in which people live and recognises the intrinsic character and beauty of the countryside (Paragraph 187).

The application site has extant consent for the siting of a single caravan and two touring caravans and is located adjacent to another existing site.

The site is bounded effectively on three sides by established hedges and the rear would be contained by a 2m close boarded fence. The introduction of additional static caravans and two additional tourers would have an impact upon the appearance of this locality from the immediate vicinity but not from wider public areas however this impact would not be so significant so as to be considered harmful to the character and appearance of the wider area.

This proposal therefore would accord with the requirements of LP32 and the PPTS in regard to provision of Gypsy and Traveller Accommodation.

Whilst Biggs Road is generally rural in character with only sporadic development along its length, the majority of the application site is an existing Gypsy and Traveller Site (therefore falling within the definition of Brownfield or Previously Developed Land) and given the site's position immediately north of an existing larger (in site area) caravan site. Secondly, the site plan maintains existing boundary treatments which maintains the visual boundary between the site and the countryside, further protecting its character.

It is not considered that the scale of the development proposed, which effectively constitutes the intensification of an existing approved site, would be so significant so as to be at odds with criteria B. Similarly, whilst a localised visual impact will occur, it is not considered given the existing extent of development immediately south and the retention of existing boundary features, that this impact would be significant detrimental to character.

C. Amenity of neighbouring residents

Whilst concerns from the Parish Council have been noted with regards to amenity, given the separation distances involved and existing boundary treatments, there would be no justification to refuse this proposal on those grounds. Bonfires are covered by separate legislation (Environmental Protection Act 1990) under the remit of CSNN.

The nearest residential dwellinghouse, on the opposite side of Biggs Road, is approximately 20m from the front boundary of this site. Whilst this proximity is noted, it is not considered that the impacts from a more intense residential use of the land would result in any significant dis-amenity to an extent which would be at odds with the NPPF or Policy LP21. Nonetheless, as above, retained boundary features would prevent window to window relationships.

Conditions are recommended to prevent commercial activities from occurring on the site as well as to prevent any external lighting without details being submitted to the LPA.

D. Safe and suitable access to the highway network, turning for emergency vehicles

Application reference 11/01981/FM related to touring caravan pitches on a site further south along Biggs Road and was dismissed by PINS on highway safety grounds but specifically due to the number of towed vehicles. Given the extant consent on this site and the conditions of the surrounding area, it is not considered that the one additional touring caravan proposed by this application would lead to any significant highway safety concerns to an extent that would warrant refusal, and the Local Highway Authority have confirmed this approach.

The previous appeal did not raise concern on the static caravans or non-trailed elements and the Local Highway Authority confirm that they would not be able to substantiate an objection to this application on those grounds.

Whilst the condition of the local highway network is noted, on the basis that the number of caravans on site can be limited via enforceable planning conditions, it is considered that the highway safety issues associated with the application are acceptable and would comply with the NPPF (2024) and Policies LP13 and LP21 of the Local Plan.

In so far as emergency vehicle access, the provision of 6 static caravans and 3 tourers on the application site would leave space on site for necessary access and turning. This is further controlled by the licensing regime.

Conditions are recommended to ensure that the existing access point is upgraded to an appropriate standard, within 12 months of the date of this decision.

E. Utilities

The site has previously been deemed capable of being served by water and electricity, and since discussion at September's Planning Committee, the Agent has confirmed current connection points. Until Planning Permission has been granted, the collection of waste is being undertaken weekly privately. Once planning permission is approved, the Agent has confirmed that the Council will be approached to discuss bin collection.

Following the previous meeting, Officers have requested additional detail of the existing drainage situation on site. In response, the Agent has confirmed that a 60 person Marsh Package Treatment Plant has been installed on site. Photos have been provided of the service hatches/top of the PTP within the site to demonstrate the presence of this drainage infrastructure, and a brochure has been provided which includes the technical details.

However, despite the requests to the Agent and the receipt of some information, insufficient detail has been provided at this stage to establish that the on-site drainage infrastructure meets all the relevant standards and complies with relevant policies. Missing information includes the location of all foul water connection points, a mapped location of sewage treatment plant/s and pipework, or details of the discharge point (understood to be outfall to IDB drain).

Given this lack of precision, and considering the flood risk implications of the site, discussed in more detail below, conditions are recommended to control details and issues surrounding foul and surface water drainage. This approach is common practice within the planning regime.

Drainage is covered by separate legislation including the Building Regulations and IDB byelaws under the Land Drainage Act (1991). IDB Consent will be required outside of the planning regime to ensure any connection to existing drains meets the IDB byelaws and requirements.

Subject to conditions, the proposal would comply with the NPPF (2024) and Policies LP18 and LP21 in regard to drainage.

F. Heritage Assets

None affected.

G. Biodiversity and Environmental Assets

The site lies within an impact zone for the Islington Heronry SSSI but given the type of development proposed and separation distance involved; it would have no adverse impact. It also lies within a zone of influence of the following designated sites: the Wash, Brecks and North Coast.

A Habitats Regulations Assessment has been undertaken and GIRAMS payment has been secured. Natural England have confirmed that providing appropriate mitigation is secured (through the payment of the GIRAMS tariff) there should be no additional impacts upon the European sites.

No other biodiversity impacts are considered likely considering the nature of the scheme. The proposal complies with Policy LP19 of the Local Plan.

H. Boundary Treatments and Screening;

Existing boundary hedgerows are proposed to be retained. Close boarded fencing is existing within the site boundaries. The existing boundary treatments are considered sufficient to appropriately screen the development and retain the rural character of the locality in line with Policies LP18 and LP21 of the Local Plan.

I. Amenity Buildings

No amenity buildings or day rooms are proposed as part of this application nor existing on site. These buildings would require separate consent.

J. Flood Risk

The site is located within Flood Zone 3 on our Flood Map for Planning and your SFRA map, which is land defined by the Planning Practice Guidance (PPG) as having a high risk of flooding. The proposed development is classed as 'highly vulnerable', in accordance with Annex 3 of the NPPF. Table 2 of the PPG makes it clear that this type of development is not compatible with this flood zone and therefore should not ordinarily be permitted.

In regard to the Sequential Test which is the LPA's responsibility as noted by the Environment Agency, as per the Borough Council's SFRA (2018), this is typically conducted on a settlement wide basis. There are no known 'reasonably available' gypsy and traveller sites within the settlement/parish of Walsoken that are at a lower level of flood risk. It is also noted that nearby allocated sites, for example GT14 within Walton Highway are at the same level of flood risk. The sequential test would therefore be passed.

Despite the fact that the proposal includes the provision of permanent residential caravans within flood zone 3, the EA raised no objection to amended details received during the course of this application on flood risk grounds.

The application was accompanied by a site-specific Flood Risk Assessment which identifies that the site could potentially flood up to 0.5m above existing ground level. Mitigation measures are recommended by the EA of FFL above 0.6m and the permanent caravans to be chained down to prevent movement if flooded. This can be controlled via planning condition.

The second part of the exceptions test requires that the development should provide wider sustainability benefits to the community that outweigh the flood risk. It is your officer's opinion that, the proposal, which effectively constitutes the extension of an established G&T site and the benefits of the additional units towards the Council's ongoing supply, would provide sustainability benefits that outweigh the flood risk and this part of the exceptions test is passed.

The other part of the exceptions test requires the development to be made safe for its lifetime. The FRA and the EA response confirm the development can be made safe, and subject to conditions the proposal would comply with the NPPF and Policies LP18 and LP25 of the Local Plan in regard to flood risk and sustainable development.

K. Provide a flood evacuation plan for the site that has been agreed by the Environment Agency and the Local Flood Authority.

A Flood Evacuation Plan is existing on site as per the previous approval. The FRA notes that this will be updated as and when required. This is considered sufficient to control these impacts.

L. Bespoke Habitats Regulations Assessment

The application site is not one of those allocated sites listed in Criteria L. The windfall site is not considered likely to impact upon any protected sites other than those scoped into the GIRAMS study for recreational impacts. A GIRAMS form has been completed as part of this application in line with the approach agreed from Natural England and significant effects can be ruled out.

Conclusion on Principle of Development

Given the assessment of the criteria above, the proposal is considered to comply with the overall aims of Policy LP32 of the Local Plan in regards to extensions to existing authorised Gypsy and Traveller sites.

Planning Policy for Traveller Sites

The requirements and considerations within the PPTS as a whole generally coincide with the requirements of local planning policy and are discussed above and elsewhere throughout this report. Policy H of the PPTS sets out how individual applications should be considered.

Paragraph 24 of the PPTS discusses the interaction between the PPTS and NPPF, stating that applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the National Planning Policy Framework and this planning policy for traveller sites.

In regards to accessibility, the previous application on site acknowledged that the site is considered to be suitably accessible for the nature of the use.

The site is the following distances from facilities:

- Shell PFS & Starbucks 1.5km
- Worzals farm shop & restaurant 1.7km
- Walton Highway shops 2.5km
- North Cambs Hospital 3.1km
- Walsoken village centre/hall/Tescos Express 1.9km
- West Walton Primary & Marshland High School 3km
- Wisbech Town centre 3.1km
- All Saints Church 1.9km
- Marshland St James Primary & Nursery School 3.2km

The site has reasonable access to main routes being 2km by road from the A47.

There is West Walton & Walton Highway to the north-west, Marshland St James to the east, Walsoken to the west with Wisbech beyond and Emneth to the south. Whilst not sustainable in relation to open market housing, given that the site has extant consent for gypsy and traveller accommodation, the site is considered to be appropriately accessible for this type of development, particularly considering the unmet need in this locality.

There is no evidence to suggest given the scale of this development that the above services or facilities, or local infrastructure more generally, would be unduly pressured as a result of this proposal

Paragraph 26 of the PPTS states that local planning authorities should 'very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure

that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure'. By virtue of being an expansion/intensification of an existing site, rather than an entirely new site, it is not considered that the first part of this paragraph is relevant to this scheme. The second part in reference to the scale of the nearest settled community is a matter of judgement, however given the existing sites to the South, and considering the existing scale of West Walton, and the services within, it is not considered that this proposal would conflict with this requirement of the PPTS.

Paragraph 27 states that 'When considering applications, local planning authorities should attach weight to the following matters:

- a) effective use of previously developed (brownfield), untidy or derelict land
- b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
- c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
- d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.'

As noted above, the majority of the application site meets the definition of brownfield land. In so far as Paras B-D, this proposal relies on the use of existing landscaping, including the retention of the existing boundary hedgerows on site which accords with the requirements of Policy LP32 and would not lead to any harm to the rural character of the vicinity. It is unlikely, given that this application seeks consent for the intensification of use of an existing approved site that any meaningful landscaping elements could be incorporate into the scheme; however, as a whole, the proposal is considered to have positive weight attributed through general compliance with Paragraph 27 of the PPTS.

Overall, the proposal is considered to comply with the overarching aims of the PPTS.

Other Material Planning Considerations

Site License - A site licence would be required under separate legislation from Environmental Health and it is expected that this may be achievable with minor adjustments to the siting of the caravans as currently shown on the block plan.

The Housing Standards Officer confirmed that a previous iteration of plan shows a new arrangement of the proposed caravans and that the separation distance between caravans would not be sufficient in that form and would not gain a license from that Team. The caravans have since been re-sited, however the Housing Standards Team have not confirmed that the revised space meets their requirements.

As noted above, this application seeks change of use of land for the siting of caravans and therefore each caravan could be re-sited within the red line without the need for separate planning consent. It is not considered that the precise layout of the caravans would lead to any material impact on the vicinity and the layout therefore can be decided as part of the licensing process and outside of the planning remit.

Grade 2 agricultural land

Whilst the site is technically identified as Grade 2 agricultural land, this is a relatively small site area, the majority of which has not been in any agricultural use for a significant period and has been authorised for use of the siting of a residential caravan.

The land has not been in agricultural production for quite some considerable time, the balance of probability is that the land will not be returned to agricultural practices. Consequently, whilst the small increase in site area would marginally increase land take, any loss of agricultural land to development would not constitute a reasonable ground for refusal balanced against the significant need for site and would not be at odds with Para 187b of the NPPF (2024).

Biodiversity Net Gain

As a retrospective application, the proposal is not liable for Biodiversity Net Gain and is exempt by virtue of the wording of the legislation.

Crime and Disorder

Whilst neighbour comments are noted, there are not considered to be any tangible concerns regarding crime and disorder associated with this proposal.

Human Rights

No information regarding the proposed occupiers of the site has been submitted. The previous application was refused as the intended user failed to meet the definition of G&T. The recent appeal decision at Moyes Bank (LPA ref 20/01246/FM, Appendix 1) indicated that the occupation of sites could be controlled via condition.

The interference with Article 8 of the European Convention on Human Rights (ECHR) rights of any proposed occupiers to respect for private and family life and the home is a qualified right and must be weighed against the wider public interest in the upholding of the law, including planning law which aims to protect the countryside by restricting inappropriate development. In this instance there is no conflict given the officer recommendation.

Specific Comments and/or Issues:

CSNN - Comments from the CSNN team in regard to waste storage/collection are noted, however it is considered given that this is an extension to an existing site, and considering the control provided by other legislation (site licenses etc), that the level of information provided as part of this application is sufficient in this instance. It is also not considered necessary to require additional boundary treatments to control noise or to separate individual caravans. If required by occupants, boundary treatments could be constructed by virtue of permitted development rights. It is not possible to control no burning on site as requested as this would not be possible to enforce. As noted above, the burning of bonfires or similar is controlled through separate legislation, under the remit of CSNN themselves.

Contamination - No potential sources of contamination have been identified and the Environmental Quality team raise no objection on contamination grounds. The proposal complies with Policy LP21 of the New Local Plan in regard to contamination.

Response to Third Party Representations

The majority of concerns raised by third parties have been addressed throughout this report. Whilst comments are noted, those that are not addressed above are considered as follows.

Impacts on property prices (positively or negatively) is not a material planning consideration. Similarly, the fact that this application is retrospective in nature does not change the policy considerations or make the development unacceptable. The Applicant will be expected to comply with relevant conditions and failure to do so may result in enforcement action.

A comment also alleges that there has been inadequate consultation with the local community about the proposed development. Consultation has occurred in excess of what is required by the legislation – a site notice was placed on a telegraph pole beside the site access and consultation letters were sent to the closest residential properties.

CONCLUSION:

All planning applications must be considered in accordance with the Development Plan unless material considerations dictate otherwise.

The application site would provide an additional 5 static caravans as an extension to an existing site and adjoining a larger site where the occupation of caravans by people meeting the definition of Gypsy and Traveller has already been established. It is considered as a whole that the proposal complies with the requirements of LP32, the PPTS and the NPPF in regard to extensions to existing sites.

Whilst the flood risk implications of the scheme are noted, it is considered that the provision of additional pitches in a location which has previously been deemed acceptable by the Local Planning Authority would overcome the flood risk implications associated with the siting of caravans in Flood Zone 3. Subject to flood risk assessment compliance conditions, the properties would be safe for their lifetime.

Issues such as external lighting, drainage and access would also be controlled via condition.

Overall, the proposal is considered to comply with the aims of the NPPF (2024), PPTS (2024) and Policies LP18, LP21, LP32 of the Local Plan and is therefore recommended for approval subject to the imposition of the following conditions.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Amended red line (location plan) 'Location Planr2a' received 6th May 2025
 - Revised Block Plan 'Block Diagramr5' (showing a total of 6 static caravans and three touring caravans) received via email 6th May 2025
- 1 Reason For the avoidance of doubt and in the interests of proper planning.
- 2 Condition The site shall not be occupied by any persons other than Gypsies and Travellers, defined as; persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 2 Reason To define the terms of the permission, as the site lies within the countryside where the Local Planning Authority would not normally grant permission for new dwellings. This permission is granted in recognition of the special need for the pitch in accordance with Policy LP32 of the New Local Plan, the PPTS and the NPPF.

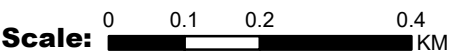
- 3 Condition Within the red line hereby approved, there shall be no more than six static caravans and three touring caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968) stationed at any one time.
- 3 Reason To define the terms of the permission, as the site lies within the countryside where the Local Planning Authority would not normally grant permission for new dwellings. This permission is granted in recognition of the special need in accordance with Policy LP32 of the New Local Plan.
- 4 Condition No commercial activities shall take place on the land, including the storage of materials
- 4 Reason To define the terms of this permission as commercial use would engender additional traffic implications on this rural road network plus parking implications and in the interests of the amenity of adjoining residences; in accordance with Policies LP13 and LP25 of the New Local Plan
- 5 Condition Within 6 months of the date of this decision, unless an alternative timeframe is otherwise agreed in writing,, the vehicular access shown on the approved plan shall be upgraded in accordance with the Norfolk County Council light industrial access construction specification for the first 5 metres as measured back from the near channel edge of the adjacent carriageway and in accordance with details to be agreed in writing by the Local Planning Authority. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
- 5 Reason To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety and traffic movement
- 6 Condition Prior to installation of any external lighting, details shall have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented as agreed
- 6 Reason In the interests of the amenity of the locality and to accord with Policy LP21 of the New Local Plan.
- 7 Condition Within 3 months of the date of this decision, full details of the foul and surface water drainage arrangements for the site shall have been submitted to the Local Planning Authority for approval in writing. The drainage details shall be constructed as approved within 3 months of the date of approval of those details in writing by the Local Planning Authority
- 7 Reason To ensure that there is a satisfactory means of drainage in accordance with the NPPF and Policy LP21 of the New Local Plan
- 8 Condition The development hereby permitted shall be carried out in accordance with the following flood resilience and resistance measures:
 - *The caravans will be raised no lower than 0.6m above ground level.
 - *The caravans will be securely anchored to the ground.
- 8 Reason In the interests of preventing an adverse risk of flooding, in line with Policy LP25.



Land At E572391 N297113 Brook Lane Brookville IP26 4NG



Legend



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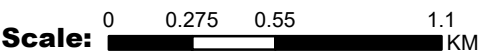
Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	24/09/2025
MSA Number	0100024314



Land At E572391 N297113 Brook Lane Brookville IP26 4NG



Legend



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Ordnance Survey AC0000819234

Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	24/09/2025
MSA Number	0100024314

AGENDA ITEM NO: 9/2(a)

Parish:	Methwold/Northwold	
Proposal:	Construction, operation, maintenance and eventual decommissioning of up to a 15MW Solar Farm comprising the construction of solar panels mounted on metal frames, invertors, spares container, substation, auxiliary transformer, DNO substation, new access tracks, underground cabling, perimeter fencing with CCTV cameras and access gates, temporary construction compound, landscaping, and all ancillary grid infrastructure and associated site works	
Location:	Land At E572391 N297113 Brook Lane Brookville Norfolk IP26 4RG	
Applicant:	Sky UK Development Ltd	
Case No:	25/01068/FM (Full Application - Major Development)	
Case Officer:	Helena Su	Date for Determination: 8 October 2025

Reason for Referral to Planning Committee – Called in by Councillor Ryves.

Neighbourhood Plan: No

Case Summary

This application is for the construction, operation, maintenance and eventual decommissioning of up to a 15MW Solar Farm comprising of the construction of solar panels mounted on metal frames made up of 445 module racks (300 large racks, 73 medium racks, and 72 small racks) and associated works. The period of the permission sought is 40 years. Upon decommissioning, everything from ground level to 1m below ground level will be removed.

The application site is approximately 25.68ha in size, comprising of two parcels of land: a western square parcel of land approximately 11.6ha in size, and the eastern rectangular parcel of land approximately 13.4ha in size, and the access track egressing from B1112. The application site is currently Grade 3a, 3b and 4 classified agricultural land.

The hamlet of Brookville lies approximately 300m to the east. The site lies around 1.7km west of Northwold, approximately 1.7km north of both Methwold and 2.5km from Methwold Hythe. Site levels vary between approximately 5.0m and 15.0m Above Ordnance Datum (AOD). The north-eastern corner of the site lies approximately 200m from the B1112. The surrounding area comprises mainly low-lying agricultural land.

Key Issues

Principle of Development
Loss of Agricultural Land
Landscape and Visual impact
Impact on Neighbour Amenity

Glint and Glare
Highway Safety and Public Rights of Way
Flood Risk and Drainage
Ecology and Biodiversity net gain
Historic Environment
Crime and Disorder
Any other matters requiring consideration prior to determination of the application

Recommendation:

APPROVE

THE APPLICATION

This application is for the construction, operation, maintenance and eventual decommissioning of up to a 15MW Solar Farm comprising of the construction of solar panels mounted on metal frames made up of 445 module racks (300 large racks, 73 medium racks, and 72 small racks).

Other works include:

- 7x inverters (6.1m in length and 2.4m in width)
- 2m high deer proofing fence (approximately 3119.5m in length)
- 17x CCTV posts (3.5m in height)
- Cable trenches (approx. 1m deep and 1m wide, 1.5m in length)
- 1x Auxiliary Transformer
- 1x Substation
- 1x Spare part Container
- 1x DNO Substation
- Works to the road (300mm depth of soil removed. Widened at turns for access reasons)
- Temporary construction compound.
- Landscaping works

The period of the permission sought is 40 years. Upon decommissioning, everything from ground level to 1m below ground level will be removed.

The application site is approximately 25.68ha in size, comprising of two parcels of land: a western square parcel of land approximately 11.6ha in size, and the eastern rectangular parcel of land approximately 13.4ha in size, and the access track egressing from B1112. The site surrounds an existing solar farm to the northwest and southeast, approved by Planning Committee in 2013 (planning reference 13/00796/FM).

The proposed solar farm would be connected into the existing 32kV overhead line which crosses land to the west of the eastern site parcel via a new underground cable connection which will extend between the proposed 32kV substation within the northwest of the eastern site parcel and the point of connection on the existing overhead line.

The application site is currently Grade 3a, 3b and 4 classified agricultural land.

The hamlet of Brookville lies approximately 300m to the east. The site lies around 1.7km west of Northwold, approximately 1.7km north of both Methwold and 2.5km from Methwold Hythe. Site levels vary between approximately 5.0m and 15.0m Above Ordnance Datum

(AOD). The north-eastern corner of the site lies approximately 200m from the B1112. The surrounding area comprises mainly low-lying agricultural land.

The site is well located geographically for solar gain. The photovoltaic panels are oriented in a southwards direction and are anticipated to be inclined at an angle up to 30 degrees to maximise solar gain and will remain in a fixed position throughout the day and during the year.

The development was screened under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The development is not EIA development.

SUPPORTING CASE Not submitted.

PLANNING HISTORY

13/01392/NMA_2: Application Permitted: 19/01/16 - Non-material amendment to planning permission 13/01392/F: Variation of condition 20 of planning consent 13/00796/FM: To amend previously approved plans

13/01392/NMA_1: Application Permitted: 04/11/14 - NON MATERIAL AMENDMENT TO PLANNING CONSENT 13/01392/F: installation and operation of a solar farm and associated infrastructure, including PV panels, mounting frames, inverters, transformers, client side substation, communications building, DNO substation, fence and pole-mounted security cameras

13/01392/F: Application Permitted: 20/11/13 - Variation of condition 20 of planning consent 13/00796/FM: To amend previously approved plans

13/00796/DISC_A: Discharge of Condition final letter: 18/11/13 - Discharge of conditions 5, 6, 7, 8, 10, 14, 15, 16, 17 and 19 of planning consent 13/00796/FM: Installation and operation of a solar farm and associated infrastructure, including PV panels, mounting frames, inverters, transformers, client side substation, communications building, DNO substation, fence and pole-mounted security cameras

13/00796/FM: Application Permitted: 30/07/13 - Installation and operation of a solar farm and associated infrastructure, including PV panels, mounting frames, inverters, transformers, client side substation, communications building, DNO substation, fence and pole-mounted security cameras. (COMMITTEE)

RESPONSE TO CONSULTATION

Parish Council: Made the following comments:

1. Community Benefit - the Parish Council request £100.00 per 1MW per annum for the lifetime of the solar farm to be paid into a community fund which will be used to support local initiatives, projects or organisations. This would be overseen by the Parish Council but administered by the community benefit group.
2. Future proofing this agreement on community benefit in the event of ownership.
3. Biodiversity on site - greater care is required to ensure maximisation of biodiversity which current is not the case. The use of swift boxes/posts and other initiatives to encourage wildlife should be adopted on the site. Hedges must be properly managed

- and maintained to encourage nesting birds and other wildlife. Grass cutting should be carried out in appropriate times to maximise the impact on biodiversity.
4. Footpath - There is an unadopted footpath around the present solar farm for at least 10 years use by locals as a walking route and would be retained and maintained for public use.
 5. Construction Traffic - traffic will use the B1112, White House Drove, which would cause damage and will need to be properly reinstated.

Request items 1-5 be included as planning conditions if consent is given.

Local Highways Authority: NO OBJECTION Subject to conditions related to full details of a construction management plan, HGV management plan and on-site parking for construction workers.

Public Rights of Way: NO OBJECTION.

PRoW have no objection in principle to the application. However, would highlight that access to the site will be coincident with the Public Right of Way known as Northwold Restricted Byway 2 which does not offer any means of public vehicular access and it is not maintainable at the public expense to a vehicular standard. It would be expected that any damage caused to the Restricted Byway by the exercise of the private rights remains with the rights holders to repair.

The full legal extent of this Restricted Byway must remain open and accessible for the duration of the development and subsequent occupation.

Minerals and Waste (NCC): While a small part of the site is underlain by a Mineral Safeguarding Area (Sand and Gravel), it is considered that as a result of the temporary nature of the development (albeit 40 years) it would not result in permanent sterilisation of the underlying mineral resources. Therefore, it be exempt from the requirements of Policy MP11-safeguarding of the adopted Norfolk Minerals and Waste Local Plan.

Internal Drainage Board: NO OBJECTION. subject to the Board's Byelaws being complied with.

Environment Agency: NO COMMENTS EA have not found any environmental constraints that fall within their remit, therefore have no comments to make.

Lead Local Flood Authority: General advice on solar farm development sites and drainage considerations.

Norwich Airport: NO OBJECTION.

The proposed application has been considered, and we find that provided it is in accordance with the plans attached to the Application and key codes of practice are considered in design, enabling, construction and in use phases Norwich Airport would offer no aerodrome safeguarding objections to the Application.

National Air Traffic Services: NO OBJECTION.

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of enroute air traffic) based on the information supplied at the time of this application.

Ministry of Defence: No comment made at the time of writing.

Environmental Health & Housing - Environmental Quality: NO OBJECTION
Recommends condition in the event of contamination found on the site.

Historic Environment Services: NO OBJECTION Recommend pre-commencement conditions.

The proposed development site lies close to the cropmarks of a possible Bronze Age burial mound, concentrations of burnt flints, and numerous finds of prehistoric flints as well as Iron Age and Roman pottery in the surrounding area. An unapproved predetermination geophysical survey of the site has identified several potential archaeological anomalies worthy of investigation. Consequently, there is potential that heritage assets with archaeological interest (buried archaeological remains) will be present at the site and that their significance will be affected by the proposed development.

Norfolk Constabulary: NO OBJECTION. Offer advice on how to make the development secure by design.

Community Safety and Neighbourhood Nuisance: NO OBJECTION subject to conditions for hours of operation during the construction hours and site hours, construction management plan (including details such as deliveries/collections and any piling, the location of any fixed machinery (including their sound power levels), drawings NEO01453_051I_A and NEO01453_0631_A, and all proposed attenuation and mitigation methods to protect residents from noise, dust, vibrations and lighting.)

Natural England: NO OBJECTION.

Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Senior Ecology Officer: NO OBJECTION subject to amendments and additional information.

Initial comments:

Biodiversity Net Gain (Section 4, Page 12)

Solar panels & habitat beneath them - Shade tolerant species diverse grass and wildflower mix beneath and around the panel area is proposed and inputted into the post development baseline (in rows 2 & 3 of Tab A-2). This equates to 131.15 Biodiversity Units. The UK Habs guidance states that ground mounted or 'floating' solar photovoltaic panels should be recorded separately as the strips of panels (U1b6) and the strip of vegetation in between the panels. Recording the entries as grassland therefore does not align with this guidance.

A post development map has not been provided to identify where habitats will be created but the User comments indicate the grassland is recorded beneath the eastern and western panels. Strategic Significance No justification for the highest level of strategic significance has been provided. High Strategic Significance is claimed for Row 13 (Tab A-1), Rows 1 -5 (Tab A-2 and Tab B-2).

Other rivers and streams - This habitat is recorded as 'String Drain runs adjacent to the southeast boundary of the Application Site where it connects to Cut-off Channel'. However, it is not represented within the Statutory Metric. It is difficult to tell from the scale of the mapping provided but the riparian zone of this feature could be within the red line boundary. If so, then the habitat should be recorded within the Metric. Clarity is required.

Restoration to former use - Upon the end of the operational phase of the Proposed Development, the subject land shall be reinstated to its former agricultural use within a year of the last export. Given the Biodiversity Net Gain being delivered it should be considered as to whether the habitat can be retained rather than returning to active agricultural use.

Protected Species:

Otter - The report identifies a potential otter holt on the northern bank of the String Drain. The impact assessment states 'In the absence of mitigation, there is potential for significant effects upon Otters within the Local Area'. Badger Page 43 of 53 states that no prints were found either on site or within the ESA assumed Ecological Survey Area) but then goes on to state that tracks were found indicating that badgers commute across the Application Site. However, no setts were identified. A pre-construction check is recommended by the report and is supported by the LPA.

Bats - Under the current design, no hedgerow or trees of any kind are required for removal. However, in the event of alteration, any mature trees required to be removed as a result of the Proposed Development, should be appropriately re-surveyed for bat roost potential. Subsequent mitigation and feature measures will then be determined according to the results of this survey.

The Construction and Ecology Management Plan includes the recommendation made within the report. However, it does not include any spatial mapping of Ecologically sensitive areas or how they will be protected during construction which is required.

Due to the clarity required on the Biodiversity Net Gain Baseline I must hold an objection. I have no other objection to the proposed development on the proviso that the required mitigation is conditioned and implemented.

Final comments:

NO OBJECTION. The BNG baseline is accurate enough now. I would advise the applicant that the remaining points regarding post development should be addressed before this comes in for discharge of any of the BNG conditions.

Arboricultural Officer: NO OBJECTION, with recommended conditions to protect existing trees and for a landscaping scheme to be submitted.

REPRESENTATIONS Five OBJECTION comments, summarised as follows:

- Out of character of the rural farming community
- Overbearing as there are other solar arrays nearby
- Production of food in the area is very efficient. Food is more important than power.
- Solar is inefficient and short lived.
- Appears little thought has been given to the dual use of the land, the replacement and recycling of components and hazardous materials.
- Concerns with nearby aircraft flight paths.
- Impact on wildlife, above and below ground.
- Spoils views of the countryside

- Protected plants on the site.
- Concern with traffic
- No benefit to local people
- Disruption from construction traffic

KING'S LYNN AND WEST NORFOLK LOCAL PLAN 2021-2040

LP06 - Climate Change (Strategic Policy)

LP07 - The Economy (Strategic Policy)

LP13 - Transportation (Strategic Policy)

LP14 - Parking Provision in New Development

LP18 - Design & Sustainable Development (Strategic Policy)

LP19 - Environmental Assets - Green Infrastructure, Landscape Character, Biodiversity and Geodiversity (Strategic Policy)

LP21 - Environment, Design and Amenity (Strategic Policy)

LP24 - Renewable Energy (Strategic Policy)

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
National Design Guide 2021

PLANNING CONSIDERATIONS

The main considerations are:

- Principle of development
- Loss of Agricultural Land
- Landscape and Visual impact
- Impact on neighbour amenity
- Glint and Glare
- Highway safety and Public Rights of Way
- Flood risk and Drainage
- Ecology and biodiversity net gain
- Historic Environment
- Crime and Disorder
- Any other matters requiring consideration prior to determination of the application

Principle of Development:

The Climate Change Act 2008 introduced legally binding targets to reduce the UK's greenhouse gas emissions. The Act committed the UK to reduce its greenhouse gas emissions by 80% by 2050, compared with 1990 levels.

The Climate Change Act was amended in 2019 to commit the UK to 'net zero' by 2050. In 2019, the Climate Change Act 2008 (2050 Target Amendment) Order 2019 was passed which increased the UK's commitment to a 100% reduction in emissions by 2050. King's Lynn & West Norfolk Borough Council is following national targets to become net zero by 2050 and in October 2020, adopted a Corporate Climate Change Policy which serves as a framework for the council's climate action, emphasising reduced greenhouse gas emissions and fostering a positive climate culture.

Renewable Energy is supported at both national and local level with Planning Practice Guidance (PPG) stating that planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.

The PPG makes it clear that in relation to ground-mounted solar photovoltaic farms the main issues for consideration are proposal's visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety.

Both national and local planning policy and guidance seek to retain the countryside for its amenity value, intrinsic character and beauty and agricultural provision.

Overarching National Policy Statement for Energy (EN-1) (January 2024) and National Policy Statement for renewable energy infrastructure (EN-3) (January 2024).

The policy outlined within EN-1 came into force in January 2024. EN-1 sets out the Government's policy for delivery of major energy infrastructure. Whilst primarily of relevance to Nationally Significant Infrastructure Projects (NSIPs) (i.e. projects over 50MW) it is a material consideration for the proposed development, which is below the NSIP threshold.

EN-1 is the national policy on energy, and it establishes the need for energy related development, with the Government not requiring decision makers to consider need on individual applications because of this. The proposed development would help meet this need and, moreover, with the battery storage it will address intermittency and help to relegate the role of fossil fuels as a back-up.

Solar power is a key part of the Government's strategy for energy security, net zero and clean growth. This position was reinforced in the new National Policy Statement (EN-3), published in January 2024, stated that "Solar also has an important role in delivering the government's goals for greater energy independence and the British Energy Security Strategy states that government expects a five-fold increase in combined ground and rooftop solar deployment by 2035 (up to 70GW)".

There is considerable support in the *National Planning Policy Framework (NPPF, 2024)* for renewable energy development of the type proposed in the application and it states:

161. The planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

168. When determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should:

a) not require applicants to demonstrate the overall need for renewable or low carbon

energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future; b) recognise that small-scale and community-led projects provide a valuable contribution to cutting greenhouse gas emissions; c) in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site.

Local Development Plan - Local Plan 2021-2040

LP06 of the Local Plan 2021-2040 states that development shall recognise and contribute to the importance of, and future proofing against, the challenges of climate change and to support the transition towards meeting the Government target of becoming a net zero economy by 2050.

LP18 of the Local Plan 2021-2040 states the Council and its partners will support and encourage the generation of energy from renewable sources. These will be permitted unless there are unacceptable locational or other impacts that could not be outweighed by wider environmental, social, economic and other benefits.

LP24 of the Local Plan 2021-2040 supports proposals for renewable energy and associated infrastructure, where the energy they would provide outweighs the impacts on:
Proposals for renewable energy (other than proposals for wind energy development) and associated infrastructure, including the landward infrastructure for offshore renewable schemes, will be assessed to determine whether or not the benefits they bring in terms of the energy generated are outweighed by the impacts, either individually or cumulatively, upon:

- a. sites of international, national or local nature or landscape conservation importance, whether directly or indirectly, such as the Norfolk Coast, National Landscapes;
- b. the surrounding landscape and townscape;
- c. designated and un-designated heritage assets, including the setting of assets;
- d. ecological interests (species and habitats);
- e. amenity (in terms of noise, overbearing relationship, air quality and light pollution);
- f. contaminated land;
- g. water courses (in terms of pollution); h. public safety (including footpaths, bridleways and other non-vehicular rights of way in addition to vehicular highways as well as local, informal pathway networks); and
- h. tourism and other economic activity.

In addition, the Borough Council will seek to protect productive agricultural land and best and most versatile land. Applications for other uses which would adversely affect these are likely to be refused, unless the material benefits associated with its approval outweigh its loss.

It is clear that national policies, NPPG, NPPF and local planning policies are supportive of renewable energy schemes, where there would not be significant impacts on the landscape, designated or non-designated heritage assets, ecological interests, amenities, contaminated land, watercourses, and tourism and other economic activities. The report will discuss in detail on how the proposed development would have limited effect on these considerations and would accord with LP08, LP18, LP19, LP21, and LP27 of the Local Plan 2021-2040, the NPPF and NPPG.

Loss of Agricultural Land:

The PPG states that where a proposal involves greenfield land, consideration should be given to whether:

- I. The proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and
- II. The proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.

Paragraph 174b of the NPPF states that: 'planning policies and decisions should contribute to and enhance the natural and local environment by: recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services -including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.' Footnote 53 of the NPPF explains: where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

A Ministerial Statement on 'Solar and Protecting Our Food Security and Best and Most Versatile (BMV) Land' was made on 15 May 2024. The statement considers that "due weight needs to be given to the proposed use of Best and Most Versatile land when considering whether planning consent should be granted for solar developments. For all applicants the highest quality agricultural land is least appropriate for solar development and as the land grade increases, there is a greater onus on developers to show that the use of higher quality land is necessary."

Agricultural Land Classification (ALC) is graded from 1 to 5. Grade 1 being excellent quality, grade 2 as very good quality, grade 3 as good to moderate; subgrade 3a as good quality and 3b as moderate quality, grade 4 as poor quality, and grade 5 as very poor quality.

An Agricultural Land Classification Assessment was carried out to support the application. The ALC assessment demonstrated that much of the site comprises grade 3b (74%) and Grade 4 (14%) land, which is not considered best and most versatile land. A small proportion of the land is subgrade 3a (12%) which is considered to be good quality land.

As such there is some conflict between these two overarching aims (protection of the countryside / high grade agricultural land and provision of renewable energy), and a balance is required.

In a recent appeal decision, the Inspector allowed the development of a solar farm on approximately 88ha of land, graded at 2, 3a and 3b, at Walton Highway (planning reference 22/01987/FM and appeal reference APP/V2635/W/23/3323065 - attached as an appendix to this report). The Inspector considered, in paragraphs 32 - 35 of the appeal decision, that the best and most versatile (BMV) land is plentiful in the Councils' administrative areas and the proposal would utilise a small amount of that land for a temporary period and therefore allowed the appeal. There was a similar decision made by the Inspectorate, in allowing the development of a solar farm at Walpole St Andrew (planning reference 21/01442/FM and appeal reference APP/A2525/W/20/3295140).

Considering the Inspectors' decisions to allow the development of a solar farm on excellent - good agricultural land, the development of the site, which comprises grade 3 and 4, (good - poor quality agricultural land) would be acceptable. Furthermore, as with many solar farm schemes, the land would be served for dual purposes. The land beneath the row of solar panels would be grazed by sheep. The resultant conditions of this land would produce better quality agricultural land following the decommission of the development.

Landscape and visual impact:

A Landscape and Visual Impact Assessment (LVIA) was submitted with the application with the objective of identifying, predicting and evaluation potential key effects arising from the

proposed development. The assessment was carried out based upon recommendations contained within 'Guidelines for Landscape and Visual Impact Assessment' (GVIA3) (Third Edition, 2013), 'Visual Representation of Development Proposals', Landscape Institute, Technical Guidance Note 06/19 (2019), NPPF, King's Lynn and West Norfolk Local Plan and Landscape Character, and Breckland District Landscape Character Assessment.

The BCKLWN's Landscape Character Assessment (2007) designates the site as within Settled Farmland and Plantation (H5 - Northwold). This is characterised by flat to very gently undulating landscape, overlooking the Fen landscape to the west. The fields are mainly regular in shape, medium sized and generally lined with hedges (species-rich, overall intact but gappy in places). Roads crossing the land are mostly rural, tranquil and occasionally lined with species-rich hedges, channelling views and creating a sense of enclosure in places.

The site comprises two parcels of currently agricultural land, separated from PRow Northwold RB2 (to the northeast) by a linear hedge. The area surrounding the site is generally characterised by open agricultural fields and associated agricultural uses, however, there are a number of isolated clusters of residential properties located within the wider surrounds of the site. Furthermore, there is a solar farm located between the two parcels that make up the application site. The site is not within any nationally or locally designated protected landscape areas.

The receptors most affected by the development would be the users of the road, PRow and properties closest to the site. The majority of receptors would have a slight or negligible residual level effect as a result of the development following mitigation landscaping measures.

The closest road would be Methwold Road/B1112. The LVIA considers that views of the proposed development within approximately 300 m to 1.5km are considered to be negligible and the significance would be not significant to imperceptible due to views being mostly screened by intervening landform and vegetation.

The LVIA suggests the following impacts from the PROWs (Northwold RB2, and Northwold FP13) would be range from high - low due to the proximity of the site to the PROWs, namely RB2 which is immediately along the northeast of the site. A 3-4 meter buffer zone will be established between the PRow and the mitigation planting to prevent the creation of a tunnel effect. Visual impacts to RB2 and FP13 would be softened once the proposed mitigation planting matures.

Closest residential dwellings would be to the east of the site and includes: Thure Hill House, Blackberry Barn, 28 Brook Lane, The Homestead, and Two Ways. The LVIA consider that the highest visual effects will be experienced within an approximate 300m radius of the proposed development boundary. However, areas experiencing visibility within 300m, will already have elements of electrical infrastructure visible within the local landscape. The addition of the proposed development is considered to result in moderate/slight significance from residential properties.

Mitigation measures are recommended in the LVIA and on the proposed plans. These include retention of existing trees and hedges; approx. 619m of screen planting along the eastern boundary; approx. 214m of screen planning to the north boundary of the southern field; 312m of screen planning along the north boundary; approx. 254m of hedgerow planting along the southern boundary; approx. 300m of hedgerow planning along the western boundary; and 129m of infill planting along the eastern boundary.

The associated plant/buildings would have a maximum height of 3.5m (or less) and therefore would not appear dominative in the landscape.

It is considered that the proposed creation of boundary hedgerows around the site, which will be secured by condition, will assist in reinforcing visual screening of the development from the users of the local roads, PROWs and residential properties in accordance with LP18 and LP21 of the Local Plan 2021-2040.

Impact on Neighbour Amenity:

The closest residential properties, Thure Hill House, Blackberry Barn, 28 Brook Lane, The Homestead, and Two Ways, are to the east of the site.

Five neighbour objections were received, with comments related to the development being overbearing in combination with the existing solar arrays nearby and noise and disturbance impact from the construction period.

Given the nature of the development, there would be no impact in terms of shadowing, overbearing, or overlooking. Although a neighbour has commented about the scheme being overbearing, at its closest point, the site would be approximately 110m from the residential dwelling. Given the distances, the development would not be overbearing to surrounding neighbours.

Solar farms do not typically generate a significant amount of noise or vibration outside of the construction period. The submitted Noise Impact Assessment (NIA) supported this and CSNN confirmed there are no grounds to substantiate an objection (on residential amenity grounds) for the solar farm once in situ/completed.

During the construction period, construction traffic will need to pass through either Methwold and Brookville, or Whittington depending on the approach used to the site. The construction period is expected to last around nine months.

However, as the NIA does not account for the noise generated from the construction period, CSNN have requested conditions related to the submission of a detailed construction management scheme, construction hours between 8.00 - 18.00 Monday to Saturday and no works on Sunday or Bank Holidays. These conditions are considered necessary to protect neighbours during the construction period.

The Planning Statement states that no lighting would be required on the site as the site would be covered by infrared CCTV. Lighting fixtures would be incorporated to the substation enclosure. These lightings would be limited, motion activated LED security lights installed at 0 degrees, and thus not tilt upwards, thereby avoiding lighting spill beyond the site.

Subject to conditions, the proposal is considered to have an acceptable impact to neighbour amenity in accordance with LP21 and LP24 of the Local Plan 2021-2040.

Glint and Glare:

A Glint and Glare Assessment (GGA) was carried out which considered the effect on potential flight paths, B1112/Methwold Road, and nearby residential properties.

Within the Planning Statement and GGA, the surfaces of the panels are said to be finished with an anti-reflective coating which would limit glint and glare.

Regarding residential properties, the GGA assessed the impact on up to 35 receptors (the closest dwellings to the site). Only a few receptors (receptor 1, 2 and 9) would experience a maximum glare, ranging from approximately 16.98 hours to 36.5 hours (worst case scenario) per year. The rest of the receptors would experience low to no glare and glint impacts.

The GGA showed that out of 15 receptors for the road, 4 receptor points with the potential for after image/yellow glare which is a high impact. The rest of the receptors have low to no glare and glint impact. However, views of the proposed development from all receptors are blocked by a mixture of intervening vegetation, buildings, topography and being outside the field of view of the driver. Therefore, impacts upon these receptors reduce to None.

The GGA found no effects on flight paths. The National Air Traffic Services and Norwich Airport have raised no objection in relation to air safety. It is predicted that existing screening and topography will protect the majority of residential receptors in the locality and transport routes from significant impact.

The Ministry of Defence (MOD) were consulted on the application but had not provided a comment at the time of writing. It is noted that the MOD were consulted on the solar farm application on the land in between the application site (reference 13/00796/FM) and raised no safeguarding objections. Any comments which are made by the MOD after the publication of this report will be shared during late correspondence.

Providing an appropriate landscaping condition is included to ensure appropriate mitigation then it is considered the proposal would be acceptable with respect to glint and glare in accordance with LP21 and LP24 of the Local Plan 2021-2040.

Highway Safety and Public Rights of Way:

The site would be accessed via Brook Lane which egresses from B1112 (Methwold Road) from Northwold RB2. The Parish Council have expressed concern regarding damage to the roads during construction of the development.

The Local Highway Authority (LHA) has confirmed that the existing access B1112 is suitable for construction and maintenance vehicles and that, once the development becomes operational, the development will create very little additional traffic. The LHA have recommended that the proposed temporary carriageway be made permanently wide to ensure adequate maintenance activities and future decommission of the solar farm. This was agreed by the Planning Agent.

The LHA therefore raise no objection to the application in terms of highway safety subject to construction works being carried out in strict accordance with the Construction Traffic Management Plan that accompanied the application. This will be conditioned if permission is granted.

The proposal does not include the diversion of any PRoW and any affected PRoW would be unobstructed and remain open during the construction and operation. The PRoW team do not object to the proposal.

Regarding highway safety and impact on the public rights of way, the proposal would comply with LP13, LP18, LP19, LP21 of the Local Plan 2021-2040.

Flood Risk and Drainage:

The application site is within Flood Zone 1, which is the lowest area of flood risk. The proposed type of development is classed as 'Essential Infrastructure' and therefore development in Flood Zone 1 is deemed appropriate.

Surface water runoff would be minimum due to the small amount of impermeable infrastructure (0.09% of the overall application site area). The applicant has indicated that they intend to dispose of surface water via infiltration.

Further information is needed about the underdrainage of the site. Details are currently indicative and subject to change depending on the outcome of infiltration tests. Therefore, a pre-commencement condition for surface water drainage condition is recommended.

The King's Lynn Internal Drainage Board, District Emergency Planning Officer, LLFA, Environment Agency and CSNN do not object to the proposal with respect to flooding and drainage, and safeguarding conditions and informatives have been included.

Regarding flood risk and drainage, the proposal would comply with LP18, LP24 and LP25 of the Local Plan 2021-2040 and the NPPF.

Ecology and biodiversity net gain:

The application is accompanied by an Ecological Assessment, which covers Biodiversity Net Gain, and further technical report following the Council's Ecology Officer's comments.

Subject to amendments being made to the application site by setting it away from the streams along to the south of the eastern parcel of land, the Ecology Officer confirmed that the information within the metric for biodiversity is correct and the holding objection regarding biodiversity net gain (BNG) is resolved. Conditions related to BNG would be imposed if planning permission is granted.

The Ecological Assessment identified the potential for otter holts on the northern bank of the String Drain and evidence of badger activity across the application site but no badger setts. As evidence of otters and badgers, albeit limited evidence, is found on and near the application site, the Council agree with the recommendation within the assessment, for a pre-construction check to be carried out and included as part of the construction ecology management plan condition.

The Parish Council have commented on biodiversity on the site through the use of swift boxes/posts maintenance of hedges, trees and grass, and other measures to encourage wildlife. These matters are considered to be suitably covered by a condition for landscaping and a construction ecology management plan suggested by the Council's Ecologist.

Subject to conditions related to BNG and the Construction and Ecology Management Plan, the proposal would comply with LP19 of the Local Plan 2021-2040 and provisions in the NPPF.

Historic Environment

The nearest designated heritage asset is Methwold Conservation Area, which is over 1km from the site. The development would not affect any designated built heritage assets.

Regarding historic environment, the Historic Environment Services (HES) Team have identified that the site lies close to the cropmarks of a possible Bronze Age burial mound,

concentrations of burnt flints, and numerous finds of prehistoric flints as well as Iron Age and Roman pottery in the surrounding area. Consequently, there is potential that heritage assets with archaeological interest (buried archaeological remains) will be present at the site and that their significance will be affected by the proposed development.

HES have recommended pre-commencement conditions to ensure the development would not harm the historic environment in accordance with the provisions of the NPPF.

It is considered the proposal would be consistent with heritage asset policies within the NPPF and LP20 of the Local Plan 2021-2040.

Crime and Disorder

The site proposal includes CCTV and infrared sensor lighting. There are no specific crime and disorder issues arising from this development.

Other matters requiring consideration prior to the determination of this application:

Secured by Design - Detailed information has been provided by the Norfolk Constabulary Architectural Liaison Officer regarding secured by design measures which could enhance security on the site.

Specific comments and issues:

Third parties have commented that the scheme would have no benefit to the local community.

The Planning Agent/Applicant have stated they are committed to providing community benefits via financial contributions to the local parish. Furthermore, the development would have benefit for the wider community of West Norfolk in contributing towards net zero energy sources.

The Applicant has made the Council aware that an independent discussion has taken place with the Parish Council regarding contribution to the community. The Parish Council commented that they are seeking financial contribution to contribute towards the communities and have asked for the contributions to be included as a planning condition.

Community benefit in the form of financial contribution is not considered appropriate in the case of this planning application and there is no policy mechanism for the planning application to consider this as part of the consideration of this application. A condition to secure community contributions would not meet the test for conditions in this case as it is not relevant or necessary to the development.

The Planning Agent has requested that the condition for commencement of development be longer than the typical three-year commencement of development. Considering the complexity of the application, a five-year commencement period is considered to be acceptable in this case.

CONCLUSION:

The main considerations in determining the impact of solar arrays are visual impact and glint and glare. The application site is not located in an area protected for its landscape, such as the National Landscape or within the setting of a designated heritage asset. In relation to glint and glare, the National Air Traffic Services and Norwich Airport raises no objection. It is

therefore concluded that the impacts on visual amenity and from glint and glare are acceptable.

Other key considerations in relation to this specific proposal are impacts on the historic environment, countryside and PROW(s), flood risk and drainage, highway safety and protected species. As outlined above all these impacts can be suitably addressed.

No objections have been received from statutory consultees although there are a number of additional consents / agreements that will need to be secured before development can commence as part of separate consenting regimes.

It is therefore considered, given the nature of the development and the fact that the development does not utilise the best and most versatile land, is reversible and will be decommissioned after a period of 40 years, suggests that the benefits of providing renewable energy outweigh any harm. The proposal is therefore in accordance with LP06, LP18, LP19, LP21, LP24 and LP25 of the Local Plan 2021-2040 and the provisions of the NPPF.

It is therefore recommended that this application be approved subject to the following conditions.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 1 Reason To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition The development hereby permitted shall be carried out in accordance with the following approved plans:

NEO01453_052I_B Figure 5. Revision B. Infrastructure Layout. Received 12/09/25.
NEO01453_053I_A Figure 5.1. Revision A. Infrastructure Layout (SHEET 2). Received 01/09/25.
NEO01453_054I_A Figure 5.2. Revision A. Infrastructure Layout (SHEET 3). Received 01/09/25.
NEO01453_055I_A Figure 5.3. Revision A. Infrastructure Layout (SHEET 4). Received 25/07/25.
NEO01453_056I_A Figure 5.4. Revision A. Infrastructure Layout (SHEET 5). Received 01/09/25.
NEO01453_057I_A Figure 5.5. Revision A. Infrastructure Layout (SHEET 6). Received 01/09/25.
NEO01453_057I_A Figure 5.6. Revision A. Infrastructure Layout (SHEET 7). Received 01/09/25.
NEO01453_059I_A Figure 5.7. Revision A. Infrastructure Layout (SHEET 8). Received 25/07/25.
NEO01453_060I_A Figure 5.8. Revision A. Infrastructure Layout (SHEET 9). Received 12/09/25.
NEO01453_061I_A Figure 5.9. Revision A. Infrastructure Layout (SHEET 10).
NEO01453_062I_A Figure 6. Revision A. Access Track Detail.
NEO01453_063I_A Figure 7. Revision A. Temporary Construction Compound.

NEO01453_064I_A Figure 8. Revision A. PV Module and Rack Detail
 NEO01453_065I_A Figure 9. Revision A. Security Fence Detail.
 NEO01453_066I_A Figure 10. Revision A. CCTV Detail
 NEO01453_067I_A Figure 11. Revision A. Inverter Hut/Transformer
 NEO01453_068I_A Figure 12. Revision A. Substation Building (Plan)
 NEO01453_069I_A Figure 13. Revision A. Substation Detail (Elevations)
 NEO01453_070I_A Figure 14. Revision A. Storage Container
 NEO01453_071I_A Figure 15. Revision A. Aux Transformer Unit.
 NEO01453_072I_A (Figure 16). Revision A. DNO Substation Detail

- 2 Reason For the avoidance of doubt and in the interests of proper planning.
- 3 Condition No development shall take place until an archaeological written scheme of investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and 1) The programme and methodology of site investigation and recording, 2) The programme for post investigation assessment, 3) Provision to be made for analysis of the site investigation and recording, 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation, 5) Provision to be made for archive deposition of the analysis and records of the site investigation, 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation and 7) any further project designs as addenda to the approved WSI covering subsequent phases of mitigation as required.
- 3 Reason To safeguard archaeological interests in accordance with the principles of the NPPF. This needs to be a pre-commencement condition given the potential impact upon archaeological assets during groundworks/construction.
- 4 Condition No development shall take place other than in accordance with the written scheme of investigation approved under condition 3 and any addenda to that WSI covering subsequent phases of mitigation.
- 4 Reason To safeguard archaeological interests in accordance with the principles of the NPPF.
- 5 Condition The development shall not be put into operation until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition 3 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- 5 Reason To safeguard archaeological interests in accordance with the principles of the NPPF.
- 6 Condition Decommissioning of the development and restoration of the site must commence no later than 40 years from the final date of commissioning of the development.
 - I. Unless otherwise agreed in writing by the local planning authority a decommissioning and restoration plan will be submitted to and approved by the local planning authority 6 months before the 40 year anniversary of the date of final commissioning of the development or 6 months after the cessation of commercial export from the site, if before.
 - II. ii. No decommissioning may take place unless the decommissioning and restoration plan has been approved by the local planning authority.

The decommissioning and restoration plan must be implemented as approved.

- 6 Reason To ensure satisfactory restoration of the site in accordance with the NPPF and Development Plan.
- 7 Condition No development shall commence on site until full details of the surface water drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.
- 7 Reason To ensure that there is a satisfactory means of drainage in accordance LP18 of the Local Plan 2021-2040 and with the NPPF.

This needs to be a pre-commencement condition as drainage is a fundamental issue that needs to be planned for and agreed at the start of the development.

- 8 Condition The Biodiversity Gain Plan shall be prepared in accordance with the Statutory Metric dated 03/07/2025 and prepared by Thomas Hill.
- 8 Reason To ensure the development delivers a Biodiversity Net Gain on site in accordance with Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 and LP19 of the Local Plan 2021-2040.
- 9 Condition The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan and including:
 - a non-technical summary;
 - the roles and responsibilities of the people or organisation(s) delivering the [HMMP];
 - the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
 - the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
 - the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority,

has been submitted to, and approved in writing by, the Local Planning Authority.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP. Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

- 9 Reason To ensure the development delivers a Biodiversity Net Gain on site in accordance with Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 and LP19 of the Local Plan 2021-2040.
- 10 Condition No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following as a minimum:

- a) Risk assessment of potentially damaging construction activities such as noise, light and creation of dust.
 - b) Details outlining mitigation measure that will be in place to avoid pollution events such as fuel spills, oil leaks and discharges and how these will be controlled should they occur accidentally.
 - c) Identification of "biodiversity protection zones" accompanied by a figure identifying their location and extent.
 - d) The location and timing of sensitive works to avoid harm to biodiversity features. This will include construction timed to be outside of breeding bird season (1st March and 31st August inclusive) unless a competent ecologist has undertaken preconstruction checks for nesting birds.
 - e) A precautionary working method statement to avoid the risk of impacts to reptiles which will include the sensitive removal of vegetation and any brash piles
 - f) Details of security/construction lighting including the design, location, orientation and level of illuminance which must specify the avoidance of illuminating ecological features such as hedges, garden boundaries and mature tree to maintain dark corridors
 - g) Biosecurity protocol or method statement to prevent the introduction and spread of invasive non-native species and pathogens between sites
 - h) The times during construction when specialist ecologists (Ecological Clerk of Works) need to be present on site to oversee works and what the role and responsibilities of that person will be.
 - i) Responsible persons and lines of communication.
 - j) Details enhancement measures to be installed including the number, type and location of bird boxes and hedgehog links and the location and species composition of hedge-planting/establishment.
- 10 Reason In order to safeguard the ecological interests of the site in accordance with LP19 of the Local Plan 2021-2040, Section 15 of the NPPF and to comply with the Habitats Regulations (2017).
- 11 Condition No development or construction works relating to the installation of the proposed site boundary fence and any other infrastructure in the southern part of the site, where it lies within the Root Protection Area (RPA) of any existing mature boundary tree, shall commence, until a detailed Method Statement for the boundary fencing, and any other infrastructure, within the minimum root protection area of any of these mature trees, has been submitted to and approved in writing by the Local Planning Authority.

The Method Statement shall include (but not be limited to):

- 1. a plan indicating the location of and allocating a reference number to each existing tree on or adjacent to the site which has a stem diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, and the crown spread and minimum root protection area of each tree;
- 2. details of the species, diameter, approximate height and condition of each tree in accordance with the current version of BS:5837, and of each tree which is on land adjacent to the site where the crown spread of that tree falls over the application site and where any tree is located within 15m in distance from the application site.
- 3. details of the precise line of the fence in relation to tree stems and RPAs;

4. A specification and methodology for fence post installation to avoid harm to tree roots, including the use of hand-digging or alternative low-impact techniques where appropriate;
5. Protective measures to safeguard the trees during the works; 6. Supervision and monitoring arrangements by a suitably qualified arboriculturist.

The works shall thereafter be carried out strictly in accordance with the approved Method Statement.

- 11 Reason To ensure that the boundary fencing is installed without damage to the roots or rooting environment of retained trees of high amenity value in accordance with LP18 and LP19 of the Local Plan 2021-2040.
- 12 Condition Prior to commencement of development a detailed Construction Management Scheme (CMS) must be submitted to and approved in writing by the Local Planning Authority. The CMS shall include the conditioned timescales and hours of the construction phase, deliveries/collections and any piling, the location of any fixed machinery (including their sound power levels), drawings NEO01453_0511_A and NEO01453_0631_A, and all proposed attenuation and mitigation methods to protect residents from noise, dust, vibrations and lighting. Additionally, it should include a full assessment of noise and vibration impacts from piling. The scheme shall be implemented as approved.
- 12 Reason In order that the Local Planning Authority may retain control over the construction activities in the interests of the amenities of the locality in accordance with LP21 of the Local Plan 2021-2040 and the NPPF.
- 13 Condition Construction or development work on site shall only be carried out between the hours of 08.00 and 18.00 Monday to Saturday, with no work allowed on Sundays and Bank/Public Holidays. Piling shall only be carried out weekdays between the hours of 08.00-18.00.
- 13 Reason In order that the Local Planning Authority may retain control over the development in the interests of the amenities of the locality in accordance with LP21 of the Local Plan 2021-2040 and the NPPF.
- 14 Condition In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with current best practice, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.
- 14 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 15 Condition Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

- 15 Reason To ensure adequate off-street parking during construction in the interests of highway safety in accordance with LP13 and LP21 of the Local Plan 2021-2040. This needs to be a pre-commencement condition as it deals with the construction period of the development.
- 16 Condition Prior to the commencement of development, a Construction Traffic Management Plan and Access Route, which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway together with wheel cleaning facilities, shall be submitted to and approved in writing by the Local Planning Authority (together with proposals to control and manage construction traffic using the 'Construction Traffic Access Route' and to ensure no other local roads are used by construction traffic).
- 16 Reason In the interests of maintaining highway efficiency and safety in accordance with LP13 and LP21 of the Local Plan 2021-2040. This needs to be a pre-commencement condition as it deals with safeguards associated with the construction period of the development.
- 17 Condition For the duration of the construction period all traffic associated with (the construction of) the development shall comply with the Construction Traffic Management Plan approved under condition 16 and use only the 'Construction Traffic Access Route' and no other local roads unless approved in writing by the Local Planning Authority.
- 17 Reason In the interests of maintaining highway efficiency and safety in accordance with LP13 and LP21 of the Local Plan 2021-2040. T
- 18 Condition Prior to the commencement of development, the Applicant shall submit to the Local Planning Authority for their approval in writing, a HGV Management Plan for the routing of HGVs to and from the site. The Plan shall thereafter be implemented with the details approved and make provision for: -
 - Monitoring of the approved arrangements during the life of the site.
 - Ensuring that all drivers of vehicles under the control of the Applicant are made aware of the approved arrangements.
 - The disciplinary steps that will be exercised in the event of a default.
 - Appropriate signage, details to be approved by the Local Highway Authority and erected advising drivers of the vehicle routes agreed with the Local Highway Authority.
 - Wheel cleaning facilities and their use/retention.
- 18 Reason In the interests of maintaining highway efficiency and safety in accordance with LP13 and LP21 of the Local Plan 2021-2040. This needs to be a pre-commencement condition as it deals with safeguards.
- 19 Condition Notwithstanding the submitted details, prior to the operation of the development hereby approved, full details of both hard and soft landscape works must be submitted to and approved in writing by the Local Planning Authority. Soft landscape works must include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants and trees noting species, sizes and proposed numbers and densities where appropriate.
- 19 Reason To ensure that the landscaping is properly maintained in accordance LP19 and LP21 of the Local Plan 2021-2040 and with the NPPF.

- 20 Condition All hard and soft landscape works must be carried out in accordance with the approved details. The works must be carried out prior to the operation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted.
- 20 Reason To ensure that the landscaping is properly maintained in accordance LP19 and LP21 of the Local Plan 2021-2040 and with the NPPF.



Appeal Decision

Inquiry Held on 16 to 18 January 2024

Site visit made on 15 January 2024

by Mr Cullum Parker BA(Hons) PGCert MA FRGS MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 5th March 2024

Appeal Ref: APP/V2635/W/23/3323065

**Land SE of Poplar Farm, Harps hall Road, Walton Highway,
Wisbech, Norfolk, PE14 7DL**

Easting 549701, Northing 310906

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Matthew Bellward of Downing Renewable Developments LLP against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 22/01987/FM, dated 21 October 2022, was refused by notice dated 24 April 2023.
 - The development proposed is described as '*Installation, operation and decommissioning of a solar farm comprising an array of ground mounted solar PV panels and battery storage system with associated infrastructure including inverters and a substation compound as well as fencing, security cameras, cabling and biodiversity enhancement measures.*'
-

Decision

1. The appeal is allowed and planning permission is granted for the Installation, operation and decommissioning of a solar farm comprising an array of ground mounted solar PV panels and battery storage system with associated infrastructure including inverters and a substation compound as well as fencing, security cameras, cabling and biodiversity enhancement measures at Land SE of Poplar Farm, Harps Hall Road, Walton Highway, Wisbech, Norfolk, PE14 7DL in accordance with the terms of the application, Ref 22/01987/FM, dated 21 October 2021, subject to the conditions set out in Appendix A.

Preliminary and Procedural Matters

2. A Case Management Conference (CMC) was held on Friday 24 November 2023 with the Council and Appellant's representatives.
3. On Monday 15 January 2023, I undertook an unaccompanied site visit of the local area, being able to see the appeal site within the wider context from the public realm. This included covering a larger local area due to road works at the junction of Harp's Hall Road/Cow Lake Drove/Station Road. Neither main party sought further accompanied site visit(s). I saw no reason to disagree. Based on the evidence before me, both before and at the Inquiry, I am content that I saw various views from and to the appeal site.
4. On Tuesday 16 January 2024, after the Inquiry had opened, the Council indicated that an area of dispute had not been identified in the agreed of

Statement of Common Ground (SOCG). This relates to 'whether the site selection process was adequate, given the proposal to utilise BMV and having regard to relevant policies' as set out in ID5. I have taken this amended position into account in consideration of the proposal.

5. An Environmental Statement (ES) was produced to accompany the planning application. The original submissions were also supplemented by additional documentation in early 2022, which together comprise the composite ES. I am satisfied that these documents meet the requirements of the *Town and Country Planning (Environmental Impact Assessment) Regulations 2017*. I have taken this environmental information, including the oral evidence given at the Inquiry, into account in my consideration of the appeal proposal.
6. I have also taken into account the mitigation measures proposed by the Appellant in their Summary of Mitigation set out in Chapter 18 of their Environmental Statement¹. Given that these are deliverable against the use of planning conditions and/or part of the embedded design, I am assured that the proposal would not result in any significant adverse environmental effects in this instance.
7. On 5 January 2024, a Planning Rebuttal to the Proof of Evidence of Frazer Blackwood was submitted to the Inquiry. The matter of its acceptance was discussed between the main parties on the first day of the Inquiry. Whilst noting the Council's concerns, I ruled that there had been an opportunity for both the Council and interested parties to consider its content and address it. I therefore accepted it as evidence before the Inquiry.
8. Following the close of the Inquiry, on 7 February 2024, the Appellant brought to my attention an allowed appeal decision (reference 3321094) for a solar farm near Marden, Kent, dated 5 February 2024. That proposal was allowed following an Inquiry. I sought the views of the Local Planning Authority, who considered that it should be disregarded as it was not new government policy or new legislation. I have carefully considered these comments; including those dated 29 February 2024. Due to the fact that the appeal decision could be material to the proposal here (albeit for a similar type of development but in a different part of the country), I resolved that it should be taken into account.
9. Neither party sought the re-opening of the Inquiry on this matter and I dealt with it via written representations. To be clear, given that that decision related to a site in a different part of the country, not having heard the local policy context, the evidence of the parties in that case, nor having a full appreciation of the specifics of that proposal outside of the decision letter, I afford that decision very limited weight in this case, as suggested by the Council.

Main Issues

10. The main issues in this case are:

- (i) The effect of the proposed development on the character and appearance of the Fenland Landscape; and,
- (ii) The effect of the proposal on Best and Most Versatile Agricultural Land, and;

¹ CD1.24

- (iii) The overall planning balance, whether public benefits outweigh any harms identified.

Planning Policy

11. A number of policy documents were discussed at the Inquiry. For brevity, I summarise some of the key policies/documents here.
12. Only one policy was specifically cited in the Local Planning Authority's decision. That is Policy DM 20 – Renewable Energy of the *Site Allocations and Development Management Policies Plan, adopted September 2016* (LP). The Development Plan also comprises the *King's Lynn & West Norfolk Borough Council Local Development Framework – Core Strategy, adopted July 2011* (herein CS). Although, whilst before the Planning Committee when it made its decision to refuse permission, it did not form any part of the reasons for refusal.
13. Put simply, policy DM 20 comprises two elements. Firstly, a balancing of the benefits of proposals for renewable energy against impacts on a set list of factors, including the surrounding landscape. Secondly, in addition to those factors the Council will seek to resist proposals where there is a significant loss of agricultural land or where land in the best and most versatile grades of agricultural land are proposed to be used. Lastly, the policy also has a 'tail end' which provides that development may be permitted where any adverse impacts can be satisfactorily mitigated against and such mitigation can be secured by planning condition.
14. In December 2023, a revised *National Planning Policy Framework* was issued by the Secretary of State. It is this version that the main parties have considered in presenting their evidence to the Inquiry. In particular, the Council indicate in their closings that the proposal would conflict with Paragraphs 180(b), 181 and footnote 62 of the Framework².
15. Paragraph 180(b) sets out that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of best and most versatile land, and of trees and woodland.
16. Paragraph 181 states that '*Plans should:...allocate land with the least environmental or amenity value, where consistent with other policies in this Framework⁶²...*'. With footnote 62 stating '*Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development.*'
17. The Written Ministerial Statement of 25 March 2015 (WMS) made by the Secretary of State states, on Solar energy: protecting the local and global environment; '*we want it to be clear that any proposal for a solar farm involving the best and most versatile agricultural land would need to be*

² ID14, Page 22, Para. 58

justified by the most compelling evidence. Of course, planning is a quasi-judicial process, and every application needs to be considered on its individual merits, with due process, in light of the relevant material considerations.' Although nearly a decade old, it remains extant and referred to in the national Planning Practice Guidance. It therefore continues to form part of government policy on relevant development.

18. There are two National Policy Statements (NPS) which are relevant in this instance. The Department for Energy Security & Net Zero *Overarching National Policy Statement for Energy (EN-1)*³ was designated in January 2024. It should be noted that the application here is **not** Critical National Priority infrastructure as defined in EN-1⁴. Nor does the size of this application (of 49.9 mW) mean that it falls to be determined under the Planning Act 2008 as a nationally significant infrastructure project (NSIP).
19. Nonetheless, EN-1 is clear in that it has a role in the wider planning system⁵ and may be a material consideration in decision making on applications that fall under the Town and Country Planning Act 1990 (as amended). Given the nature of the development here, NPS EN-1 should be considered as a material consideration in this instance.
20. The Department for Energy Security & Net Zero *National Policy Statement for Renewable Energy Infrastructure (EN-3)* was designated in January 2024. Similar to EN-1, it sets out national policy in respect of renewable energy and states that '*There is an urgent need for new electricity generating capacity to meet our energy objectives.*' NPS EN-3 should be considered as a material consideration in this instance.

Reasons

Character and appearance of the Fenland Landscape

21. The appeal site is located within the Fens National Landscape Area (NCA 26) and the Fens – Settled Inland Marshes landscape character type (LCT D4). It is noted that the appeal site does not fall within any designated landscape nor is it a 'valued landscape'; the protecting and enhancing of which are sought by Paragraph 180 a) of the Framework. It nonetheless has a value to the local community and its characteristics and appearance make an important positive contribution to their daily lives and well-being.
22. The Council's Landscape Character Assessment⁶ identifies that the key characteristics of the wider landscape in which the appeal site sits include orchards and conifer planting, with distracting features such as pylons and main roads. As confirmed within the Council's closings, where conifer hedges are present in the landscape, they are usually planted to provide shelter to

³ ID9

⁴ The Glossary to EN1 states that CNP is: *A policy set out at Section 4.2 of EN-1 which applies a policy presumption that, subject to any legal requirements (including under section 104 of the Planning Act 2008), the urgent need for CNP Infrastructure to achieving our energy objectives, together with the national security, economic, commercial, and net zero benefits, will in general outweigh any other residual impacts not capable of being addressed by application of the mitigation hierarchy. CNP Infrastructure is defined as nationally significant low carbon.*

⁵ See Page 6, Paras. 1.2.1 and 1.2.2

⁶ ARD 37, *King's Lynn and West Norfolk Borough Landscape Character Assessment, Final Report*, March 2007, Pages 57-58 in particular.

- houses and farmsteads.⁷ During my site inspection, I saw that these wider characteristics of the local landscape are present in and near to the appeal site.
23. In addition to the original evidence, both main parties submitted landscape and visual Proofs to the Inquiry. The points of difference between the submitted Proofs are relatively narrow – the Council’s case being focussed on the impacts on the proposal on the landscape resource rather than visual impacts on human beings, and both parties cases are differentiated by the appropriate scale at which to judge the proposal. The evidence of Mr Etchells (for the Council) centred around close proximity to the site, whereas Mr Lanchbury (for the Appellant) looked at a slightly wider area.
24. Clearly, the views closest to the site would be the greater impacted given the intervening distance and vegetation and other structures between the viewer and the appeal site. The introduction of solar panels and associated infrastructure over 33ha of the 87ha site would result in noticeable changes to the character and appearance of the area. It would alter from a relatively open arable field used for growing crops for anaerobic digestion to one that is used for pastoral farming (with sheep or similar animals) and solar ‘farming’. There would, however, be no change to the field pattern and a retention of field margins, a conserving of drainage patterns, an enhancement of ecology and wildlife corridors through hedging, and the proposal would restore orchards which, according to the Council’s position ‘many which have fallen into decay’⁸.
25. In order to minimise the impact, mitigation has been proposed in the Landscape Mitigation Plan (Figure 5.5 of the LVIA). This includes the provision of sizeable areas of wildflower mix, native orchard mix and retained habitat. There would also be the provision of hedging to ‘screen’ areas of the development from wider views, meaning that in practical terms the visual and landscape impacts would be very limited through being highly localised in nature. The mitigation planting proposed would take some time to establish (for example I heard that the hedging might take 5-7 years to establish depending on species used) and its effectiveness will change over the year as the seasons cause deciduous plants to lose their leaves.
26. Nonetheless, the landscape mitigation plan would effectively screen the appeal site and the proposed development from most views into and out of the site and for most of the year. The mitigation proposed is appropriate to the locality and would have the added benefit of improving biodiversity on the site (which the main parties do not dispute). My overall assessment is that the impact of the proposal on the character and appearance of the area and Fenland Landscape is that it would introduce no greater than moderate localised harm – and harm which is principally restricted to close proximity to the site. This is harm that would reduce over time as the mitigation strategy is implemented and takes effect thereafter.
27. I note the points raised in terms of the proposed coniferous hedging to be used around and near to the battery storage element of the proposal. At the Inquiry I heard that the coniferous hedging was considered to be at odds with the character of the area. This was especially so in terms of the extended length proposed, which some parties considered was excessive. However, there are two key points in this respect.

⁷ Page 17, Para. 34

⁸ LPAs Closings Para 33, Pages 16-17

28. Firstly, coniferous or evergreen hedging is found in the locality and these are typically used to shelter farmsteads or houses. Their usage here to provide shelter to the Battery Storage and associated infrastructure element of the proposal (which is a small part of the overall development in the westernmost part of the site) would not appear as odd or out of keeping with what is a part of the character of the wider locality.
29. Secondly, it is clear looking at the submitted drawings, that the usage of coniferous or evergreen planting would be extremely limited in extent. It would not present itself as hundreds and hundreds of metres of alien hedging within the landscape, but rather would appear as a small cluster not unlike others found in the wider landscape. As such, I do not find that this element of the proposal would result in any harm to the character or appearance of the Fenland Landscape.
30. When considered in light of the mitigation strategy, the opportunity to restore orchards and the retention of field patterns, the long term impact on character and appearance, in my view, would be low. This is before taking into account the fact that the proposal is reversible and a condition could be imposed to ensure that at the end of its operational life (after 30 years) the land is restored to its former state to be used solely for agricultural purposes.
31. I therefore find that there would be some very limited and localised immediate harm to the character and appearance of the Fenland Landscape when the proposal is implemented. However, the harm would reduce to a very low level after a period of no greater than 5-7 years, and this is harm that would diminish each year to the point when the mitigation is fully established. Mitigation planting would also reduce the impacts to the surrounding landscape whilst also providing positive ecological benefits. Accordingly, I find that the proposal would accord with Policy DM20 of the LP in respect of landscape impact.

Best and most versatile agricultural land

32. The site is a mixture of Grades 2, 3a and 3b agricultural land, presently used for growing crops (whole crop maize and sugar beet)⁹ to produce biomass for anaerobic digestion. This is identified within the Agricultural Land Classification Report by that the *'quality of agricultural land at the Site is limited by soil wetness to mainly Subgrade 3b (i.e., 40.0 ha, or 45.20% of the Site), with some land limited by soil droughtiness to Grade 2 (i.e., 12.0 ha or 13.60% of the Site), or Subgrade 3a (i.e., 36.50 ha or 41.20% of the Site)'*¹⁰.
33. A significant part of appeal site (roughly 54.8%) comprises Best and Most Versatile Agricultural Land (BMVAL)¹¹ as defined by the glossary of the *National Planning Policy Framework* (the Framework). This is land that for a period of 30 years – a time period which could reasonably be secured by planning condition - would not be readily available for arable farming. However, it would be available for grazing and pasture. This is a common approach used on solar developments in order to manage the grassed areas around solar panels and represents a *de facto* dual use of the land for both agriculture and creation of renewable energy.

⁹ POE Daniel Baird, Page 13

¹⁰ AD1 *Agricultural Land Classification: Meerdyke Solar Farm, Norfolk* by Askew Land & Soil Limited dated 6th October 2022, Page 13, Para 5.1.4

¹¹ 13.6% + 41.2% = 54.8%

34. The development of 33ha of agricultural land (with relatively low physical impact being simple piled insertions into the ground) would represent a tiny fraction of the totality of arable land availability within the Borough. Even at the full extent of the appeal site, of around 87ha, this would represent about 0.08% of the arable area in the Borough. Put another way, this would be 87ha out of approximately 142,857ha total farmable area in the King's Lynn and West Norfolk area, and 87ha within the East of England area of approximately 1,394,000ha. These figures are contained within the agreed SOCG¹². The quantum of the development proposed would be relatively insignificant within the substantial available agricultural land within this area.
35. Furthermore, the agricultural land would not be 'lost'. It can continue to be farmed, albeit in a different way, with the grazing of sheep or similar animals. What is more, at the end of the life of the solar farm, in 30 years time, the relatively simple act of removing metal stakes and associated infrastructure from the site would allow its use to return to arable farming, should that be the most effective and efficient use of the land at that time. The land would not, as the Council suggests, be lost. Albeit for a period of 30 years it would be used for different agricultural purposes than arable farming, being instead a mix of pasture farming and as a solar farm.
36. It should be noted that in practical terms the planning system has very little control over the crops or animals that farmers decide to use their land for. As indicated in the evidence of Daniel Baird, (for the Appellant on Soil quality and the only agriculture-related witness before the Inquiry) *'Farmers are able to grow crops for energy production rather than food production. The site is currently in rotations of whole crop maize and sugar beet which are destined to supply Anaerobic Digester (AD) plant generating power... the most productive crop is miscanthus...will average 63MWh/ha/year...biodiesel from an oil seed crop will average 11MWh/ha/year...In contrast the Applicant anticipates an energy output from this site of 724MWh/ha/y.'*¹³ The distinction in this case, is that the site would be used not only for the creation of renewable energy – and of a greater level than existing arable crops on the site, but also continue to be used for agricultural purposes. In light of such circumstances, I do not find that the proposal would result in a 'significant loss of agricultural land' as is resisted by part a) of Policy DM 20 of the LP.
37. Turning to part b) of Policy DM 20, the policy is slightly misaligned with national policy in the Framework. Policy DM 20 sets out that the Council will seek to resist proposals where land in the BMVAL grades are proposed to be used. Read plainly, the starting point is resistance to the use of BMVAL for renewable energy proposals. There is a slight tension within the local development plan, whereby renewable energy schemes are broadly supported and directed to areas outside of development boundaries (see Policy DM 2 – Development Boundaries) yet there is little analysis within the LP as to the availability of land outside of the BMVAL classification.
38. Put another way, Policy DM 2 indicates that renewable energy generation is identified as suitable in rural areas, but then Policy DM 20 undermines this by saying that when BMVAL is present, and there is a lot of potential BMVAL in this Borough as identified above, the default position in local policy terms is 'resistance'.

¹² See ID5, Pages 12-13

¹³ D Baird POE, Page 13, para 11.1 to 11.2

39. Paragraph 180 of the Framework takes a more proportionate approach. It sets out that decisions should contribute and enhance the natural or local environment by recognising the economic and other benefits of BMVAL, and for plans at footnote 62, to Paragraph 181: where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. Put another way, rather than 'resisting' development on BMVAL, national policy indicates that there needs to be a justification given for the use of BMVAL.
40. This broadly accords with the Written Ministerial Statement of 5 March 2015¹⁴ (herein the 2015 WMS), which indicated that *'we want it to be clear that any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence. Of course, planning is a quasi-judicial process, and every application needs to be considered on its individual merits, with due process, in light of the relevant material considerations.'*
41. In this respect, the Appellant has undertaken a site selection process¹⁵. This is based on the logical approach of contacting UK Power Network, who are responsible for large parts of the electricity infrastructure network, and identifying a Point of Connection (PoC). One such point was identified at Walsoken substation. Once capacity was identified the Appellant then sought to identify areas within a 3.5km search area. This sought to identify land for use as a solar farm, and assessing its potential within this search area by considering factors such as visual impacts, agricultural land classification, and ecological considerations¹⁶.
42. I acknowledge that the Council have criticised the narrowness of this search area and basing it on this PoC over others that may exist locally. The Council considers that for it to meet the threshold of 'compelling evidence' the site selection process should have considered other PoC within the area. However, such an approach is akin to a form of 'sequential test'. That is not what policy at either local or national level requires; and neither main party was able to direct me to where such a requirement exists.
43. I find that the Appellant has adopted a pragmatic and proportionate approach in this case. A PoC, and one with capacity, which is fundamental to getting the energy from the solar farm into the National Grid, is a logical starting point in order to inform the potential location(s) of energy creating development. This document forms part of the 'compelling evidence' in favour of justifying this proposal.
44. However, it is not just this document that has been submitted to support the compelling evidence case. The Appellant has also demonstrated how they have carefully considered the use of BMVAL, how to minimise the impact of the proposal on local residents and the local environment. Where harm does arise – for example in terms of localised visual impacts and character and appearance – it is possible to use conditions to mitigate these. Moreover, at the end of the operational life of the proposal it is possible to restore the site back to its previous use for arable farming after 30 years of dual usage.

¹⁴ ARD39

¹⁵ ARD15

¹⁶ See ARD15, page 15, Table 1 Meerdyke Solar Farm, Feasibility Considerations

45. The 'compelling evidence' also exists in the wider context of renewable energy creation, the overall trend towards a 'net zero' future, tackling climate change and providing energy security. Since 2015 the government has published a plethora of documents¹⁷ outlining the urgency of the UK moving towards a low carbon and net zero future. Most recently, this has been reiterated by the Written Ministerial Statement on 17 January 2024¹⁸ where the SoS for Energy Security and Net Zero set out that five National Policy Statements have been designated which '*support our efforts to build an energy system that will meet our net zero objectives, and provide the country with greater energy security, helping the UK maintain energy supplies at affordable prices*'.
46. The *National Policy Statement for Renewable Energy Infrastructure (EN-3)*¹⁹ (designated January 2024), whilst relating to schemes of 50MW, indicates that '*there is an urgent need for new electricity generating capacity*²⁰ and that '*solar is a key part of the government's strategy for low cost decarbonisation of the energy sector*²¹ and that '*whilst the development of solar arrays is not prohibited on BMVAL...applicant's should explain their choice of site...*²² This is a compelling policy position which supports the urgent and current need for renewable solar energy to contribute to the nation's energy and environmental needs. An urgent need that all proposals, including those smaller than the thresholds for NSIP/CNP schemes, can make positive contributions towards.
47. Taken in the round, as a matter of planning judgement, I find that the Appellant has provided compelling evidence which justifies the use of BMVAL, as sought by the 2015 WMS, in this case. The proposal would comply with national policy set out in the Framework in respect of non-Nationally Significant Infrastructure Projects with regard to the use of BMVAL. It would also align with the aims of material considerations including the National Policy Statements on Energy (EN-1) and Renewable Energy (EN-3).
48. Returning to Policy DM 20 of the LP, the tail piece of the policy refers to the fact that development may be permitted where any adverse impacts can be satisfactorily mitigated and secured by planning condition. In this case, a condition can be used to ensure that the site is restored to its former use at the end of the operational life of the solar farm. This would accord with the national Planning Practice Guidance which sets out '*that solar farms are normally temporary structures and planning conditions can be used to ensure that the installation are removed when no longer in use and the land is restored to its previous use*²³. Accordingly, the proposal would accord with Policy DM 20 of the LP when read as a whole.
49. To conclude on agricultural land matters, I do not find that the proposal would result in a significant loss of agricultural land. Whilst the proposal would result in the non-exclusive use of BMVAL, I have found that this use has been

¹⁷ For example; ARD6 White paper Powering our Net Zero future 2020, ARD5 British Energy Security Strategy 2022, ARD7 Net Zero The UK's contribution to stopping global warming, 2019 and ARD8 Progress in reducing emissions 2023 Report to Parliament.

¹⁸ ID9 Energy National Policy Statements, Statement made on 17 January 2024 by Claire Coutinho, Secretary of State for Energy Security and Net Zero

¹⁹ ARD4

²⁰ ARD4, Page 4, Para 1.1.1

²¹ ARD4, Page 88, Para 2.10.9

²² ARD4, Page 92, Paras 2.10.30 and 2.10.31

²³ <https://www.gov.uk/guidance/renewable-and-low-carbon-energy>, What are the particular planning considerations that relate to large scale ground-mounted solar photovoltaic farms? Paragraph: 013 Reference ID: 5-013-20150327, Revision date: 27 03 2015

justified by the evidence before the Inquiry which I find to be 'compelling evidence'. Moreover, even if I am wrong in terms of this assessment as a matter of planning judgment, the adverse impacts through the temporary and limited loss of BMVAL for 30 years can be satisfactorily mitigated through the use of planning conditions.

50. Accordingly, I find that the proposal would not have an adverse effect on the economic and other benefits of BMVAL. Moreover it would accord with Policy DM 20 of the LP which seeks the aforesaid aims. The proposed development would also accord with various material considerations including those expressed in the Framework, the national Planning Practice Guidance, the WMS of 2015, and the National Policy Statements on Energy.

Other Matters

51. A number of concerns have been raised by interested parties. I now consider these before considering the overall planning balance.
52. In terms of the fire risk from the Battery Energy Storage Systems (BESS) the national Planning Practice Guidance²⁴ indicates that such systems can enable us to use energy more flexibly and de-carbonise our energy system cost-effectively. They are, therefore, an important element in the creation of solar energy. The Guidance goes on to indicate that the relevant local fire and rescue service should be engaged. Norfolk Fire & Rescue Service did not raise an objection to the proposal in their formal consultation response of 7 September 2022, nor did they raise any specific safety concerns over the use of BESS in this location. I see no reason to disagree with the professional advice provide by the local fire and rescue service.
53. In terms of transport and traffic movements, I saw that roads to the appeal site are generally narrow and winding, with sharp bends in places. Large lorries in particular are likely to find access to and from the site difficult to achieve. At the Inquiry I heard concerns from the local residents group about the quantum of traffic during the construction phase. I also heard how the rise in traffic during this time would dramatically alter the generally peaceful character of the area. An area that is enjoyed by residents and visitors for daily walks.
54. I acknowledge that during the construction phase there would be a noticeable increase in traffic in the area. However, the Appellant has sought to address this through mitigation such as the use of smaller vehicles and/or limiting construction times. This could reasonably be secured by planning condition. Whilst noting that the proposal would result in a short term impact on local residents and visitors during construction, I do not find that this would result in harm that would justify the refusal of permission in this instance.
55. With regard to flood risk, the submitted *Flood Risk Assessment and Drainage Strategy* (September 2022) has taken into account the potential for increases in sea levels due to climate change. Were a breach in defences to occur, this would likely be limited to the northwest area of the site. Mitigation has been proposed to address this. As such the appeal scheme not only allows for flood risk, but also provides adequate mitigation for a potential breach of defences. This could be secured by means of planning conditions. The evidence before

²⁴ <https://www.gov.uk/guidance/renewable-and-low-carbon-energy> Paragraphs: 032 to 036 Reference ID: 5-032-20230814. Last updated 14 August 2023

the Inquiry indicates that the proposal would not be unacceptable on flood risk grounds. I am reinforced in this view by the absence of objections from the Lead Local Flood Authority (LLFA) or the King's Lynn Drainage Board in relation to flood risk.

56. In terms of noise, solar panels do not usually generate perceptible levels of noise or vibration. However, noise can be created in the substation and cooling equipment of the BESS. To address this, the Appellant has sited this around 270 metres from the nearest dwelling. Moreover, a planning condition could reasonably be used to ensure that any noise from this to local residents can be suitably mitigated. This does not, therefore, form a reason for dismissal of the appeal.
57. In terms of views and outlook from nearby residential dwellings, I heard from local residents and the evidence of Mr Etchell²⁵. I have also been informed by my site inspection of the site and its wider context. Looking at drawing labelled 'Landscape Mitigation' Project Number 1620013921 Figure No. 5.5, it is possible to see that the proposal has been designed to set back the solar arrays and associated infrastructure from the boundaries with residential dwellings. Furthermore, there would be hedgerows with native species planted. The combination of the distances involved together with screening provided by the planting of native hedgerows would mean that whilst there would be a change to the outlook from some nearby dwellings, these would not amount to a level of change justifying the refusal of permission.
58. In considering the various concerns raised by interested parties, including the local residents group, local residents and Borough Councillors, at the application and appeal stages, I do not find that the objections raised, whether individually or cumulatively, justify the dismissal of the proposal in this case.

Overall planning balance

59. The proposal would result in a very low level of time-limited localised harm to the character and appearance of the area. It would also result in the temporary loss of areas of BMVAL used for arable farming. Moreover, in both instances, the harm can be mitigated through either the use of mitigation planting or the reversible temporary nature of the proposals. The mitigation can be secured through the use of planning conditions. Given this, both 'harms' are afforded no more than moderate weight against the proposal, which reduces to low harm when considered in light of the mitigation.
60. Set against these harms are a number of benefits, including; the proposal would provide renewable energy for a period of 30 years, for which there is an urgent need as expressed in various national strategies and NPS. The proposed development would also enable a more efficient use of the land for renewable energy creation – solar panels compared to anaerobic digestion – whilst also allowing its continued use for agriculture. These benefits are afforded substantial weight given that it would generate substantially greater levels of renewable energy, whilst allowing a dual use with pastoral agriculture of the site.
61. The proposal would provide an overall Biodiversity Net Gain – indicated as a net gain of 176% for area-based habitats, a 1101% net gain for hedgerows

²⁵ ID10

and a 29% net gain for rivers²⁶, which would benefit local wildlife over the life of the development. This benefit is afforded moderate weight in favour of the proposal, as suggested by the Council, as it could also be secured by normal management of the land and setting aside land on the site for such use.

62. In this instance, applying Policy DM 20 of the LP, which the Council indicates is the most relevant in this case, I find that the benefits the proposal brings in terms of energy generated outweigh the impacts on landscape. Whilst noting the 'resisting' element of the policy in relation to agricultural land, I find that the adverse impacts arising – principally to character and appearance and temporary loss of BMVAL for arable farming – are partly mitigated through the dual use of the land and further satisfactorily mitigated and can be secured by planning condition.
63. Accordingly, the proposal would comply with Policy DM 20 of the LP, and with the LP when considered as a whole. The planning balance, weighing the harm or adverse impacts arising against the benefits, clearly weighs in favour of the grant of planning permission in this case.

Conditions

64. A number of suggested planning conditions were suggested by the main parties and informed a round table discussion at the Inquiry. I have taken these into account in light of Paragraph 56 of the Framework and the Guidance in respect of the use of planning conditions. I also note that contained within version 2: 18 January 2024 of the *SOCG Appendix 1_Suggested conditions* document the Appellant confirmed that pursuant to s100ZA of the TCPA 1990 to the use of pre-commencement conditions.
65. Conditions requiring the proposal to be begun within three years of the permission and in accordance with the submitted drawings are necessary and relevant to the permission to provide certainty and for the avoidance of doubt.
66. Conditions requiring a Construction Traffic Management Plan, off-site highway works and a construction management scheme are necessary in order to minimise the risks to other highway users and protect the living conditions of nearby residential occupiers during construction works.
67. A condition requiring the submission and approval of external lighting details is necessary and reasonable in order to minimise light pollution and safeguard the amenity of nearby residents and ecological interests.
68. Planning conditions requiring the submission of surface water drainage arrangements and the development being carried out in accordance with the Flood Risk Assessment dated September 2022 are necessary to minimise the risk to life or property arising from surface water run-off and/or flooding.
69. Conditions relating to limiting the times of the year works can be undertaken to hedges, trees, shrubs or brambles, the submission and approval of a Construction Environmental Management Plan for Biodiversity, and works being carried out in accordance with the Habitats Management Plan October 2022 are necessary and reasonable in order to protect existing biodiversity on or near to the site, and in order to enhance the site's biodiversity and ecological interests

²⁶ Approximate figures from LPA Planning Proof of Evidence, page 41, Para. 6.4 and Appellant's Planning Proof of Evidence, Executive Summary, page 41

in accordance with Policy CS12 of the *Kings Lynn and West Norfolk Core Strategy 2011*, with Policy DM15 and DM 20 of the LP.

70. Similarly, the submission of a biodiversity gain plan which accords with the Biodiversity Net Gain Assessment is necessary and reasonable to ensure that the scheme delivers the biodiversity net gain which is proposed, demonstrating beneficial biodiversity conservation of features and measurable net gain in line with the principles outlined within the statutory Biodiversity Metric, and habitat creation.
71. A condition requiring an archaeological written scheme of investigation is reasonable and necessary in order to minimise the impact on any archaeology present on the site.
72. Conditions relating to details of soft and hard landscaping and being carried out in accordance with the landscape mitigation measures are reasonable in order to ensure that the planting mitigation proposed will secure its aims over the life of the development.
73. A condition relating to the decommissioning and restoration of the site is reasonable, necessary and enforceable to ensure that the land is returned to its previous condition at the end of the temporary period sought here.
74. In terms of a noise condition, a condition requiring the battery storage facility to be enclosed with sound-insulating materials, is necessary in order to minimise the noise emanating from this part of the site and the subsequent effect that may have on nearby residents.
75. A condition requiring a battery fire safety management plan to be submitted and approved by the Local Planning Authority is necessary and reasonable in order to comply with Policies DM 15 and DM 20 of the LP and to minimise the potential risk to nearby property and/or life arising from the proposal.

Conclusion

76. In accordance with s38(6) of the *Planning and Compulsory Purchase Act 2004*, as amended, the proposal would accord with the adopted development plan for the area when considered as a whole. Furthermore, there are a number of material considerations, including the Framework, the Guidance, the WMS 2015 and NPS which weigh positively in favour of the proposal.
77. For the reasons given above, I conclude that the appeal should be allowed.

C Parker

INSPECTOR

Appendix A – List of conditions imposed

1. The development hereby permitted must be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted must be carried out in accordance with the following approved plans Drawing Nos -
 - 2.3 Typical Array Details (Received 17 Nov 22)
 - 2.4 Typical Substation and Battery Storage Details (Received 17 Nov 22)
 - 2.5 Typical Switchgear and Transformer Housing (Received 17 Nov 22)
 - 2.6 Typical Fence and CCTV Details (Received 17 Nov 22)
 - 2.1A Existing Site Plan (Received 14 Nov 22)
 - 2.1B Existing Site Plan (Received 14 Nov 22)
 - 2.2A Proposed Site Plan (Received 14 Nov 22)
 - 2.2B Proposed Site Plan (Received 14 Nov 22)
 - 1620013921Site Location Plan (Received 8 Nov 22)
3. Prior to the commencement of development a Construction Traffic Management Plan (CTMP), which includes details of construction traffic routing, provision for addressing any abnormal wear and tear to the highway as a consequence of the development, provision of wheel cleaning facilities and details of any traffic management must be submitted to and approved in writing by the Local Planning Authority. The CTMP should include the mitigation measures outlined in paragraph 6.5 of the Environmental Statement. For the duration of the construction period of the development, all traffic associated with the construction of the development must comply with the CTMP.
4. The development authorised by this planning permission must not begin until a detailed scheme for off-site highway works as shown on drawing numbers 2, 3, 4, 5, 6 and 7 in Appendix B of the Transport Statement (reference GB01T21/A18/11041722) has been submitted to and approved in writing by the Local Planning Authority. Prior to commencement of any works being undertaken on the development hereby permitted the off-site highway improvement works must be completed.
5. Prior to commencement of development a detailed construction management scheme must be submitted to and approved by the Local Planning Authority, this must include:
 - (a) Hours of construction,
 - (b) Details relating to deliveries/collections.
 - (c) Attenuation measures for noise and vibration from any piling.
 - (d) The location of any fixed machinery, their sound power levels,
 - (e) The location and layout of the contractor compound,
 - (f) The location of contractor parking,

(g) Soil management plan during construction.

(h) The location and layout of the materials storage area, machinery storage area and waste & recycling storage area,

(i) Proposed attenuation and mitigation methods to protect residents from noise, lighting, vibrations, dust (in accordance with Section 8 of IAQM Guidance) and litter.

The detailed construction management plan shall be substantively in accord with the assessment of traffic impacts in the Environmental Statement.

The construction management scheme must be implemented as approved.

6. Prior to the installation of any external lighting, a detailed outdoor lighting scheme must be submitted to and approved in writing by the Local Planning Authority. The scheme must include:

a) Details of the type of lights.

b) The orientation/angle of the luminaries.

c) The spacing and height of the lighting.

d) The extent/levels of illumination over the site and on adjacent land and the measures to contain light within the curtilage of the site.

e) Identification of those areas/features on site that are particularly sensitive for bats, badgers, nesting birds and otters and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging.

f) Demonstration of how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

The scheme must be implemented in accordance with the approved scheme and thereafter maintained and retained as agreed.

7. Prior to the commencement of development, full details of the surface water drainage arrangements must be submitted to and approved in writing by the Local Planning Authority. The drainage details must be constructed as approved before any part of the development hereby permitted is brought into use.
8. No removal of hedgerows, trees, shrubs or brambles shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a detailed check of vegetation for active birds' nests no more than 48 hours prior to the commencement of vegetation clearance and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority for approval.

In the event that any bird nests or actively breeding pairs are encountered, works will not commence on site until a further survey has been submitted in writing and approved by the Local Planning Authority confirming that any nesting attempts are concluded and any chicks in nests have fledged.

9. Prior to the commencement of development, a construction environmental management plan (CEMP: Biodiversity) must be submitted to and approved in writing by the local planning authority. The CEMP must include, but not be limited to, the following:
- Risk assessment of potentially damaging construction activities;
 - Identification of 'biodiversity protection zones' including buffers around known badger setts, hedgerows and ditches, particularly those with water vole present. A figure identifying these areas should be included;
 - Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
 - The location and timing of sensitive works to avoid harm to biodiversity features;
 - Construction timed to be outside of breeding bird season (1st March and 31st August inclusive) unless a competent ecologist has undertaken preconstruction checks for nesting birds.
 - Works with the potential to cause disturbance of barn owls nesting at locations identified within the breeding bird report should be preceded by a nest check by a licensed barn owl ecologist to ascertain whether any occupied breeding sites are present. If occupied breeding sites are identified within 200m of works locations as recommended in Section 6.2.5 of 'Breeding Bird Survey Report' by RSK Biocensus 2022,
 - The times during construction when specialist ecologists need to be present on site to oversee works;
 - Direction of security/construction lighting away from protection zones, tree canopies and watercourses in line with the lighting strategy;
 - Measures to prevent wildlife becoming trapped in excavations etc;
 - Tool-box talk which is specific to the risk factors identified
 - Responsible persons and lines of communication;
 - The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
 - Use of protective fences, exclusion barriers and warning signs.
 - A soil management and restoration plan.

The approved CEMP: Biodiversity must be adhered to and implemented through the construction phases strictly in accordance with the approved details, unless first submitted to and agreed in writing by the Local Planning Authority (LPA).

A 'statement of good practice' shall be signed upon completion by the competent ecologist, and be submitted to the LPA, confirming that the specified enhancement measures have been implemented in accordance with good practice upon which the planning consent was granted.

10. All ecological measures and/or works must be carried out in accordance with the details contained within the Habitat Management Plan October 2022 as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.
11. Prior to the commencement of development, an archaeological written scheme of investigation (WSI) must be submitted to and approved by the Local Planning Authority in writing. The scheme must include:
 - 1) The programme and methodology of site investigation and recording.
 - 2) The programme for post investigation assessment.
 - 3) Provision to be made for analysis of the site investigation and recording.
 - 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation.
 - 5) Provision to be made for archive deposition of the analysis and records of the site investigation.
 - 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation.
 - 7) any further project designs as addenda to the approved WSI covering subsequent phases of mitigation as required.

Development shall proceed in accordance with the approved details and any addenda to that WSI covering subsequent phases of mitigation.

12. The development permitted by this planning permission must be carried out in accordance with the approved Flood Risk Assessment (FRA) (Ref: RUK2022N00166-RAM-RP-00018) carried out by Ramboll (dated September 2022) and in particular, the FRA recommends that:
 - Site infrastructure (including the substation and battery array) will be raised 0.8m above ground levels;
 - Flood resilient measures will be incorporated into the design of the switching and control kiosks; and
 - PV panels will be raised at least 0.6m above ground levels.
13. Notwithstanding the submitted details, prior to the operation of the development hereby approved, full details of both hard and soft landscape works must be submitted to and approved in writing by the Local Planning Authority. Soft landscape works must include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants and trees noting species, sizes and proposed numbers and densities where appropriate.
14. All hard and soft landscape works must be carried out in accordance with the approved details. The works must be carried out prior to the operation of any

part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted.

15. The development shall be carried out in accordance with the landscape mitigation measures set out in paragraph 5.9.3 of the Environmental Statement unless provided for in any other conditions attached to this planning permission.
16. Decommissioning of the development and restoration of the site must commence no later than 30 years from the final date of commissioning of the development.
 - i. Unless otherwise agreed in writing by the local planning authority a decommissioning and restoration plan will be submitted to and approved by the local planning authority 6 months before the 30-year anniversary of the date of final commissioning of the development or 6 months after the cessation of commercial export from the site, if before.
 - ii. No decommissioning may take place unless the decommissioning and restoration plan has been approved by the local planning authority.

The decommissioning and restoration plan must be implemented as approved.

17. Prior to the commencement of development, a biodiversity gain plan must be submitted to and approved in writing by the local planning authority. The plan shall accord with the Biodiversity Net Gain Assessment [1620013921, October 2022] and accompanying calculations, demonstrating the post-development biodiversity gains outlined in Table 5.1 of the assessment, calculated using the Biodiversity Metric, including information about the steps taken or to be taken to minimise the adverse effect of the development on biodiversity of the onsite habitat and any other habitat identify how the Habitat will be secured and monitored for at least 30 years and the mechanism to achieve it. Development shall be carried out in accordance with the approval plan.
18. Before the battery storage facility is first brought into use, it must be enclosed with sound-insulating material and mounted in a way which will minimise emission of structure-borne sound and in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in accordance with the approved details and shall be retained thereafter.
19. Prior to commencement of development a battery fire safety management plan must be submitted to approved by the Local Planning Authority. The battery fire safety management plan must prescribe measures to facilitate safety during the construction, operation and decommissioning of the battery storage component of the development. The battery fire safety management plan must be implemented as approved.

***** END OF CONDITIONS *****

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Timothy Leader, Barrister

Instructed by Stuart Ashworth of the Borough Council of Kings Lynn and West Norfolk

He called;

Jon Etchells

MA BPhil CMLI

Mark Reynolds

BSc (Hons) MSc MRTPI

Landscape and Visual matters

Planning matters

FOR THE APPELLANT:

Mark Westmoreland Smith

Instructed by Richard Griffiths, Partner, Pinsent Masons LLP

He called;

Ian Lanchbury

BA(Hons) BLandArch CMLI

Daniel Baird

M.I. Soil Sci

Fraser Blackwood

BA (Hons), MSc, MRTPI

Landscape and Visual matters

Agricultural land matters

Planning matters

INTERESTED PERSONS:

Malcolm Stead

Local resident and spoke on behalf of 'Residents against Meerdyke Solar' residents group

Councillor Terence Parish

Leader of the Borough Council of King's Lynn and West Norfolk

Councillor Brian Long

Borough and County Councillor

Councillor Sue Lintern

Borough Councillor

DOCUMENTS SUBMITTED AT INQUIRY

- ID1 Opening Statement on behalf of the Appellant
- ID2 Opening Statement on behalf of the Borough Council of King's Lynn and West Norfolk
- ID3 The Residents Against Meerdyke Solar four documents:
 - a) Signatures collected from Emneth, Marshland St James and Walton Highway residents in support of The Residents Against Meerdyke Solar, January 2024
 - b) Position Statement by The Residents Against Meerdyke Solar, dated December 17 2023
 - c) Calculations of traffic flows by The Residents Against Meerdyke Solar dated January 2024
 - d) Transcript of presentation delivered to the public enquiry (sic) dated January 2024
- ID4 Statement from Cllr Terence Parish
- ID5 Statement of Common Ground Version 3 January 2024 – inserting new first bullet point on page 13, Section 5.1.1.
- ID6 Written version of statement made by Councillor Brian Long to Inquiry
- ID7 Policy DM20 – Renewable Energy policy context excerpt from Local Plan pages 68 and 69
- ID8 Minutes of Planning Committee meeting of 24 April 2023 relating to 22/01987/FM, pages 1014 to 1017
- ID9 Energy National Policy Statements, Statement made on 17 January 2024 by Claire Coutinho, Secretary of State for Energy Security and Net Zero
- ID10 Three documents comprising;
 - a) List of residential properties near to appeal site in Mr Etchell's evidence which occupiers of may be affected by visual impacts from the proposal
 - b) Plan with 140m buffer
 - c) Plan with broad area groups of properties with visual effects
- ID11 National Planning Policy Framework, 2012 version
- ID12 Statement of Common Ground, Appendix 1 Suggested conditions
- ID13 Amended version of Statement of Common Ground Appendix 1 suggested conditions following roundtable discussion
- ID14 Closing Submissions on behalf of the Borough Council of King's Lynn and West Norfolk, dated Friday 29 January 2024
- ID15 Closing Statement on behalf of the Appellant, dated 31 January 2024



The Planning Inspectorate

Temple Quay House
2 The Square
Bristol
BS1 6PN

Direct Line:
Customer Services:
0303 444 5000

Email: ALISON.DYSON@planninginspectorate.gov.uk
www.gov.uk/planning-inspectorate

Ruth Redding
King's Lynn and West Norfolk Borough
Council
Kings Court
Chapel Street
King's Lynn
Norfolk
PE30 1EX

Your Ref: 22/01987/FM
Our Ref: APP/V2635/W/23/3323065

05 March 2024

Dear Ruth Redding,

Town and Country Planning Act 1990
Appeal by Downing Renewable Developments LLP
Site Address: Land SE of Poplar Farm, Harps Hall Road, Walton Highway,
Wisbech, PE14 7DL

I enclose a copy of our Inspector's decision on the above appeal(s).

If you have queries or feedback about the decision or the way we handled the appeal(s), you should submit them using our "Feedback" webpage at <https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure>.

If you do not have internet access please write to the Customer Quality Unit at the address above.

If you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

The Planning Inspectorate cannot change or revoke the outcome in the attached decision. If you want to alter the outcome you should consider obtaining legal advice as only the High Court can quash this decision.

We are continually seeking ways to improve the quality of service we provide to our customers. As part of this commitment we are seeking feedback from those who use our service. It would be appreciated if you could take some time to complete this short survey, which should take no more than a few minutes complete:

https://www.surveymonkey.co.uk/r/Planning_inspectorate_customer_survey

Thank you in advance for taking the time to provide us with valuable feedback.

Yours sincerely,

Alison Dyson

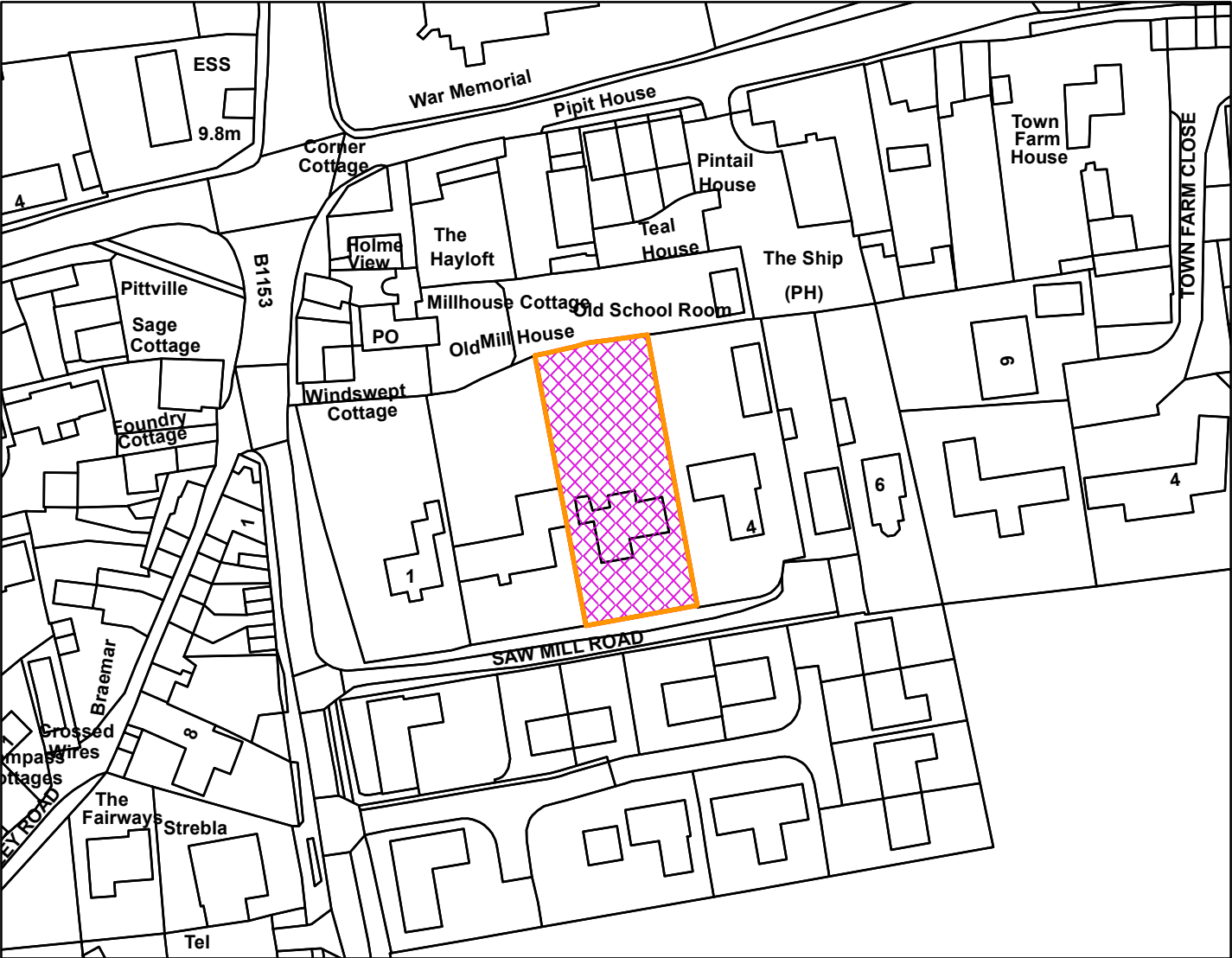
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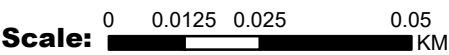
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3 Saw Mill Road Brancaster King's Lynn PE31 8AJ



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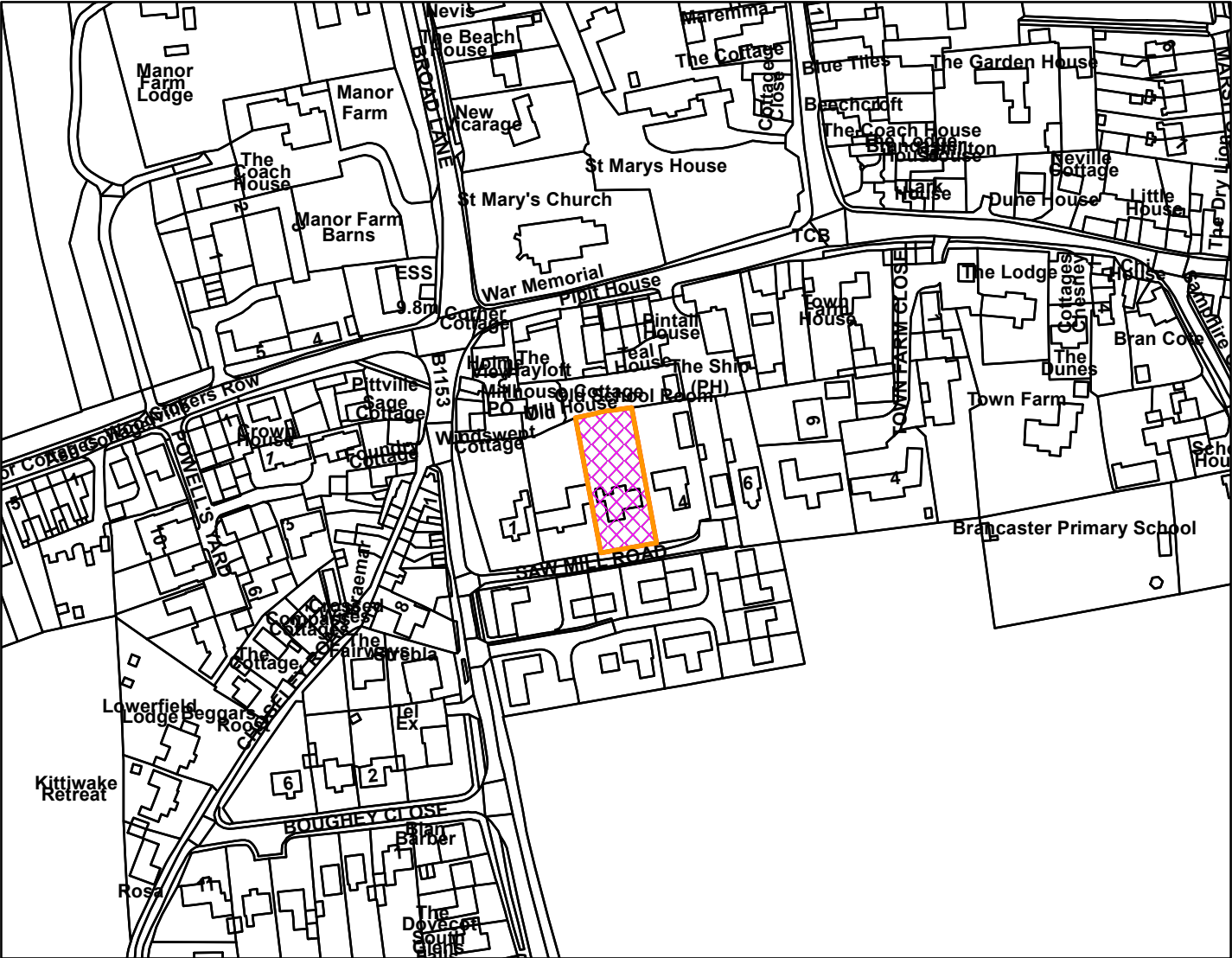


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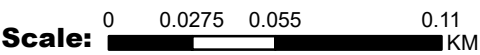
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Department	Department
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MSA Number	0100024314



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Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	18/09/2025
MSA Number	0100024314

AGENDA ITEM NO: 9/3(a)

Parish:	Brancaster	
Proposal:	VARIATION of condition 2 and REMOVAL of condition 7 attached to planning permission 24/01167/F: Extensions, alterations & remodelling of dwelling and proposed outbuilding.	
Location:	3 Saw Mill Road Brancaster King's Lynn Norfolk PE31 8AJ	
Applicant:	N Barley	
Case No:	25/00865/F (Full Application)	
Case Officer:	Mrs Jade Calton	Date for Determination: 17 July 2025

Reason for Referral to Planning Committee – Called in by Councillor de Winton

Neighbourhood Plan: Yes

Case Summary

The application site relates to a detached bungalow; No.3 Saw Mill, Brancaster.

The application seeks consent for variation of condition 2 (approved plans) and removal of condition 7 (foundation design and construction methodology) through s73 of the TCP Act in relation to planning permission 24/01167/F for 'extensions, alterations & remodelling of dwelling and proposed outbuilding'.

Brancaster is classified as a Key Rural Service Centre within the Settlement Hierarchy of the Core Strategy and Tier 4 (Key Rural Service Centre) under the new Local Plan.

Key Issues

Principle of Development

History

Form and Character and Impact on the Character and Appearance of the Conservation Area

Neighbour Amenities

Highway Safety

Arboricultural Impacts

Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

The application site relates to a detached bungalow; No.3 Saw Mill, Brancaster.

Members may recall that a previous application (24/01167/F) was determined by the Planning Committee on the 7th April of this year where it was resolved to approve the extensions and alterations to the dwelling.

The current application seeks to vary condition 2 (approved plans) and removal of condition 7 (foundation design and construction methodology) through s73 of the TCP Act in relation to the previously approved planning permission (24/01167/F - 'extensions, alterations & remodelling of dwelling and proposed outbuilding').

The proposed changes to condition 2 include: -

- Removal of the attached garage.
- Amendment to the demolition plan to include removing additional walls.
- Amendments to the form and design of the detached summer house.

The reason for revising the demolition plan is due to the fact that four small sections of wall (two within the front elevation and two within the rear elevation) were demolished on site that were originally shown to be retained. The two full side walls have been retained as originally shown.

Condition 7 - The removal of condition 7 is sought as this relates to the foundation design of the previously approved garage, which they are seeking to omit from the scheme.

SUPPORTING CASE

There is no supporting case accompanying the application.

PLANNING HISTORY

24/01167/F: PERMITTED (Committee) 07/04/25 - Extensions, alterations & remodelling of dwelling and proposed outbuilding at 3 Saw Mill Road, Brancaster.

RESPONSE TO CONSULTATION

Parish Council: REMOVAL OF CONDITION 2 INCREASES THE OVERDEVELOPMENT OF THE PLOT.

Conservation Team: NO OBJECTION

Arboricultural Officer: NO OBJECTION to the removal of condition 7.

REPRESENTATIONS

ONE letter of **OBJECTION** received from a Third Party raising the following concerns: -

- Section 73a provides a mechanism for regulating unauthorised works.
- The Surveyor advised that the existing foundations were only 4" deep.

- Despite this, the owner still proceeded to attempt to build a two storey house with the existing foundations.
- The builder then demolished the northern and southern walls, in breach of condition 2.
- Requests that committee members / planning officers carefully look at the demolition plan dated 2025 where it clearly shows the areas of the northern and southern walls to be retained.
- A full application was requested by Planning Enforcement.
- Does not agree that the breach of condition can be regularised through a section 73A.
- The original dwelling was timber framed which is not capable of supporting two storeys.
- The eastern and western elevations are being propped up timber stanchion.

KING'S LYNN AND WEST NORFOLK LOCAL PLAN 2021-2040

LP13 - Transportation (Strategic Policy)

LP14 - Parking Provision in New Development

LP18 - Design & Sustainable Development (Strategic Policy)

LP19 - Environmental Assets - Green Infrastructure, Landscape Character, Biodiversity and Geodiversity (Strategic Policy)

LP20 - Environmental Assets- Historic Environment (Strategic Policy)

LP21 - Environment, Design and Amenity (Strategic Policy)

NEIGHBOURHOOD PLAN POLICIES

Policy 1 - Appropriate Housing

Policy 2 - Design, Style and Materials

Policy 3 - Footprint for New and Redeveloped Dwellings

Policy 4 - Parking Provision

Policy 5 - Replacement and Extended Dwellings

Policy 8 - Protection of Heritage Assets and Views

Policy 10: Protection and Enhancement of the Natural Environment and Landscape

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2021

PLANNING CONSIDERATIONS

The main considerations in the determination of this application are:

- Principle of Development
- History
- Form and Character and Impact on the Character and Appearance of the Conservation Area
- Neighbour Amenity
- Highway Safety
- Arboricultural Impacts
- Other Material Considerations

Principle of Development:

The principle of the development; extensions, alterations and remodelling of the existing dwelling and construction of a summer house has been established through the granting of planning permission 24/01167/F, which is extant.

This application relates to S73A of the Town and Country Planning Act 1990, which allows for retrospective planning application to be made for development carried out without planning permission or in breach of its conditions.

As such, the only matters for consideration under this application are the changes proposed, which includes the removal of the attached garage, and subsequent removal of associated condition 7; amendment to the demolition plan to include the demolition of additional sections of wall; and amendments to the design of the summer house.

History:

The 2024 application was supported by a demolition plan which demonstrated that the majority of the existing external walls of the dwelling would be retained which allowed the application to be validated as householder development - extensions and alterations.

During the commencement of works on site, it became apparent that two small sections of wall to the front elevation and two small sections to the rear which were punctured with fenestration could not be retained and were therefore also demolished. Two full external walls to the east and west elevations have been retained.

As the demolition plan formed part of the approved plans condition, the Applicant was therefore in breach of that condition. A legal opinion was sought to established whether or not the breach would result in the need to submit a fresh new full application for a replacement dwelling as opposed to extension and alterations.

It was advised that the LPA proceeds with this matter by way of a Section 73A Application to vary the approved / demolition Plans. This judgement had been made on a fact and degree basis taking into account the specific circumstances of this case i.e. the level of demolition involved (with two full walls and foundations retained), the fact that a demolition plan was conditioned within the original consent relevant Case Law and appeal decisions.

For clarity, whilst demolition of walls which were marked as being retained can result in a planning permission not being implemented and instead an unlawful development, this is a

matter of fact and degree on a case-by-case basis, taking into account any conditions and the description of the development, which in this case does include 'remodelling'.

Form and Character and Impact on the Character and Appearance of the Conservation Area:

In the interests of brevity, this report does not intend to repeat the general considerations relating to the acceptability of the overall scheme as that was considered appropriate and approved at Planning Committee in April. This report will focus on the proposed revisions in accordance with S73A.

However, in summary, the Planning Committee previously considered that notwithstanding the fact that the proposed extensions and alterations would result in a dwelling which differs in scale and appearance to the existing dwelling on the site, the overall design, mass and use of materials would not harm the mixed character of the area, in accordance with the Development Plan and the general provisions of the NPPF.

In respect of the proposed variations, the removal of the garage would cause no visual harm to the street scene, wider Conservation Area and National Landscape. Paragraph 189 of the NPPF states that "Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads, and National Landscapes." Arguably, this would reduce the overall mass of development, with a footprint of 200 square meter (as approved) to 162 square meters (as proposed), a reduction of approximately 38 square meter, which could be seen as a positive alteration to the scheme and would not be overdevelopment of the site, contrary to the Parish Council's comment.

The amendment to the demolition plan is more of a technicality rather than causing a direct impact on the form and character / adjacent Conservation Area. As although additional sections of wall have been demolished and will therefore have to be re-built, they would become internal walls and ultimately the end result, i.e. the extended and altered dwelling, would appear exactly the same as previously approved.

As such, this element of the application would cause no more impact upon the character and appearance of the area over and above that of the previously approved development.

With regard to the final change to the scheme, amendments are sought to the form and design of the proposed summer house, which introduces a small gable projection to the front (south) elevation, creating an 'L-shape' configuration as opposed to a rectangular shaped pitched roof building.

The previous use of the summer house included an outdoor kitchen / dining area and store / gym. The amendments now include a smaller outdoor kitchen / dining area, a games room (instead of a gym) and a larger store. Double doors are now shown to the southern gable elevation to serve the store.

The footprint of the previously approved summer house measured approx. 62 sqm, and the proposed footprint of the summer house would measure approx. 64 sqm, which is a very modest increase in size. Its overall height to both eaves (2.3m) and ridge level (4.1m) remains the same, as does its position within the plot and distances from boundaries.

Whilst the design and form of the proposed summer house would alter, it would not be overly visible from the public domain due to its position to rear of the private garden and as such, the changes proposed are not considered to cause any harm to the character and appearance of the area or wider National Landscape, in accordance with Neighbourhood Plan Policies 2, 3, 4, 5, 8 and 10; Local PLAN Policies LP18, LP19, LP20 and LP21.

Impact on Neighbour Amenity:

Taking particular care to consider the relationships between the original scheme and the neighbouring dwellings at No.2 to the west and No.4 to the east, it was previously considered that the proposed development would not adversely affect the amenities of surrounding residents, in terms of overlooking, overshadowing, loss of light or overbearing impact, in accordance with the Development Plan and the provisions of the NPPF.

In taking the variations into account, the removal of the garage will improve the relationship with the neighbouring property to the west as it offers more separation between the properties. The dwelling would now be sited approximately 5.1m from the west boundary. Albeit the impact was previously considered acceptable.

The variation to the demolition plan does not affect neighbour amenity.

The proposed change in form and design to the summer house is not considered to adversely affect neighbour amenity, particularly those to the west, given that the overall height (2.3m to eaves and 4.1m to ridge level) and position within the plot (between 2.9m and 3.11m from the western boundary) is the same as previously approved.

The exception is the addition of the forward projecting gable, however, whilst this arguably increases the bulk / massing of the summer house when viewed from its front elevation, this bears no adverse impact upon those residents. The ridge of the gable runs parallel to the western boundary, thus the roof pitches away from the neighbour's amenity space and would not result in a material increase in overshadowing or overbearing impact.

Overall, it is considered that the proposed changes to the development accord with Neighbourhood Plan Policy 5; Local Plan Policies LP18 and LP21; and the general provisions of the NPPF, but in particular paragraph 130.

Highway Safety:

The proposed development continues to provide adequate on-site parking and turning for a dwelling of this scale in accordance with adopted standards.

The proposal therefore accords with Neighbourhood Plan Policy 4; Local Plan Policies LP18, LP13 and LP14; and the general provisions of the NPPF.

Arboricultural Impacts:

It was previously noted that a large number of trees had been removed from both the front and the rear garden prior to the submission of the application. However, the site and neighbouring land is not within the Conservation Area where the trees would be protected. Neither are there any Tree Preservation Orders on the site.

The Council's Arboricultural Officer previously requested a condition requiring the foundation design for the garage given that it would overlap the root protection zone of two medium sized Leylandii Cypress Trees on Third Party land to the west, to ensure there would be no adverse impact upon those trees.

However, the Applicant no longer wishes to construct the garage and therefore seeks to remove condition 7 relating to the foundation design.

The Council's Arboricultural Officer raises no objection to the removal of the condition as those the remainder of the development would have no impact upon the adjacent tree.

The proposal therefore accords with the general aims and objectives of the Neighbourhood Plan; Local Plan Policy LP19 and the general provisions of the NPPF.

Other Material Considerations:

Ecology - Under the previous application the existing dwelling on the site was assessed to have features suitable to support roosting bats. As such, an Ecology Assessment report was submitted which concluded the bungalow as negligible suitability for roosting bats.

However, ecological enhancements were conditioned.

BNG - This application is exempt from having to provide the mandatory net gain as it is a householder. That said, the abovementioned enhancement measures will help towards securing measurable net gains for biodiversity in accordance with paragraph 192 of the NPPF and Development Plan Policy LP19.

Third Party and Parish Council Concerns - The Third party and Parish Council comments have been noted and taken into consideration in making a recommendation for this application. Some of the issues raised have been discussed and addressed in the relevant sections above.

Regarding the existing foundations, this does not fall within the scope of planning management per se. The Applicant provided a demolition plan suggesting that the foundations are adequate to accommodate the additional load. Building Control would inspect foundations and advise the Applicant if there is a requirement to underpin them to support the additional load.

With reference to the Parish Council concerns that the 'variation of condition would increase the overdevelopment of the plot', this would not be the case. There are only minor changes to the summer house, which mostly affects its form and external appearance and a very limited increased in footprint (from approximately 62 square meters to 64 square meters). There are no changes to the main resulting dwelling, with the exception of the removal of the garage, which would reduce the footprint of the dwelling creating more separation between the site and the neighbouring dwelling to the west. The proposed development is not considered to be overdevelopment of the plot.

Crime and Disorder - Section 17 of the Crime and Disorder Act 1998 requires Local Authorities to consider the implications for crime and disorder in the carrying out of their duties. The application before the Committee will not have a material impact upon crime and disorder.

CONCLUSION:

The principle of the proposed extensions, alterations and remodelling of the existing dwelling and construction of a detached summer house were established and deemed acceptable at the April 2025 Planning Committee.

The current application seeks to vary and remove conditions through S73A, which is a legitimate mechanism to regularise development which has started on site and breaches conditions on the planning permission. This regime was introduced to allow Applicants to

correct issues with approved development by applying for a new permission that amends the original conditions.

It is only the proposed changes which should be considered as part of this application given that the previous scheme was deemed acceptable.

The removal of the garage and subsequent removal of condition 7 is considered acceptable as this causes no harm to visual or neighbour amenity and arguably improves the relationship with the neighbour to the west and removes any impact upon their trees.

The variation to the demolition plan is a process issue. Ultimately, consideration should be given to what additional harm would result from that already approved in the specific circumstances of this case. The outcome of the development would be exactly the same as previously approved. Notwithstanding the fact that small sections of wall shown to be retained have been demolished, case law suggests that as long as the development uses the same surface materials and the overall profile and footprint are exactly the same when complete (with the exception of the other amendments - garage and summer house) it would conform to the permission that had been granted.

With regard to the summer house, its use, footprint, positing within the plot and overall height are the same or very similar and as such it is not considered that the changes to its form and design would cause any additional harm to visual or neighbour amenities over and above that of the previously approved scheme.

Taking the above into consideration, the proposed development accords with Neighbourhood Plan Policies 1, 2, 3, 4, 5, 8 and 10; Local Plan Policies LP18, LP13, LP14 LP19, LP20 and LP21; and the provisions of the NPPF.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition The development hereby approved shall be carried out in accordance with the following approved plans drawing nos:

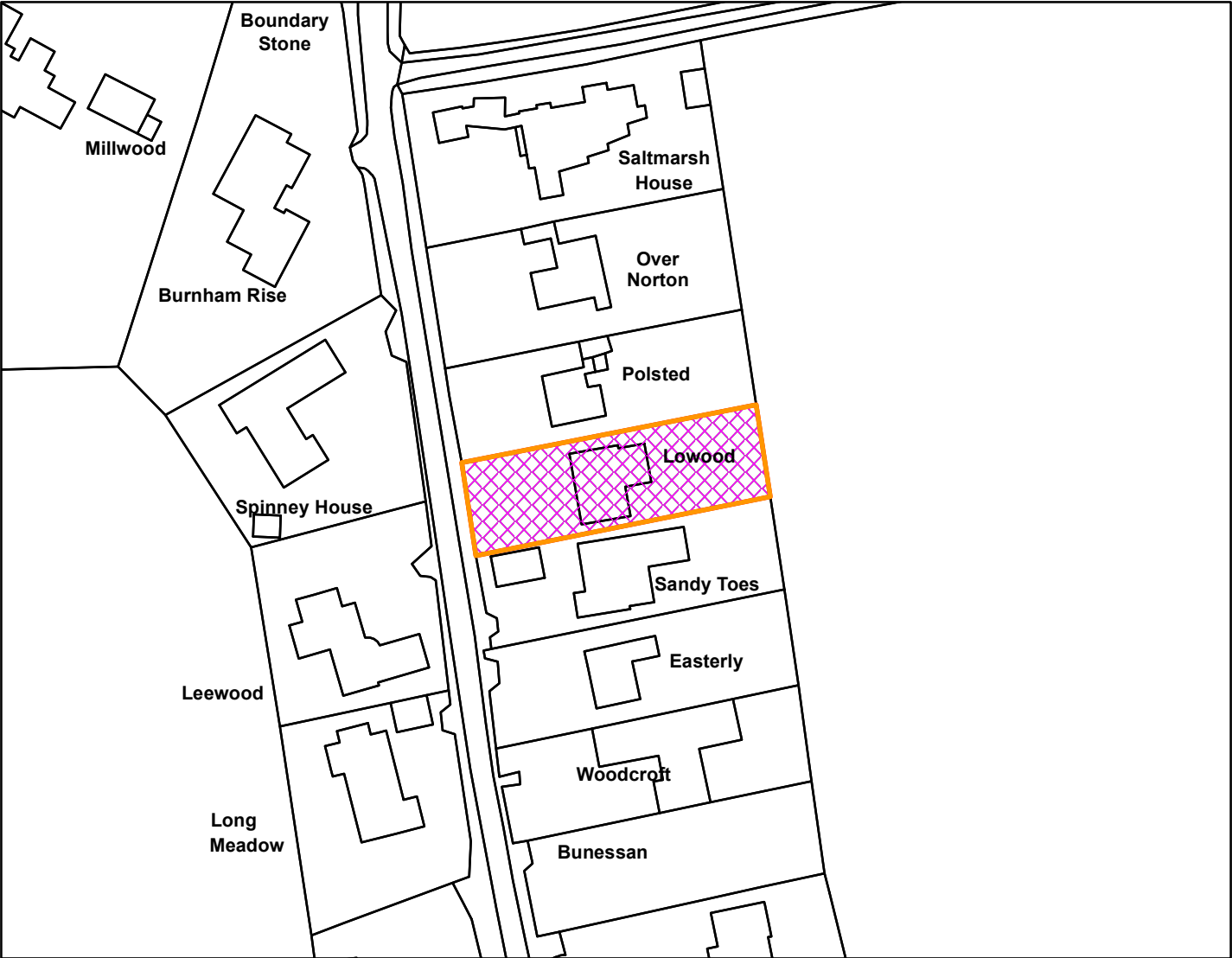
24017 02 Revision I: Proposed Floor Plans,
24017 03 Revision I: Proposed Elevations, Sun Room and Site Plan, and
24017 04 Revision B: Demolition Plan.
- 1 Reason For the avoidance of doubt and in the interests of proper planning.
- 2 Condition Prior to the first use of the development hereby permitted the proposed on-site car parking/turning area shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 2 Reason To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety, in accordance with Neighbourhood Plan Policy 4; Core Strategy Policies CS08 / LP18 and CS11 / LP13; SADMP Policies DM15 / LP21 and DM17 / LP14; and the provisions of the NPPF.
- 3 Condition No development shall commence on any external surface of the development until a sample panel of the materials to be used for the external surfaces of the building(s) and/or extension(s) hereby permitted has been erected on the site for

the inspection and written approval of the Local Planning Authority. The sample panel shall measure at least 1 metre x 1 metre using the proposed materials, mortar type, bond and pointing technique. The development shall be constructed in accordance with the approved details.

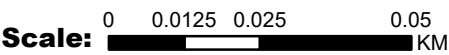
- 3 Reason To ensure a satisfactory external appearance and grouping of materials in accordance with Neighbourhood Plan Policy 2; Core Strategy Policies CS08 / LP18 and CS12 / LP20; SADMPP Policy DM15 / LP21; and the general principles of the NPPF.
- 4 Condition Construction or development work on site, along with collections and deliveries of waste products, material and equipment, shall only be carried out between the hours of 0800 and 1800 weekdays, and 0900-1300 on Saturdays, with no work allowed on Sundays and Bank/Public Holidays. Piling, where applicable, shall only be carried out weekdays between the hours of 0900-1700.
- 4 Reason In the interests of the amenities of local residents, in accordance with Core Strategy Policy CS08 / LP18; SADMPP Policy DM15 / LP21; and the provisions of the NPPF.
- 5 Condition On-site parking for construction workers must occur for the duration of the works until the development is completed.
- 5 Reason In the interests of the amenities of local residents, in accordance with Core Strategy Policy CS08 / LP18; SADMPP Policy DM15 /LP21; and the provisions of the NPPF.
- 6 Condition The use of the summerhouse hereby approved shall be limited to purposes incidental to the needs and personal enjoyment of the occupants of the dwelling and shall at no time be used for business or commercial purposes.
- 6 Reason For the avoidance of doubt and to ensure that the building is not used for unrelated purposes that would be incompatible with the provisions of the NPPF and Development Plan Policies CS08 / LP18 and DM15 / LP21.
- 7 Condition The Mitigation of Construction Impacts and Ecological Enhancements and Opportunities set out in paragraphs 7.9 – 7.11 of the Ecological Assessment prepared by Hopkins Ecology, dated 21 November 2024, shall be adhered to during the course of the construction, and in relation to enhancement measures, shall be carried out prior to the first occupation of the development hereby approved, and retained thereafter as such.
- 7 Reason In the interests of ecology and biodiversity, in accordance with Neighbourhood Plan Policy 10; Core Strategy Policy CS12; SADMPP Policy DM15 and the provisions of the NPPF.



Lowood Herrings Lane Burnham Market



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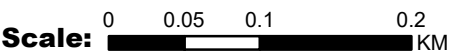
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Department	Department
Comments	Not Set
Date	23/09/2025
MSA Number	0100024314



Lowood Herrings Lane Burnham Market



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Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	23/09/2025
MSA Number	0100024314

AGENDA ITEM NO: 9/3(b)

Parish:	Burnham Market	
Proposal:	Proposed Self-Build Replacement Dwelling Following Demolition of Existing Chalet.	
Location:	Lowood Herrings Lane Burnham Market King's Lynn PE31 8DW	
Applicant:	Mr T Roberts	
Case No:	25/01058/F (Full Application)	
Case Officer:	Mrs Jade Calton	Date for Determination: 18 August 2025 Extension of Time Expiry Date: 14 October 2025

Reason for Referral to Planning Committee – Referred to Planning Committee by the Sifting Panel.

Neighbourhood Plan: Yes

Case Summary

This application is for the demolition of an existing two storey house along Herrings Lane in Burnham Market and construction of a replacement self-build two storey dwelling.

The application site is approximately 0.1ha in size, located on the east side of Herrings Lane. The site is approximately 130m from Burnham Market's Conservation Area and within the National Landscape.

Burnham Market is a tier 4 settlement under LP02 of the Local Plan 2021-2040. As a replacement dwelling, the principle of development is considered acceptable.

Key Issues

Principle of development
 Form and character
 Impact on neighbour amenity
 Impact on protected tree
 Highway safety
 Flood risk and drainage
 Ecology
 Any other matters requiring consideration prior to determination of the application

Recommendation

APPROVE

THE APPLICATION

This application is for the demolition of an existing two storey dwelling along Herrings Lane in Burnham Market and its replacement with a more substantial two storey self-build dwelling with additional accommodation in the roof space. The proposed dwelling also incorporates a basement area incorporating a swimming pool, gym, changing room and cinema room.

A proposed single storey double garage would project beyond the front of the two storey element, linked by a single storey element to be used as a study.

The proposed dwelling would be of a more contemporary style than the existing dwelling, incorporating dark grey/black powder coated aluminium doors and windows, but would be finished in more traditional materials, specifically Norfolk Red facing brickwork with flint infill and a natural clay pantiled roof.

The application site is approximately 0.1ha in size, located to the east side of Herrings Lane. The site is approximately 130m from Burnham Market's Conservation Area and within the National Landscape.

Burnham Market is a tier 4 settlement under LP02 of the Local Plan 2021-2040. As a replacement dwelling, the principle of development is considered acceptable.

The site lies within Flood Risk Zone 1: Low risk from flooding.

There are no trees on or adjacent to the site protected by a Tree Preservation Order.

PLANNING HISTORY

2/93/1413/F Permission refused for construction of detached garage

2/93/0742/F Permission granted for construction of detached garage in association with proposed replacement dwelling

RESPONSE TO CONSULTATION

Parish Council: **NO OBJECTION** - On re-consultation following the submission of revised plans to reduce the depth, bulk and massing of the proposed development, the Parish Council have removed their objection to this application but would like the following comments to be noted:

"The Parish Council (PC) requires all applicable policies in the Burnham Market Neighbourhood Plan and Design Guidance to be strictly enforced, in particular those relating to Policy 6 (Design and materials), Policy 8 (BNG), and Policy 11 (Dark Skies). In addition, the Parish Council requests a condition to be stipulated that all traders vehicles must be parked on site or on other public car parking spaces. Herring Lane is very narrow and must not be blocked"

Anglian Water – **OBJECTION**: Anglian water do not object to the principle of development but has stated it objects to the replacement dwelling being connected to the network until the applicant can demonstrate there is sufficient capacity to accommodate additional flows. At present, Anglian Water anticipates this to be 2030. Their comments are as follows:

"This site is within the catchment of Burnham Market Water Recycling Centre (WRC), which currently lacks the capacity to accommodate the additional flows generated by the proposed development. However, Burnham Market WRC is included within our Business Plan as a

named growth scheme with investment delivery planned between 2025-2030. To ensure there is no pollution or deterioration in the receiving watercourse due to the additional foul flows that would arise from the development, we recommend a planning condition is applied if permission is granted.

Condition: Prior to occupation written confirmation from Anglian Water must be submitted confirming there is sufficient headroom at the water recycling centre to accommodate the foul flows from the development site. This condition shall cease to have effect if the development is first occupied after April 2030.

Reason: to protect water quality, prevent pollution and secure sustainable development having regard to paragraphs 7/8 and 187 of the National Planning Policy Framework.

The sewerage system at present has available capacity for these flows. However as advised above, any connection into our foul network from the proposed development will contribute to pollution and deterioration of the watercourse via the WRC. As stated in the objection above, the receiving WRC cannot accommodate additional flows. If LPA is minded to grant approval despite of our WRC objection, the developer will need to serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.”

Historic Environment: **NO OBJECTION:** The proposed development is located a short distance to the northwest of a highly significant Early to Mid Anglo-Saxon cemetery, now a Scheduled Monument. In addition a short distance to the northeast lies the medieval church of St Margaret, with cropmarks of a possible associated settlement. Consequently, there is potential that heritage assets with archaeological interest (buried archaeological remains) may be present at the site and that their significance will be affected by the proposed development. If planning permission is granted, we therefore ask that this be subject to a programme of archaeological mitigatory work in accordance with National Planning Policy Framework, Ministry of Housing, Communities & Local Government (2024) para. 218.

Council - Arboricultural Officer: **NO OBJECTION:** Following the submission of an amended arboricultural report and plans to re-position the proposed driveway and parking area further from a mature Silver Birch in the front garden of Polstead to the north, the Arboricultural Officer is satisfied that there would be no adverse impacts upon trees. This is subject to a condition to cover the protection and retention of the Silver Birch tree on site during demolition and construction work.

Council - Ecologist: **NO OBJECTION** comments summarised as follows:

In relation to the Preliminary Bat Roost Assessment (Iceni Ecology Ltd, October 2024) and Bat Survey Report (Iceni Ecology Ltd, June 2024): The PRA assessed the building on site to have moderate potential to support roosting bats. Two further surveys were recommended to understand the buildings potential use by bats. These surveys were subsequently undertaken between 12th May 2025 17th June 2025 and reported within the Bat Survey Report. No bats were observed emerging from the building and relatively little activity was recorded generally though passes from noctule, common and soprano pipistrelle were recorded during the first survey and an additional single pass by Daubenton's on the second survey.

REPRESENTATIONS

THREE neighbours have written in **SUPPORT** of the application citing:

- high quality design;
- the use of appropriate materials;
- design features that complement neighbouring properties.

TWO letters of **OBJECTION** have been received from the co-owners of Polstead, the bungalow directly to the north of the proposed development. In summary, the objections are on the following grounds:

- overbearing impact
- loss of light and sunlight to Polstead, it's garden and, in particular, to a lounge at the rear of the property.
- Loss of privacy grounds due to overlooking from windows to the proposed dwelling. In particular, concern has been raised about high level windows on the northern elevation and rear facing windows to a balcony.
- light spill from the proposed development upon local wildlife.
- Proximity of footings associated with the basement and their proximity to Polstead.

KING'S LYNN AND WEST NORFOLK LOCAL PLAN 2021-2040

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF:

LP03 - Neighbourhood Plans (Strategic Policy)

LP04 - Presumption in Favour of Sustainable Development Policy (Strategic Policy)

LP06 - Climate Change (Strategic Policy)

LP16 - Norfolk Coast National Landscape (Strategic Policy)

LP18 - Design & Sustainable Development (Strategic Policy)

LP19 - Environmental Assets - Green Infrastructure, Landscape Character, Biodiversity and Geodiversity (Strategic Policy)

LP20 - Environmental Assets- Historic Environment (Strategic Policy)

LP21 - Environment, Design and Amenity (Strategic Policy)

LP23 - Green Infrastructure (Strategic Policy)

LP02 - Residential Development on Windfall Sites (Strategic Policy)

NEIGHBOURHOOD PLAN POLICIES

Policy 11: Dark Skies

Policy 12: Surface Water Management

Policy 4: Replacement Dwellings

Policy 6: Design

Policy 7: Residential Parking Standards

Policy 8: Biodiversity and Green Corrido

Policy 11: Dark Skies

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
National Design Guide 2021

National Planning Policy Framework – sets out the Government’s planning policies for England and how these are expected to be applied.

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

PLANNING CONSIDERATIONS

The main considerations are:

- Principle of development
- Form and character
- Impact on neighbour amenity
- Impact on Protected Tree
- Highway safety
- Flood risk and drainage
- Ecology
- Any other matters requiring consideration prior to determination of the application

Principle of Development:

In line with Section 245 (Protected Landscapes) of the Levelling-up and Regeneration Act 2023, Policy LP16 of the Local Plan 2021-2040 states that planning permission for any proposal within the National Landscape or affecting the setting of the National Landscape will only be granted when it:

- a) Conserves and enhances the Norfolk Coast National Landscape Area’s special qualities, distinctive character, tranquility and remoteness in accordance with national planning policy and the overall purpose of the National Landscape designation; and avoids adverse impacts from individual proposals (including their cumulative effects), unless these can be satisfactorily mitigated; and
- b) Is appropriate to the economic, social and environmental wellbeing of the area or is desirable for its understanding and enjoyment.

Burnham Market is a Tier 4 settlement under the Local Plan 2021-2040. The application site is within the development boundary of Burnham Market. The application is for a replacement dwelling and the principle of development is considered acceptable, subject to other local plan policies.

Form and Character and Impact on the National Landscape:

Herrings Lane comprises a mix of large contemporary style and traditional bungalows and two-storey dwellings within generous plots. Policy 6 of the Burnham Markets' Neighbourhood Plan (BMNP) designates Herrings Lane as part of CA4 - Edge Development, where the design code and guidance (Appendix B) describes development as residential with linear development of detached and semi-detached houses. Houses range from 1-2 storey in height and typical roofline include pitched or hipped pantile roof. Materials include red brick, gault brick, plaster, red pantiles, weatherboarding, black glassed pantiles, course chalk and slate.

Lowood is a two storey chalet style dwelling, situated within a generous plot, bounded by soft landscaping. The existing dwelling measures approximately 7.5m tall, 13.5m wide, and 13.9 deep. The dwelling is finished in red facing brick, with timber detailing and a red pantiled roof.

The application proposes demolition of the existing two storey dwelling and its replacement with a more substantial two storey self-build dwelling with additional accommodation in the roof space. The proposed dwelling also incorporates a basement area incorporating a swimming pool, gym, changing room and cinema room.

Plans for the replacement dwelling have been amended through the course of the application to address the impact on neighbours, impact on a third party tree, and account for the neighbourhood plan policies. Specifically, the depth of the two storey rear element in proximity to Polstead has been reduced and the access and parking area has been re-positioned further from the Silver Birch tree in the neighbouring garden.

It is noted that the re-sited access would require the removal or repositioning of a BT telegraph pole. This lies outside the red line boundary and would require a consent from the relevant authority. It is not a planning consideration.

Policy 4 (replacement dwellings) of the Neighbourhood Plan (NP) states: "Proposals for replacement dwellings will be supported provided that:

- a) They are appropriate to their location with the new dwelling integrating into the surrounding;
- b) Do not unacceptably affect the amenity of neighbouring properties;
- c) They are on a one-for-one basis; and
- d) Redevelopment of farm buildings should follow the design guidance set out under BF08- Design of Agricultural Buildings of the Design Codes and Guidance Document (2022)."

The proposal is considered to meet a) and c) of the policy. The proposal is for a replacement dwelling, with no net increase in the number of dwellings on the site. Furthermore, the proposed dwelling is considered appropriate to its location along Herrings Lane, which predominantly comprises two-storey contemporary dwellings. Although approved prior to the adoption of Burnham Market's neighbourhood plan, these contemporary two-storey dwellings form part of the context and character of Herrings Lane.

Point d) of Policy 4 of the BMNP is not relevant to the application as the application does not involve the redevelopment of a farm building. Finally, point b) will be discussed below, in the 'Neighbour Amenity' section of the report.

When considering Policy 6 (Design) of the BMNP, the Policy does not explicitly state that dwellings cannot be taller than the existing building. Point b of Policy 6 states "New development should have due regard to the heights and rooflines of other buildings in the area and the generally low profile of buildings. Typically, 1 to 2 storey buildings with pitched or hipped roofs depending on the character area. Dormer windows in the roof will not be supported."

The proposal is a two-storey construction, with roof accommodation. The dwelling would range between 7.8m and 9.1m tall (depending on the surrounding ground level), approximately 1.6m max taller than the existing dwelling, and is consistent with dwellings along Herrings Lane. For instance, along the other side of Herrings Lane, to the west, Burnham Rise is 8.3m tall, Leewood Verona is 8.9 tall, Spinney House is 9.6m tall, Long Meadow is 8.4m tall and Wildwood Cottage is 10.3m tall ; to the north, Saltmarsh is 6.9m tall; and to the south, Polstead is 5.6m tall.

The verdant character of Herring's Lane would remain with the retention of an established hedge along the northern boundary and Silver Birch tree (not protected by a TPO) to the north of the site. The access to the proposed dwelling would be positioned further north along the front boundary than the existing access to Lowood and the frontage would include a low masonry wall and gates set back from the frontage. Hard surfacing would be installed to the front of the site for the parking and turning area, and to the south of the proposed dwelling, as a patio area. The rest of the site would be grass. The proposed driveway, frontage treatment and landscaping would generally comply with Policy 6, point d, e, f, g, h, i and j of BMNP regarding linear settlement pattern and building layout, natural surveillance from the layout of proposals, appropriate boundary treatments, front and back garden ratios, and appropriate landscaping to screen parking at the front of sites and landscaping within the site.

Policy 11 of BMNP seeks to protect the dark skies environment. The policy states "where internal lighting would have an impact on residential amenity or wildlife, development proposals should incorporate suitable mitigation measures". Ten roof lights are proposed. Other glazing would be of contemporary design with large panels of glazing to the east and west elevations. The Agent has agreed to a 'smart glass' or visible light transmission (VLT) tint scheme, which will be secured via condition. Having regard to the fact that this is a replacement dwelling in a built up area, the condition for VLT is considered to satisfactorily comply with Policy 11 of BMNP.

For the reasons set out above, the proposal is considered to comply with Policies LP16, LP18, LP19 and LP21 of the Local Plan 2021-2040, Policy 4, 6, and 11 of the BMNP, and the NPPF.

Impact on Neighbour Amenity:

As Sandy Toes is to the south of the site, there would be no material impact upon sunlight or day light to this property. The proposed new dwelling would also not project beyond the rear of Sandy Toes and there would be no windows overlooking Sandy Toes . This would be an acceptable relationship.

Polstead is a single storey dwelling to the north. There is a large side window serving a lounge/ dining area on the southern elevation and side/rear windows to a conservatory. These windows currently look out onto the existing 3m high Beech Hedge and the existing

house at Lowood. Although the proposed development would be 1.2m closer to Polstead than the existing dwelling and 1.4m higher, the change in outlook from these windows would not be so significant to warrant a refusal.

The two storey rear element of the proposed dwelling would project approximately 3.5m beyond the existing house at Lowood but would be off-set from the northern boundary by 2.7 and 5.5m from the southern wall of Polstead. Also, Polstead is set within a large mature garden. Having regard to both these factors, it is also considered that the scale and massing of the proposed rear projection would be acceptable.

The existing house at Lowood and the boundary hedge combined with the existing 3m high means there is already a degree of overshadowing to the rear lounge windows of the neighbouring property and garden immediately behind the house. This relationship would not be materially changed as a result of the proposed development. As noted above, while there would be some increase in overshadowing to the garden beyond this, Polstead has a large garden and any increase in overshadowing would not be so significant to warrant a refusal.

The only first floor windows proposed on the northern elevation of the proposed dwelling would serve a bathroom. There would be no first floor windows serving habitable rooms on the northern elevation. Outlook from the proposed ground floor windows would be to a fence and the established 3m high boundary hedge. Whilst the proposed development would comprise an increased area of rear windows than compared to the existing chalet at Lowood, these proposed windows would have a similar outlook onto Polstead's garden as the existing dwelling. The first floor windows within the rear projection nearest Polstead serve a master bedroom. They comprise a Juliette balcony not full balcony. Taking into account all these factors, it is not considered that there would be an undue loss of privacy.

For the reasons set out above, the proposal would comply with Policy LP21 of the Local Plan 2021-2040 and Policy 4 of BMNP regarding impact on neighbours.

Impact on Trees:

There are no trees on or adjacent to the site that are the subject of a Tree Preservation Order.

The application includes an Arboricultural Impact Assessment to support the application. The only tree of significance is a mature Silver Birch in the front garden of Polstead and the mature Beach hedge along the boundary with Polstead. A condition is proposed to secure details for the protection of this tree and hedge in line with the Oakfield Arboricultural report dated 15 August 2025.

In terms of the impact on trees, the proposal would comply with Policy 6 of the BMNP, LP21 and LP23 of the Local Plan 2021-2040.

Highway Safety:

The proposed dwelling would be a five-bedroom dwelling. In accordance with Policy LP14 of the Local Plan 2021-2040, Policy 7 of the Neighbourhood Plan and Norfolk's Parking Standards, three parking spaces would be required. Given the size of the front garden and amount of hard surfacing proposed, three parking spaces could be provided on site, with additional parking within the proposed garage.

In terms of highway safety and parking provisions, the proposal would comply with Policy LP14 and LP21 of the Local Plan 2021-2040, Policy 7 of the Neighbourhood Plan and Norfolk Parking Standards.

Flood Risk and Drainage:

The application site is located in Flood Zone 1, which has the lowest risk of flooding. Furthermore, the site is not within the Coastal Hazard Zone identified under Policy LP17 of the Local Plan 2021-2040.

Anglian water do not object to the principle of development but has stated it objects to the replacement dwelling being connected to the network until the applicant can demonstrate there is sufficient capacity to accommodate additional flows. However, as the proposed development would be replacing a dwelling that is already connected to the network within the built-up settlement of Burnham Market, it is not considered that a condition restricting occupancy until 2030 would be reasonable. It is also worth noting that the applicant could build reasonably substantial extensions to the existing dwelling under permitted development rights. Notwithstanding this, with regards to the swimming pool element, the applicant has sought advice from a drainage consultant and agreed to install a holding tank with a control system that holds the water for 5 to 7 days until the chlorine dissipates, then slowly releases the water into soakaways using a control system. This would be secured through condition.

Due to the topography of the land, it is reasonable to impose a condition regarding surface water drainage to ensure there would not be a detrimental impact in terms of run-off on surrounding neighbours. This condition has been agreed by the Planning Agent.

In terms of drainage, the proposal would comply with Policy LP18 and LP21 of the Local Plan 2021-2040 and Policy 12 of the BMNP.

Ecology:

Protected Species:

No bats were observed emerging from the building and relatively little activity was recorded generally. Therefore, there would be no significant adverse impacts upon protected species.

Biodiversity Net Gain:

The applicant has claimed an exemption from Biodiversity Net Gain under the self-build and custom build exemption within the NPPF. Therefore, Burnham Market Neighbourhood Plan Policy 14 (NPP 14) which outlines requirements for Biodiversity Net Gain for all development would not apply in this case.

Historic Environment:

Due to the proximity of the site to a highly significant Early to Mid Anglo-Saxon cemetery, (Scheduled Monument), it is appropriate to impose a condition requiring a written scheme of investigation to be submitted for approval in accordance with Policy LP20 and the NPPF.

CONCLUSION:

This application is for a replacement dwelling at Lowood, Herrings Lane in Burnham Market. The site is within the National Landscape but does not fall within Burnham Market's Conservation Area.

Although the replacement dwelling is larger than the existing dwelling, the proposal would remain consistent with Policy 4 and 6 of BMNP, being relative in height to surrounding

properties along Herrings Lane. It would have an acceptable relationship within the street scene and in terms of its impact on neighbouring property.

Other consultees such as Environmental Quality, Ecology, Arboriculture and Historic Environment have raised no objections, subject to conditions.

The reason for referral of the application to Committee relates to the objection raised by Anglian Water. However, as the proposed development would be replacing a dwelling that is already connected to the network within the built-up settlement of Burnham Market, it is not considered that imposing a condition restricting occupancy until 2030 would be reasonable in this case.

The development is therefore considered acceptable in accordance with Policy LP06, LP14, LP16, LP18, LP19, LP20, LP21, and LP23 of the Local Plan 2021-2040 and Policies 4, 6, 7, 11, and 12 of the Burnham Market Neighbourhood Plan, and the provisions of the NPPF. As a result, it is recommended for approval subject to the following conditions and reasons.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition The development hereby permitted shall be carried out in accordance with the following approved plans:

895/24/02 Rev D Proposed Site Plan & Existing & Proposed Street Scene
895/24/03 Rev C Proposed Floorplans
895/24/04 Rev B Proposed Elevations and Sections
- 2 Reason For the avoidance of doubt and in the interests of proper planning.
- 3 Condition Notwithstanding the details of the approved plans, no development shall take place on any external surface of the development hereby permitted until details of the type, colour and texture of all materials to be used for the external surfaces of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 3 Reason To ensure a satisfactory external appearance and grouping of materials in accordance with LP18 and LP21 of the Local Plan 2021-2040, and the principles of the NPPF.
- 4 Condition Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no new windows on the northern elevation, enlargement of the dwelling consisting of the addition or alteration to its roof, and additional roof lights (other than those expressly authorised by this permission) shall be allowed without the granting of specific planning permission.

- 4 Reason To avoid any overlooking or perception of overlooking, to maintain the residential amenity of occupiers of neighbouring properties in accordance with LP21 of the Local Plan 2021-2040 and provisions of the NPPF.
- 5 Condition Before the first occupation of the dwelling hereby permitted the first floor ensuite and dressing room windows on the north elevation, shall be fitted with obscured glazing and any part of the window(s) that is less than 1.7 metres above the floor of the room in which it is installed shall be non-opening. The window(s) shall be permanently retained in that condition thereafter.
- 5 Reason To avoid any overlooking or perception of overlooking, to maintain the residential amenity of occupiers of neighbouring properties in accordance with LP21 of the Local Plan 2021-2040 and provisions of the NPPF.
- 6 Condition Prior to the first use/occupation of the development hereby permitted, full details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include finished levels or contours, hard surface materials and boundary treatment including the proposed front boundary wall and gates. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate.
- 6 Reason To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 7 Condition All hard and soft landscape works shall be carried out in accordance with the approved details of condition 6. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.
- 7 Reason To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 8 Condition Prior to the occupation of the dwellinghouse hereby permitted, a scheme for Visible Light Transmission (VLT) of no more than 0.65 VLT, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.
- 8 Reason To minimise light pollution and ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF and LP21 of the Local Plan 2021-2040 and Policy 12 of Burnham Market's Neighbourhood Plan and to limit the impact of the replacement dwelling in the wider National Landscape.
- 9 Condition Prior to commencement of the development hereby approved, all Tree Protection Measures, tree removals, and tree pruning coppicing, and Arboricultural site supervision, shall be implemented in accordance with the Oakfield Tree Protection Plan OAS 25-240-TSO3A dated August 2025. The Tree Protection Barriers/ground protection shall be erected in accordance with BS 5837:2012 (Section 7.4.2.3) and shall be retained intact for the full duration of the development work hereby approved until all equipment, materials and surplus materials have been removed from the site. If

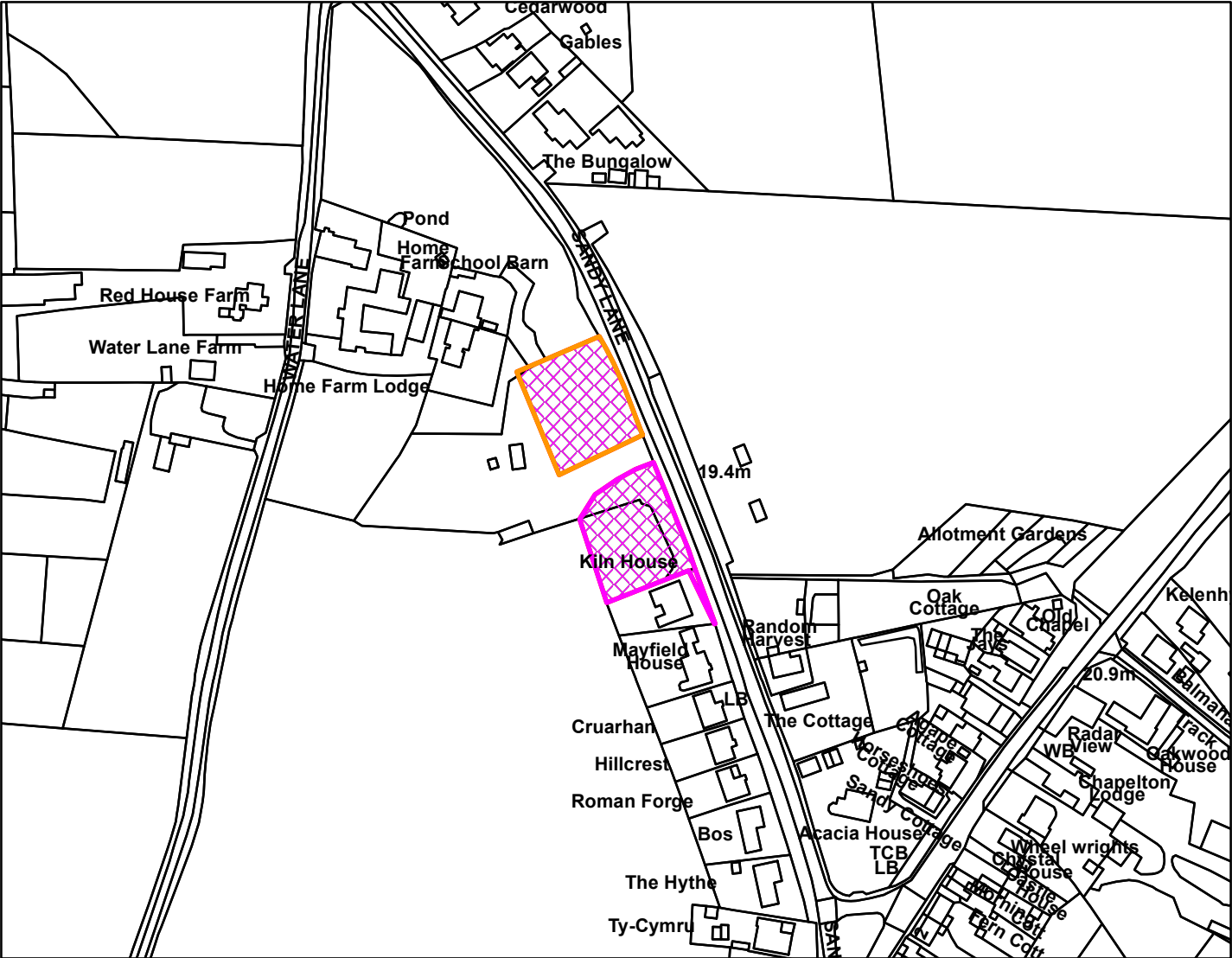
the Tree Protection Barriers/ground protection is damaged all operations shall cease until it is repaired in accordance with the approved details. Nothing shall be stored or placed in any fenced area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written approval of the Local Planning Authority.

- 9 Reason To avoid damage to the existing trees on and off site to be retained including the Cedar tree protected by Tree Preservation Order 2/TPO/00688 in accordance with LP21 and LP23 of the Local Plan 2021-2040.
- 10 Condition No development shall take place until an archaeological written scheme of investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and 1) The programme and methodology of site investigation and recording, 2) The programme for post investigation assessment, 3) Provision to be made for analysis of the site investigation and recording, 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation, 5) Provision to be made for archive deposition of the analysis and records of the site investigation 3 and 6) Nomination of a competent person or persons/organisation to undertake the works set out within the written scheme of investigation.
- 10 Reason To safeguard archaeological interests in accordance with the principles of the NPPF and LP20 of the Local Plan 2021-2040.
- 11 Condition No development shall take place other than in accordance with the written scheme of investigation approved under condition 10.
- 11 Reason To safeguard archaeological interests in accordance with the principles of the NPPF and LP20 of the Local Plan 2021-2040.
- 12 Condition The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition 10 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- 12 Reason To safeguard archaeological interests in accordance with the principles of the NPPF and LP20 of the Local Plan 2021-2040.
- 13 Condition The flat roof area to the rear (eastern) elevation of the dwelling hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the granting of a further specific planning permission.
- 13 Reason In order that the Local Planning Authority may retain control over the development in the interests of the residential amenities of the locality in accordance with the NPPF and LP21 of the Local Plan 2021-2040.
- 14 Condition Notwithstanding the provisions of Schedule 2, Part 1, Class B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additions etc and other alterations to the roof of a dwellinghouse shall be allowed without the granting of specific planning permission.

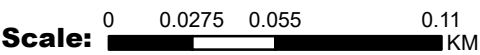
- 14 Reason In order that the Local Planning Authority may retain control over the development in the interests of the residential amenities of the locality in accordance with the NPPF and LP21 of the Local Plan 2021-2040.
- 15 Condition Prior to the commencement of development, details of the proposed holding tank and control system to manage water drainage from the swimming pool hereby approved shall be submitted to the Local Authority for approval. The development shall only be carried out in accordance with the approved details which shall be retained in perpetuity or until such time that it can be demonstrated that there is sufficient capacity to accommodate additional flows to the network.
- 15 Reason To protect water quality, prevent pollution and secure a sustainable development having regard to paragraphs 7/8 and 187 of the National Planning Policy Framework
- 16 Condition No development, other than the demolition of the existing dwelling, shall commence on site until full details of the surface water drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.
- 16 Reason To ensure that there is a satisfactory means of drainage in accordance with the NPPF.
- 17 Condition Self Build:
- i. The dwelling hereby permitted shall be constructed as a self-build dwelling within the definition of a self-build and custom build housing in the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016), and
 - ii. The first occupation of the dwelling hereby permitted shall be by a person or persons who had a primary input into the design and layout of the dwelling and who will live in the dwelling for at least 3 years, and
 - iii. (iii) Prior to the first occupation of the dwelling the Council shall be notified of the person(s) who will take up first occupation of the dwelling.
- 17 Reason To ensure the satisfactory development of the site as a genuine self-build and/or custom dwelling, in accordance with the NPPF (2024) and Schedule 7A of the Town and Country Planning Act 1990 for Biodiversity Net Gain.



Land N of Kiln House Sandy Lane Blackborough End PE31 1SE



Legend

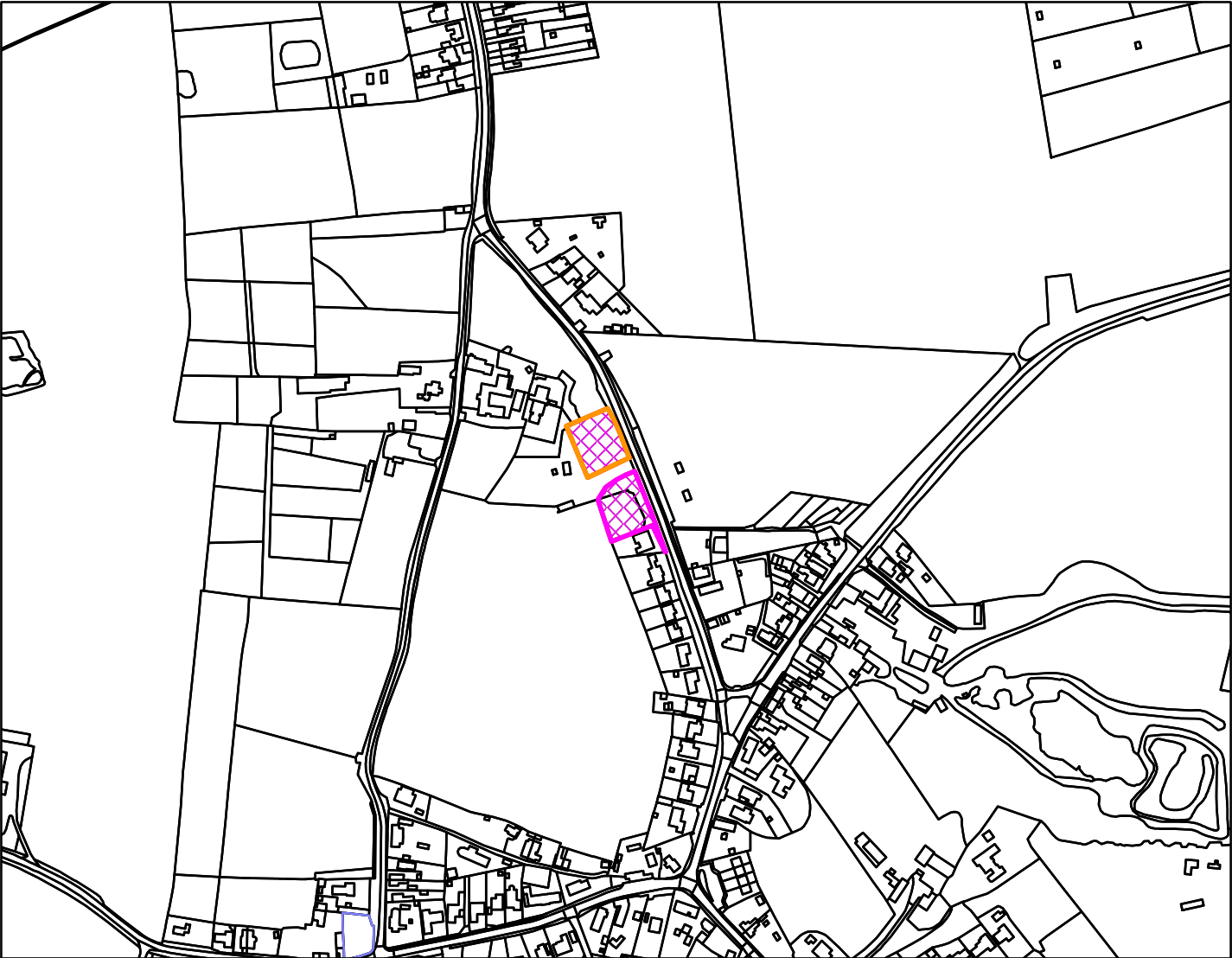


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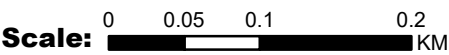
Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	22/09/2025
MSA Number	0100024314



Land N of Kiln House Sandy Lane Blackborough End PE31 1SE



Legend



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Ordnance Survey AC0000819234

Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	22/09/2025
MSA Number	0100024314

AGENDA ITEM NO: 9/3(c)

Parish:	Middleton	
Proposal:	OUTLINE PLANNING PERMISSION WITH ALL MATTERS RESERVED FOR: 4 Self-build/Custom detached dwellings	
Location:	Land N of Kiln House Sandy Lane Blackborough End Norfolk PE32 1SE	
Applicant:	Mr P Jackson	
Case No:	25/00256/O (Outline Application)	
Case Officer:	Clare Harpham	Date for Determination: 29 May 2025 Extension of Time Expiry Date: 13 October 2025

Reason for Referral to Planning Committee – The officer recommendation is contrary to the Parish Council who object to the proposal. Sifting Panel determined agreed that the application should be determined at Planning Committee.

Neighbourhood Plan: No

Case Summary

This application is for outline approval of four custom and self-build dwellings with all matters reserved bar scale.

The site is located just outside of the development boundary of a Tier 6 Settlement as defined by Policy LP01 of the Local Plan. In line with Local Plan Policy LP02, residential development would not normally be permitted outside development boundaries in such a location however the provision of custom and self-build housing plots is a material consideration carrying significant weight.

Key Issues

Principle of development
 Form and character
 Impact on neighbour amenity
 Highway safety
 Drainage issues
 Ecology issues
 Climate Change
 Other material considerations

Recommendation

APPROVE

THE APPLICATION

The application site is located on the western side of Sandy Lane, to the north of the existing residential development which fronts Sandy Lane. The site is currently laid to rough grass with brambles, is overgrown in places, with the existing access bisecting the application site.

The application is for outline planning permission for four self-build/custom build dwellings and was submitted for all matters to be reserved.

Given the fact that the level of Sandy Lane, and the application site, varies in this location an Article 5(2) Notice was served on the applicant to state that the Borough Council required the details of scale to be considered at this outline stage and plans have been submitted showing the existing topography and the levels relating to the proposed finished floor levels of each plot and ridge heights in relation to Kiln House to the south of the site. Each plot is approximately 20m in width and 35m in depth.

Consequently, this application is for outline permission with only scale being considered at this time; the means of access, layout, appearance and landscaping are matters which are reserved for future consideration.

SUPPORTING CASE

The plots proposed by this application represent a very natural progression of development along Sandy Lane and as such does not unduly project into the true countryside. The plots are also commensurate with the very much established ribbon development along the road and which has a low, 30mph, speed limit and pedestrian footpath along its full length, connecting Blackborough End and Middleton.

Whilst the site may be considered within the sphere of Blackborough End, in geographic reality it is more closely associated with the much larger village of Middleton and as such has access to a fair range of immediate amenities such as shop, pub and school as well as being very well connected to the wider county via the road network and also the rail network with 2 stations within 6 miles.

The dwellings proposed will not overbear the adjacent properties since, despite being an Outline application, details have been addressed to ensure that the scale of any future designs respect the scale and nature of its neighbours. Similarly, although no fixed house design has been submitted, the size of the plots proposed are such that they will accommodate individual dwellings of a commensurate scale to those adjacent without becoming overdeveloped or too densely built upon.

Ecology within the site has been evaluated and a scheme prepared in mitigation of the limited impact that the development would have on wildlife. Future detailed design will also allow the incorporation of other works of mitigation and improvement such as the installation of bat/bird boxes, planting and maintenance of 'hedgehog highways' etc.

It is recognised that the Council as a shortage of plots designated for Self-Build / Custom development on its register and the 4 plots offered by this site will assist in alleviating the shortfall and do so by offering 4 opportunities to build individual, bespoke dwellings along a road typified by a varied architectural style.

To conclude, it is considered by the applicant that the site proposed, and the plots within it, represents an opportunity for the construction of 4 new family homes for persons specifically

wanting to live in the area and who can benefit from its favourable rural location and do so with minimal impact on its surroundings, neighbourhood and ecology.

PLANNING HISTORY

09/00876/FM: Application Permitted: 09/11/09 - Erection of 10 Holiday Chalets and Administration Block - Land South of Home Farm Sandy Lane Blackborough End

08/01617/F: Application Refused: 21/08/08 - Retention of Workshop - Bramble Barn Sandy Lane Blackborough End

05/00409/F: Application Permitted: 19/04/05 - Conversion and extension to form 2 dwellings - Home Farm Lodge Sandy Lane Middleton

04/01410/F: Application Refused: 27/10/04 - Conversion and extensions to provide two dwellings - Home Farm Lodge Water Lane Middleton

2/01/1197/F: Application Permitted: 13/09/01 - Creation of vehicular access - Sandy Lane Blackborough End Middleton

RESPONSE TO CONSULTATION

Parish Council: OBJECT Blackborough End is defined as a hamlet thus development is not permitted that is outside the village envelope.

This application is contrary to the SADMPP:

- C4 DM3 permits limited infill only if the infill gap is existing housing or a demolished building.
- C4.5 and C4.8 reiterates this in reference to affordable housing.
- G11.1 and G11.2 limits development in Blackborough End.

Highways Authority: NO OBJECTION The principle of the development is acceptable and at reserved matters stage the following should be addressed in accordance with adopted standards:

- Visibility splays
- Access
- Parking provision

Internal Drainage Board: NO OBJECTION Standard comments received regarding the Board's Byelaws and regulatory processes.

Anglian Water: NO OBJECTION Assets – AW records show that there are no assets owned by AW or any subject to an adoption agreement within the site boundary. It is recommended the applicant carries out a thorough investigation of the proposed working area to establish whether there are any unmapped public or private sewers and lateral drains in existence. Due to the private sewer transfer in October 2011 many newly adopted public water assets and their history are not indicated on AW records and these private assets are not the responsibility of AW but of the landowner.

Wastewater Treatment – following communication from the Applicant we have removed our objection. AW objected to the connection to the public foul network. The site is located in the

catchment of the Middleton WRC which currently lacks the capacity to accommodate the additional flows that would be generated by the proposal. The associated environmental risk and increased discharge rates could lead to a deterioration in water quality and an unacceptable risk of breaching environmental legislation. The Applicant has indicated that they propose to utilise a package treatment plant, therefore this is outside of our jurisdiction to comment, and our objection is withdrawn.

Used Water Network – provided a package treatment plant is utilised as stated by the applicant this is outside AW jurisdiction to comment.

Surface Water Disposal – The application indicates that surface water will be disposed of via soakaway which does not relate to AW assets.

Environmental Health & Housing - Environmental Quality: NO OBJECTION The applicant has provided a screening assessment indicating no known contamination. A review of the Council's files shows the site is on land not seen developed for the duration of our records. The surrounding landscape is largely agricultural with some dwellings.

Therefore, no significant sources of contamination are identified and there is no objection.

Historic Environment Service: NO OBJECTION The site lies immediately north of Kiln House, where as the name suggests a pottery kiln of Roman date was discovered and excavated in 1989. Finds indicative of industrial and settlement activity dating to the Roman period have been recorded further south adjacent to Sandy Lane. There is potential for heritage assets, buried archaeological remains of Roman date to be present within the proposed development area and that the significance would be adversely affected by the proposed development.

If planning permission is granted, we ask that this is subject to a programme of archaeological mitigatory work in accordance with the NPPF 2024, Section 16: Conserving and enhancing the historic environment, para. 211.

In this case the programme of archaeological mitigatory work will commence with informative trial trenching to determine the scope and extent of any further mitigatory work that may be required e.g. archaeological excavation or monitoring of groundworks during construction.

Senior Ecologist: NO OBJECTION The applicant has claimed an exemption from the General Biodiversity Net Gain condition under the self-build and custom build exemption. This exemption must be secured via condition. An exemption from BNG does not preclude the need to provide a measurable net gain under the NPPF. Ecological enhancement features will be expected to be included within the design to meet this duty. As a minimum the applicant should include at least one bat box, one bird box and signed hedgehog holes.

The site has habitat such as hedgerows, bramble and long grassland which may have the potential to support protects species including reptiles, breeding birds, amphibians. At least one water body is present within 250m of the site boundary and there is habitat suitable for terrestrial great crested newts on site. A Preliminary Ecological Appraisal (PEA) was submitted which identified a requirement for a Phase 2 survey for Greater Crested Newts (GCN).

Phase 2 surveys for reptiles were undertaken and reported within a Reptile Survey Report (Philip Parker Associates Ltd, 21/08/2025). A low population of common lizard was identified and so the report recommends a translocation methodology, and precautionary methods required for habitat clearance and during the construction phase to avoid and mitigate impacts on this group. Management and enhancement of the intended receptor area is also

recommended. The translocation cannot now take place until 2026 and will require 60 days of translocation, with completion only when five days of no reptiles have been observed, as well as semi-permanent reptile fencing. Trapping, translocation, fencing and initial management works of the receptor area must be undertaken before commencement of the development. A condition should be applied regarding Enhancement and Mitigation in accordance with Section 8.0 of the PEA and Section 4.7-4.10 of the Reptile report, with evidence to be submitted prior to the occupation of the development. Reptile mitigation should be carried out in accordance with Section 4.1-4.6 of the Reptile Report prior to commencement.

The proposed housing is close to Blackborough End Pitt SSSI which is designated for earth (geological) heritage rather than ecological features. The Impact Risk Zone Advice from Magic suggests that an automatic consultee response can be generated from Natural England as they would not need to be consulted on this scale of development.

A shadow HRA has been submitted, and section 3 will be completed by the LPA. This can be saved as the LPA record of HRA.

Natural England: NO OBJECTION Advice generated from Magic:

The site is within an Impact Risk Zone for a SSSI.

The site is within a zone of influence (ZoI) for recreational impacts to one or more European Sites scoped into the Norfolk GIRAMS.

The impact on the SSSI is unlikely given the site is designated for terrestrial features rather than nature conservation.

Further general advice given on the natural environment.

Planning Policy: The proposed development should be evaluated within the framework of the adopted Local Plan and relevant policies, which promote sustainable development patterns, maintain local character, and ensure housing is provided in proximity to essential services. On 27th March 2025 the replacement Local Plan was adopted.

The current Local Plan has introduced a supporting Custom and Self-Build (CSB) policy, and the Local Plan is generally supportive of Custom and Self-Build housing, where proposals respect local character and comply with other relevant policies. Other relevant policies relating to the principle of development are LP01, LP02, LP13, LP18 and LP21.

The Self-Build and Custom Housebuilding Act 2015, as amended by subsequent acts including the Housing and Planning Act 2016 and Levelling Up and Regeneration Act (LURA) 2023, mandates that local authorities grant sufficient development permissions to meet the CSB demand as indicated by their register. This legal duty underscores the necessity to provide for individuals and groups seeking self-build opportunities. The proposed site, not previously developed, is located outside the development boundary and is not in the vicinity of any designated biodiversity sites. However, the application site would not normally be considered for new-build development due to its location outside the development boundary of a smaller village.

Notwithstanding, the proposal, being a self-build scheme, could be considered acceptable due to the Borough Council being required to permit sufficient permissions for CSB dwellings to meet the need. It is critical to balance the need to meet the CSB demand and the principle of plan-led decision making. The legal requirement to meet the need, the Local Development

Plan, the NPPF and any material considerations all need to be considered when weighing the planning balance.

Housing Strategy: It is confirmed that the site area and number of dwellings proposed trigger the thresholds of Local Plan Policy LP28 Affordable Housing.

At present a 20% provision is required on sites capable of accommodating 5 or more dwellings and/or 0.165ha in Blackborough End. The affordable housing provision is split into 70% of the affordable homes being made available for rent and 30% low-cost home ownership, including Shared Ownership, First Homes or any other intermediate product that meets the intermediate definition within NPPF, meets an identified need in the Borough and is agreed by the Council.

However, the NPPF states that affordable housing should not be sought on developments of fewer than 10 dwellings and/or 0.5ha other than in designated rural areas. On sites on 6-9 dwellings and less than 0.5ha, a financial contribution based on £71,000 per equivalent whole affordable dwelling will be sought.

In this instance as the site area is under 0.5ha and 4 units are proposed, an affordable housing contribution is not required.

I have noted the application is proposing the 4 units to be delivered as self-build/custom housing. Planning Policy will provide further comments on the demand for CSB in the area. The council hold a register of custom and self-build applicants. We would be happy to pass on marketing material to those on the register in the event permission is granted this would be best done at the time when marketing of plots commences. This is a free service which imposes no obligations.

REPRESENTATIONS

TWO letters of **OBJECTION** covering the following:-

- Blackborough End has no capacity for additional residents i.e. no space, school places, doctors etc.
- Additional traffic will burden poor roads and accesses will be on brow of a hill with increased risk to other road users.
- It will be an extension of development into open agricultural land.
- The outline gives few details.
- Approval may enable further residential development of the adjacent land.
- Application 21/02480/F for dwellings was refused (other side of applicant's land on Water Lane) as was contrary to policy DM3 (not infill), the impact on the character of the locality, insufficient information regarding ecology and inadequate highway and this application should be refused for the same reasons.

KING'S LYNN AND WEST NORFOLK LOCAL PLAN 2021-2040

LP02 - Residential Development on Windfall Sites (Strategic Policy)

LP06 - Climate Change (Strategic Policy)

LP01 - Spatial Strategy and Settlement Hierarchy Policy (Strategic Policy)

LP13 - Transportation (Strategic Policy)

LP14 - Parking Provision in New Development

LP18 - Design & Sustainable Development (Strategic Policy)

LP19 - Environmental Assets - Green Infrastructure, Landscape Character, Biodiversity and Geodiversity (Strategic Policy)

LP21 - Environment, Design and Amenity (Strategic Policy)

LP27 - Habitats Regulations Assessment (HRA) (Strategic Policy)

LP31 - Custom and Self-Build Housing (Strategic Policy)

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
National Design Guide 2021

PLANNING CONSIDERATIONS

The main considerations in the determination of this application are:

- Principle of development
- Form and character
- Impact on neighbour amenity
- Highway safety
- Drainage issues
- Ecology issues
- Climate Change
- Other material considerations

Principle of Development:

The site is located outside, but immediately adjacent to, the development boundary of Blackborough End. Local Plan Policy LP01 (Spatial Strategy and Settlement Hierarchy) seeks to distribute the majority of growth within the most sustainable locations. This approach makes the most of existing services and facilities, providing jobs and housing in the most accessible locations. Policy LP01 seeks to deliver appropriate levels of growth through the settlement hierarchy, with the main sub-regional centre of King's Lynn being in the highest tier (Tier 1) down to the least sustainable settlements which have little to no service provision and are within Tier 6 (Smaller Villages and Hamlets).

Outside of specific land allocations, residential development on windfall sites is determined using Policy LP02. Within this policy some residential development is allowed outside of the settlement boundaries of Tiers 1-4 provided they meet the criteria set out within the policy. Blackborough End is classed as a Smaller Village and Hamlet and is within Tier 6 of the settlement hierarchy.

Policy LP02 states that in Tier 6 of the settlement hierarchy, residential development will not normally be supported outside of the development boundary, unless allocated through the Local Plan (site allocation) or a Neighbourhood Plan. Blackborough End does not have a Neighbourhood Plan nor any site allocations and therefore any residential development

should be sited within the development boundary. The application site is outside of the development boundary of Blackborough End and is therefore contrary to Local Plan Policies LP01 and LP02.

There are objections to the proposal from the Parish Council on the basis that it is outside the development boundary and contrary to policy (the policy quoted is from the previous development plan) and there are also objections from neighbours with regard to this.

Notwithstanding this, the application is identified as 'self-build' dwellings and para 73b) of the NPPF 2024 seeks opportunities to support small sites to come forward for self-build and custom build housing. Local Plan policy LP31 also supports self-build housebuilding where it respects local character and complies with other relevant policies of the plan.

At the current time the Council cannot demonstrate that it has met the need for Custom and Self-Build due to a change in legislation, The 2023 LURA (Levelling Up and Regeneration Act) places statutory requirements on the Council with regard to granting permission for Custom and Self Build Housing. Therefore, this is a material consideration when weighing the planning balance and may mean that consent is granted for Custom and Self-Build homes where other types of housing would not be acceptable.

The application site, whilst outside the development boundary is not isolated as set out within *Braintree v SSCLG* [2018] and para. 83 of the NPPF promotes sustainable development in rural areas, where it will enhance or maintain the vitality of rural communities.

Policy LP02 states that residential development outside of, but immediately adjoining development boundaries will be supported in Tiers 1-4 provided they meet the following criteria, relevant to this application:

- Respects or enhances the character of the adjoining settlement and countryside and can be readily assimilated into the existing fabric of the adjoining built up area;
- Can be supported by existing and future service and infrastructure provision, or adverse effects can be mitigated through financial contributions;
- Preserves or enhances the significance of nearby heritage assets and their settings and protects and enhances the appearance and character of designated and valued landscapes; and
- Would maintain the physical separation between existing settlements.

In addition, any residential development must also comply with the criteria set out for windfall development within settlement boundaries such as:

- Development results in a sustainable design of development which respects and enhances local character, contributes to place making and the reinforcement of local distinctiveness, and can be readily assimilated into the settlement;
- It has regard to the size, type, tenure and range of housing that supports the needs of communities;
- It will not cause significant adverse impacts on services and infrastructure, and the local infrastructure is sufficient to accommodate the demands of the development;
- Its context makes a positive contribution to the local environment and landscape setting;
- It does not result in an unacceptable impact on highways safety, or cumulative impacts on the road network; and
- The development maximises opportunities to reduce the need to travel and encourages sustainable active travel.

While the application site is contrary to Policy LP02 with regard to its location within a Tier 6 settlement, it is immediately adjacent to the development boundary, between the settlement of Blackborough End and the neighbouring Tier 4 Settlement of Middleton, which is within the same parish. Other details such as form and character etc are addressed in more detail below, however Members are asked to consider whether the fact that the proposed development would be for Custom and Self-Build dwellings could, in this instance, outweigh the adverse policy position given that overall the proposal complies with the criteria set out above which is within Policy LP02, i.e. could be readily assimilated into the existing built form, would maintain the physical separation between settlements etc.

It is also noted that Blackborough End is within the Parish of Middleton, and in combination with Middleton (Tier 4 settlement) there is an identified need of at least 11 dwellings within Appendix I (Neighbourhood Housing Requirement) which are not provided for through site allocations in either village, or via a Neighbourhood Plan with any associated allocations.

Form and Character:

To the immediate south of the application site is residential development in a linear form on the western side of the road, with fairly consistent plot sizes which are comparable to the proposal. To the southern end of Sandy Lane, the dwellings to the western side are predominantly single storey, rising to 1 ½ and 2-storey dwellings as you go north of the junction with East Winch Road. To the eastern side of Sandy Lane, the development is less consistent, with development at depth around the junction with East Winch Road, with older dwellings/buildings constructed of more traditional materials such as carrstone and pantiles.

The proposal, although outline in nature will continue the built form to the north, and while the design of the proposed dwellings is reserved for a later application, the scale of the proposed dwellings considered at this time and is shown on drawing 3/509/1C and will be conditioned. This demonstrates that the built form will follow the rising levels of the road/land, and the associated changes in ridge heights as the land then starts to lower as the brow of the hill is reached.

There are objections to the proposal as it will introduce the built form into open/agricultural land. It is acknowledged that there is no housing on the opposite side of Sandy Lane, however given the mature screening to the east and the fact that the proposal continues the existing built form, it is considered the dwellings could be easily assimilated into the existing settlement and would not have an adverse visual impact.

The objectors note a previous refusal (21/02480/F) for residential development within land off Water Lane to the west, however, although the matter of principle was similar as it was also within the countryside, the site had different issues relating to access, ecology and a change to the character of the rural verdant lane due to the potential provision of a footpath. The current application site is located on a busier road (Sandy Lane) which already has footpath provision on the eastern side which joins Blackborough End to Middleton (Tier 4) village and its associated services / amenities.

Overall, while the detailed design of the proposed dwellings is not known at this outline stage, it is considered that the proposed scale of the dwellings in this location would be acceptable with regard to form and character, in line with paras, 135 of the NPPF and Local Plan policy LP18.

Impact on Neighbour Amenity:

The detailed design of the proposal is not known at this stage, and while a drawing has been submitted (3/509/1C) to illustrate how the potential dwellings will sit in the street scene when

compared with Kiln House, the layout is indicative and it is expected that the design of the dwellings will differ as Custom and Self Build implies bespoke housing designed by each owner/occupier.

Notwithstanding this, it is considered that a detached dwelling could be sited to the north of the neighbour at Kiln House without compromising amenity especially given the orientation to the north and the fact the two ground floor windows within the side (north) elevation of Kiln House, do not appear to serve habitable rooms.

The impact on the dwellings to the north-east of the site cannot be fully assessed at this outline stage, however it would be possible to site a dwelling at the scale proposed within this application, at a sufficient distance that it would not have a material impact with regard to overlooking etc.

Overall, it is considered that it would be possible to site dwellings of the scale shown, which would comply with para. 135 of the NPPF and Local Plan Policy LP21.

Highway Safety:

The proposal has indicated the points of access onto Sandy Lane; however, the means of access is a reserved matter. There are third party objections to the additional points of access onto Sandy Lane and how these could increase the risk to other road users, however there are no principle objections from the Local Highway Authority who state that they require details regarding the visibility splays, points of access and parking provision to adopted standards at reserved matters stage.

Overall, the proposal would comply with para. 115 of the NPPF 2024 and Local Plan policies LP13, LP14 and LP21.

Drainage Issues:

There are no flood risk issues associated with this application which lies within flood zone 1 of the SFRA 2018 and the Environment Agency NAFRA2.

The application site is located within the catchment area of Anglian Water Middleton Water Recycling Centre (WRC) which currently lacks the capacity to accommodate additional flows. The agent has stated that foul water will discharge to a self-contained sewage treatment system (eg. septic tank or package treatment plant) discharging into soakaways complying with AD'H' of the Building Regulations. Due to the fact that the application does not seek to connect to the Middleton WRC, Anglian Water do not object to the proposal.

This application is for four distinct self-build plots which are likely to be sold off to separate individuals. Consequently, a condition will be placed on any decision requiring details of the self-contained sewage treatment system prior to the commencement of development of the site, or individual plots. The proposed self-contained sewage treatment systems may require a permit from the Environment Agency; however this is a separate legislative authority, and consent can be obtained separate to the planning system.

There are no objections to the proposal from the IDB, simply comments relating to the Board's Byelaws and other regulatory information which will be referred to via informative.

Overall, the proposal complies with section 14 of the NPPF 2024 and Local Plan policies LP25 and LP18.

Ecology issues:

The on-site characteristics necessitated an ecological appraisal which identified the need for reptile surveys. These have been carried out and submitted and a low population of common lizard was identified with the reptile report recommending translocation and precautionary methods for site clearance. This mitigation can be conditioned as well as the recommended habitat enhancement.

The application is for Custom and Self-Build dwellings which are exempt from Biodiversity Net Gain (BNG) and as such, along with the fact the proposal is only considered acceptable for Custom and Self-Build given the Council lacks a sufficient supply, a condition would be applied to ensure that the proposal was for Custom and Self-Build only.

The application site falls within a Zone of Influence of one or more of the European designated sites scoped into the Norfolk GIRAMS (The Wash, North Coast, Norfolk Valley Fens, Roydon & Dersingham, Brecks). It is anticipated that certain types of development in this area, such as residential development, are likely to have a significant effect on the sensitive interest features of these European designated sites, through increased recreational pressure. The GIRAMS has been put in place to ensure this additional recreational pressure does not lead to an adverse effect on European designated sites in Norfolk. The applicant submitted a shadow HRA which has been formally checked and confirmed by the LPA as the competent authority to undertake an appropriate assessment in accordance with the Conservation of Habitats & Species Regulations 2017, as amended. It is considered that the sHRA is acceptable and that a bespoke HRA is not required. The proposed mitigation within the sHRA is a payment towards the Norfolk GIRAMS which is considered adequate mitigation in this instance. This payment has not yet been paid but will be required during validation at Reserved Matters stage.

Overall the proposal complies with Section 15 of the NPPF 2024 and Local Plan policies LP19 and LP27.

Climate Change:

Local Plan policy LP06 requires development to recognise and contribute to the importance of, and future proofing against climate change and to support the Government target of becoming a net zero economy by 2050.

While full details are not yet known at outline stage, the site is immediately adjacent to the development boundary and in close proximity to the larger Tier 4 settlement of Middleton (0.36km) with a continuous pedestrian footpath providing a safe route. Middleton also has a primary school, Post Office with store and bus links to both King's Lynn and Swaffham. Overall, there is the potential for the proposal to comply with Local Plan Policy LP06.

Other material considerations:

The Historic Environment Service have not objected to the proposal but have stated that the site lies immediately north of a site (Kiln House) where a pottery kiln of Roman date was discovered and excavated in 1989. Finds dating to the Roman period have been recorded further south adjacent to Sandy Lane and there is potential for heritage assets, buried archaeological remains of Roman date; to be present within the proposed development area and therefore pre-commencement conditions should be imposed in order to comply with para. 211 of the NPPF 2024 and Local Plan Policy LP20.

There are no objections or conditions recommended by Environmental Quality with regard to land contamination.

The proposal would not engender an affordable housing contribution as the site is under 0.5 hectares and only four units are proposed.

There is an objection that approval of the proposal will enable further residential development of the adjacent land. Each application is taken on its own merits and is assessed against the Local Development Plan and any other material considerations at the time of an application. The approval of this application would not necessarily make further development behind the existing built form acceptable.

CONCLUSION:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that an application must be determined in accordance with the development plan unless material considerations indicate otherwise.

While the proposal is located outside of the development boundary and contrary to the Local Development Plan with regard to the provision of housing it is of significant weight when considering the planning balance that the Council does not have an adequate supply of Custom and Self-Build housing.

Members are asked to consider that the provision of self-build housing; which would provide a positive contribution to the supply of custom and self-build homes and which is immediately adjacent to the development boundary of Blackborough End (Tier 6) and served by footpath provision to Middleton (Tier 4) and it's service provision,; would tilt the planning balance in favour of the proposal and outweigh the fact that the proposal is contrary to the principles of the NPPF 2024 and Local Plan Policies LP01 and LP02 with regard to the strategic location of residential development. The application is recommended by your officers for approval.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition Approval of the details of the means of access, layout, appearance and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority before any development is commenced.
- 1 Reason To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted to the Local Planning Authority in writing and shall be carried out as approved.
- 2 Reason To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 Condition Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3 Reason To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

- 4 Condition The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the latest such matter to be approved.
- 4 Reason To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 5 Condition The development hereby permitted shall be carried out in accordance with the following approved plan 3/509/1C with regard to scale only. The finished floor levels of each dwelling shall correspond to the 'elevation' drawing and the ridge heights of each dwelling shall not exceed the ridge heights shown on the same drawing.
- 5 Reason For the avoidance of doubt and in the interests of proper planning.
- 6 Condition Self-Build: (i) Each residential unit ('unit') in the development hereby permitted shall be constructed as a self-build dwelling within the definition of a self-build and custom build housing in the Self-build and Custom Housebuilding Act 2015 as amended (2016).
 - i. (ii) The first occupation of each unit in the development hereby permitted shall be by a person or persons who had a primary input into the design and layout of the unit and who will live in the unit for at least 3 years
 - ii. (iii) Prior to the first occupation of each unit the Council shall be notified of the person(s) who will take up first occupation of each unit.
- 6 Reason The site lies in an area where the LPA would not normally grant permission for new dwellings. This permission is granted in recognition of the need for custom and self-build dwellings in the borough and to ensure the development meets the criteria for self-build and custom build application Biodiversity Net Gain exemption in accordance with Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990.
- 7 Condition No development shall commence on site, or on each individual plot until full details of the foul water drainage strategy shown on approved drawing 3/509/1C have been submitted to and agreed in writing by the LPA. The development shall then be carried out as approved prior to the occupation of the dwellings.
- 7 Reason To ensure that there is a satisfactory means of drainage in accordance with the NPPF.

This needs to be a pre-commencement condition as drainage is a fundamental issue that needs to be planned for and agreed at the start of the development.
- 8 Condition No demolition/development shall take place on site, or each individual plot, until an archaeological written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and
 - 1) The programme and methodology of site investigation and recording,
 - 2) The programme for post investigation assessment,
 - 3) Provision to be made for analysis of the site investigation and recording,
 - 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation,
 - 5) Provision to be made for archive deposition of the analysis and records of the site investigation

- 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation and
 - 7) any further project designs as addenda to the approved WSI covering subsequent phases of mitigation as required.
- 8 Reason To safeguard archaeological interests in accordance with the principles of the NPPF and Local Plan Policy LP20. This needs to be a pre-commencement condition given the potential impact upon archaeological assets during groundworks/construction.
- 9 Condition No demolition/development shall take place on site, or on each individual plot, other than in accordance with the written scheme of investigation approved under condition 8 and any addenda to that WSI covering subsequent phases of mitigation.
- 9 Reason To safeguard archaeological interests in accordance with the principles of the NPPF and Local Plan Policy LP20.
- 10 Condition The development, or each individual plot shall not be occupied or put into first use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition 8 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- 10 Reason To safeguard archaeological interests in accordance with the principles of the NPPF and Local Plan Policy LP20.
- 11 Condition Prior to the commencement of the development hereby approved the reptile mitigation shall be carried out in complete accordance with Section 4, paragraphs 4.1 to 4.6 of the Reptile Survey Report (P2025-68R2) dated 21st August 2025.
- 11 Reason This needs to be a pre-commencement to ensure the protection of protected species in accordance with the Habitat Regulations and in accordance with the requirements of Local Plan Policy LP19 and para 193 of the NPPF 2024.
- 12 Condition The development hereby approved shall be carried out in complete accordance with Section 8.0 'Mitigation / Enhancement Strategy of the Preliminary Ecological Appraisal (P2025-68R1) dated 21st June 2025 and Paragraphs 4.7 to 4.10, of Section 4.0, of the Reptile Survey Report (P2025-68R2) dated 21st August 2025.
- Prior to the occupation of the dwellings, or each individual plot hereby approved, evidence of compliance with the above shall be submitted to the Local Planning Authority.
- 12 Reason In accordance with the requirements of Local Plan Policy LP19 and para 193 of the NPPF 2024, and to comply with the Habitats Regulations.

Planning Committee - 6 October 2025

Previous Committee:	01/09/2025
Upcoming Committee:	06/10/2025

APPLICATIONS DETERMINED UNDER DELEGATED POWERS

PURPOSE OF REPORT

(1) To inform Members of the number of decisions issued between the production of the 1 September 2025 Planning Committee Agenda and the 6 October 2025 agenda. There were 93 total decisions issued with 90 issued under delegated powers and 3 decided by the Planning Committee.

(2) To inform Members of those applications which have been determined under the officer delegation scheme since your last meeting. These decisions are made in accordance with the Authority's powers contained in the Town and Country Planning Act 1990 and have no financial implications.

(3) This report does not include the following applications - Prior Notifications, Discharge of Conditions, Pre Applications, County Matters, TPO and Works to Trees in a Conservation Area.

(4) Major applications are assessed against a national target of 60%. Failure to meet this target could result in applications being dealt with by Pins who will also receive any associated planning fee.

RECOMMENDATION

That the reports be noted

Number of decisions issued between 19 August 2025 and 22 September 2025.

	Total	Approved	Refused	Under 8 Weeks	Under 13 Weeks	Performance %	National Target	Planning Committee Decision	
								Approved	Refused
Major	10	9	1		10	100.0%	60%	0	0
Minor	34	28	6	30		88.2%	80%	2	0
Other	49	47	2	48		98.0%	80%	1	0
Total	93	84	9	78	10			3	0

Planning Committee made 3 of the 93 decisions (3.2%)