



Planning Committee

Agenda

Monday, 3rd November, 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>



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PLANNING COMMITTEE AGENDA

Please note that due to the number of applications to be considered it is proposed that the Committee will adjourn for lunch at approximately 12.30 pm and reconvene at 1.10 pm.

Please ensure that all mobile phones are switched to silent

DATE: Monday, 3rd November, 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 - 17)

To confirm as a correct record the Minutes of the Meeting held on 6 October 2025 and the Reconvened Meeting held on 9 October 2025 (previously circulated).

3. DECLARATIONS OF INTEREST (Page 18)

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 19 - 20)

The Committee is asked to note the Index of Applications.

9. DECISION ON APPLICATIONS (Pages 21 - 143)

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

10. DELEGATED DECISIONS (Pages 144 - 145)

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 6 November 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 before 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, 6th October, 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 T Barclay, R Blunt, A Bubb, M de Whalley, T de Winton, S Everett, J Fry, S Lintern, B Long (sub), C Rose, A Ryves and Mrs V Spikings

PC45: **APOLOGIES**

Apologies for absence were received from Councillors Anota, Devulapalli and Storey (Councillor Long substitute).

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

PC46: **MINUTES**

The minutes of the previous meetings held on 1 & 4 September 2025 were agreed as a correct record subject to Councillor Fry's name added to the attendees for the 1st September meeting.

PC47: **DECLARATIONS OF INTEREST**

Councillor de Winton advised that in relation to application 9/3(a) – Brancaster, he would be speaking under Standing Order 34 and would not take part in the debate or decision.

PC48: **URGENT BUSINESS UNDER STANDING ORDER 7**

The Planning Control Manager advised that in relation to application 25/00865/F – Brancaster legal advice had been received in relation to how S.73 applications should be dealt with when dealing with variation of conditions for retrospective applications, which affected this application.

The Legal Advisor explained that Counsels advice had been received in relation to another case which referred to case law when dealing with similar issues and advised that the report needed to be updated to take that advice into account. She therefore recommended that the application should be deferred to enable the report to be updated.

This was proposed by Councillor de Winton and seconded by Councillor Mrs Spikings and agreed by the Committee,

RESOLVED: That application 25/00856/F be deferred to enable the report to be updated following legal advice.

PC49: **MEMBERS ATTENDING UNDER STANDING ORDER 34**

Councillor J Kirk 9/1(a) Walsoken

PC50: **CHAIR'S CORRESPONDENCE**

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

PC51: **RECEIPT OF CORRESPONDENCE RECEIVED AFTER THE PUBLICATION OF THE AGENDA**

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

PC52: **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) – (v) below, where appropriate to the conditions and reasons or grounds of refusal, set out in the schedules signed by the Chair.

(i) **25/00389/F**

Walsoken: Land east of Willowdene, north 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 had been deferred from the Planning Committee meeting held on 1st September 2025, to allow for additional information to be sought regarding drainage, and to clarify the full criteria of Policy LP32 of the Local Plan, as well the Planning Policy for Traveller Sites.

The Committee were advised 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. The retrospective proposal would increase this to a total of six static caravans on the site at any one time.

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

The application had been referred to the Committee for determination as it was deferred from the 1st September Planning Committee meeting and it had originally been called in by Councillor Kirk, and the officer recommendation was at variance with the views of the Parish Council.

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

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

In accordance with Standing Order 34, Councillor Kirk addressed the Committee and outlined his concerns in relation to the application.

In response to comments made by the speakers, the case officer advised that in relation to 'meeting the need', she referred to the appeal decision provided in late correspondence paragraph 21, which outlined that the planning permission ran with the land and it was therefore not necessary for the Council to ask if the occupants met the definition as part of the planning application. The proposed condition would ensure that anyone who occupied the site would meet the definition therefore the occupants would meet that need. If they didn't then planning enforcement could be taken.

The Senior Policy Planner advised that in terms of LP32, that went through the examination of the Local Plan including the evidence base behind it and was found sound by the Inspectors. He added that a lot of work had taken place in relation to the Gypsy & Traveller Needs assessment. He explained that there were always limitations with studies of that nature, as it was carried out in a snapshot of time, and a degree of unmet need as part of the Gypsy & Traveller accommodation was accounted for. As part of LP32 the criteria in Part 1 were all the allocations in the Local Plan. Part 2 allowed for windfall development

to come forward subject to meeting those criteria and that was how they would be assessed through the planning process.

Councillor Ryves proposed that a site visit be carried out as there were issues in relation to the proximity of residents and it had been raised a number of times the condition of the local roads. In addition, having heard that the sewerage treatment plant was designed to accommodate between 40-60 people, this was a significant number of people who would be using the roads.

The proposal for a site visit was seconded by Councillor Blunt.

In relation to comments made by Councillor de Winton, the Planning Control Manager advised that in terms of the Local Plan and Policy LP32, this had recently been adopted with its own dedicated day for Gypsy & Traveller sites including relevant allocations. The Plan would not have been found sound without this policy. In relation to enforcing conditions, it was advised that enforcement action had been taken on all sorts of different sites including occupation conditions on G&T sites. This application was being looked at as a site for gypsy and travellers and the condition itself was a well-worded standard condition used by the Planning Inspectorate and was capable of being enforced. Therefore, if there was a breach it was capable of being enforced.

The Committee then voted on the proposal for a site visit and, after a show of hands was carried 8 votes for, 1 against and 4 abstentions.

RESOLVED: That determination of the application be adjourned, the site visited, and the application determined at the reconvened meeting of the Committee.

(ii) 25/01068/FM

Methwold / Northwold: Land at E572391, N297113 Brook Lane, Brookville: Construction, operation, maintenance and eventual decommissioning of up to a 15 MW 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: Sky UK Developments Ltd

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The case officer introduced the report and explained that the application site was approximately 25.68 ha in size comprising 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 B1122. The application site was currently 3a, 3b and 4 classified agricultural land.

The hamlet of Brookville was located approximately 300m to the east. The site was located around 1.7km north of both Methwold and 2.5km from Methwold Hythe. Site levels varied between approximately 5.0 and 15.0m Above Ordnance datum (AOD). The north-eastern corner of the site was located approximately 200m from the B1112. The surrounding area comprised mainly low-lying agricultural land.

The case officer advised that there was a correction in condition 2, as detailed in the Correspondence received after the publication of the agenda.

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

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, Jack Ellis (supporting) addressed the Committee in relation to the application.

Some members expressed concern in relation to:

- The land was currently being used for agriculture and there was a need for food security.
- The applicant should be making a contribution to the community.
- There needed to be an expiry date added to the restoration plan.
- Biodiversity Net Gain requirements.

In response to the issues raised, the Committee was advised that:

Community contribution - it was explained that there was no local or national policy mechanism for the planning application to consider this as part of the consideration of the application, and it would not meet the legal tests for a Section 106 Agreement in this case.

Loss of agricultural land – the case officer advised that the Planning Inspector had recently allowed a development of a solar farm on good agricultural land. This site comprised grade 3 and 4 (good – poor quality agricultural land), so it was considered that the development would be acceptable.

Biodiversity Net Gain requirements - the Committee were advised that conditions 8 and 9 covered this issue and would require a post consent plan, which would require details to be provided before works commenced.

It was also confirmed that condition 6 could be amended to include an expiry date in the decommissioning and restoration plan.

Councillor Long asked for his comments to be recorded in the minutes that he accepted the Planning Policy but personally he felt that each application should be refused until all homes had solar panels.

The Democratic Services Officer then carried out a roll call on the recommendation to approve the application subject to condition 2 being amended (as detailed in the correspondence received after the publication of the agenda) and condition 6 be amended to include a timeline from commissioning date of the development to completion of restoration works in the decommissioning and restoration plan and, after having been put to the vote, was carried (8 votes for, 4 against and 1 abstention).

RESOLVED: That the application be approved as recommended subject to condition 2 being amended (as detailed in the correspondence received after the publication of the agenda) and condition 6 be amended to include a timeline from commissioning date of the development to completion of restoration works in the decommissioning and restoration plan.

The Committee adjourned for a comfort break at 10.35 am and reconvened at 10.50 am

(iii) 25/00865/F

Brancaster: 3 Saw Mill Road: Variation of condition 2 and removal of condition 7 attached to planning permission 24/01167/F: Extensions, alterations and remodelling of dwelling and proposed outbuilding: N Barley

This application had been deferred (see urgent business).

(iv) 25/01058/F

Burnham Market: Lowood, Herrings Lane: Proposed self-build replacement dwelling following demolition of existing chalet: Mr T Roberts

[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 an existing two storey house along Herrings Lane in Burnham Market and construction of a replacement self-build two storey dwelling.

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

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

The application had been referred to the Committee for determination by the Planning Sifting Panel.

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

In accordance with the adopted public speaking protocol, Nick Borrman (supporting) addressed the Committee in relation to the application.

Councillor Spikings referred to the objection from Anglian Water and commented that it was not fair and reasonable as the applicant had a solution. The site was within Flood Zone 1 which was at low risk of flooding, and this was a replacement dwelling.

Councillor Lintern referred to the comments made by the Parish Council in relation to trade vehicles must be parked on the site as Herrings Lane was very narrow and must not be blocked and asked if a condition could be added.

The case officer advised that a condition requesting a Construction Management Plan could be added.

Councillor de Winton advised the Committee that he was the Fire Brigade Champion for the Council and added that fireman's access to swimming pools was very important.

In relation to a comment from Councillor Long, the Planning Control Manager advised that construction parking would be included within the Construction Management Plan condition. This was agreed by the Committee.

The Democratic Services Officer then carried out a roll call on the recommendation to approve the application subject to the imposition of an additional condition requiring a construction management plan be submitted and, after having been put to the vote, was carried unanimously.

RESOLVED: That the application be approved as recommended subject to the imposition of an additional condition requiring a construction management plan to be submitted.

(v) 25/00256/O

**Middleton: Land north of Kiln House, Sandy Lane,
Blackborough End: Outline planning permission with all
matters reserved for 4 self-build / custom detached
dwellings: Mr P Jackson**

[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 outline approval of four custom and self-build dwellings with all matters reserved bar scale.

The site was 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 was a material consideration carrying significant weight.

The application had been referred to Committee for determination at the request of the Planning Sifting Panel and the officer recommendation was at variance with the views of the Parish Council.

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

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.

RESOLVED: That the application be approved as recommended.

PC53: **DELEGATED DECISIONS**

The Committee received schedules relating to the above.

RESOLVED: That the reports be noted.

The meeting closed at 11.20 am

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

PLANNING COMMITTEE

**Minutes from the Meeting of the Planning Committee held on
Thursday, 9th October, 2025 at 9.30 am in the Council Chamber, Town Hall,
Saturday Market Place, King's Lynn PE30 5DQ**

PRESENT: Councillor Mrs V Spikings (Chair)
Councillors R Blunt, A Bubb, M de Whalley, T de Winton, S Everett, S Lintern,
B Long (sub), C Rose and A Ryves

PC54: WELCOME

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

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

PC55: APOLOGIES

Apologies for absence were received from Councillors Anota, Barclay, Devulapalli, Fry and Storey

PC56: DECLARATIONS OF INTEREST

There were no declaration of interests.

PC57: DECISION ON APPLICATION

25/00389/F

Walsoken: Land east of Willowdene, north 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.

[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 outlined that the application sought retrospective permission for intensification of use at the existing Gypsy and Traveller site at Walsoken Land, including the addition of five static caravans

and one touring caravan, with a total of six static and three touring caravans permitted within the site boundary at any time. The proposal also included an extension of the site boundary to the east and relocation of caravans into an L-shape, as observed during the site visit.

The case officer reminded the Committee of the corrections to the report set out in the correspondence received after the publication of the agenda in relation to page 31, paragraph 4 and page 26 (last paragraph) which should say 6 months in accordance with Condition 5. She also advised of an amendment to condition 2' after "to travel temporarily or permanently" add '*and all other persons with a cultural tradition of nomadism or of living in a caravan.*'

The Committee made the following comments:

Several Councillors expressed concerns about the retrospective nature of the application and the potential impact on neighbouring amenity, particularly regarding noise, disturbance, and proximity to existing dwellings. The Committee discussed the possibility of imposing a 10-metre buffer zone between the caravans and site boundaries to mitigate these concerns.

Highways, Access, and Fire Safety: The Committee made reference to highways, and it was confirmed that the access had been designed to accommodate the maximum number of touring caravans allowed. Fire safety and spacing between caravans were discussed, with reference to both planning and licensing requirements, and the importance of not placing caravans too close to fences or trees for safety reasons.

Questions were raised about the removal of future permitted development rights and whether upgrades to double-unit mobile homes would require further permission. Officers clarified that the site does not benefit from permitted development rights, so any future changes would require planning permission, and that double units were still considered caravans under relevant legislation.

Councillor de Whalley sought clarification on why the site was compared to other allocated sites at similar flood risk levels. It was explained that the sequential test was typically applied on a settlement or parish basis, and as stated within the report there were no alternative sites at lower flood risk available within the relevant area.

In relation to the Exception Test and Mitigation Measures, Officers confirmed that the Environment Agency had no objection provided mitigation measures were implemented, including raising caravans 0.6 metres above ground and anchoring them, as specified in condition 8.

The Committee discussed the presence and maintenance of field drains around the site, with officers and Councillors noting that maintenance was the responsibility of the landowner and was covered

by existing bylaws, and that the drainage connection was subject to Internal Drainage Board (IDB) consent.

Councillor de Winton proposed a 10-metre buffer zone between the static caravans and the site boundaries to protect neighbouring amenity, which was seconded by Councillor Ryves. The Committee debated the necessity and enforceability of this condition, with officers noting that while not deemed essential by officers, it could be imposed if members considered it necessary.

Councillors questioned whether licensing requirements could override planning conditions regarding caravan placement. Officers clarified that planning conditions would take precedence and must be incorporated into the site licence.

The Chair requested a condition to retain the front hedge and replace it if lost, to maintain the visual buffer to the street scene. The Committee agreed to add this as a separate condition, with clarification on which boundaries and hedges were included.

Councillors Ryves expressed concern in relation to the sustainability of the site in terms of access, proximity to services, and the potential impact of increased population on the local community, considering both planning policy and practical realities.

The Chair then drew the Committee's attention to the need to vote on the proposed conditions. The Committee would vote separately on each condition.

The Committee noted the corrections, as outlined in late correspondence, namely paragraph 4 and page 26 (last paragraph) which should say 6 months in accordance with Condition 5 and an amendment to condition 2 after 'to travel temporarily or permanently' add '*and all other persons with a cultural tradition of nomadism or of living in a caravan*', which was agreed by the Committee.

In relation to the condition regarding including a 10-metre buffer zone on the western and southern boundaries and associated layout proposed by Councillor de Winton, seconded by Councillor Ryves, and after having been put to the vote was carried.

The proposed condition to retain the front hedge and replace it if lost, to maintain the visual buffer to the street scene, after having been put to the vote was carried.

The Democratic Services Officer then carried out a roll call on the recommendation to approve the application, subject to the conditions and amendments listed above, and, after having been put to the vote was carried 7 votes for, 1 against and 2 abstentions.

RESOLVED: That the application be approved as recommended, subject to the following:

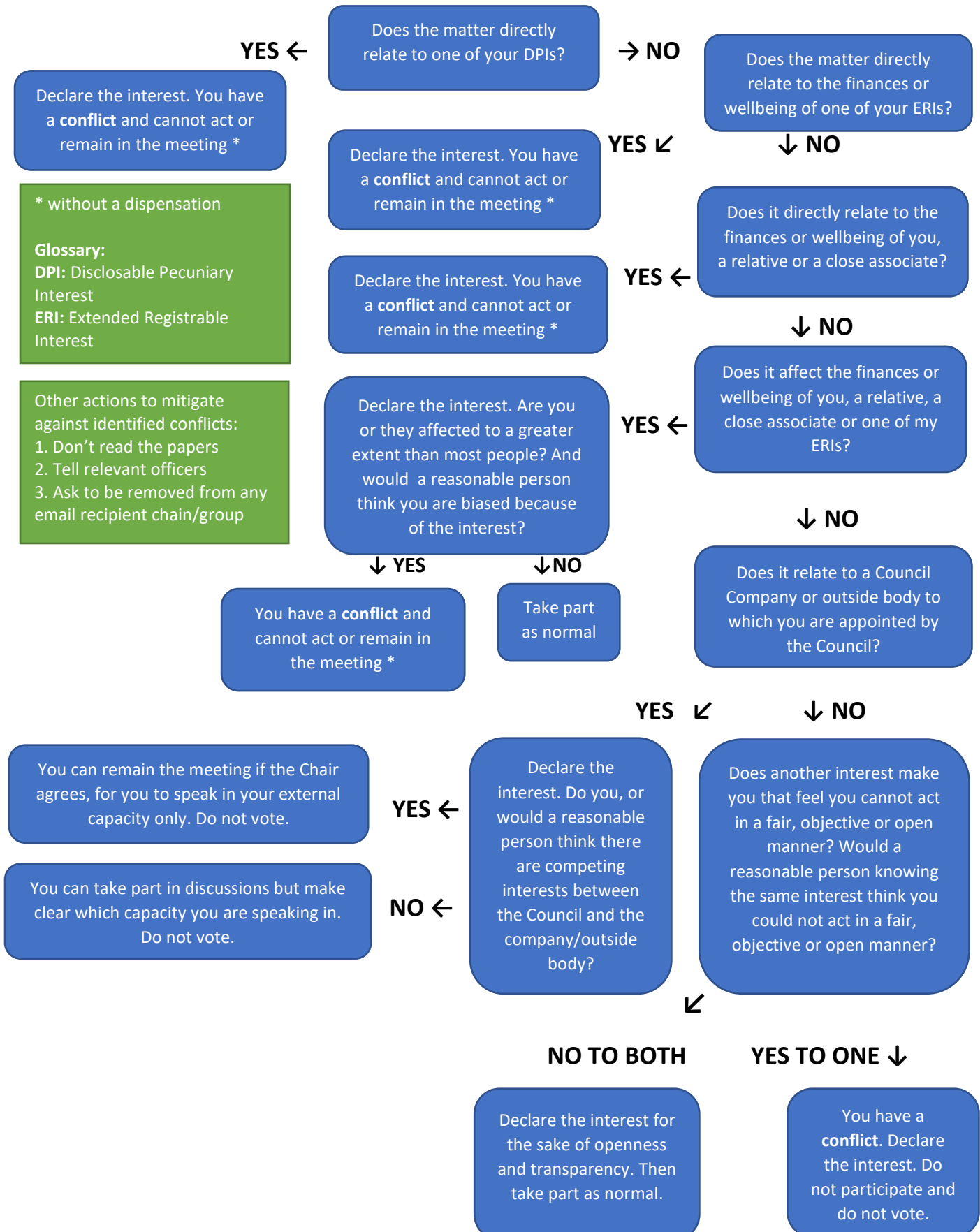
- Amend condition 2 to include the phrase "*and all other persons with cultural tradition of nomadism, or of living in a caravan*" after "temporarily or permanently".
- Amend the report to specify a six-month period instead of twelve months, in accordance with condition 5.
- The imposition of a condition requiring a 10-metre buffer zone on the western and southern boundaries of the site, with associated layout details to be agreed.
- The imposition of a condition to retain the front hedge and require its replacement if it dies or is removed.

The meeting closed at 11.25 am

DECLARING AN INTEREST AND MANAGING ANY CONFLICTS FLOWCHART



START



**INDEX OF APPLICATIONS TO BE DETERMINED
BY THE PLANNING COMMITTEE AT THE MEETING
TO BE HELD ON MONDAY 3 NOVEMBER 2025**

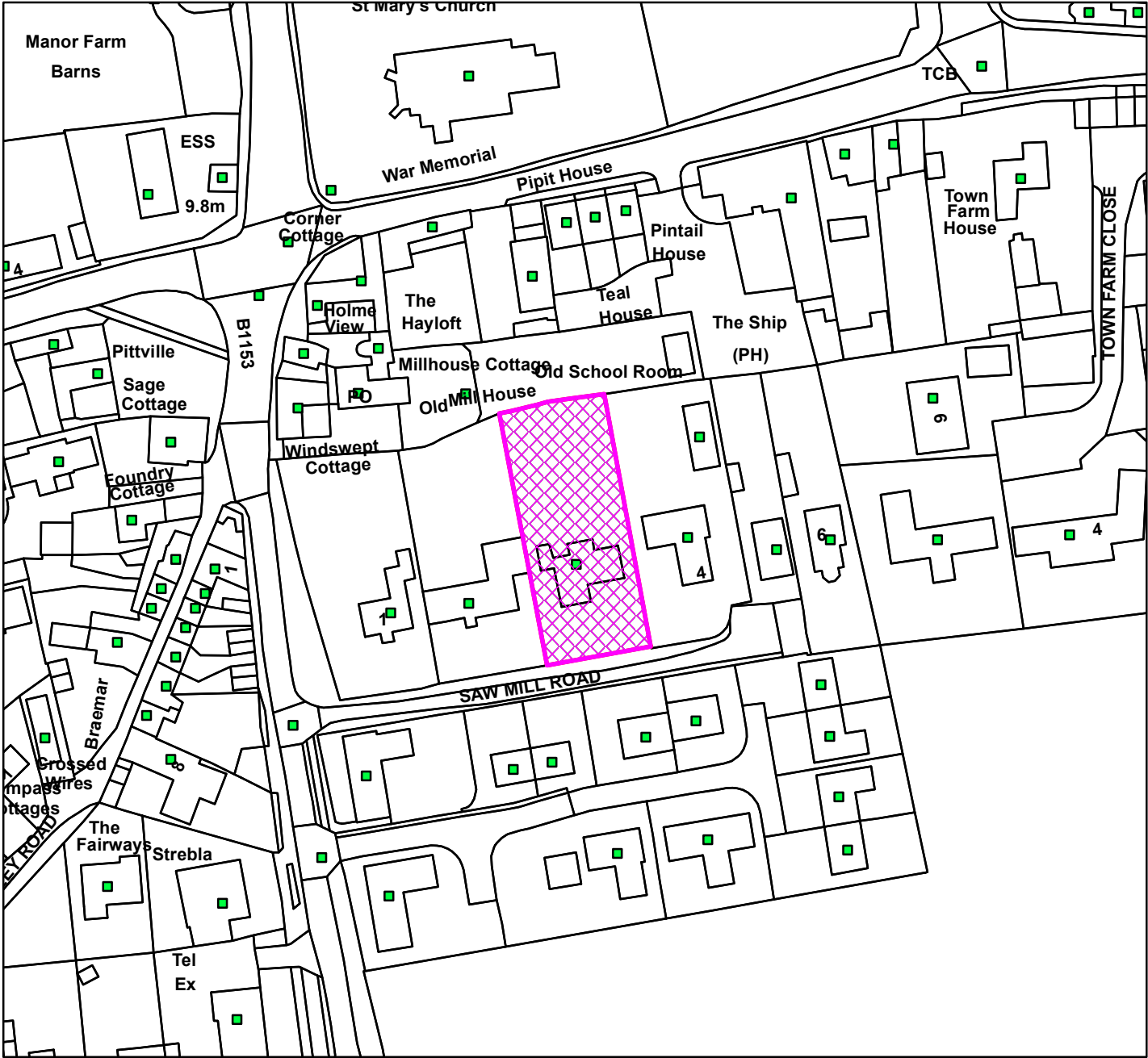
Item No.	Application No. Location and Description of Site Development	PARISH	Recommendation	Page No.
DEFERRED ITEMS				
9/1 (a)	25/00865/F 3 Saw Mill Road Brancaster King's Lynn Norfolk PE31 8AJ VARIATION of condition 2 and REMOVAL of condition 7 attached to planning permission 24/01167/F: Extensions, alterations & remodelling of dwelling and proposed outbuilding.	BRANCASTER	APPROVE	21
MAJOR DEVELOPMENTS				
9/2 (a)	24/01275/FM Land E548887 N317051 NE of White House Farm, Frenchs Road, Walpole St Andrew PE14 7JF Construction of a battery energy storage system and ancillary development	WALPOLES	APPROVE	37
OTHER APPLICATIONS/APPLICATIONS REQUIRING REFERENCE TO THE COMMITTEE				
9/3 (a)	25/01297/F Ran Revir Bailey Street Castle Acre King's Lynn Norfolk PE32 2AG SELF- BUILD AND PART RETROSPECTIVE- Erection of replacement dwelling (part retrospective) and detached garage.	CASTLE ACRE	APPROVE	86
9/3 (b)	25/00590/O Braemore Lynn Road East Winch King's Lynn Norfolk PE32 1NP Outline application with some matters reserved for the construction of 5 new self/custom build sustainable homes within a site off the A47 at East Winch	EAST WINCH	REFUSE	105
9/3 (c)	25/01186/F Owl Barn Green Marsh Road Terrington St Clement KINGS LYNN Norfolk PE34 4JJ New self- build single storey house, utilising foot print, volume and structure of a part demolished barn.	TERRINGTON ST CLEMENT	REFUSE	123

Item No.	Application No. Location and Description of Site Development	PARISH	Recommendation	Page No.
9/3 (d)	25/01308/F The Old Barn The Stables 71 School Road Upwell Wisbech Norfolk PE14 9EW Retrospective application for external cladding to building facade	UPWELL	REFUSE	135



25/00865/F

3 Saw Mill Road, Brancaster, Kings Lynn Norfolk PE31 8AJ



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Ordnance Survey AC0000819234

Scale: 1:1,250

Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	20/10/2025
MSA Number	0100024314



3 Saw Mill Road, Brancaster, Kings Lynn Norfolk PE31 8AJ



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Ordnance Survey AC0000819234

Scale: 1:2,500

Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	20/10/2025
MSA Number	0100024314

Parish:	Brancaster	
Proposal:	RETROSPECTIVE - 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 Extension of Time Expiry Date: 10 October 2025

Reason for Referral to Planning Committee – Deferred from 6th October Planning Committee

Neighbourhood Plan: Yes

Members Update

Members will recall that this application was deferred from the 6th October Planning Committee in order to reassess the officer report and allow for accurate consideration of the application under the s73A procedure.

The Council's Planning Lawyer noted that there was confusion in the previous Committee report between s73 and s73A of the Town and County Planning Act 1990 (TCP Act) following another recent application involving the same issue where Counsel advised that retrospective applications to amend conditions should be considered under Section 73A and, accordingly, this requires consideration of the wider planning considerations compared to those raised by a variation of condition application.

Whilst wider planning considerations will therefore need to be covered in the report in relation to this application, the existing planning permission is also a material planning consideration, and the recommendation will therefore remain the same.

For ease of reference, amendments to the October report are presented in emboldened text.

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 s73A of the TCP Act 1990 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, Impact on the Character and Appearance of the Conservation Area and National Landscape

Neighbour Amenity

Highway Safety

Arboricultural Impact

Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

The application site relates to a detached bungalow; No.3 Saw Mill, Brancaster. Planning permission is sought for the construction of extensions and alterations to create a two storey dwelling and detached summer house. The resulting dwelling would comprise four bedrooms and the summerhouse would comprise a games room, store and an outdoor kitchen / dining area.

The original bungalow which occupied the site was of a simple pitched roof construction, built from orange / brown brick, uPVC and brown pantiles. The proposed extensions would introduce two x two storey gable projections to the front elevation with a central pitched crown roof and a single storey flat roof garage extension to its western elevation.

The application proposes to use buff brick, with flint infill, natural timber cladding, off white render and slate roof tiles.

The overall height of the resulting dwelling would be approx. 7.55m to the highest ridge and approx. 4.4m to eaves level. It would retain the existing spacing to the eastern and western boundaries. Although two gables are proposed, the front elevation would only marginally (extend approx. 1.1m) forward of the existing dwelling.

The proposed summer house would be located to the end of the rear garden and would measure approx. 2.3m to its eaves and 4.1m to ridge level. It would be sited between 2.9m and 3.1m from the western boundary and approx. 5m from the eastern boundary.

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.

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The current application seeks to regularise the development through S73A of the TCP Act 1990, which has occurred on site in breach of condition 2 (approved plans) of the abovementioned planning permission, which includes the omission of the attached garage and changes to the design of the summer house. If approved, this would generate a new consent.

The reason for breaching condition 2 related to the demolition plan, where 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.

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)

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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, Impact on the Character and Appearance of the Conservation Area and National Landscape
- Neighbour Amenity
- Highway Safety
- Arboricultural Impact
- Other Material Considerations

Principle of Development:

The principle of residential development within the curtilage of an existing dwellinghouse, within the development boundary, would be acceptable in accordance with the Development Plan.

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Residential extensions are supported in principle under the Brancaster Neighbourhood Plan subject to Policy 1 – Appropriate Housing, which encourages smaller properties in line with local housing needs. The Policy states that *'larger dwellings of five bedrooms or more will only be supported in exceptional circumstances where the approach meets the needs of a local family'*.

The proposal involves extensions and alterations to an existing property, proposing four bedrooms, therefore accords with NP Policy 1.

Members are reminded that the development for extensions, alterations and remodelling of the existing dwelling and construction of a summer house was recently considered to be acceptable at the April Planning Committee where it was resolved to approve application 24/01167/F.

Whilst this application relates to S73A of the TCP Act 1990, which allows for retrospective planning applications to be made for development carried out in breach of its conditions, and as such is considered in its entirety, significant weight would be afforded to the recent approval.

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 establish 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 **authorise the development which has been carried out on site without complying with the approved plans condition of the original permission.** 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'.

Although the development should be considered in its entirety, as opposed to taking into account the variations only, special consideration is given to the conditions imposed on the original planning permission and amended accordingly, for example the time limit condition would be removed given that works have commenced.

Form and Character, Impact on the Character and Appearance of the Conservation Area and National Landscape:

The application site does not lie within Brancaster's Conservation Area, it lies adjacent to it, with its boundary running to the north across the rear of the plots along Main Road.

Saw Mill Road is a single lane unmade track serving approx. six dwellings on its northern side. Those properties comprise bungalows and 1.5 storey dwellings of varying design and use of materials.

The original dwelling which previously occupied the site was of a simple single storey construction, built from orange / brown brick, uPVC and brown pantiles. The properties surrounding the site range from single storey (with buff brick and brown pantile) to a 1.5 / small 2 storey dwellings, newer in construction with a range of materials including red brick, flint pebbles, aluminium frames and timber cladding and render. The dwellings to the south of Saw Mill Road form a modern two storey development of 12 dwellings at Sawyers Yard, served from a separate access off Mill Road. Those dwellings consist of large two storey detached and semi-detached properties.

As such, the immediate area is not defined by distinct building characteristics that would warrant the development to be out of keeping.

The Agent worked with officers during consideration of the previously approved application in order to maintain better spacing between buildings, amend materials and reduce the impact on the neighbouring residents.

Although the development would increase the height of the dwelling, it is not proposed to increase the width of the established built form on the site, thus maintaining the gaps between that and the neighbouring dwellings.

Whilst trying to accommodate first floor living accommodation, the Applicant has tried to keep the overall increase in height to a minimum, as far as practicable. The height is proposed to increase from approx. 4.48m (previous bungalow) to 7.55m (proposed gable projections). The middle section of the resulting dwelling would measure approx. 6.54m in height. This helps to reduce the overall mass of the dwelling.

The neighbouring property to the west is a single storey dwelling, however, the replacement dwelling to the east is two storeys, measuring approx. 7.4m in height, which is similar to the extensions proposed. Further, there is a mixture of gables, varying in width and height, and pitched roofs along Saw Mill Road. As such, it is not considered that the proposed extensions would result in a form of development that would be radically out of keeping with the character and context of the area.

In terms of appearance, the fenestration would be well balanced and the proposed materials; buff brickwork, flint, natural timber cladding, off white render and slate roof tiles, would be in keeping with the mixed, modern and traditional appearance of the area. The resulting dwelling would conform with the existing building line to the front and it has minimal increase in the depth of its footprint. This would indicate that the development would not amount to overdevelopment of the plot.

In respect of the proposed variations to the scheme which was recently approved, the removal of the garage to the western side 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 metres (as approved) to 162 square metres (as proposed), a reduction of approximately 38 square metre, 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 proposed summer house would be relatively wide in order to accommodate the games room/ store and outdoor kitchen. However, its footprint would be shallow, and the height would be kept low (4m) in order to minimise any visual or neighbour impacts.

The proposed changes to the design of the Summer House when compared with the previous approval, includes the introduction of 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 changes 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 from that previously considered acceptable, it would not be overly visible from the public domain due to its position to rear of the private garden and as such, it is not considered to cause harm to the character and appearance of the area or wider National Landscape.

Neighbourhood Plan Policy 3 restricts footprints for new and redeveloped dwellings, stating that 'residential buildings (including extended) should occupy no more than 50% of the plot'. The submitted plans demonstrate that the proposed extensions and summer house would not amount to a building to plot ratio of more than 50%. The resulting dwelling would be commensurate to the application site and the form and pattern of development of the area.

In regard to the impact on the setting of the Conservation Area, this would be very limited, if at all. There are intermittent views through gaps between buildings along Main Road to the north (Conservation Area boundary) where the roof top of the proposed may be visible, as is No. 4 Saw Mill Road (neighbouring replacement dwelling). However, it is not considered that the small occasional glimpse for a short

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section of the conservation area would cause harm to its significance. This is also considered to be the case regarding the impact upon the setting of the Church and the listed building to the north of the site; there is adequate separation and space between the application site and those heritage assets so not to affect their setting. The Conservation Officer raises no objection to the proposal.

The application site is located within the National Landscape, however, given that the dwelling is nestled within an existing built-up residential area with no long views, it is not considered that the proposed development would cause any impact upon the inherent landscape quality of the designation, in accordance with Development Plan Policy LP19 and paragraph 189 of the NPPF.

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.

In conclusion, it is 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, the Conservation Area and the National Landscape and would therefore be in accordance with Neighbourhood Plan Policies 2, 3, 4,5, 8 and 10; Local Plan Policies LP15, LP18 and LP19 and LP20; LP21; and the general provisions of the NPPF.

Impact on Neighbour Amenity:

The development would retain the existing width of the original dwelling on the site, allowing for separation distances of approx. 5.1m to the western boundary (total of 8.7m flank to flank) and approx. 2.58m to the eastern boundary (total of 6m to the neighbour's side gable, which is the closest point).

The overall height of the two storey extensions measures approx. 7.55m to the ridge and 4.4m to the eaves. The ridge line would run parallel with the shared eastern and western boundaries and thus the roof would pitch away from the neighbouring properties, limiting any impact.

The space between the western neighbour's side elevation and the 1.8m close boarded timber fence and shrubs comprises a brick weave driveway leading to the attached single garage towards the rear of the property. It is unlikely that any material overshadowing would occur because of the proposed extensions due to the orientation of the buildings. Given the nature of the space adjacent

to the proposed garage, any limited impact would not warrant refusal of the application.

There are windows to the side elevation of the neighbouring bungalow to the west which serve a study/bedroom, a WC and a door which serves a hallway. The bedroom / study benefits from another large window to the front of the dwelling and a high-level window within the apex of the side gable. There are no windows proposed within the western flank elevations of the proposed extensions. As such there would be no direct overlooking between the application site and the neighbour to the west.

Given the separation distance of 8.7m to the closest windows on the side elevation of the neighbouring dwelling to the west, together with the orientation of the buildings, it is not considered to result in significant loss of light to the neighbour's habitable rooms.

Furthermore, as stated above, the side window serving the study / bedroom is a secondary window and as such the room would receive adequate natural light from other windows on other elevations.

The presence of an existing 1.8m fence and shrubs to the western boundary would partly screen the proposed extensions. Therefore, it is not considered that the development would cause a significant overbearing effect when viewed from the neighbour's side window.

The removal of the garage from the previously approved scheme will improve the relationship with this neighbouring property. Albeit the impact was previously considered acceptable.

As above, the separation distance, together with the overall height and orientation would mean that the development would not cause a significant impact on the amenities of the neighbouring residents at No.2, in terms of overshadowing, loss of light and overbearing.

As the changes to the demolition plan relate to a technicality, it would not affect neighbour amenity.

Regarding the impact of the proposed summer house upon the amenities of No. 2, the building would be sited approx. 2.9m from the western boundary and would be approx. 2.3m to its eaves and 4.1m to its ridge. Again, given the overall scale of the building and its orientation in relation to the neighbouring property to the west, together with the fact that it would be located to at the end of a generous size garden, there would be no material impact in terms of overshadowing, loss of light or overbearing.

The only change from that previously approved includes the addition of the forward projecting gable. Whilst this arguably increases the bulk / massing of the summer house when viewed from its front elevation, this bears no adverse impact upon neighbouring residents. The ridge of the gable runs parallel to the western boundary, thus the roof pitches away from the neighbour's amenity

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space and would not result in a material increase in overshadowing or overbearing impact.

Overall, it is considered that the proposed development accords with Neighbourhood Plan Policy 5; Local Plan Policies LP18 and LP21; and the general provisions of the NPPF, but in particular paragraph 135.

Highway Safety:

The proposed development provides 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 LP13, LP14 and LP18; and the general provisions of the NPPF.

Arboricultural Impacts:

It is 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 proposed 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, as the Applicant has omitted the garage from the scheme there are no further concerns, and if approved, the related condition imposed on the previous consent (condition 7) is no longer required.

The Council's Arboricultural Officer raises no objection to the current scheme, or the removal of the condition, as 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 in accordance with the Ecological Assessment, which include measures such as soft landscaping;

the erection of at least one integral bat box and one integral bird box; and Hedgehog access.

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 metres to 64 square metres). 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 original dwelling and construction of a detached summer house were considered acceptable at the April 2025 Planning Committee.

The current application seeks retrospective consent for the abovementioned works without complying with conditions attached to the previous consent. S73A of the TCP Act 1990 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 after the fact, rather than requiring a full new application or through enforcement action. That said, if approved, it would

result in a new consent which supersedes the previous consent as opposed to 'running alongside it'.

Although the overall development must be fully considered under this application, significant weight is afforded to the planning history, in this case the recently approved scheme, which went before Members in April of this year and would ultimately result in the same development when complete.

Whilst the development would result in a dwelling of a noticeably different scale and appearance to that which previously existed on the site, for the reasons set out above in the report, it is considered that the proposed extensions and resulting dwelling, by virtue of its scale, mass, design, appearance and use of materials would be compatible with the appearance of the adjacent properties and the amenity of their occupiers. Further, Members have already considered this scheme acceptable in approving application 24/01167/F. There are no other outstanding concerns with regards to matters such as highways, ecology and trees. Relevant conditions have been recommended in relation to such issues which require control.

The breach of condition was a consequence of demolishing additional small sections of wall which were previously shown to be retained. Therefore, 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.

The development therefore accords with Neighbourhood Plan Policies 1, 2, 3, 4, 5, 8 and 10; Local Plan Policies LP13, LP14, LP16, LP18, LP19, LP20 and LP21; and the general 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

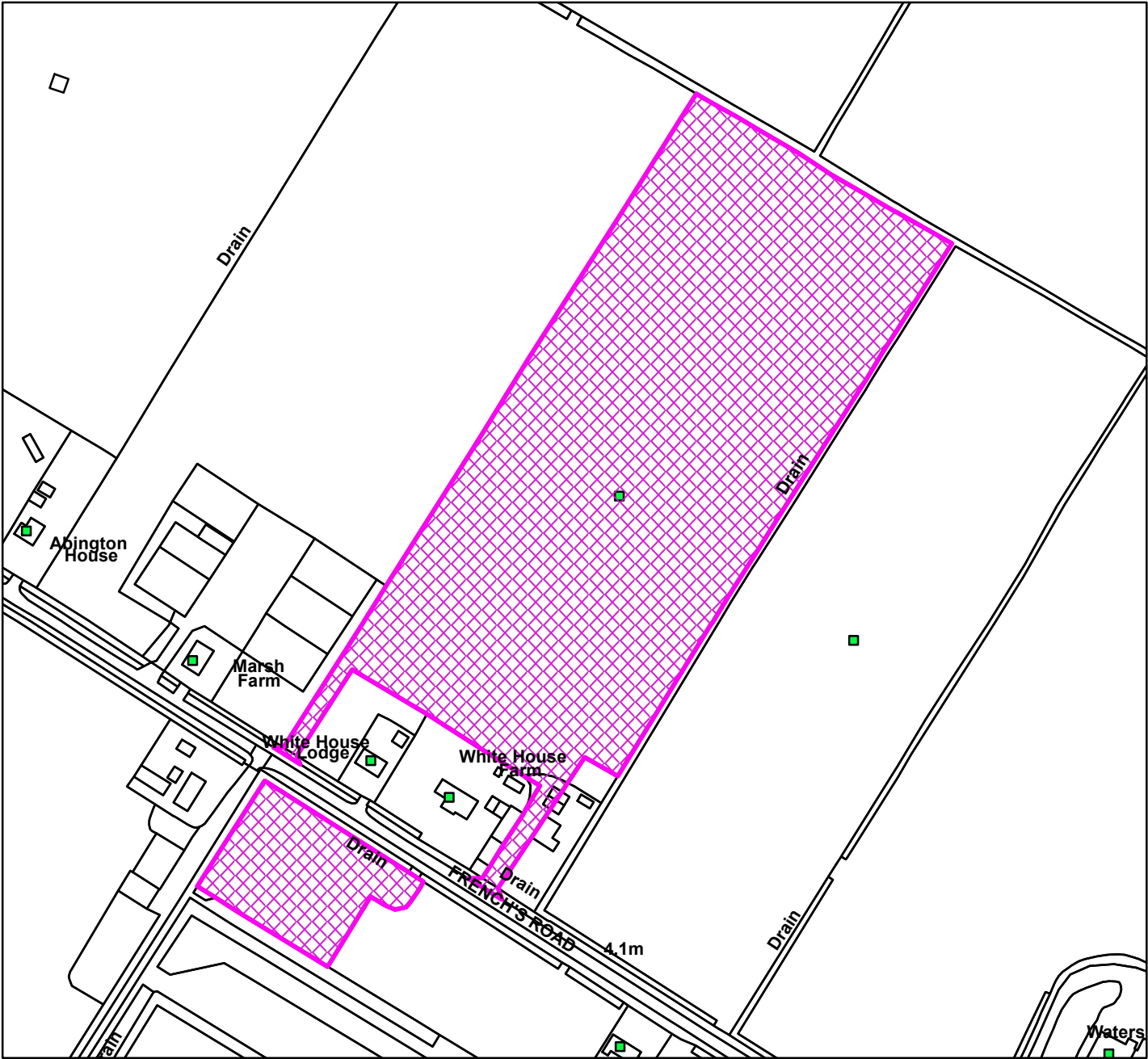
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accordance with the approved plan and retained thereafter available for that specific use.

- 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; Local Plan Policies LP13, LP14 and LP18; 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; Local Plan Policies LP18, LP20 and 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 Local Plan Policies LP18 and 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 Local Plan Policies LP18 and 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 LP18 and 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; Local Plan Policy LP19; and the provisions of the NPPF.



Land E548887 N317051 NE of White House Farm, Frenchs Road, Walpole St Andrew PE14 7JF



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Ordnance Survey AC0000819234

Scale: 1:2,500

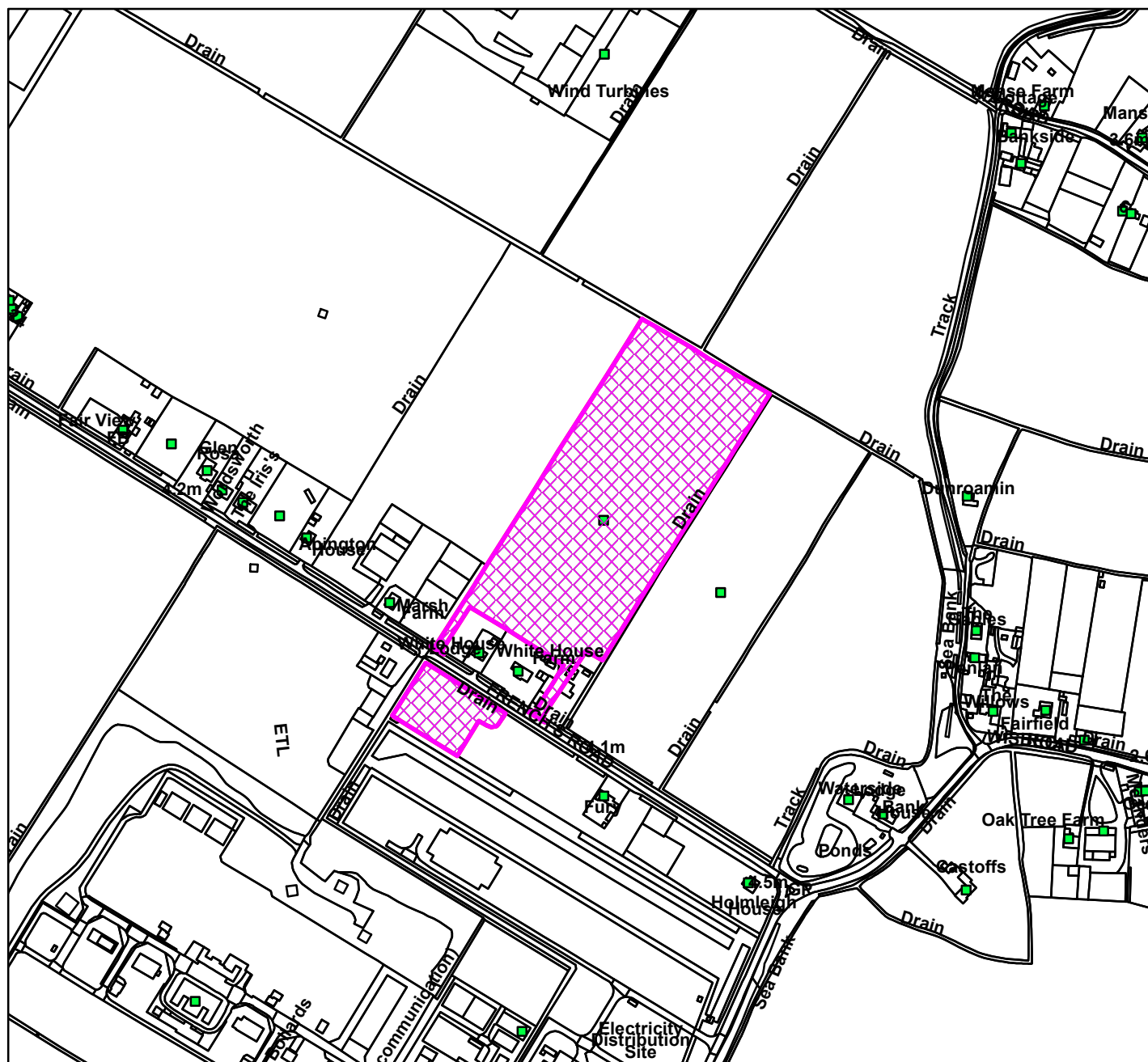
Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	20/10/2025
MSA Number	0100024314

24/01275/FM

Borough Council of
**King's Lynn &
West Norfolk**



Land E548887 N317051 NE of White House Farm, Frenchs Road, Walpole St Andrew PE14 7JF



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Ordnance Survey AC0000819234

Scale: 1:5,000

Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	20/10/2025
MSA Number	0100024314

Parish:	Walpole	
Proposal:	Construction of a battery energy storage system and ancillary development	
Location:	Land E548887 N317051 NE of White House Farm Frenchs Road Walpole St Andrew Norfolk PE14 7JF	
Applicant:	STP Green Limited	
Case No:	24/01275/FM (Full Application - Major Development)	
Case Officer:	Mr K Wilkinson	Date for Determination: 28 November 2024 Extension of Time Expiry Date: 7 November 2025

Reason for Referral to Planning Committee – The views of the Parish Council are contrary to officer recommendation. The application was referred to Sifting Panel in December 2024. It was agreed that if officers were minded to approve the application it should be referred to Planning Committee for determination.

Neighbourhood Plan: No

Case Summary

This application is for the installation of a Battery Energy Storage System (BESS) at White House Farm on two sites, both sides of French's Road, approx. 300m to the west of Walpole Bank. The larger/northern site (Parcel A) comprises approx. 3.5ha of agricultural land and the smaller/southern site (Parcel B) approx. 0.35ha which is proposed to accommodate the associated transformers and telecommunications mast.

Primary access to Parcel A would be off French's Road to the east of White House Farm and a second/emergency access to the west of White House Lodge. Access to Parcel B is again off French's Road opposite White House Farm.

The BESS would store excess electricity at times of low demand and then release it back into the grid when required at peak times. It would be rated at up to 200MW and would therefore be capable of serving the needs of between 200,000 – 400,000 homes for one hour if required.

An operational period of thirty (30) years is sought by the applicants.

The sites are located outside of the development boundary for Walpole St Andrew/Walpole St Peter/Walpole Marsh and is therefore in an area classed as 'countryside'. The locality is dominated by Walpole Substation and its associated infrastructure including pylons and overhead cabling plus other energy related development. French's Road comprises a mix of sporadic residential properties and agricultural buildings on the northern frontage.

The sites are arable and grass land respectively, classed as grade 2 agricultural land. Parcel A lies mostly in Flood Zone 1, and Parcel B in Flood Zone 2 of EA mapping, but both fall

within the Tidal Hazard Mapping Zone. There is significant apparatus associated with National Grid in the vicinity of the site.

The BESS is considered to be 'associated infrastructure' in relation to the management and use of energy and the National commitment to carbon neutrality by 2050. It should therefore be mainly considered in the context of Policy LP24 of the Local Plan accordingly.

Key Issues

Principle of development
Impact upon countryside
Loss of high-quality agricultural land
Flood risk implications
Highway issues
Ecology and biodiversity
Impact on neighbour amenity
Fire safety
Other material considerations

Recommendation

APPROVE

THE APPLICATION:

This application is for the installation of a Battery Energy Storage System (BESS) at White House Farm on two sites, both sides of French's Road, approx. 300m to the west of Walpole Bank. The larger/northern site (Parcel A) comprises approx. 3.5ha of agricultural land and the smaller/southern site (Parcel B) approx. 0.35ha which is proposed to accommodate the associated transformers and telecommunications mast.

Primary access to Parcel A would be off French's Road to the east of White House Farm and a second/emergency access to the west of White House Lodge. Access to Parcel B is again off French's Road opposite White House Farm.

The BESS would store excess electricity at times of low demand and then release it back into the grid when required at peak times. It would be rated at up to 200MW and would therefore be capable of serving the needs of between 200,000 – 400,000 homes for one hour if required.

An operational period of thirty (30) years is sought by the applicants, similar to other BESS facilities already approved in this area.

The sites are located outside of the development boundary for Walpole St Andrew/Walpole St Peter/Walpole Marsh and is therefore in an area classed as 'countryside'.

The sites are arable and grass land respectively, classed as grade 2 agricultural land. Parcel A lies mostly in Flood Zone 1, and Parcel B in Flood Zone 2 of EA mapping, but both fall within the Tidal Hazard Mapping Zone. There is significant apparatus associated with National Grid in the vicinity of the site.

Indicative plans show the proposed development consists of:

- 68 rows of energy storage units each containing 9 units amounting to a total of 612 units. Each set has a height of 3.3m and sits on a concrete plinth, raised approximately 0.5m above ground level. The BESS would have an installed capacity of up to 200 megawatts (MW);
- 2no. sprinkler tanks;
- Welfare block;
- 3no. storage containers;
- Battery inverters;
- Transformers and disconnectors;
- 132kV Distribution Network Operator (DNO) substation and telecommunications mast (Parcel B);
- Customer substation;
- 2.4m high steel palisade fence surrounding the site;
- 3.5m high timber acoustic fence;
- CCTV monitoring columns (11 in total, each 4m high);
- Parking (4 spaces) for maintenance vehicles;
- A surface water attenuation swale (Parcel A) and a pond in the south-east corner of Parcel B; and
- Landscaping and biodiversity net gain provision.

The application is accompanied by a Design and Access Statement, Preliminary Ecological Appraisal, Biodiversity Impact Assessment, Noise Impact Assessment, Landscape & Visual Appraisal, Transport Statement (incorporating Construction Transport Management Plan), Contaminated Land Desk Study, Battery Safety Management Plan, Drainage Strategy Report, Flood Warning & Evacuation Plan, Biodiversity Impact Assessment and Flood Risk Assessment.

SUPPORTING CASE

The agent has submitted the following statement in support of this application:

“Fletcher King, acting on behalf of STP Green Limited [‘Applicant’], is grateful for the opportunity to submit this statement (to be included in the committee report) that supports the detailed application for planning permission under 24/01275/FM for the ‘construction of a battery energy storage system and ancillary development’ [‘Proposed Development’] on land adjacent to the Walpole National Grid Substation and White House Farm on French’s Road in Walpole [‘Application Site’].

We welcome and endorse the recommendation that the Proposed Development should be granted planning permission. The Applicant and project team have worked closely and collaboratively with the case officer and statutory consultees to mitigate their concerns during the extended statutory determination period by providing technical information and robust evidence, as well as making the necessary revisions, to demonstrate the Proposed Development would not result in any unacceptable impacts.

Application Site

Battery Energy Storage Systems [‘BESS’] can only be delivered in certain locations where the site conditions are favourable, and a series of selection criteria are satisfied (i.e. they cannot be located ‘anywhere’). The Application Site meets all the selection criteria and,

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notably, it is not located within a sensitive area in terms of statutory landscape, ecological, and heritage designations.

Most crucially, it has the 'real' benefit of neighbouring the Walpole Substation because a key requirement for BESS is the proximity to the national grid infrastructure into which the battery storage will provide essential back-up demand and stability.

Proposed Development

The proposed BESS would make the best use of renewable energy and assist in the reliable supply of electricity in a sustainable and efficient manner. This aligns with the Council's ambitions and targets to fight climate change and achieve net zero greenhouse gas emissions by 2050, which is championed by both national and local planning policies and guidance.

The Proposed Development is reflective of the prevailing landscape context because it would sit within the setting and backdrop of Walpole Substation and the associated energy infrastructure which visually dominate the immediate surroundings. The introduction of additional perimeter landscaping will naturally screen the low-rise infrastructure from the wider countryside; create attractive edges; and attract local fauna and new habitats. Overall, the Proposed Development would result in a biodiversity net gain of >10%.

The Proposed Development would be temporary and reversible.

Notwithstanding this, the new planting along the boundaries would be retained in perpetuity to the benefit of the landscape and nature conservation.

Whilst it is acknowledged that each planning application should be determined on its own merits, the recent decisions by the Council and Planning Inspectorate to grant planning permission for similar BESS facilities on agricultural land within proximity to Walpole Substation are materially relevant and create a strong precedent.

Conclusion

The Proposed Development is consistent with the policy direction in the statutory development plan and all other material planning policy considerations. When assessed against the significant and compelling benefits, and the presumption in favour of sustainable development, we conclude that it should be granted planning permission."

PLANNING HISTORY

None relevant

RESPONSE TO CONSULTATION

Walpoles Parish Council: OBJECT – Due to closeness to existing homes.

Local Highway Authority (NCC): NO OBJECTION subject to conditions regarding off-site improvements being submitted and implemented, and Construction Traffic Management Plan and Access Route submission and compliance.

King's Lynn Internal Drainage Board: NO OBJECTION - Advice offered on byelaw issues.

Environment Agency: NO OBJECTION subject to the mitigation measures contained in the Flood Risk Assessment are adhered to via condition.

District Emergency Planning Officer: NO OBJECTION subject to condition relating to signing up to EA's Flood Warning System, installation of services at high level and preparation of a flood evacuation plan and evacuation routes.

Environmental Health & Housing – Environmental Quality: NO OBJECTION subject to a suite of conditions relating to potential contamination issues from agricultural uses.

Environmental Health & Housing – Community Safety & Neighbourhood Nuisance: NO OBJECTION subject to conditions regarding acoustic fencing installation, mitigation measures contained in the Noise Impact Assessment, lighting details and hours of construction and deliveries as per the construction transport management plan.

Historic Environment Services: NO OBJECTION subject to conditions relating to archaeological investigations.

Norfolk Fire & Rescue Service: NO OBJECTION subject to adequate capacity for water storage (288,000 litres) to serve sprinkler system and have suitable connection points to attach hoses for water draw off.

Norfolk Constabulary (ALO): NO OBJECTION – offers advice on pursuing Secured by Design accreditation.

Natural England: NO OBJECTION - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Senior Ecologist: NO OBJECTION subject to conditions to secure ecology mitigation measures.

Arboricultural Officer: NO OBJECTION subject to landscaping details condition plus implementation.

REPRESENTATIONS

A total of **FOUR** items of correspondence received, **OBJECTING** on the following summarised grounds:

- Impact on the nearby residences
- Food security – loss of high-grade agricultural land
- Loss of views/outlook
- Impact upon character of this locality
- Devaluation of property
- Safety
- Cumulative impact
- Construction period impact and safety on road network

ONE item of correspondence in **SUPPORT** of the proposed development on the provision that the landscaping scheme is substantial and screens the containers.

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

LP04 - Presumption in Favour of Sustainable Development Policy (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)

LP20 - Environmental Assets- Historic Environment (Strategic Policy)

LP21 - Environment, Design and Amenity (Strategic Policy)

LP24 - Renewable Energy (Strategic Policy)

LP25 - Sites in Areas of Flood Risk (Strategic Policy)

NEIGHBOURHOOD PLAN POLICIES

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2021

PLANNING CONSIDERATIONS

The main considerations are as follows:

- Principle of development
- Impact upon countryside
- Loss of high-quality agricultural land
- Flood risk implications
- Highway issues
- Ecology and biodiversity
- Impact on neighbour amenity
- Fire safety
- Other material considerations

Principle of development

As stated above, the site is located within the countryside.

National planning guidance seeks to retain the countryside for its amenity value, intrinsic character and beauty and agricultural provision.

Paragraph 187 of the NPPF, 2024 states inter alia : *'Planning policies and decisions should contribute to and enhance the natural and local environment by:*

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- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) 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...
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures...
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans, and ...'

However, national and local planning policy and guidance also place significant importance on renewable energy.

Paragraph 165 of the NPPF states: 'To help increase the use and supply of renewable and low carbon energy and heat, plans should:

- a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts),
- b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development, and
- c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.'

Paragraph 168 states: 'When determining planning applications for all forms of renewable and low carbon 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) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas...'

Policy LP06 - Climate Change Policy of the Local Plan (2021-2040) states:

"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..."

Policy LP18 - Design & Sustainable Development states inter alia:

"Renewable Energy

7. 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... (See also Policy LP24)."

Policy LP24 Renewable Energy of the Local Plan states:

"1. Proposals will be supported and considered in the context of contributing to the achievement of sustainable development and adapting to climate change.

Proposals made by a local community and through neighbourhood plans for the development of renewable and low-carbon sources of energy, in scale with their community's requirements, including supporting infrastructure for renewable energy projects will be supported.

2. 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*
- i. tourism and other economic activity.*

3. In addition to the above factors, 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.

4. Development may be permitted where any adverse impacts can be satisfactorily mitigated against and such mitigation can be secured either by planning condition or by legal agreement.

5. In line with Policy LP27 proposals that would lead to adverse impacts on international nature conservation sites will not be permitted."

National guidance is contained in the Overarching National Policy Statement for Energy (EN-1)(March 2023), National Policy Statement for Renewable Energy Infrastructure (EN-3)(January 2004) and the Clean Power 2030 Action Plan (April 2025).

EN-1 states that storage has a key role to play in achieving net zero and providing flexibility to the energy system, so that high volumes of low carbon power, heat and transport can be integrated. Storage is needed to reduce the costs of the electricity system and increase reliability by storing surplus electricity in times of low demand to provide electricity when demand is higher. The Clean Power 2030 Action Plan indicates a requirement for 23-27 GW of battery capacity before 2030.

The battery storage installation is being proposed to facilitate a more consistent supply of energy to the National Grid and to consolidate the battery storage capacity close to the existing power station.

The proposed installation may utilise excess power that may be generated at certain times of the day, store this power on-site and then export it back to the National Grid during periods when demand increases.

Whilst not specifically generating renewable energy, the BESS is considered to be 'associated infrastructure' in relation to the management and use of energy and the National commitment to carbon neutrality by 2050. It should therefore be considered in the context of Policies LP19 & LP24 of the Local Plan accordingly.

There is some conflict between the two overarching aims (protection of the countryside/high grade agricultural land and provision of renewable energy) and a balance is therefore required. This will be explored below.

Impact upon countryside

The main part of the development on Parcel A would lie to the rear of both White House Farm (farmhouse and outbuildings associated with the land) and White House Lodge (a formerly agriculturally tied bungalow), and to the NE of Marsh Farm which comprises a farmhouse with associated yard and several large storage buildings and fields to the rear. Open fields lie to the north and east.

Parcel B lies on the opposite/southern side of the road set behind an established roadside hedgerow with an agricultural access and buildings to the west. The substantial complex of the Substation lies to the south.

The Landscape Character Assessment produced by Chris Blandford Associates in 2007 and used to inform the Local Plan, places these sites on the boundary between areas categorised as: The Fens – Settled Inland Marshes - D2: Walpole, Terrington and Clenchwarton (Parcel A) and D3: Terrington St John (Parcel B).

The application is accompanied by a Landscape & Visual Appraisal (LVA) with 15 representative viewpoints. This considers the development and mitigation measures in the form of landscaping proposals and assesses the likely impact upon the area. Views of the sites are mainly localised.

Views into Parcel A are available from a portion of French's Road in proximity to the sites from the junction with Walpole Bank. Parcel B is visible close up from a gap for access to agricultural buildings to the west of it. Wider open views are available from Marsh Road to the north. At greater distances, further views are truncated by built form or layers of mature vegetation. Where views are available, they are often seen within the context of the built form of the existing energy infrastructure and substantial agricultural buildings near the sites.

Whilst the full details of landscaping have not been determined at this stage (to be dealt with via condition), the proposed development has been laid out to incorporate indicative landscape belts to the rear/north and east of Parcel A, plus a hedgerow to the west. A belt of planting for biodiversity net gain purposes lies between the rear boundaries of White House Farm and White House Lodge and the southern boundary of Parcel A.

The LVA indicates that effects on the landscape character are anticipated to be 'substantial adverse' in Year 1 during the construction phase; owing to the limited area that is affected combined with the existing power infrastructure, this reduces the effects to a 'minor' level of impact by Year 15 due to the landscape mitigation planting becoming established; and at the decommissioning stage, the effects become 'neutral' as the site is returned to a condition that is the same or similar to the baseline.

The same impacts are predicted in terms of visual impact ranging from 'substantial adverse' at Year 1 to 'moderate/minor/negligible adverse' at Year 15 depending on proximity of viewpoint and 'neutral' at decommissioning.

As with any development, a number of impacts arise. These effects will be borne in an area that has an existing relationship with the energy infrastructure surrounding the sites and will largely be offset by the new landscape scheme.

The proposed development would sit within the existing landscape character without causing significant harm. Whilst some negative landscape and visual effects will arise from the proposed development as it emerges; the development is sensitively located and is visually well contained.

Set in this context, it is considered that the proposal would not significantly detract from the appearance and character of this part of the countryside. This is effectively an additional facility with similar features and landscaping to similar BESS facilities already approved in this locality close to Walpole Substation.

This is a view shared by our Arboricultural Officer.

So, the equipment and buildings on Parcel A would be mostly screened from the west by existing vegetation and buildings on French's Road frontage including the complex of agricultural buildings of Marsh Farm to the immediate west of this site. It would also be partially screened by the proposed line of 3.5-4m high acoustic fencing along the southern part of the compound (85m) with a return northward (24m) in the SE corner. The equipment and buildings may alter slightly at the detailed design stage depending on the Distribution Network Operator - this shall therefore be agreed by condition. The exact height and appearance of the acoustic fence has been the subject of negotiation with CSNN (see Impact upon neighbour amenity section below) and is also to be defined via condition, but when viewed in context with the agricultural buildings adjacent (8.4m eaves and 10.9m ridge heights) either height would be acceptable in terms of visual impact.

The DNO substation on Parcel B is mostly screened by an existing mature hedgerow alongside French's Road approx. 6m high. Which can be conditioned to be protected during construction works, retained and maintained thereafter. There would be screen walls to the transformers for visual and acoustic attenuation purposes. Localised views show the equipment set in context with the Walpole Substation to the rear/south.

Photomontages from localised viewpoints have been produced by the applicants to demonstrate these impacts and the potential long-term effects of landscaping.

On balance, given the localised impacts and the proposed mitigating landscaping measures, the effect upon the character and appearance of this locality would not warrant grounds for refusal. The development is capable of being compatible to the provisions of the NPPF and Policies LP18 & LP24 of the Local Plan.

On this particular issue, Members will be aware of a fairly recent appeal decision – for a BESS at Saddlebow - application ref: 22/01151/FM, PINS ref: APP/V2635/W/23/3326257 (copy appended to this report as Appendix A). In allowing the appeal, the Inspector concluded:

"43. Consequently, I find that the identified benefits of the proposal carry substantial weight and therefore significantly outweigh the limited changes that would occur in landscape terms and the temporary loss of a relatively small area of best and most versatile agricultural land in this instance."

Loss of high-quality agricultural land

Paragraph 187 of The National Planning Policy Framework (NPPF, 2024) states that planning policies and decisions should contribute to and enhance the natural local environment by recognising the ‘economic and other benefits of the best and most versatile agricultural land’.

At Annex 2 of the NPPF, ‘best and most versatile agricultural land’ is defined as ‘land in grades 1, 2 and 3a of the Agricultural Land Classification’.

Under the Natural England Agricultural Land Classification (provisional for England), the site (and surrounding area) is classed as Grade 2 farmland. Although the proposed development is located on ‘best and most versatile agricultural land’, there are extensive areas of Grade 1, 2 and 3a farmland surrounding the site. Given the relatively small footprint of the proposed compounds (approx. 3.8ha), removal of the site area from agricultural use will not have a significant impact on the productivity of this sector as a whole and, in terms of Policy LP24, is not considered to be a significant loss of agricultural land.

Whilst development is proposed on grade 2 arable land, its temporary loss from production would be offset by the significant sustainable benefits to the community gained from electricity storage/production. There are also significant biodiversity benefits associated with the landscaping proposal which will be discussed below. As stated above, the development is believed to be totally reversible and could return to agricultural use at the end of its lifespan. Once again this may be secured via condition.

The proposal therefore accords with Policies LP19 & LP24 of the Local Plan. With regards to the NPPF, there is conflict with Paragraph 187; however, this will be addressed in the Planning Balance/Conclusion below.

On this particular issue, Members will be aware of a fairly recent appeal decision – for a solar farm and associated BESS (approx. 78ha) off Gunthorpe Road application ref: 21/01442/FM, PINS ref: APP/V2635/W/22/3295141 (copy appended to this report at Appendix B). In allowing the appeal, the Inspector concluded that:

“38. Taken together, I have outlined that the appeal scheme includes significant benefits in respect of energy security and the environment regarding the nature of energy generated, as well as biodiversity and landscape enhancements. There would also be some other moderate and limited benefits. This is balanced against the moderate weight to the conflict of the proposal with the development plans in respect of the loss of BMV land. When assessed against the policies in the Framework, taken as a whole, this leads me to an overall conclusion that material considerations indicate the decisions should be taken otherwise than in accordance with the development plans. This would therefore justify the grant of planning permission for the appeals.”

Flood risk implications

Parcel A lies in Flood Zone 1 and Parcel B in Flood Zone 2 of the Environment Agency’s mapping and both lie within their Tidal Hazard Mapping Zone (THMZ). The application is accompanied by a site-specific Flood Risk Assessment. This proposed development comprises ‘essential infrastructure’ which, according to national flood risk guidance, is compatible to Flood Zones 1 & 2 – all sources of flooding must however be considered.

The sites also fall within a THMZ and the site-specific FRA proposes mitigation measures. It is proposed to raise the electrical equipment 0.55m above existing ground level on Parcel A and 0.8m on Parcel B (above EA’s predicted flood water level) and in case of a flood, the

agent informs that the equipment would be fitted with circuit breakers to isolate the facility from the network.

These measures are considered to be acceptable to the EA and can be secured via condition accordingly.

Lessons learned from the BESS proposal at Saddlebow (22/01151/FM) referred to above, required details of a scheme to dispose of foul and surface water and for a scheme to contain and dispose of any contaminated water resulting from firefighting in the event of a fire.

Ground conditions are not suitable for infiltration of surface water run-off into the ground. A sustainable approach to surface water management is proposed in a Drainage Strategy using SuDS techniques that direct run-off into a detention swale in Parcel A (to the east of this parcel) and a pond in Parcel B (to the southeast of this parcel) for storage and controlled discharge off-site to the local ditch system. The off-site discharge is to be limited to greenfield rates for the sites. This strategy complies with the requirements of Planning Policy and provides a sustainable approach to surface water management. The IDB are aware of this proposal and the discharge will require their consent under the provisions of the Land Drainage Act.

The development would provide wider sustainability benefits that would outweigh flood risk, and it has been designed to mitigate and adapt to climate change and is not expected to increase the risk of flooding elsewhere.

The Environment Agency raise no objection to this proposal subject to condition to implement the mitigation measures proposed. It is therefore concluded that the proposal complies with the provisions of the NPPF, PPG and Policies LP06, LP18 & LP25 of the Local Plan.

Highway issues

The application is accompanied by a Transport Statement including a Construction Traffic Management Plan (CTMP) which identifies the access route for HGVs - inbound to be southwards from the A17 along King John Bank, eastwards along Marsh Road, south on Wisbech Road, then west along French's Road to the sites. The outbound route is westwards along French's Road then north along The Marsh then continuing on King John Bank back to the A17.

The Agent informs that the construction phase is expected to be 30 weeks. During this period, it is estimated that there could be 393 deliveries (786 two-way movements). Consolidated into 150 working days this equates to on average 3 HGV deliveries per day or 6 two-way movements. There are no abnormal load deliveries associated to this build.

Implications for the construction of other major developments in the area including the Gunthorpe Solar Farm and battery storage facility (ref: 21/01442/FM approved on appeal) to the west is also taken into consideration. Indeed, the solar farm is now proposed to be accessed via Gunthorpe Road past the Sutton Bridge Power Station rather than along King John Bank.

Visibility splays are acceptable on French's Road from all access points but there are some localised works in the highway to allow turning which will require further details to be submitted plus wear and tear on the network.

Therefore, if minded to approve the application in its present form, the LHA recommend conditions be applied covering refinement of the CTMP, plus covering access construction of both principal and emergency routes.

The proposal can therefore accord with Policies LP13 & LP21 of the Local Plan.

Ecology and biodiversity

There are no statutory or non-statutory designated sites within a 2km radius which will be affected by the proposed works and Natural England confirm that there would be no adverse impacts.

The application was accompanied by a Preliminary Ecological Appraisal produced by Brindle & Green which identified additional survey work on bats, water voles, Great Crested Newts and otters.

This was undertaken and a subsequent Ecological Impact Assessment submitted which concludes that there would be no significant effects on legally protected habitats or species. This is confirmed by our Senior Ecologist.

Detailed landscaping proposals for the site are to be covered via condition, but the layout plan shows areas capable of accommodating peripheral planting of hedges, trees, areas of meadow grassland and the creation of a surface water attenuation swale plus a pond. These habitats will provide a significant overall enhancement compared to the existing arable land. The landscaping proposals will need to address the maturity of the trees being planted given the contribution they will make to the screening of the site and any associated acoustic barriers.

In respect of Biodiversity Net Gain requirements, a Biodiversity Metric has been submitted which indicates that there would be a net gain as follows: For habitat units a 14.46% net gain, for hedgerow units a 29.78% net gain and for water units a 10.84% net gain. (Exceeding the target of 10% set out in the Environment Act 2021.) Our Senior Ecologist has reviewed this assessment and raises no objection subject to securing these mitigation measures via condition.

With regards to planning policy, the development complies with Policies LP18, LP19 & LP24 together with paragraph 187 d) of the NPPF in that it has appropriately considered biodiversity and ecological matters and would deliver a substantial net gain in biodiversity.

Impact upon neighbour amenity

Concerns have been raised by the Parish Council and third parties regarding the impact of the proposed development relative to existing residential properties close to the sites.

There are two dwellings situated between the two parcels of land – White House Farm (house) and White House Lodge (bungalow). Both properties are enclosed by established landscaping in the form of evergreen hedging 2m plus in height. Therefore restricting outward views.

The farmhouse has a rear garden depth of approx. 19m and lies approx. 41m from the battery compound; the bungalow has a 15.5m rear garden and sits approx. 47.5m away respectively.

Marsh Farm (house) lies approx. 73m away to the west but is effectively screened by the substantial agricultural buildings in its yard.

The application is accompanied by a Noise Impact Assessment produced by Quantum Acoustics which assesses the impact of the proposals upon all identified properties close to the development.

Mitigation measures proposed includes an acoustic fence to the southern boundary of the battery storage compound plus a return as described above. Initially the barrier was proposed at 4m in height, but to accord with other facilities approved in this locality a 3.5m high has been investigated. However, as stated above, either would be acceptable in visual impact terms.

The results of this re-assessment concluded that reducing the barrier height to 3.5m would likely increase noise emissions from the proposed installation by less than 1dB(A). This would mean that noise levels would remain within the “+5dB” district design policy adopted by the Council for power infrastructure installations. If considered necessary on visual impact grounds, a reduction in the height of the proposed barrier to 3.5m could therefore be accommodated without material harm.

Whilst the use of a 4m high acoustic barrier would provide greater flexibility during the detailed design stage of the project (and preferred by CSNN colleagues), the use of a 3.5m should also prove acoustically acceptable.

The submission and approval of the finalised plant and equipment proposals and attendant noise attenuation measures could be controlled via a pre-commencement condition.

Given the separation distances involved between the nearest dwellings and the development proposed, plus intervening established boundary treatments, there are no significant adverse impacts with regards to overshadowing or overbearing.

It is concluded that subject to mitigation measures to be defined via condition, the proposal would not adversely affect the amenity of neighbouring or surrounding residential properties to an unacceptable degree and could comply with Policy LP21 of the Local Plan.

As indicated above, the application is also accompanied by a Construction Traffic Management Plan which covers such things as dust suppression, contractor parking and wheel washing facilities. Once again this may be secured via condition. Hours of construction were restricted on the other BESS proposals to be 0830 – 1700 hours Monday to Friday and 0830 – 1300 hours on Saturdays; for consistency this can be repeated.

Details and implementation of the lighting scheme will be secured via condition prior to installation.

As a result, the amenity of the nearest dwellings will be protected, complying with Policies LP21 & LP24 of the Local Plan in respect of noise, dust etc.

Fire safety

The application is accompanied by a Battery Safety Management Plan produced by the applicants which has been reviewed by Norfolk Fire & Rescue Services and requires some refinement.

Norfolk Fire & Rescue Services raise no objection to the proposal but initially expressed concerns regarding water supply for firefighting, emergency access and decommissioning. Modifications have been made to accommodate an on-site water source to serve a sprinkler system plus firefighting and contamination containment and an emergency access added (to

the west of White House Lodge). The applicants indicate that the operation of the site would recognise and comply with the National Fire Chiefs Council guidance relating to BESS proposals.

Local concerns are understandably raised in regard to the event of an emergency/fire. However, the protocols and safety measures (the details of which can be secured via condition in association with the NFRS) would meet the industry safety standards which are more advanced than in earlier incidences where fires have occurred.

Other material considerations

Archaeology: Historic Environment Services indicate that previous archaeological investigations in the locality have recorded various features, deposits and artefacts of Anglo-Saxon and medieval date.

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 adversely affected by the proposed development. A programme of archaeological mitigatory work in accordance with National Planning Policy Framework (2024), Section 16: Conserving and enhancing the historic environment, para. 211 can therefore be secured via condition.

Crime and disorder: There are no significant crime and disorder issues raised by this proposed development. Whilst the facility would be un-manned during the operation phase, 2.4m high palisade fencing, CCTV cameras and lighting mounted on 11no. 4m high columns are proposed to ensure security of the facility without adversely affecting light pollution (details of the lighting scheme is to be agreed via condition as stated above). It is not unusual for facilities such as this to be effectively monitored and controlled remotely.

Contamination: The applicant has provided a Phase 1 Geotechnical and Geo-environmental Desk Study by Whitby Wood dated 08/07/2024. The report identifies a moderate risk to site workers from contact with contaminants associated with agricultural use such as pesticides and herbicides. Due to the recommendations in the aforementioned study, a suite of conditions are recommended relating to investigation and potential remediation steps as necessary.

There are no air quality issues raised by this proposal and dust control can be secured via a Construction Environmental Management Plan referred to above.

Foul Water: The extract from the Drainage Strategy explains:

'4.2 Foul Water - Foul wastewater is to increase from the existing development due to the increase in number of units and change in building use. Foul water design flow rates have been estimated using 0.6l/hectare of developable land for industrial uses. The proposed foul water will be detailed at a later stage, however it is thought that septic tanks will be utilised as the main strategy'.

Given the nature of the proposed use, it is not considered that foul water impacts of the development would be significant. As noted in the flood risk implications above, a condition is recommended to control foul drainage details alongside surface water details and a scheme to contain and dispose of any contaminated water from firefighting.

Environmental impact assessment: The proposal has been formally screened and does not require Environmental Impact Assessment. This has been confirmed under separate cover.

Third party comments not addressed in the report above:

Devaluation of property values – the effect of development upon property prices either up or down is not a material planning consideration; and

Loss of views/outlook – whilst public views are considered as part of the planning process, an individual's view across third party land is not given any material weight.

Timescale for implementation/commencement:

Planning permissions normally have a 3-year implementation timeframe, however there is flexibility to extend or shorten this period under Section 91(1)(b) of the Act. In this instance it is sought to be a 5-year commencement period given the lengthy process of procurement of equipment, grid upgrades and connection issues which need to be resolved. There are precedents for this by virtue of recent consents nationally and this is considered to be acceptable.

PLANNING BALANCE/CONCLUSION:

Whilst the temporary (30 year) loss of grade 2 agricultural land is recognised (Para. 187(b) of the NPPF and Para. 4 of Policy LP24), in the planning balance it is clear that considerable weight should be attached to the benefits associated to the production and management of sustainable energy as we push towards the national target of Net Zero emissions before 2050. This is strongly supported in national policy guidance, as well as the Council's own planning policy. It also aligns with the Council's own Climate Change Strategy and Action Plan.

This overall site is a relatively small area of land (3.85ha) which, even combined with the surrounding proposals, would not create a significant detrimental effect upon productivity of that sector taken holistically. So, in terms of Policies LP19 & LP24, it is also not considered to be a significant loss of farmland.

The proposal would also be seen in context with existing and proposed/approved infrastructure nearby, and, with the introduction of associated landscaping, would not significantly affect the appearance and character of its wider countryside setting. It is therefore considered to be acceptable on landscape impact grounds.

There are no technical issues that cannot be dealt with via planning conditions and no objections from statutory consultees. Impact upon residential amenity can be suitably controlled through mitigation measures in the form of acoustic fencing plus a Construction Traffic Management Programme (CTMP). Most notably there is no objection from the Norfolk Fire & Rescue Service to the scheme on safety grounds, and a safety plan can be suitably conditioned (as used by the Planning Inspectorate).

Overall, the proposal is considered to accord with the provisions of the NPPF, NPPG, National Policy Statements, Policies LP04, LP06, LP13, LP19, LP20, LP21, LP24 & LP25 of the Local Plan (2021-2040).

It is therefore duly recommended for approval subject to certain conditions stated below.

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: With the exception of the details required in connection with Condition 7 below, the development hereby permitted shall be carried out in accordance with the following approved plans: E101-SHEET04 Rev. P03, unless otherwise agreed in writing with the Local Planning Authority.
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: The permission hereby granted is for the proposed development to be retained for a period of not more than 30 years from the date that electricity is first taken from the grid network (the first Import Date), this date to be notified in writing to the Local Planning Authority. By the end of the 30-year period the battery storage installation shall be decommissioned. No later than 6 months after decommissioning, all related structures, containers, equipment and infrastructure shall be removed and the site restored in accordance with a restoration scheme which has been submitted to and approved in writing by the Local planning Authority. The restoration scheme shall be submitted to the Local Planning Authority no less than 6 months prior to decommissioning. The Local Authority must be notified of the cessation of electricity importation and exportation in writing no later than 5 working days after the event.
- 3 Reason: To define the terms of this permission as the application site lies in the open countryside and it is important that once the development has ceased the site is brought back into a full agricultural use in accordance with the provisions of the NPPF and Policies LP18 & LP21 of the Local Plan.
- 4 Condition: If the development hereby permitted fails to be operational for a continuous period of 12 months, then, unless otherwise agreed in writing with the Local Planning Authority, the containers and associated buildings, equipment and infrastructure shall be decommissioned and removed from the site in accordance with a scheme to be submitted to the Local Planning Authority no more than 3 months after the end of the 12 month period. The land shall be reinstated in accordance with the scheme within a period of 6 months after the end of the 12 month period.
- 4 Reason: The application site lies in the open countryside and it is important that once the development has ceased the site is brought back into agricultural use in accordance with the provisions of the NPPF and Policy LP18 of the Local Plan.
- 5 Condition: Notwithstanding the submitted plans, prior to the commencement of the development hereby approved, a detailed landscaping scheme shall have been submitted to, and agreed in writing by, the Local Planning Authority. These details shall include finished levels or contours and hard surface materials. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with tree, plant and grass establishment) schedules of trees and plants noting species, sizes and proposed numbers and densities where appropriate.

- 5 Reason: To assimilate the development into its countryside setting, in the interests of visual amenity and nature conservation and accord with the provisions of the NPPF and Policy LP18 of the Local Plan. This is a pre-commencement condition as the landscaping impacts should be considered at an early stage of the development.
- 6 Condition: The approved landscaping scheme shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees/shrubs/plants which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the Local Planning Authority.
- 6 Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and nature conservation and accord with the provisions of the NPPF and Policy LP18 of the Local Plan.
- 7 Condition: Notwithstanding the plans submitted, prior to installation, full details of the battery units, store rooms, control rooms, structures and equipment, shall be submitted to, and agreed in writing by, the Local Planning Authority.
- 7 Reason: In order to allow the Local Planning Authority to control such details in the interest of visual amenity and to assimilate the development into its rural setting, in accordance with the provisions of the NPPF and Policy LP18 of the Local Plan.
- 8 Condition: The development shall be carried out in accordance with the mitigation measures contained in the submitted flood risk assessment (FRA) (Ref: P451676-WW-XX-XX-RP-C-0001; dated 28 August 2024; submitted by Whitby Wood). In particular, they include:
 - Battery storage containers and associated electrical infrastructure shall be set 0.55m above existing ground level on the Northern site/Parcel A; and
 - Electrical infrastructure shall be set 0.8m above existing ground level on the Southern site/Parcel B.

The mitigation measures shall be fully implemented prior to commencement of use and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.
- 8 Reason: In order to protect the development at times of high risk of flooding and to accord with the provisions of the NPPF and Policies LP18 & LP25 of the Local Plan.
- 9 Condition: Notwithstanding the submitted details, full details of a lighting scheme to serve the development shall be submitted to, and agreed in writing by, the Local Planning Authority prior to installation. The agreed lighting scheme shall be implemented and thereafter maintained and retained as agreed.
- 9 Reason: In the interests of minimising light pollution, impact on ecology, and to safeguard the amenities of the locality in accordance with the NPPF and Policies LP18 & LP21 of the Local Plan.
- 10 Condition: Notwithstanding the submitted details, prior to the commencement of any works a Construction Traffic Management Plan and Access Route, which shall incorporate adequate provision for addressing any abnormal wear and tear to the

highway and wheel washing facilities for construction and decommissioning vehicles, shall be submitted to and approved in writing with 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.

- 10 Reason: In the interests of maintaining highway efficiency and safety and to ensure that no other local roads are used by construction traffic, and to accord with the provisions of the NPPF and Policies LP11, LP13 & LP21 of the Local Plan.
- 11 Condition: For the duration of the construction period, all traffic associated with the construction of the development will comply with the Construction Traffic Management Plan and use only the 'Construction Traffic Access Route' and no other local roads unless otherwise approved in writing by the Local Planning Authority.
- 11 Reason: In the interests of maintaining highway efficiency and safety, and to accord with the provisions of the NPPF and Policies LP11, LP13 & LP21 of the Local Plan.
- 12 Condition: The hedgerow alongside French's Road on Parcel B shall be protected to British Standard BS 5837:2012 during construction works and thereafter retained and maintained at a height of not less than 5m unless otherwise agreed in writing by the Local Planning Authority.
- 12 Reason: To protect the existing established hedge on the site during construction and assimilate the development into its countryside setting to accord with Policies LP18 & LP19 of the Local Plan.
- 13 Condition: For the duration of the construction and decommissioning periods deliveries and removals shall only be received at or despatched from the site between the hours of 0830 and 1700 hours Monday to Friday, 0830 and 1300 hours on Saturdays and not at all on Sundays and Bank Holidays other than with the prior written approval of the Local Planning Authority.
- 13 Reason: In the interests of the amenities of the locality, and to accord with the provisions of the NPPF and Policies LP13 & LP21 of the Local Plan.
- 14 Condition: No demolition/development shall take place 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 and 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation.
- 14 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF and Policy LP20 of the Local Plan. This needs to be a pre-commencement condition given the potential impact upon archaeological assets during groundworks/construction.
- 15 Condition: No development shall take place other than in accordance with the written scheme of investigation approved under condition 14 and any addenda to that WSI covering subsequent phases of mitigation.

- 15 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF and Policy LP20 of the Local Plan.
- 16 Condition: The development shall not 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 14 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- 16 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF and Policy LP20 of the Local Plan.
- 17 Condition: Prior to the commencement of development, full details of the height and appearance of the acoustic barriers to the perimeter of the battery storage compound and transformer screens, as shown on Figure 3.2 on page 10 of the Noise Impact Assessment reference QA24433/NIA(Rev1) dated 10/01/25 and undertaken by Quantum Acoustics, shall have been submitted to, and agreed in writing by, the Local Planning Authority. These shall be erected as agreed prior to works proceeding in those respective compounds and shall remain to the standard of installation for the lifetime of the development.
- 17 Reason: In the interests of the amenities of the locality, and to accord with the provisions of the NPPF and Policy LP21 of the Local Plan. This is a pre-commencement condition as the amenity of nearby dwellings must be built into the development at an early stage.
- 18 Condition: Prior to the commencement of groundworks, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
- (i) a survey of the extent, scale and nature of contamination
 - (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
 - (iii) an appraisal of remedial options and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.
- 18 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. In accordance with the provisions of Policy LP21 of the Local Plan. This is a pre-commencement condition as contamination matters need to be addressed at an early stage of the development.

- 19 Condition: Prior to the commencement of groundworks, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of land after remediation.

- 19 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.

- 20 Condition: The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of groundworks, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

- 20 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.

- 21 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 the requirements of condition number 18, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 19, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition number 20.

- 21 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.

- 22 Condition: Notwithstanding the submitted details, the development hereby permitted shall not commence until such time as a scheme to:
- dispose of foul and surface water; and
 - contain and dispose of any contaminated water resulting from firefighting
- has been submitted to, and agreed in writing by, the Local Planning Authority. The scheme shall be implemented as agreed.
- 22 Reason: To ensure that there is a satisfactory means of drainage in accordance with the NPPF and Policy LP21 of the Local Plan. 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.
- 23 Condition: Notwithstanding the submitted details, prior to the first use of the Battery Energy Storage System (BESS) hereby approved, a Battery Safety Management Plan (BSMP) shall be submitted to, and agreed in writing by, the Local Planning Authority. The BSMP must define the type of batteries to be used and prescribe measures to facilitate safety during the construction, operation and decommissioning of the BESS. The BSMP shall be implemented as approved.
- 23 Reason: To secure the safe operation of the facility and to accord with the provisions of Policy LP21 of the Local Plan.
- 24 Condition: Notwithstanding the details indicated on the submitted plans, no works shall commence on site unless otherwise agreed in writing until drawings for the off-site highway improvement works for the surfacing and widening of the three accesses together with localised carriageway widening to support HGV turning movements to and from the sites have been submitted to, and approved in writing by, the Local Planning Authority
- 24 Reason: To ensure that highway improvement works are designed to an appropriate standard in the interests of highway safety and to protect the environment of the local highway corridor; in accordance with the provisions of the NPPF and Local Plan Policies LP13 & LP21. This is a pre-commencement condition as the highway improvement works required need to be designed into the development at an early stage.
- 25 Condition: Prior to the first use of the facility hereby approved, the off-site highway works referred to in Condition 24 shall be completed to the satisfaction of the Local Planning Authority.
- 25 Reason: To ensure that highway improvement works are implemented in the interests of highway safety and to protect the environment of the local highway corridor; in accordance with the provisions of the NPPF and Local Plan Policies LP13 & LP21.



Appeal Decision

Site visit made on 30 April 2024

by R Norman BA(Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th July 2024

Appeal Ref: APP/V2635/W/23/3326257

Land West of New Farm House, High Road, Saddlebow, King's Lynn PE34 3AW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Lynn Power Limited against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref is 22/01151/FM.
 - The development proposed is the installation of a Battery Energy Storage System (BESS) comprising: self contained battery modules on skids; transformers; Power Conversion System Modules; Control Building; electrical connection compound including substation; control and storage containers; underground cables and conduits; access track; security fence; acoustic fence; temporary construction compound and associated infrastructure; bund and planting scheme.
-

Decision

1. The appeal is allowed and planning permission is granted for the installation of a Battery Energy Storage System (BESS) comprising: self contained battery modules on skids; transformers; Power Conversion System Modules; Control Building; electrical connection compound including substation; control and storage containers; underground cables and conduits; access track; security fence; acoustic fence; temporary construction compound and associated infrastructure; bund and planting scheme at Land West of New Farm House, High Road, King's Lynn PE34 3AW in accordance with the terms of the application, Ref 22/01151/FM, subject to the conditions in the attached schedule.

Preliminary Matters

2. Since the Council determined the application, the National Planning Policy Framework (the Framework) has been updated, with the latest version being published in December 2023 and I have considered the appeal against this updated version. In addition, an updated National Policy Statement EN-1 was designated on 17 January 2024.
3. The address on the appeal form differs from that given on the original application form. I have used the original address as this is more precise.

Main Issues

4. The main issues are:
 - the effect of the development on the character and appearance of the area;

- the effect of the development on the living conditions of nearby residents;
- the effect of the development on public safety; and
- whether or not the development would result in pollution to the surrounding area.

Reasons

Character and Appearance

5. The appeal site currently comprises part of an area of open agricultural land accessed off High Road. It is located adjacent to an existing industrial area. The Great Ouse River and its relief channel runs to the west and there is an existing industrial installation adjacent. There are a few sporadic dwellings further along High Road to the east and south of the appeal site and the wider area comprises open agricultural land. Land levels within the site are lower than High Road and the riverbank.
6. The appeal proposal would introduce a Battery Energy Storage System (BESS) into the appeal site. This would include a series of battery modules set in two linear rows. A new access would be provided off High Road leading into the appeal site. The development would also involve landscaping, drainage features including a swale and bunding and associated substation. There is an existing overhead power line running across the appeal site which would be diverted underground. The BESS would be used to store excess electricity until there was demand for it, when it would then be released back into the grid.
7. The appeal site forms a transitional area between the adjacent industrial area and the more sporadic developments and open countryside. The industrial area is substantial and includes very large buildings including the Palm Paper premises and a Pressure Reducing Metering Station associated with Palm Paper, as well as the King's Lynn Power Station and other businesses within the Saddlebow Industrial Estate. The wider area comprises open, agricultural fields, allowing for long distance views of the surrounding countryside. King's Lynn is located to the north of the appeal site, beyond the A47 and Saddlebow sits to the south west. The proposed structures would be significantly smaller and more subservient than the surrounding buildings and the height and spacing would reduce the visual impact and the overall bulk of the development. The structures themselves would utilise a relatively small area of the overall site.
8. The application was accompanied by a Landscape and Visual Impact Assessment (LVIA)¹ which identifies the existing baseline conditions, assesses the relevant national, regional and local character assessments, considers any statutory designations, visual impacts and any required mitigation. The LVIA was produced using established and recognised industry standards in accordance with GLVIA² and I am therefore satisfied that it forms a robust and accurate assessment of the landscape impacts in this instance.
9. The appeal site relates reasonably well to the identified characteristics within the national, regional and local landscape character types, being relatively flat and open, typical of a fen landscape. However, the appeal site and immediate

¹ May 2022 (Revision A)

² Guidelines for Landscape and Visual Assessment third edition

surroundings are also heavily influenced by the prominent industrial area which sits directly adjacent, compounding its character as a strongly transitional area which relates to both landscape types. Accordingly, it has less of a rural, fen character than some of the other fields in the wider area and its development would be seen very much in the context of the existing industrial estate.

10. There are some public footpaths within the vicinity of the site, and there is a gated access leading to the Ouse Amateur Sailing Club running along the side boundary. Any users of the footpaths, travelling along High Road or occupying the nearest properties would see the appeal site in the context of the existing industrial buildings and the appeal site would appear as a natural extension of this. As such, the visual impacts on people within this area would be negligible and in visual amenity terms the wider rural landscape would still be appreciated.
11. As part of the proposal, mitigation measures would be introduced including a planted bund around the structures themselves and large areas of landscaping between the bund and High Road and adjacent to the access point. This would serve to mitigate the visual impact of the development and provide a considerable amount of screening. Whilst the flat, open character of the appeal site would be lost with the introduction of the bunding and the swale/detention basin, the site does form a transitional area between the industrial areas and the wider countryside and therefore I find the proposed mitigation measures and landscaping to be appropriate and would be effective once established. Furthermore, the proposed development would have a lifespan of around 40 years, after which it would be decommissioned, and the land restored in accordance with an agreed scheme.
12. Accordingly, I find that although the proposal would result in a degree of visual change to the site and its surrounding receptors, this would be a limited and localised change and it would not appear out of character with the surroundings. Therefore, it would not have an adverse effect on the character and appearance of the area.
13. As such, the development would comply with Policies CS06, CS08 and the King's Lynn and West Norfolk Borough Council Core Strategy (2011) (Core Strategy) and Policies DM2 and DM20 of the Site Allocations and Development Management Policies Plan (2016) (SADMPP). These seek to maintain local character and a high-quality environment, protect the countryside for its intrinsic character and beauty, achieve high standards of sustainable design and energy efficiency and restrict development in areas outside of the development boundaries to renewable energy generation where impacts on the landscape can be satisfactorily mitigated, amongst other things.

Living Conditions

14. The nearest residential properties comprise New Farm House and Nos 1 and 2 High Road. These are located to the south of the appeal site and opposite the proposed access point respectively.
15. In terms of the visual impacts of the proposed development on local residents, as outlined above, the structures would be largely screened by the bunding and associated landscaping and, from these properties, the views of the equipment itself would be seen in the context of the existing industrial buildings.

16. These properties would be in proximity to the proposed access point, however the application was accompanied by a Construction Management Plan which sets out how the development of the site and vehicular movements to and from the appeal site would be managed to ensure there were no adverse impacts on the nearby residents during this period. A condition could be imposed in order to ensure that the Construction Management Plan is adhered to.
17. A robust and technical noise assessment³ was carried out in accordance with the relevant industry standards. The main sources of noise for the development would be from the battery fans and the transformer, and the noise assessment demonstrates that resultant noise levels in relation to the nearest properties would be within an acceptable range and as such, no harmful impacts arising should arise in this regard. The proposal would also include an acoustic fence to mitigate any unacceptable levels of noise.
18. Beyond these closest properties, the appeal site is also located to the south of the main settlement of King's Lynn. It is separated from the main built edge by the existing industrial area and the A47 and there are a large number of residential properties located to the southernmost extent of King's Lynn beyond the dual carriageway. Furthermore, there is a traveller site located close to the A47, accessed off High Road.
19. Concerns have been raised in relation to potential air pollution and harmful fumes emanating from the appeal site due to the prevailing wind direction which may carry gas fumes and contaminated air towards these residential areas. The Appellant has carried out investigations which demonstrate that in the event of a fire or other incident, dispersal rates would be fast and unlikely to lead to long-lasting air quality concerns. Testing and investigations have identified that the risk of gas vapour cloud formation would be reduced by a suitable separation of the battery modules in accordance with industry standards and the proposed layout would achieve these distances. Coupled with the distance of the traveller's site and residential properties from the appeal site, I am satisfied that the proposal would not result in harm in this regard. I have little before me to suggest that there would be adverse impacts on the residents of this site arising from the proposed development.
20. Consequently, I find that the proposal would not give rise to harm to the living conditions of nearby residents or those within King's Lynn itself. It would therefore comply with Policies DM15 and DM20 of the SADMP. Collectively these seek to ensure that development does not give rise to adverse impacts on neighbouring occupiers, amongst other things.

Public Safety

21. The proposal would involve the installation of electrical equipment and the BESS units would store electricity during times of lower demand. There would be associated substations and cabling. Concerns have been raised in relation to fire risks as a result of the nature of the development.
22. The Appellant has provided details of a fire strategy⁴ which details methods to prevent and minimise fire risk and ensure protection for onsite operatives, local residents and the environment. The site would be subject to industry safety requirements and the Appellant would appoint a qualified contractor and

³ Noise Impact Assessment ref 21.058.1.R3 dated 17 May 2022

⁴ Planning Phase Battery Safety Management Plan – Fire Safety Document No O-LO-R70-035318

designer to comply with the statutory duties during construction. The modules and related structures have been subject to thorough testing in terms of public risk. The design of the structures and layout of the site would reflect statutory fire prevention strategies and good practice, including the separation distances between the battery modules and the required hazard assessments would be undertaken prior to construction work commencing. During the operational life of the site, every battery module would be constantly monitored by automated systems to prevent issues arising as a result of temperature or voltage levels, amongst other things.

23. In the event of an emergency, an Emergency Management Plan would be developed as part of the overall design of the site. The site would ensure that firefighting requirements are factored in with space for any firefighting equipment, suitably wide access and internal roads to allow fire engines access, as well as bespoke cabinets with liquid cooling systems to enable fire suppression. Remote monitoring would allow rapid notification to the emergency services and there would be private hydrants located in accessible positions.
24. I have considered matters relating to gas dispersal in the above section. I note also that the relevant statutory consultees, including the Health and Safety Executive do not object to the proposal subject to suggested conditions or advice to the Appellant.
25. Based on the information before me, the industry standards are rigorous and thorough, and it has been demonstrated that the site would be developed in accordance with these standards. I am therefore satisfied that it has been adequately demonstrated that the proposal would not give rise to unacceptable impacts on public safety and any potential safety risks could be adequately mitigated with suitable systems in place. A condition can be applied to secure the mitigation measures as part of a Battery Safety Management Plan (BSMP).
26. As such, the proposal would comply with the requirements of Policy DM15 of the SADMPP, which requires proposals for energy infrastructure to mitigate against any adverse impacts including matters of public safety, amongst other things.

Pollution

27. The Great Ouse River and its relief channel run close to the appeal site and the area comprises open agricultural land, with drainage dykes and natural landscape features. The appeal proposal has been supported by a number of technical documents addressing matters of flooding, pollution, surface and foul water drainage, fire water, contaminated land and water and gas dispersal.
28. Due to the nature of the proposed development, the potential for pollution arising from the leaking of firewater or foam needs to be considered. The Appellant has provided information which advises that any such leakages would be directed to the SUDS drainage system and the detention basin would be used to store the water to allow it to be treated to improve the water quality. Any firewater entering the drainage system would be controlled by valves to prevent contaminated water reaching the local watercourse. The Appellant has confirmed that there would be capacity for firewater the detention basin would be constructed in a suitable way to deal with this.

29. The appeal site is located within Flood Zone 3 which is classed as high-risk. However, the development is considered compatible with this flood zone as it is classed as essential infrastructure. A Flood Risk Assessment (FRA) has been provided and it has been demonstrated that there are no sequentially preferable sites available as the proposal would need to be located in proximity to the existing power station and grid connection. The FRA considers the overall risk from flooding to be low and I have little before me that would lead me to disagree with this conclusion.
30. In relation to the dispersal and disposal of surface water run off, the Appellant has provided a series of methods which involve the use of filter drains, a receiving drainage system, a swale and detention basin, areas of permeable surfacing and the use of the natural land fall for greenfield flows. The site and surroundings are situated upon the Tidal Flats Deposits – Clay and Silt which is relatively impermeable and makes infiltration of surface water drainage unfeasible therefore the proposed methods have been demonstrated to be suitable for the site conditions. The battery areas will cover a small total area of the appeal site and therefore there are ample opportunities for efficient drainage methods throughout the appeal site. The use of the swale and detention basin would ensure that the flow rates originating from the site could be suitably controlled and managed.
31. Concerns have been raised locally about the potential for any fires to be left to burn out and potentially burn for weeks. However, I have no evidence before me that this would be a likely scenario. One example has been given of gas emissions following a fire at the Victoria Big Battery site in Australia in 2021 which showed rapid dispersal of any airborne contaminants and another case in Liverpool where a fire occurred, however I note that the battery modules in the Liverpool case were a different type to those proposed here.
32. Furthermore, a robust decommissioning scheme would be secured by condition which would ensure that, at the end of its life, the appeal development would be removed, and the land safely restored.
33. Based on the evidence before me, it has been thoroughly demonstrated that the proposal would not give rise to adverse impacts in relation to any forms of pollution and would be acceptable in flood risk and drainage terms. It would also meet the requirements of the Exceptions Test in relation to flooding due to the benefits that would arise in relation to providing energy and going towards meeting the climate change aims. As such, the proposal would comply with Policies CS08 of the Core Strategy insofar as it requires development to be appropriate to the level of flood risk and mitigated through appropriate design and engineering solutions. It would also comply with the provisions of the Framework in Section 14.

Other Matters

34. The appeal site is located within 2km of the River Nar SSSI which is a statutory designated site. In addition, the Saddlebow Reedbeds County Wildlife site and West Winch Common County Wildlife Site are also within 2km of the appeal site. The Appellant has provided an Ecological Assessment, shadow Habitats Regulations Assessment and biodiversity net gain details. The proposal is assessed in these documents as having a low and negligible impact on these sites and identifies mitigation measures, including carefully designed lighting, restrictions on removal of hedgerows during nesting seasons and additional

landscaping. As such, the proposal would not result in harm in terms of ecology and biodiversity in and around the appeal site.

35. I have been directed to an appeal decision⁵ which related to the conversion of a former college buildings to residential properties. However, this appears to relate to a completely different type of development within a different district and as such is not sufficiently comparable to the scheme before me to alter my conclusions in this case.
36. Objection letters have been received from Councillors and local residents concerning, in addition to the above matters, the loss of agricultural land, potential loss of power, devaluation of properties and security measures for the appeal site.
37. The appeal site comprises Grade 2 agricultural land and the proposal would result in the loss of some best and most versatile agricultural land. However, the appeal site is set within a substantial area of Grade 1 and 2 agricultural land therefore the amount of land lost would be relatively small. Furthermore, the built structures would occupy a small proportion of the overall site. The loss of agricultural land would also be temporary as the site would be decommissioned and structures removed at the end of its life. Accordingly, the limited loss of agricultural land would not outweigh the overall benefits of the scheme.
38. In terms of the potential for disruption to the electricity supply, I have little before me to suggest that this would occur, and the operators would manage the construction and connection process so as not to result in disruption for existing residents. In terms of security, the site would be remotely monitored, and security measures could be secured as part of the overall design. The impact on house prices is not a material planning consideration and therefore it is not for me to conclude on this matter.

Planning Balance

39. I have found that the proposal would comply with the above policies and therefore the development plan as a whole. I have identified that there would be some change to the landscape character and the appearance of the surroundings as well as a slight loss of agricultural land. However, these would not be to a degree that would result in undue harm or a conflict with the relevant policies.
40. Benefits have been identified by the Appellant. These comprise the contribution of the site towards supporting renewable and low carbon energy generation, landscape improvements and a significant level of biodiversity net gain.
41. National Policy Statement EN-1 sets out the government's policy for delivery of major energy infrastructure and puts a great emphasis on the need for secure and reliable supplies of electricity. Whilst it relates to the consideration of Nationally Significant Infrastructure Projects, it does highlight that a significant amount of infrastructure is needed at both local and national scale, including the critical need for capacity for energy storage. The Framework in paragraph 163 identifies that development for renewable and low carbon development should be approved if its impact can be made acceptable, amongst other things.

⁵ APP/V2635/W/22/3295193

42. I have been provided with a number of documents which highlight the need to reduce carbon emissions and relate to the British Energy Security Strategy which all highlight the key targets and requirements for future energy generation and climate change considerations, and which place great importance on meeting these challenges.
43. Consequently, I find that the identified benefits of the proposal carry substantial weight and therefore significantly outweigh the limited changes that would occur in landscape terms and the temporary loss of a relatively small area of best and most versatile agricultural land in this instance.

Conditions

44. In addition to the standard time limit condition, I have imposed a condition listing the approved plans as this provides certainty. The Council have provided a list of suggested conditions, which are also replicated in the Appellant's Statement of Case. I have considered these conditions against the tests in the Framework and Planning Practice Guidance.
45. Conditions 3 and 4 are necessary to ensure that the land is brought back into agricultural use and in the interests of the character and appearance of the area. Conditions 5, 6 and 7 are imposed in order to protect the character and appearance of the area. I have imposed conditions 8, 9 and 10 to ensure satisfactory drainage arrangements are in place and to protect the development and surrounding area in the event of a flood. Condition 11 is necessary in the interests of protecting the living conditions of nearby residents and highway safety. I have also imposed conditions 12, 13 and 14 in order to ensure the development would not adversely effect highway safety. Conditions 15, 16 and 17 are required to ensure that any archaeological remains that may be found on site are dealt with correctly.
46. I have imposed conditions 18 and 20 to protect the living conditions of nearby residents and wider public safety. Condition 19 is necessary to minimise and manage any risk from land contamination. Condition 21 is necessary to protect existing infrastructure.
47. Conditions 8, 15, 16 and 21 are required to be pre-commencement as it is fundamental to have these details agreed prior to any work commencing on site. The Appellant has indicated their agreement to all conditions.

Conclusion

48. For the reasons given above, and having had regard to all matters raised, the appeal should be allowed.

R Norman

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) With the exception of the details required in connection with Condition 7 below, the development hereby permitted shall be carried out in accordance with the following approved plans: Figure 1 – Proposed Site Location; Figure 4 – Proposed Site Layout; Figure 12 – Typical Access Track Detail; and Figure 13 – Proposed Fence and Gate Details.
- 3) The permission hereby granted is for the proposed development to be retained for a period of not more than 40 years from the date that electricity is first taken from the grid network (the first Import Date), this date to be notified in writing to the local planning authority. By the end of the 40-year period the battery storage installation shall be decommissioned. No later than 6 months after decommissioning, all related structures, containers, equipment and infrastructure shall be removed, and the site restored in accordance with a restoration scheme which has been submitted to and approved in writing by the local planning authority. The restoration scheme shall be submitted to the local planning authority no less than 6 months prior to decommissioning. The local planning authority must be notified of the cessation of electricity importation and exportation in writing no later than 5 working days after the event.
- 4) If the development hereby permitted fails for a continuous period of 12 months to supply electricity to the grid network then, unless otherwise agreed in writing with the local planning authority, the associated buildings, equipment and infrastructure shall be decommissioned and removed from the site in accordance with a scheme to be submitted to and approved in writing the local planning authority no more than 3 months after the end of the 12 month period. The land shall be reinstated in accordance with the scheme within a period of 6 months after the end of the 12-month period.
- 5) The landscaping shall be implemented in accordance with the Landscape Mitigation Plan dated 18 May 2022 ref: 2520-LLA-ZZ-00-DR-L-0001.
- 6) The approved landscaping scheme shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs/plants which, within a period of five years of being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.
- 7) Notwithstanding the plans submitted, prior to installation full details of the battery units, storerooms, control rooms, structures and equipment (including the colour scheme), shall be submitted to, and agreed in writing by the local planning authority. The units and structures shall be painted in accordance with the agreed colour prior to commencement of use and shall be maintained in that condition thereafter.

- 8) Notwithstanding the submitted details, the development hereby permitted shall not commence until such time as a scheme to dispose of foul and surface water and contain and dispose of any contaminated water resulting from firefighting has been submitted to, and agreed in writing by the local planning authority. The scheme shall be implemented as agreed.
- 9) With the exception of the measures required under condition 8 above, the development shall be carried out in accordance with the recommendations of the submitted Flood Risk Assessment and Surface Water Drainage Strategy produced by Rossi Long Consulting ref: 211272 [Rev 04] dated December 2022.

The mitigation measures shall be fully implemented prior to occupation/use and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the local planning authority.

- 10) Prior to the first use of the development hereby approved, details of any method of lighting and extent of illumination to the access road and compound shall be submitted to, and approved in writing by, the local planning authority. The lighting scheme shall be implemented as approved prior to the use of the development and thereafter maintained and retained as agreed.
- 11) The development hereby approved shall be undertaken in accordance with the Construction Traffic Management Plan (Doc Ref: 552/CTMP) compiled by Ethical Power Connections Limited dated 25/05/2022 and submitted as part of this application, unless otherwise agreed in writing with the local planning authority. These measures shall include the following:
 - Site construction hours limited to 0800 hours – 1800 hours weekdays, 0900 hours - 1300 hours on Saturdays and not at all on Sundays and Bank and Public Holidays.
 - The first 20m of the access road from the adopted highway shall be surfaced with tarmac;
 - The access shall at all times have a 5mph speed restriction in place;
 - Wheel washing facilities shall be provided and used; and
 - Deliveries to and collections from the site shall be restricted to the hours of 0930 hours – 1500 hours weekdays only.
- 12) Prior to the first use of the development hereby permitted, the vehicular access/crossing over the verge shall be constructed in accordance with the highways industrial access specification for the first 15m as measured back from the near channel edge of the adjacent carriageway and thereafter retained at the position shown on the approved plan. Arrangement shall be made for the surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway.
- 13) The gradient of the vehicular access shall not exceed 1:12 for the first 15m into the site.

- 14) Prior to the commencement of the use hereby permitted, visibility splays shall be provided in full accordance with the details indicated on the approved plans ref: C-700 Rev P03 and C-701 Rev P03. The splays shall thereafter be maintained at all times from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.
- 15) No development shall take place 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/organisation to undertake the works set out with the written scheme of investigation and 7) any further project designs as addenda to the approved WSI covering subsequent phases of mitigation as required.
- 16) No development shall take place other than in accordance with the written scheme of investigation (WSI) approved under condition 15 and any addenda to that WSI covering subsequent phases of mitigation.
- 17) The development shall not be used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological WSI approved under condition 15 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- 18) Prior to the first use of the Battery Energy Storage System (BESS) hereby approved, a Battery Safety Management Plan (BSMP) shall be submitted to and approved in writing by the local planning authority. The BSMP must define the type of batteries to be used and prescribe measures to facilitate safety during the construction, operation and decommissioning of the BESS. The BSMP shall be implemented as approved.
- 19) 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 identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority.
- 20) Prior to the first operation of the development hereby permitted, the 3.5m high acoustic protection fence shall be erected as per the approved plans and shall thereafter be maintained for the life of the development.
- 21) No development shall commence until details of any access or service crossings of the Feeder 4 gas pipeline, including plans and cross sections detailing existing and proposed levels and depths of underground utilities,

are submitted to, and approved in writing by, the local planning authority. Such details shall include an Earth Resistivity Study and any measures necessary to ensure the safe and continued operation of the gas pipeline and safe working arrangements. The scheme shall subsequently be implemented in full accordance with the approved details.



Appeal Decision

Site visit made on 1 February 2023

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2023

Appeal A: APP/A2525/W/22/3295140

Gunthorpe Road Solar Farm, Land south of Gunthorpe Road, Walpole Marsh, Wisbech near PE14 7JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Walpole Green Limited against South Holland District Council.
 - The application Ref H-18-0741-21, is dated 8 July 2021.
 - The development proposed is installation of a solar farm and battery storage facility with associated infrastructure.
-

Appeal B: APP/V2635/W/22/3295141

Gunthorpe Road Solar Farm, Land south of Gunthorpe Road, Walpole Marsh, Wisbech near PE14 7JH

- 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 Walpole Green Limited against the decision of the Borough Council of King's Lynn and West Norfolk.
 - The application Ref 21/01442/FM, dated 8 July 2021, was refused by notice dated 24 February 2022.
 - The development proposed is installation of a solar farm and battery storage facility with associated infrastructure.
-

Decision

Appeal A

1. The appeal is allowed and planning permission is granted for installation of a solar farm and battery storage facility with associated infrastructure at Gunthorpe Road Solar Farm, Land south of Gunthorpe Road, Walpole Marsh, Wisbech near PE14 7JH in accordance with the terms of the application, Ref H-18-0741-21, dated 8 July 2021, subject to the attached schedule of conditions.

Appeal B

2. The appeal is allowed and planning permission is granted for installation of a solar farm and battery storage facility with associated infrastructure at Gunthorpe Road Solar Farm, Land south of Gunthorpe Road, Walpole Marsh, Wisbech near PE14 7JH in accordance with the terms of the application, Ref 21/01442/FM, dated 8 July 2021, subject to the attached schedule of conditions.

Procedural Matters

3. The appeal site straddles the administrative boundary between local authorities in two different counties, South Holland District Council (SHDC) in Lincolnshire; and the Borough Council of Kings Lynn and West Norfolk (KLWN), in Norfolk. While an application was submitted to each Council, on 21 January 2022 SHDC's Planning Chairman's Panel considered a report that raised no objections to the proposal. Its resolution was that decision-making authority should be delegated to KLWN, as the greater proportion of the site lies in its administrative area, and they issued a notice of non-determination on 25 February 2022. This stated no further action would be taken on that application. SHDC therefore failed to determine the application submitted to it and Appeal A is made on this basis. In its Statement of Case, SHDC suggest it does not wish to defend the appeal and has no objection to the proposal.
4. Although I have determined the appeals independently, given that authority was delegated to KLWN to determine the proposal, the main issues are the same and based on the reasons advanced by KLWN on its Decision Notice. I have had regard to all correspondence submitted by consultees and other interested parties to both Councils.

Main Issues

5. The main issue is the effect of the proposed development on the use of best and most versatile agricultural land.

Reasons

Planning Policy

6. The Decision Notice only refers to Policy DM20 of KLWN's Site Allocations and Development Management Policies Plan¹ (SADMPP). This states proposals for renewable energy and associated infrastructure will be assessed to determine whether or not the benefits they bring in terms of energy generated are outweighed by the impacts, either individually or cumulatively, upon a number of factors. It also states the Council will seek to resist proposals where there is significant loss of agricultural land; or where land in the best and most versatile grades of agricultural land [BMV] are proposed to be used. However, it goes on to clarify that development may be permitted where adverse impacts can be satisfactorily mitigated against and secured by planning condition or legal agreement. This mirrors the approach in paragraph 158 of the National Planning Policy Framework (the Framework).
7. Policy 31 of SHDC's South East Lincolnshire Local Plan 2011-36² (SELLP) states renewable energy facilities and associated infrastructure will be permitted provided, individually or cumulatively, there would not be significant harm to, amongst other things, agricultural land take.
8. The National Planning Practice Guidance³ (NPPG) explains that where a proposal involves greenfield land, consideration should be given to whether the use of any agricultural land has been shown to be necessary, whether poorer quality land has been used in preference to higher quality land and to whether

¹ Adopted September 2016.

² Adopted March 2019.

³ Paragraph: 013, Reference ID: 5-013-20150327, Revision date: 27 March 2015.

the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. This approach is also reflected in the Framework, which states where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality⁴. Framework paragraph 174 requires the economic and other benefits of the best and most versatile land to be recognised in planning decisions. The NPPG also provides a link to the Written Ministerial Statement (WMS) of 25 March 2015 regarding unjustified use of agricultural land and expects any proposal for a solar farm involving BMV to be justified by the most compelling evidence.

9. The Framework clarifies in its glossary at Annex 2 that BMV equates to land falling within Grades 1, 2, and 3a of the Agricultural Land Classification. This land therefore requires greatest consideration when determining appeals.

Effect of the Proposal

10. The appellant's Site Selection fixed the study area for the proposal to 5km from a connection point of an existing electricity substation with additional capacity. The appeal site covers an area of 78ha, comprises two large agricultural fields south of Gunthorpe Road and west of the River Nene and land within nearby roads for cabling to export energy to the Grid at the Walpole Substation.
11. The concerns identified by KLWN are not with the site selection process but with what they describe as the loss of further Grade 1 land, having regard to other BMV land already occupied by or consented for use as solar farms in the locality. Moreover, the appellant's Agricultural Land Classification report⁵ confirms the entirety of the land within the site is Grade 1 and all nearby land is either Grade 1 or Grade 2. This is common across the area where most agricultural land appears to lie within the BMV category. As a consequence, finding an alternative site that could viably connect to the spare capacity at the nearby substation would appear to have been addressed.
12. Notwithstanding this, the proposal would take land out of arable use, including for food production, for a temporary period of 35 years. This would not represent a total loss of agricultural land as sheep would be grazed between and under the arrays, a matter which could be secured through a management plan; and, following decommissioning, the land would be restored to agricultural use. The proposal would also allow for biodiversity and landscape enhancements around the panels. However, in accordance with the NPPG, these conditions need to be met alongside the use of BMV land. There would be a reduction in the productivity of this land and poorer quality land would not be used in preference to higher quality land, as required by the WMS, NPPG and the Framework, albeit it would appear that such poorer quality land is not viably available.
13. The total area of agricultural land within each of the Council's administrative areas is significant. However, the evidence before me shows the extent of land that would be occupied by solar farms, including the proposal, would represent a relatively small part of this, particularly regarding Grade 1 and 2 land available and that is utilised. While I note the Council's concerns that a tipping point of sorts has been reached with several solar farms located on BMV land,

⁴ Footnote 58, within paragraph 175.

⁵ 22 June 2021.

there are many competing demands for agricultural land, and some represent total loss. In the case of solar farms, there is a partial loss for a temporary period, and that loss must be balanced against the benefits of any scheme, which I address in the Planning Balance.

14. Nevertheless, I conclude that the loss of BMV throughout the lifetime of the proposed development has not been justified by the most compelling evidence, as required by the WMS, NPPG and the Framework. There would also be conflict with the aims of SADMPP Policy DM20 and SELLP Policy 31, as there would be temporary loss of 78 hectares of BMV land, which, particularly in combination with the other approved solar farms in the area, can be considered to represent significant agricultural land take from the proposal either individually or cumulatively.

Other Matters

Character and Appearance

15. The site is traversed by the Walpole St Peter Footpath 1 and there are others surrounding it, including at an elevated position alongside the River Nene. There are also numerous rural roads in the context of the site. Accordingly, the site is conspicuous within its local environment and, together with existing energy developments including other solar farms nearby, it would increase their influence within the local environment. However, there is no compelling evidence before me that undermines the accuracy of the appellant's Landscape and Visual Impact Assessment. Moreover, while there would be some landscape and visual harm associated with the proposal, this would be limited in its scale and extent, including cumulatively in relation to other solar farms nearby. Furthermore, these effects would reduce with the proposed scheme of planting, as it develops, and would be entirely reversible with decommissioning of the site and its restoration to agricultural use, which would also be controlled by planning condition.

Heritage

16. There are several Grade II listed buildings within the local area, and my attention is drawn to the 'County Boundary Post', 'Footbridge, Road Bridge and Sluices', and 'Ingleborough Mill'. I have also been referred to the Grade I listed Church of Saint Peter at Walpole St Peter; the Church of Saint Leonard at Leverington; and the Churches of Saint Mary at Long Sutton, Tydd St Mary, and West Walton. I have therefore had regard to the statutory duty referred to in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA).
17. The listed buildings draw significance from their settings and are experienced from rights of way in the locality. To my mind, the site does not contribute to the setting of any of the assets, given their distance, but they would remain visible and prominent from many other locations. Accordingly, the proposal would be unlikely to affect how they are understood or experienced in their respective contexts. In particular, I am mindful of the contribution made by agricultural landscapes to the setting of churches, but the proposal would not compete with the aforementioned churches or interrupt any designed views of them. The effect on the setting of the listed buildings would therefore be negligible and would not conflict with the requirements of the PLBCAA.

18. The site may also possibly include archaeological deposits, dating back as far as the Iron Age. A precautionary approach would therefore be appropriate in the context of the conflicting evidence before me regarding the potential for archaeological deposits. A condition requiring a programme of archaeological works would be reasonable and proportionate.
19. It would therefore not be necessary for me to consider the heritage balance or the concept of less than substantial harm referred to in the Framework.

Living Conditions and Risks Associated with the Development

20. Residential properties in the locality are some distance from the site, particularly those aspects that are more likely to generate noise, such as the substation and battery storage. The appellant's Noise Impact Assessment (NIA) confirms that noise generated by the proposal would be below background noise readings but the tonality of noise from some equipment may be 'just perceptible'. However, I am satisfied this level would not be such, in light of the background noise levels, so as to represent harm to living conditions of the occupiers of those properties from noise, subject to control over operational noise levels stated in the NIA.
21. While interested parties have raised concerns regarding noise and dust, I am satisfied that, subject to further inclusion of matters raised by KLWN's Community Safety and Neighbourhood Nuisance Officer, these can be addressed by conditions.
22. Interested parties have also raised concern regarding the potential for glint and glare from the proposal and its visual impact when viewed from nearby properties. The proposal would cover a large area, but the appearance and scale of the solar arrays, as well as the potential effects of glint and glare, would generally be addressed by the combined screening effect of existing and proposed planting. Any glint or glare perceptible beyond this would be so limited to not represent harm to living conditions of the occupiers of any affected property. The proposal would not therefore result in harm to the outlook and, thereby, the living conditions of occupants of the properties, and no further mitigation would be necessary.
23. Concerns have been raised with regard to the proposed battery storage and the risk of fire. This is an issue highlighted in other solar farm cases, and there have been examples of fires associated with such facilities, albeit that was some time ago and technology and design measures have changed. However, in such circumstances this issue can be addressed by a suitably worded condition, which would deal with comments from Norfolk County Council's Fire and Rescue Service.
24. The site would be monitored by CCTV served by infra-red lighting. With such security measures in place, the proposed development would be unlikely to exacerbate the potential for or fear of crime for neighbouring occupiers.

Vehicular Access (Including During Construction and Decommissioning)

25. The extent of traffic associated with the construction, operational, and decommissioning phases of the proposal would be 16 movements per day over the construction period and only the occasional visit for maintenance during the operation phase. In my view, and in comparison to existing traffic on these roads, this would not be a material increase and would have a negligible effect

on air quality. The width of the roads is also not uncharacteristic for a rural area such as that surrounding the site.

26. In any event, implications for the local network, including overrun of verges near to King John Bank and Gunthorpe Road crossroads, can be mitigated through the proposed Construction Traffic Management Plan and works to the highway. The former would include measures to direct traffic along a specified route. I note that neither of the local highway authorities in Lincolnshire or Norfolk raised concerns with the proposal subject to such provisions.

Ecology

27. The appellant's Ecological Impact Assessment is reasonable and proportionate for the nature of development proposed and includes mitigation measures that would ensure that Priority and Protected Species would not be harmed, including nesting birds. In addition, the biodiversity enhancements for the site may provide improvements to habitat for some of those species.

Other Considerations

28. The applications were submitted with the site identified on the requisite drawings. While an interested party has indicated there is a land ownership issue regarding part of the site, which could impact on the proposed development, this is a legal matter which cannot be dealt with in the appeals, and is for the relevant parties to resolve. Nevertheless, I am satisfied that the certificates of ownership for the applications and notification have been carried out in the correct manner. Similarly, whether the cabling proposed to connect to the substation could be implemented and any implications for the development, are matters for the developer and highway authority to resolve. Furthermore, boundary screening planted between land owned by separate parties could be implemented outside the scope of the appeal, subject to it being on land under the control of the appellant, so it would be unreasonable to insist it be set away from a boundary.

Planning Balance

29. Despite the absence of harm regarding several 'other matters' outlined above, conflict with SADMPP Policy 20 and SELLP Policy 31 renders it contrary to the relevant development plans. However, BMV land is plentiful in the Councils' administrative areas and the proposal would utilise a small amount of that land. Furthermore, given the proposed connection to the intended substation, this proposal could also not be located on previously developed land or non-BMV land, as demonstrated by other solar farms that have been located on such land nearby. I am also mindful the SADMPP does not identify any suitable sites for the location of solar farms in KLWN. Accordingly, I only afford moderate weight to the conflict of the proposal with the development plans to effectively avoid development of BMV land.

Benefits of the Appeal Scheme

30. The UK Government declared a Climate Emergency in May 2019 and KLWN followed suit in September 2021. In doing so, it adopted a Climate Change Strategy and Action Plan, Phase 2 of which is aligned with the amended Climate Change Act 2008⁶ to achieve net zero greenhouse gas emissions by

⁶ The (2050 Target Amendment) Order 2019.

2050, from a 1990 baseline. SHDC, together with two other Lincolnshire Councils, has a Strategy with an identical target. Furthermore, the UK Net Zero Strategy: Build Back Greener⁷ sets a 78% reduction by 2035 and the Government's latest approach to energy is contained within the *Powering Up Britain Strategy*⁸, which builds on the targeted reduction by committing to a fivefold increase in solar energy generation by 2035. The latest draft of the National Policy Statement EN-1⁹ also reiterates the urgency of energy development deployment to support this commitment.

31. Given the scale and urgency of the emergency, I attach significant weight to this material consideration, including the impact of climate change on food production. A balance therefore needs to be struck to reduce the former to protect the latter, including in certain cases BMV. Energy and food security are therefore both key issues, which are affected by foreign markets.
32. The proposal has a current design of 39MW, with potential to generate up to 49.9MW, enough to power approximately 10,150 family homes, in a manner that would reduce the potential implications of CO₂ pollutants generated by equivalent electricity produced from fossil fuels by 8927 Tonnes each year it is operational. These would therefore amount to significant environmental and energy security benefits.
33. I am mindful that biodiversity net gain BNG is not yet mandatory for new developments, but the Framework is supportive of measurable attempts to secure such benefits. There would be BNG and landscape enhancement through implementation of the proposal, with onsite enhancement and mitigation measures, including considerable new hedgerow planting. Most of these benefits would be at least throughout the lifetime of the development, as there is a commitment to monitor and report on biodiversity, with a contingency to re-seed pasture and species-rich grassland areas if they do not establish. Environmental benefits associated with these aspects of the proposal would be of significant weight.
34. Although fallow periods can improve soil health, there is no substantive evidence before me to suggest that this would be the case for the specific soil types prevalent within the site in the context of the fallow period associated with the proposal. In this context, I am only able to afford this limited weight as a long-term benefit to agricultural production.
35. The selection of the proposed site ensures a viable scheme through minimised transmission losses, but this is the starting point for any scheme of this nature, and it would primarily serve to benefit the appellant, so it would only result in economic and environmental benefits of limited weight.
36. The proposal would enable the farm holding to diversify its income and help to secure the viability of the farming business in the long term. There is also no substantive evidence before me to demonstrate that land taken out of arable production would affect the workforce or overall viability of the farm holding, or that sheep grazing would be incompatible with reducing carbon emissions.
37. The construction phase would be over several months, a relatively short period, due to the lightweight nature of the proposals, but there are likely to be some

⁷ October 2021.

⁸ March 2023.

⁹ March 2023.

benefits to the economy from the labour market and the procurement of materials and equipment, and some long-term employment through management, maintenance, monitoring and security of the site. Given the scale of the development proposed these would be social and economic benefits of moderate significance.

38. Taken together, I have outlined that the appeal scheme includes significant benefits in respect of energy security and the environment regarding the nature of energy generated, as well as biodiversity and landscape enhancements. There would also be some other moderate and limited benefits. This is balanced against the moderate weight to the conflict of the proposal with the development plans in respect of the loss of BMV land. When assessed against the policies in the Framework, taken as a whole, this leads me to an overall conclusion that material considerations indicate the decisions should be taken otherwise than in accordance with the development plans. This would therefore justify the grant of planning permission for the appeals.

Conditions

39. I note the appellant's general acceptance of the planning conditions listed provided by KLWN but, where appropriate, I have amended wording for clarity and removed tailpieces to conditions that circumvent the statutory route to vary conditions or deprive interested parties of the opportunity to comment.
40. I have imposed standard conditions relating to the commencement of development and compliance with the submitted plans, in the interests of achieving a satisfactory development. Moreover, in terms of the latter, it is not necessary to include a condition to secure further details of the proposed structures, as these are clearly set out on the drawings and acceptable for their intended purposes. I have also omitted the condition controlling height of solar panels as a maximum height is already specified on the drawings; and the condition regarding glint and glare, as the evidence shows further mitigation not to be necessary.
41. I have altered the wording of the conditions referring to the cessation and decommissioning or early decommissioning of the site for clarity. However, they remain necessary to ensure the land is returned to agricultural use as soon as it is no longer required for the development. The decommissioning period would be agreed in a scheme for the same.
42. A pre-commencement condition to secure a revised Construction Traffic Management Plan and Method Statement is reasonable in the context of the information provided to firm up the details in the application document. However, in the interests of living conditions of residents, I have amended the condition to refer to, amongst other things, construction machinery noise and dust. A separate condition is used to cover working hours during construction and decommissioning.
43. Pre-commencement conditions are also necessary to ensure proposed works to the access into the site and off-site highway works are carried out in the interests of safety of users of the affected roads; and to secure a scheme of archaeological works for safeguarding potential deposits in the site.
44. Despite the Environment Agency suggesting buildings have been designed to be flood resilient and resistant, to ensure safe operation of the battery storage

system and avoid fire risks and pollution, it is necessary to secure a safety management plan for the same.

45. A condition is necessary to ensure development is constructed in compliance with flood risk mitigation measures to safeguard it at times of high risk of flooding. Despite this, a detailed scheme of drainage is necessary to agree a satisfactory sustainable drainage scheme at the start of the development.
46. To minimise light pollution in the countryside, details of the luminance and fields of illumination of lighting for buildings and areas of the site are necessary prior to their use. I have merged all the conditions dealing with landscaping and tree protection, landscape and ecological management and biodiversity net gain, for clarity and to avoid duplication. These are necessary in the interests of the appearance and ecology of the development.
47. The appellant has provided a Solar Farm Grazing Management Plan, which satisfactorily explains how sheep grazing of the land around panels will be maintained throughout the development. This can be controlled by a condition.
48. The Councils have requested different planning conditions to deal with operational noise from the development. I favour that referred to by KLWN's Community Safety and Neighbourhood Nuisance Officer, as it refers to the tonal noise relevant to the development and identified in the appellant's NIA.
49. To reduce the potential impact of other works on the agricultural land value of the site and its ecology, it would be relevant to the proposal to restrict any further buildings, enclosures, or other works; and for cabling to only be installed underground, except where it relates to connections between panels. A condition to secure mitigation for unexpected contamination is also necessary to safeguard the living conditions of residents.

Conclusion

50. The proposed development would be contrary to the development plans of SHDC and KLWN, when considered as a whole. Despite this, the material considerations I have set out, including the Framework, indicate that the appeals should be determined other than in accordance with them. Accordingly, for the reasons given, I conclude that both appeals should be allowed and, in respect of Appeal A, planning permission should be granted.

Paul Thompson

INSPECTOR

Schedule of Conditions for Both Appeals

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 003 Rev 003; GR2.0 Revision 05A; GR3.0 Revision 03; GR4.0 Revision 01; GR5.0 Revision 01; GR6.0 Revision 01; GR7.0 Revision 01; GR8.0 Revision 01; GR9.0 Revision 01;

GR10.0 Revision 01; GR11.0 Revision 01; GR12.0 Revision 01; GR13.0 Revision 01; GR14.0 Revision 01.

- 3) Within 1 month of the date of first export of electricity, confirmation shall be given in writing to the local planning authority of the date of first export to the Grid. The development hereby permitted shall cease on or before the expiry of a 35-year period from the date of the first export of electricity and the local planning authority shall be notified of the cessation of electricity generation and storage in writing no later than 5 working days after the event. The land shall thereafter be restored to its former condition in accordance with a scheme of decommissioning work (the Decommissioning Scheme).
- 4) The Decommissioning Scheme shall be submitted to and approved in writing by the local planning authority no later than 6 months prior to decommissioning and shall include provision for the dismantling and removal from the site of the solar PV panels, frames, foundations, inverter housings and all associated structures, storage facilities and fencing. The decommissioning shall be carried out strictly in accordance with the approved scheme.
- 5) In the event the site ceases to generate and store electricity for supply to the electricity grid network for a period of 12 months, an Early Decommissioning Scheme shall be submitted to and approved in writing by the local planning authority, no later than 3 months from the end of the 12-month period. The scheme shall include the same provisions referred to in Condition 4 and the decommissioning shall be carried out strictly in accordance with the approved scheme.
- 6) Notwithstanding the submitted details, no development shall take place, including any site clearance or works of demolition, until a Construction Traffic Management Plan and Method Statement shall have been submitted to, and approved in writing by the local planning authority. This shall indicate measures to mitigate against traffic generation and drainage of the site during the construction stage of the proposed development and provide for:
 - a) phasing of the development to include access construction;
 - b) the parking of vehicles of site operatives and visitors;
 - c) loading and unloading of plant and materials;
 - d) storage of plant and materials used in constructing the development;
 - e) wheel washing facilities;
 - f) the routes of construction traffic to and from the site including any off-site routes for the disposal of excavated material;
 - g) strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (permanent or temporary) connect to an outfall (temporary or permanent) during construction;
 - h) measures to control the emission of dust and dirt during construction; and
 - i) measures to control noise generated by construction machinery.

The Construction Traffic Management Plan and Method Statement shall be strictly adhered to throughout the construction period for the development.

- 7) No development shall take place, including any site clearance or works of demolition, until the existing access onto Gunthorpe Road shall have been widened and all obstructions exceeding 0.6 metres high cleared from the land within the visibility splays as illustrated on Drawing number SK01 Rev D, and thereafter the visibility splays shall be kept free of obstacles exceeding 0.6 metres in height.
- 8) No development shall take place, including any site clearance or works of demolition, until the works to improve the public highway by means of carriageway junction widening at the crossroads of King John Bank/Marsh Road/Gunthorpe Road in accordance with the details as shown on Drawing number SP01 Rev E have been certified complete by the local planning authority.
- 9) No development shall take place, including any site clearance or works of demolition, until a Written Scheme of Investigation and timetable for a programme and reporting of archaeological works has been submitted to, and approved in writing by, the local planning authority. Development shall only be implemented in accordance with the approved scheme and timetable.
- 10) Prior to first use of the Battery Storage System, a Battery Safety Management Plan (BSMP) shall be submitted to, and approved in writing by, the local planning authority. The BSMP must prescribe measures to facilitate safety during the construction, operation and decommissioning of the battery storage system. The BSMP shall only be implemented as approved.
- 11) Notwithstanding the submitted details, prior to the development first becoming operational, a surface water drainage scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development and provide details of:
 - a) how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
 - b) attenuation and discharge rates which shall be restricted to 1.4 litres per second;
 - c) the timetable for and any phasing of implementation for the drainage scheme; and
 - d) how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

The development shall not become operational until the approved scheme has been completed or provided on the site in accordance with the approved phasing and thereafter retained and maintained strictly in accordance with the approved details.

- 12) Details of the external illumination of all buildings and areas of the site, including details of luminance and fields of illumination, shall be submitted to, and approved in writing by, the local planning authority, prior to the first use of those buildings and areas and there shall be no external illumination other than that so approved.
- 13) The development shall be carried out in accordance with the Landscape & Ecological Management Plan, the mitigation measures in the Ecological Impact Assessment, and the Biodiversity Net Gain Assessment, all prepared by Delta Simons and dated February 2022, June 2021 and November 2021 respectively; and the approved details of landscaping, shown on Drawing No 1284/10 - Revision E, shall be implemented in the first planting season following the completion of the development.

Any trees/shrubs/plants which, within a period of five 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. Similarly, any trees shown to be retained on the drawing shall be protected during construction work as follows:

- a) chestnut pale or similar fencing 1.5 metres in height shall be provided around the trees to be retained before development is commenced at a minimum distance from the trunks equal to the spread of the crowns of the trees;
 - b) no materials, equipment, site huts, fuels or other items shall be placed or stored within the areas enclosed by the fencing so erected and the ground levels within those areas shall not be altered, nor shall any excavation be made;
 - c) no burning of materials or other items shall take place within 3 metres of the crown spread of any of the trees to be retained;
 - d) no services shall be routed under the spread of the crowns of the trees to be retained;
 - e) no retained tree shall be cut down, up-rooted, destroyed, topped or lopped unless first agreed in writing by the Local Planning Authority; and
 - f) if any tree which is to be retained dies or is to be removed it shall be replaced within six months thereafter with a tree of such size and species which shall be first be agreed in writing by the Local Planning Authority.
- 14) For the duration of the construction and decommissioning periods, construction/deconstruction activities and deliveries received at or despatched from the site, shall only occur between the hours of 0800- and 1800-hours Monday to Friday, 0800- and 1330-hours on Saturday and not at all on Sundays and Bank Holidays other than with the prior written approval of the local planning authority.
 - 15) The development shall be undertaken in accordance with the Solar Farm Grazing Management Plan (SFGMP) dated March 2022 submitted as part

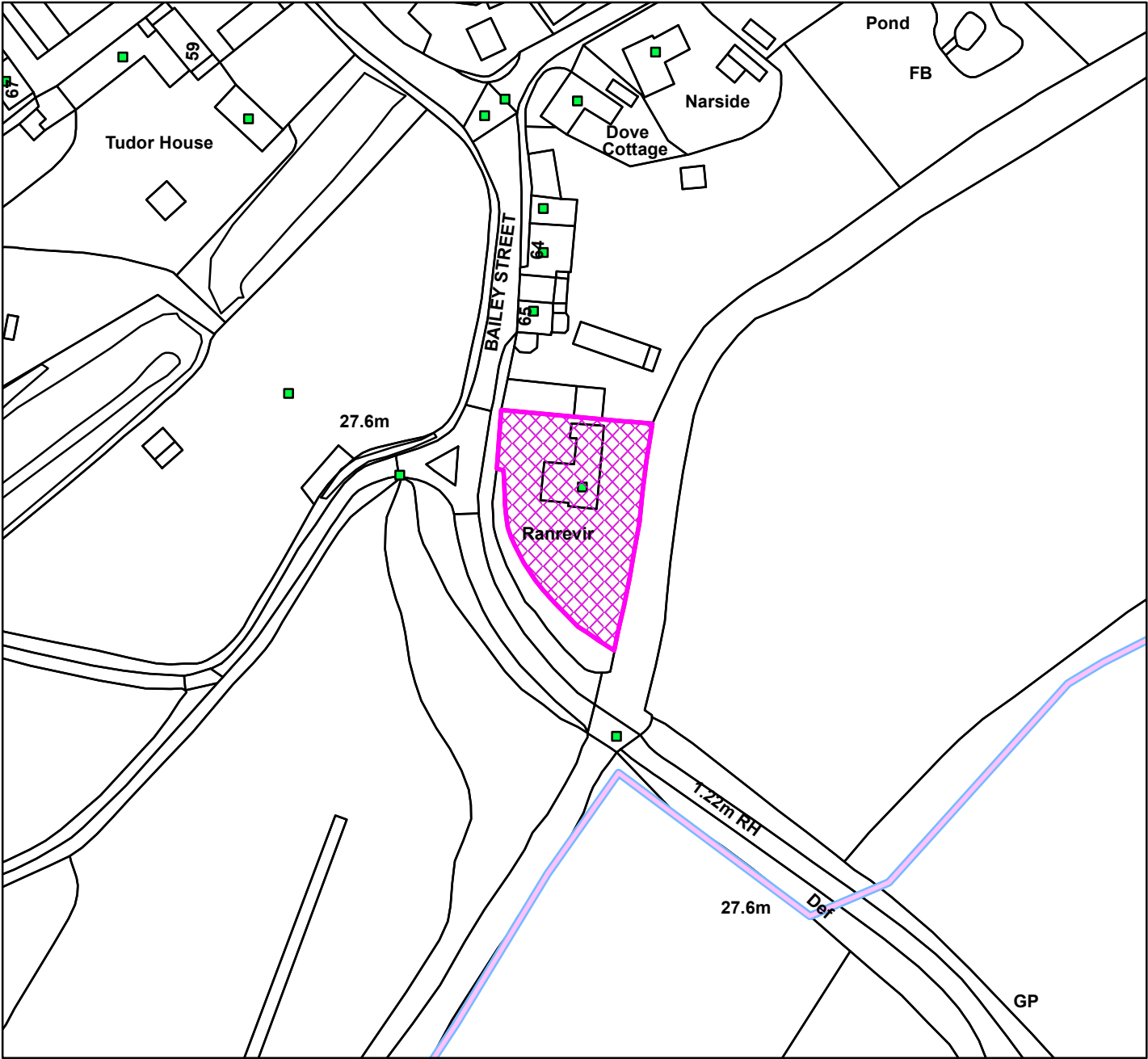
of the appeal statement. If for any reason grazing by sheep fails to occur for a period of more than 12 months, the solar panels, battery storage facilities and the related ancillary equipment shall be decommissioned and removed from the site in accordance with Condition 4 above.

- 16) The development must adhere to the predicted operational noise levels stated in Chapter 5 of the Noise Impact Assessment, dated 21 June 2021.
- 17) The development hereby permitted shall be implemented in accordance with the flood risk mitigation recommendations contained in the Flood Risk Assessment and Outline Surface Water Drainage Strategy, dated October 2021.
- 18) All cabling (with the exception of that connecting between solar arrays) shall be installed underground.
- 19) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development [or relevant phase of development] is resumed or continued.
- 20) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no buildings, structures, fences, gates, posts, solar panels, hardstandings, footings, platforms, pavements, bunding, earthworks or other engineering operations shall be constructed, installed, or carried out on site other than in accordance with the details on the approved drawings.

End of Schedule



Ran Revir, Bailey Street, Castle Acre, Kings Lynn Norfolk PE32 2AG



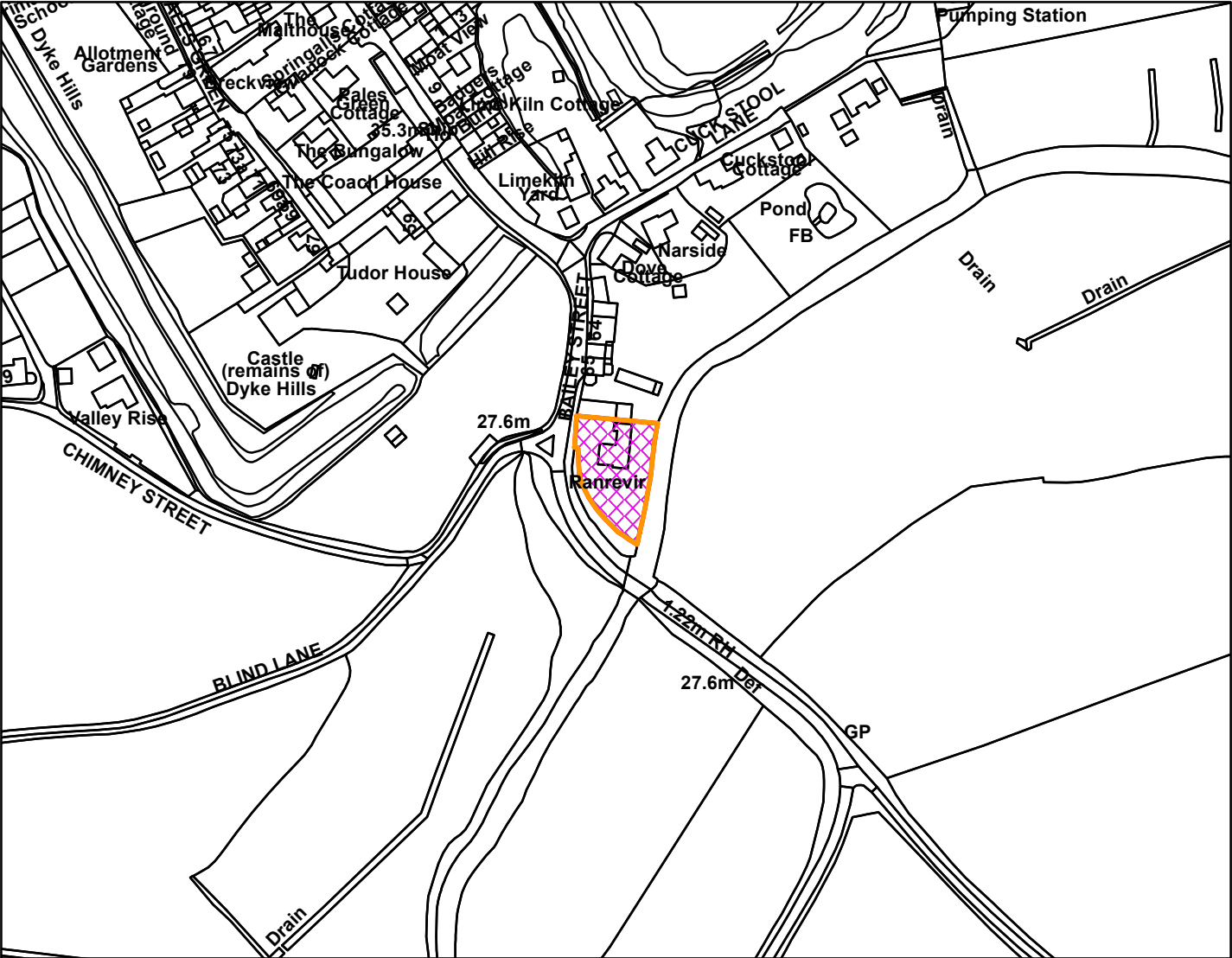
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Ordnance Survey AC0000819234

Scale: 1:1,250

Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	20/10/2025
MSA Number	0100024314



Ran Revir Bailey Street Castle Acre PE32 2AG



Legend

Scale: 0 0.0275 0.055 0.11 KM

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Ordnance Survey AC0000819234

Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	23/10/2025
MSA Number	0100024314

Parish:	Castle Acre	
Proposal:	SELF- BUILD AND PART RETROSPECTIVE- Erection of replacement dwelling (part retrospective) and detached garage.	
Location:	Ran Revir Bailey Street Castle Acre King's Lynn PE32 2AG	
Applicant:	Mr M Green	
Case No:	25/01297/F (Full Application)	
Case Officer:	Helena Su	Date for Determination: 7 October 2025 Extension of Time Expiry Date: 7 November 2025

Reason for Referral to Planning Committee – Application was referred by Planning Committee Sifting Panel on 8th October 2025

Neighbourhood Plan: Yes

Case Summary

The proposal is a part-retrospective application for a self-build dwellinghouse and detached garage at Ran Revir, Baily Street, Castle Acre, PE32 2AG.

The site is approximately 0.11ha in size comprising residential garden land with the remains of a recently demolished detached bungalow and foundations of the replacement dwelling to the north of the plot.

The site is within Castle Acre's Neighbourhood Plan area (adopted in February 2022), development boundary identified within the Local Plan 2021-2040, and Conservation Area. The site is last dwelling of the southern edge of Castle Acre along Bailey Street. The vehicular access to the site is opposite the junction of Blind Lane with Bailey Street.

Planning permission under reference 24/00256/F was refused in December 2024 for the same development due to an inadequate flood risk assessment which did not comply with the requirements for a site-specific flood risk assessment set out in paragraph 20 and 21 of the PPG and impact of the proposal to the loss of the flood plain storage. This application seeks to address the reason for refusal for a new dwelling on this site.

Key Issues

Planning History
 Principle of Development
 Flood Risk and Drainage
 Ecology
 Impact on Form, Character and Conservation Area
 Impact on Neighbour Amenity
 Highway Safety

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Historic Environment and Archaeology
Any other matters requiring consideration prior to determination of the application

Recommendation: APPROVE

THE APPLICATION

The application seeks partially retrospective planning consent for the construction of a replacement dwelling at Ran Revir, Bailey Street, Castle Acre.

The application site comprises residential garden land with the remains of a recently demolished detached bungalow and foundations of the replacement dwelling to the north of the plot. The application site is positioned to the East of Bailey Street and is the last of the row of houses on the southern edge of the village of Castle Acre. The vehicular access to the site is opposite the junction of Blind Lane with Bailey Street.

The current application follows a recently refused planning application, reference 24/00256/F, which was refused due to an inadequate flood risk assessment that did not comply with the requirements for a site-specific flood risk assessment set out in paragraph 20 and 21 of the PPG and impact of the proposal to the loss of the flood plain storage. This application seeks permission to regularise the development on the site, which is for a replacement dwelling.

Previous to this, a Section 73 application to amend the approved plans granted under planning reference 17/00341/F, was considered by the Planning Committee in 2023, under reference 23/01006/F. This application was approved by Planning Committee on 16 November 2023.

The proposed plans indicate the construction of a 3-bedroom single storey replacement dwelling on the footprint of the previous bungalow. A detached garage is also proposed adjacent to the access alongside a low 1m front boundary wall.

The proposed bungalow mimics the design of the approved 23/01006/F extensions and is of a contemporary appearance with elements of traditional detailing, including flintwork along the front elevation. A rear projection proposed is more contemporary in character with a large flat sedum roof which overhangs the rear elevation. Materials to the front elevation would consist of cobbled flintwork infill panels set within red brick quoins. An external wall by the front entrance door, an area recessed between two flint bays, would be completed in vertical boarding, hardwood square edge cladding with shadow gaps. Roof slopes would be of clay pantiles, natural clay, with solar panels proposed on part of the east facing roof slope.

The detached garage is proposed to be clad in vertical hardwood and set on a brick plinth.

The footprint of the bungalow is within the development boundary of Castle Acre within the Local Plan 2021-2040, the Neighbourhood Plan area of Castle Acre (adopted in February 2022), and the Conservation Area.

Information on the Environment Agency website shows that the property has a high risk of flooding being within Flood Zone 3b, which is an area for flood storage during an event of flooding. As a result, floor levels are proposed to be raised by approximately 30cm above the

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existing finished floor levels of the demolished bungalow. This results in an approximately 30cm increase in total height of the structure versus the previous consent.

Lastly, the River Nar adjoins the site to the east is a Site of Special Scientific Interest (SSSI).

SUPPORTING CASE

None submitted.

PLANNING HISTORY

24/00256/F: Application Refused: 13/03/25 - Erection of replacement dwelling (part retrospective).

23/01006/F: Application Permitted: 16/11/23 - VARIATION OF CONDITION 2 OF PLANNING PERMISSION 17/00341/F: Proposed rear extension, various internal and external alterations, including garage conversion to bedroom, reconfiguration of existing fenestration and replacement roof covering. Erection of new detached double open fronted carport. (COMMITTEE)

17/00341/F: Application Permitted: 23/05/17 - Proposed rear extension, various internal and external alterations, including garage conversion to bedroom, reconfiguration of existing fenestration and replacement roof covering. Erection of new detached double open fronted carport

15/00552/F: Application Refused: 08/06/15 - Demolition of existing garage, proposed first floor extension over existing bungalow, proposed 2-storey side extension including glazed link, proposed balcony extensions, proposed basement and various internal alterations (APPEAL DISMISSED)

14/01702/F: Application Refused: 23/01/15 - Demolition of existing garage, proposed first floor extension over existing bungalow, proposed 2-storey side extension including glazed link, proposed balcony extensions to rear, proposed basement and various internal alterations

RESPONSE TO CONSULTATION

Parish Council: OBJECT

CAPC considers this to be effectively a new application, considering the 'part retrospective' aspects with reference to the previous property which was located at this site. The Council noted that the previous property has been demolished without the appropriate permissions.

This is a particularly sensitive site. It sits on the south-western approach to the historic conservation village (alongside the Peddars way) and is in the foreground of the conservation area and views of the Castle SM. Being adjacent to the entrance of the village, this location has both historic and archaeological significance. The River Nar with its SSSI habitats and designated protected species are to the eastern boundary of the development site.

The Council notes the proposed eastern extension to the former building's footprint extends to within approx. 4.5 metres of the riverbank which is in the heart of the sensitive riparian zone. The proposed extension is located within the 10 metres development boundary which is in place to protect the River Nar SSSI. The Council believes that appropriate permission from all those responsible for the maintenance of the river Nar riparian zone adjacent to the property should be obtained.

CAPC hopes that all Consultees including the IDB, EA, Norfolk Rivers, Norfolk Historic Environment, Natural England, Historic England consider the riparian rights, and impact on the SSSI. CAPC believes such a development, with its significant increase in footprint, conflicts with the recent Biodiversity Net Gains laws and will have an adverse impact on nature conservation.

Highways Authority: NO OBJECTION in principle, subject to conditions.

Environment Agency: NO OBJECTION subject to conditions.

EA have reviewed the submitted Flood Risk Assessment (FRA) (Ellingham Consulting Ltd, December 2024) and the Flood Risk Review (BLI Consultant Engineers, July 2025) which provides additional information concerning the flood risk compensation scheme. EA consider these documents to be acceptable for the scale and nature of the proposed development.

EA have no objection to the proposed development but request that conditions are appended to any permission granted.

Internal Drainage Board: Consent has been granted under Byelaw 10 (works within 9 meters of a Board maintained watercourse) and Byelaw 3 (Discharge of water to a water course - surface water). Other consents may be required.

Emergency Planning Officer: Because of its location in an area at risk of flooding I would suggest that the occupiers:

- Should sign up to the Environment Agency flood warning system if available (0345 988 1188 or www.gov.uk/flood)
- A flood evacuation plan should be prepared (more details at www.gov.uk/flood):

- This will include actions to take on receipt of the different warning levels.
- Evacuation procedures eg isolating services and taking valuables etc
- Evacuation routes

Conservation Officer: NO OBJECTION

As previously, there are no objections as the building is single storey and limits light spill. While it is a modern design, the previous building was also a strikingly different design to the historic buildings around it, there will therefore be no additional harm caused to the conservation area or the scheduled monument from this proposal. Please consider conditions relating to; Sample panels of the flint to be completed on site: Samples of the pantile and the wooden cladding to be available on site.

Historic Environment Team: NO OBJECTION subject to pre-commencement conditions.

The proposed development site is located in an area of high archaeological interest, c. 60 m south of the southern ramparts of Castle Acre castle. Remains of medieval and post medieval road surfaces have been identified during sewage works here and it is possible that goods were transported to the castle from the river in this area. The remains of a

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medieval building have been investigated to the north and numerous artefacts of this date have been discovered in the vicinity. 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'.

Natural England: No comment made at the time of writing.

Ecology Officer: NO OBJECTION

Initial comment:

Primarily, the CEMP is still written in the future tense in which protective measure will be put in place prior to commencement. One such measure set out within the CEMP is that a pre-inspection for protected species will be undertaken within 48 hours of commencement. The development has commenced so it would be more appropriate to report that an inspection has taken place and report the result rather than that one will take place, if that is actually the case.

Usually, a CEMP can be conditioned but given that works are already commenced and impacts to protected species and sites may already be happening it is not appropriate to do so in this case.

I could not support this application until the CEMP is agreed. Once this is agreed it would be appropriate to condition that a statement of compliance is provided by the Ecologist once the works are complete. If the application is refused, the continuing impact that this unconsented development is having on the River Nar SSSI should be cited as a reason.

I also note that no information as to how the development will deliver a measurable net gain under the NPPF has been provided. There will almost certainly be a net loss in biodiversity under the current plans which is contrary to the NPPF.

Latest comment:

The Ecologist confirms that the documents is as requested (stating works already carried out and works to be carried out, accounting for the retrospective nature of the application). In this case can removed the Ecologist's objection and request the works to be conditioned in accordance with the document.

The CEMP has some bat and bird boxes specified on the plan included within it.

REPRESENTATIONS

ONE Letter of **OBJECTION** received comments summarised as follows:

- IBD are responsible for rivers and their banks and not flooding elsewhere. Consent was given in IDB which is irresponsible.
- The original building was demolished without permission and therefore illegally. The application should be for a new building.
- May have contributed to flooding of my property and could lead to flooding and erosion in the future
- May lead to flooding of highway at Jubilee Bridge
- New application is larger than original, single storey dwelling with a sizable double garage

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- Could harm protected species such as otters, swans, grass snakes, rats, weasels, stoats, water voles.

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)

LP03 - Neighbourhood Plans (Strategic Policy)

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

LP06 - Climate Change (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)

LP22 - Provision of Recreational Open Space for Residential Developments (Strategic Policy)

LP25 - Sites in Areas of Flood Risk (Strategic Policy)

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

NEIGHBOURHOOD PLAN POLICIES

Policy HD.3 Design

Policy HE.2 Conservation Area

Policy HE.3 Castle Acre's Local Character and Vernacular Architecture

Policy NE.2 Habitats and Natural Features

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2021

OTHER GUIDANCE

Castle Acre Conservation Area Statement

PLANNING CONSIDERATIONS

The main considerations are:

Planning History
Principle of Development
Flood Risk and Drainage
Ecology
Impact on Form, Character and Conservation Area
Impact on Neighbour Amenity
Highway Safety
Historic Environment and Archaeology
Any other matters requiring consideration prior to determination of the application

Planning History:

There is previous planning history on this site which is material to the application.

In 2015, an application for a two-storey extension to the original 1960's bungalow was submitted, refused and dismissed on appeal for its impact on the Conservation Area.

To address the 2015 refusal and dismissed appeal a householder application was submitted and approved in 2017 for a rear extension and alteration to the bungalow at Ran Revir, and the construction of a detached double open fronted carport (planning reference 17/00341/F).

A subsequent Section 73 application was made in 2023 (planning reference 23/01006/F) to vary the approved plans of the 2017 application. These changes included the changes to fenestration and materials and the addition of solar panels. This application was presented and approved by Planning Committee.

Following enforcement investigations, a recent full planning application was submitted to rectify the demolition of the existing bungalow by seeking consent for the part-retrospective erection of a bungalow (planning reference 24/00256/F). According to the application form of planning reference 24/00256/F, works begun on 07 December 2023. The application was refused due to the absence of an adequate flood risk assessment and impact of the flood plain.

This application is an identical submission to the 2024 application, addressing the previous reason for refusal.

Principle of Development:

The footprint of the dwellinghouse would fall within the development boundary of Castle Acre.

Castle Acre is classified as a Tier 4 (Key Rural Service Centre) settlement under Policy LP01 of the Local Plan 2021-2040.

Policy LP02 of the Local Plan 2021-2040 supports residential development within the development boundaries of settlements in Tier 1 - 6 settlements where it complies with part 1 of LP02.

The proposal is considered to meet part 1a and d: it would result in a sustainable design of development which would respect and enhance local character, contribute to placemaking

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and reinforce local distinctiveness, and readily assimilate into the settlement in accordance with LP18, LP21 and LP22. Furthermore, the proposal is considered to comply with the general environment and landscape setting policies set out in LP06, LP15, LP16, LP19, LP23 and LP26. This will be discussed further under the 'Impact on Form, Character and Conservation Area' section of the report. The proposal is for a single dwelling and therefore part 1b is not relevant.

Regarding part 1 c, e and f, the proposal is considered to be in a sustainable location within the development boundary of Castle Acre and would not result in an unacceptable impact on highway safety and local services and infrastructure, given that the proposal is for the replacement of a single dwellinghouse.

Furthermore, the application is for a self-build and custom dwellinghouse.

The self-build and custom nature of the proposal also weighs in favour of the proposal as Footnote 28 of the NPPF explains that the Self Build and Custom Housebuilding Act 2015, (as amended recently by the LURA), places a legal duty "to give enough suitable development permissions to meet the identified demand". The Council currently have not met this legal need. Furthermore, LP31 of the Local Plan 2021-2040 supports applications for self-build and custom dwellings where the proposal complies with other local plan policies. The addition of one dwelling, although limited, would be a positive contribution and therefore is afforded weight in the determination of the application.

Test of Abandonment:

In addition to the above planning policies, it is important to establish whether the use of the site as residential has been forfeited due to the demolition of the building on the site. The Parish Council and third party commented that the application should be considered as a new dwellinghouse rather than a replacement.

The courts have established "Abandonment" in Planning should be assessed against four criteria. These are: the physical condition of the building, the period of non-use, whether there has been any other use, and the owner's intention.

Whilst the bungalow was demolished in late 2023, the Local Planning Authority is of the opinion that the residential use has not been abandoned. It is evident that it was the owner's intention to continue with the approved development granted under 17/00341/F and 23/01006/F. As such, the residential use of the site is not considered to be abandoned, and the proposal is for a replacement dwelling.

A replacement dwelling within the development boundary of Castle Acre is therefore considered to be acceptable in accordance with LP02 and LP31 of the Local Plan 2021-2040.

Flood Risk:

Policy LP25 of the Local Plan 2021-2040 states that where sites are at risk of flooding, a site-specific flood risk assessment that considers flood risk from all sources and demonstrates that the proposed development will be safe for its lifetime and satisfactory demonstration that any design or development features necessary to address flood risk issues are compatible with heritage assets in the vicinity is required. All new dwellings should incorporate flood resilient/ resistant construction and design measures and mitigation measures must minimise the risk of flooding on the development site and within the surrounding area.

The application site is within Flood Zone 3b. Flood Zone 3b is functional flood plain. Therefore, the site is land which stores water from the adjoining River Nar during a flood event. A neighbour has raised concerns with flooding on and around the site.

The previous planning application (reference 24/00256/F) was refused due to an inadequate flood risk assessment which did not comply with the requirements for a site-specific flood risk assessment set out in paragraph 20 and 21 of the PPG and impact of the proposal to the loss of the flood plain storage.

To address the reason for refusal, the applicant has submitted a Flood Risk Review (FRR), which was reviewed by the Environment Agency (EA) prior to submission of the planning application, and a Flood Risk Assessment (FRA).

The FRR supports the information within the FRA. Appendix G of the FRR details the provision of a compensatory flood storage. Approximately 46.5 square metre of compensatory flood storage would be provided to the southern portion of the site, away from the adjoining neighbour. The EA has considered that whilst this proposed strategy would not provide level-for-level compensation, the proposed strategy would be preferable compared to the alternative, which was for the creation and maintenance of a channel north of property which could lead to flooding to the adjacent property. This compensatory flood storage would address the neighbours concern for flooding on the site and elsewhere.

Furthermore, the FRA indicates that finished floor levels will be set at 28.02m AOD, 0.3m above the estimated flood level and between 0.4 and 0.6m above surrounding ground level. This would provide a flood risk benefit, with the proposed floor levels around 0.32m above the previous finished floor level of the demolished bungalow. Flood resilient measures are also proposed to the dwellinghouse.

Considering the FRR and FRA, the EA has requested a condition for the development to be carried out in accordance with the FRA and FRR. These conditions are considered necessary for the development. The EA has also asked for a condition to withdraw permitted development rights for the erection of structures and landscaping within areas of flood zone 3 to ensure there is no additional risk to flooding and alteration of the functional flood plain. Whilst the Council could remove permitted development rights for the erection of structures on the site, landscaping is not development. As such, this condition will be modified.

A replacement dwelling is deemed to pass the sequential test set out in paragraph 171-177 of the NPPF. However, paragraphs 178 - 179 of the NPPF states that the exception test is still required. In order to pass the exception test, the development should demonstrate that the development would provide wider sustainable benefits to the community that outweigh the flood risk, and the development would be safe for its lifetime taking account of the vulnerability of users, without increasing flood risk elsewhere and where possible, reducing flood risk overall.

Based on the information provided within the FRA and FRR, support comment from the EA, and nature of the development (for a self-build and custom dwelling), the proposal would pass the exception test by providing wider sustainability benefits, would be safe for its lifetime, and would not result in flooding elsewhere by providing a compensatory flood storage away from adjoining neighbours.

Regarding drainage, the Applicant has indicated that surface water would be dealt with via sustainable drainage means. The Water Management Board (IDB) have granted consent under Byelaw 3 for the disposal of surface water. Foul water drainage is proposed to

connect to the existing system on the site. As a replacement dwelling, it is reasonable to expect there would be connection for foul drainage.

In terms of flood risk and drainage, the proposal would comply with paragraph 178 - 182 of the NPPF and Policies LP06, LP18 and LP25 of the Local Plan 2021-2040.

Ecology:

Policy LP19 of the Local Plan 2021-2040 seeks to protect environmental assets. Proposal should incorporate nature-based solutions, protect landscape character, biodiversity and geodiversity will be encouraged and supported. This is reiterated in large within Chapter 15 of the NPPF.

Policy N.2 of the Neighbourhood Plan seeks to protect natural features, including River Nar SSSI, from development which would have a significant adverse impact upon their character, appearance and wildlife value.

The south boundary of the application site coincides with the River Nar SSSI boundary and therefore impacts upon the protected site must be taken into account as part of this decision. The Parish Council has commented on the sensitivity of the site, being in close proximity to River Nar SSSI boundary.

The application was supported by a Construction Ecology Management Plan (CEMP). A third-party comment raised concern regarding the potential impact to protected species. The CEMP identified there was a potential for common species of amphibian and reptiles, although due to the limited habitat on the site it is unlikely that any significant population is present. Furthermore, no holts or burrows were observed during the survey of the site, which indicated no otters and water voles were present in the adjacent watercourse.

The Council's Senior Ecologist considered that the CEMP needed to be updated as works had commenced on site. An updated CEMP was submitted which outlined works which had already taken place (such as site storage area sited 10m from the watercourse and erection of temporary Heras fencing within 3m of the watercourse) and works which were to be carried out should consent be granted (inspection by the project ecologist 48 hours prior to works commencing, site induction to all contractors prior to works commencing, and other general precautional measures within a certain distance from the watercourse). The Council's Ecologist considers the updated CEMP to be acceptable, subject to condition.

Whilst Natural England has yet to comment on the application, it should be noted that they had no objections to the previous application.

The Parish Council also commented on the lack of biodiversity net gain provision. Whilst the application is retrospective and for a custom and self-build dwelling, and as such BNG does not apply, the NPPF supports development which provides biodiversity improvements. As part of the CEMP, BNG measures such as bat and bird boxes are recommended and shown on the plans within the CEMP, which would contribute towards biodiversity gain.

Subject to the aforementioned conditions, the proposal would comply with Chapter 15 of the NPPF, LP19 of the Local Plan 2021-2040 and Policy NE.2 of the Neighbourhood Plan.

Impact on Form, Character and Conservation Area:

Policies LP18, LP20 and LP21 of the Local Plan 2021-2040 seeks to ensure that all development in the borough is of a high-quality design and conserves and enhances the amenity of the wider environment, reinforcing the distinctive character areas of Conservation Areas. This involves assessing the scale, height, massing, materials and layout of a development to ensure it responds sensitively and sympathetically to the local setting and pattern of adjacent streets including spaces between buildings through high quality design and use of materials.

This is reiterated in paragraph 135 of the NPPF which states that planning decisions should ensure development will function well and add to the overall quality of the area for its lifetime, are visually attractive, sympathetic to local character and history, maintain a strong sense of place, optimise the potential of the site, and create safe, inclusive and accessible places.

The application site is the eastern-end site along Bailey Street, located at the edge of Castle Acre settlement and within the Conservation Area. Bailey Street is characterised by established frontage development to the north by the historic Bailey Gate and becomes less intense heading south where the character becomes more verdant and rural travelling out of the village, with hedge lined roads and parcels of open undeveloped countryside.

The original dwelling on the site was a modern 1960's bungalow, finished in red brick and pantiles, with no notable characteristics, therefore, had a neutral impact on the Conservation Area. The site is bound by hedgerow along adjacent to Bailey Street, a flint and brick wall to the north boundary and open to the east.

The Parish Council has commented on the 'extension' to the original 1960's bungalow. The application is for a replacement dwelling and is assessed as such. The proposed dwelling and carport are identical to the approved scheme under 23/01006/F.

Policy HE.2 of the Neighbourhood Plan states that the established special character of the Conservation Area and its setting will be protected and reinforced by:

- a) Encouraging the retention and maintenance of buildings which contribute to the overall character of the Conservation Area.
- b) Ensuring that new development is sympathetic to the special qualities and character of the Conservation Area.
- c) Protecting the setting of the Conservation Area from development which adversely affects views into or out of the area.

Policy HE.3 of the Neighbourhood Plan states that "All new development irrespective of scale should reflect Castle Acre's local distinctiveness and seek to preserve or enhance the existing visual character of the village. New housing should respect the scale, materials and character of existing and surrounding buildings, reinforce local development patterns and be compatible with the form, scale, massing and character of adjacent properties where this provides a positive contribution. This can be achieved by new developments seeking to incorporate the following important characteristic details within the design of the scheme:

- a) the use of traditional materials such as flint, pantile, slate and render;
- b) the use of sustainable materials;
- c) the use of traditional detailing such as such as quoins, stone and brick lintels, brick bonds, roof lines, window and door types."

Lastly, Policy NE.1 of the Neighbourhood Plan seeks to protect the visual scenic value of the landscape and countryside in the neighbourhood area. Development which adversely

impacts the historic landscape setting of Castle Acre and River Nar Valley will not be supported.

The Planning Committee has already found the appearance of the development acceptable when the considered the application in November 2023 under planning reference 23/01006F.

The replacement dwelling would be more contemporary in appearance, whilst the garage would remain traditional. The replacement dwelling and proposed garage would be sited on the same footprint as the approved scheme under 23/01006/F. The dwelling would measure approximately 17m wide, 12.2m deep, with a front projecting gable which measures 6.1m deep and 5.6m wide. The maximum height of the dwelling would be 4.7m tall. The garage would measure 7.1m deep, 5.6m wide and 4.5m tall. The proposed dwelling and garage retain the low profile of the initial bungalow and would not be a conspicuous form of development when entering the village or in the street scene within Bailey Street. The proposed dwelling's design is considered acceptable for the rural and edge of settlement setting. Moreover, the choice of materials (brick, flint, vertical hardwood cladding and clay pantiles) would not lead to adverse impacts to the Conservation Area as a designated heritage asset.

The Conservation Team has no objections to the proposal subject to conditions for a sample panel of the flint work and sample of other materials to be available to be viewed on site.

In terms of form, character and the Conservation Area, the proposal would comply with LP18, LP20 and LP21 of the Local Plan 2021-2040, Policies HD.1, HE.2, HE.3 and NE.1 of the Neighbourhood Plan, and the NPPF.

Impact on Neighbour Amenity:

Paragraph 135 of the NPPF states that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

Policy LP21 of the Local Plan 2021-2040 seeks to protect neighbour amenity by assessing proposals against a number of factors including: overlooking, overbearing, overshadowing; noise; odour; air quality; light pollution, for example. Development that has a significant impact on the amenity of others will be refused.

The only immediate neighbour would be No 65 Bailey Street to the north.

Under 23/01006/F, the dwelling would have had a maximum height of 4.4m. The proposed dwelling of this application would increase approximately 30cm to incorporate mitigation for flooding. This minor increase would have limited impact on No 65 when considering loss of privacy, overbearing or overshadowing. The proposed dwelling would remain single storey and approximately 16.4m (at its closest point) from No 65's dwellinghouse.

The garage would be 17.3m from the north boundary and would not affect No 65's amenity.

The proposal therefore complies with Policies LP18 and LP21 of the Local Plan 2021-2040 and Policy HD.3 of the Neighbourhood Plan.

Highway Safety:

Parking and turning is proposed to the front of the dwelling, alongside a detached garage building. A 1m high brick wall is proposed along the frontage. The proposal has not drawn

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objection from the Local Highway Authority and as a replacement dwelling, the principle of an access onto Bailey Street is acceptable.

In terms of highway safety, the proposal would comply with LP14 and LP21 of the Local Plan 2021-2040 and the NPPF.

Historic Environment and Archaeology:

Policy LP20 of the Local Plan 2021-2040 states that "Where development proposals will lead to harm to heritage assets they will be assessed against the relevant criteria in the National Planning Policy Framework, taking into account the scale of harm and the impact on the significance of the heritage asset. Where the loss of the whole or a material part of a heritage asset's significance is justified, planning conditions will ensure that an adequate record is made of the significance of the heritage asset, and this is published appropriately."

Whilst some works have begun on site, it is evident that parts of the scheme, including the proposed compensatory area, could impact on below ground historic assets. However, the Historic Environment Team have raised no objection to the proposal.

The Historic Environment Team has confirmed that the proposed development site is located in an area of high archaeological interest, around 60 m south of the southern ramparts of Castle Acre castle. Remains of medieval and post medieval road surfaces have been identified during sewage works here and it is possible that goods were transported to the castle from the river in this area. The remains of a medieval building have been investigated to the north and numerous artefacts of this date have been discovered in the vicinity. 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.

Therefore, pre-commencement conditions to control the submission of a programme of archaeological mitigatory work prior to commencement of additional works on site have been recommended by the Historic Environment team. The Planning Agent has agreed to the conditions.

In terms of historic environment and archaeology, subject to the conditions, the development complies with LP20 of the Local Plan 2021-2040 and the NPPF.

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

Climate Change:

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

The proposal includes the provision of solar panels on the eastern roof slope, maximising on solar gains from the layout and orientation of the proposed dwelling. Furthermore, as a new dwelling, building control regulation for energy efficiency is stricter, therefore the resultant dwellinghouse would be more energy efficient. Lastly, the development of this site would result in betterment in flood risk for future occupiers and adjoining properties due to upgrade to the compensatory flood storage and flood resilient and resistance incorporated to the construction of the dwellinghouse.

Specific comments and issues:

The proposed plans label the 3 total bedrooms as bedrooms 3, 4 & 5. As no other bedrooms are shown on the proposed plans, this application has been considered on the basis of a proposed 3-bedroom bungalow.

IDB consent is a separate process and their byelaws apply. It is noted that the Applicant has sought consent from IDB and consent has been granted. Whilst the neighbour considers the grant of permission from IDB reckless, this is separate from the Planning process and cannot be controlled via this planning application.

Lastly, no objection comments were raised by the Emergency Planning Officer.

CONCLUSION:

The principle of development, for the retention of a replacement dwelling, is considered acceptable. The footprint of the dwelling would fall within the development boundary of Castle Acre. The design and impact of the dwellinghouse and garage to neighbours were considered acceptable by Planning Committee in 2023 under planning reference 23/01006/F. The minor increase to the height of the dwellinghouse are proposed to address the flood risk issues of the site and would not result in conditions detrimental to neighbour amenity.

The Applicant has addressed the previous reason of refusal under reference 24/00256/F, which related to an inadequate flood risk assessment and justification for the loss of a flood plain storage by providing approximately 46.5 square metre of compensatory flood storage to the southern portion of the site. The EA considers this proposal acceptable compared to the alternative of the creation and maintenance of a channel adjacent to the property which could lead to flooding to the adjacent property, namely No 65 Bailey Street.

Following receipt of the updated CEMP which outlines works already carried out and works to be carried out, the Senior Ecologist has removed their objection comment.

Comments raised by the Parish Council and third parties have been addressed in the report. No objections were raised by the Local Highway Authority, Conservation, IDB and Emergency Planning Officer.

Taking the above into consideration, the proposed development accords with Local Plan Policies LP02, LP06, LP14, LP18, LP19, LP20, LP21 and LP31, Policies HE.1, HE.2, NE.1, NE.2 and HD.3 of the Neighbourhood Plan, and the provisions of the NPPF.

It is therefore recommended that Members approve this application.

RECOMMENDATION:

- 1 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Dwg no 04 Revision W (dated 30/07/2025). Proposed Plans, Elevations, Section, Site and Roof Plan.
 - Dwg no 05 Revision V (dated 11/08/2025). Proposed Plans, Elevations, Section, Site and Roof Plan.
 - Location Plan. Received 11 August 2025.

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- 1 Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 Condition: No further 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 and 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation.
- 2 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF and LP20 of the Local Plan 2021-2040. This needs to be a pre-commencement condition given the potential impact upon archaeological assets during groundworks/construction.
- 3 Condition: No further development shall take place other than in accordance with the written scheme of investigation approved under condition 2
- 3 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF and LP20 of the Local Plan 2021-2040.
- 4 Condition: The further 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 2 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- 4 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF and LP20 of the Local Plan 2021-2040.
- 5 Condition: The development hereby permitted shall be carried out and implemented throughout the construction period in strict accordance with the approved CEMP (reference BE-1789-01, Revision C, dated 10 October 2025) unless otherwise agreed in writing by the local planning authority.

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

- 5 Reason: In order to safeguard the ecological interests of the site in accordance with Policy LP19 of the Local Plan 2021 - 2024 and Section 15 of the NPPF.
- 6 Condition: The development shall be carried out in accordance with the Flood Risk Review (FRR) prepared by BLI Consultant Engineers dated July 2025 (ref: BLI.2025.17 Rev 00) and the following mitigation measure(s) detailed within the FRR. In particular:
 1. The provision of compensatory flood storage as set out in Dwg no PL101. Revision P1 (FLOODPLAIN MITIGATION STRATEGY) in Appendix G of the FRR.

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The mitigation measures shall be implemented in full prior to the first occupation of the dwelling hereby permitted. The measures detailed above shall be retained and maintained in perpetuity.

- 6 Reason: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided in accordance with Policies LP18 and LP25 of the Local Plan, and provisions of the NPPF and NPPG.
- 7 Condition: The development permitted shall be carried out in accordance with the approved Flood Risk Assessment carried out by Ellingham Consulting LTD dated December 2024 (ref: ELC1224c/VOID ARCHITECTURE) and the following mitigation measures detailed within Section 5 of the report. In particular:
 - Finished floor levels will be set no lower than 28.02 mAOD.
 - Flood resilient measures will be incorporated into the development up to 0.3m above finished floor levels.
- 7 Reason: To reduce the risk of flooding to the development and future occupants in extreme circumstances in accordance with LP06, LP18, and LP25 of the Local Plan 2021-2040.
- 8 Condition: Notwithstanding the provision of Class E and F of Schedule 2, Part 1, and Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking, amending or re-enacting that Order) no buildings, enclosures, swimming pools, pools etc, hard surfaces, and gates, fences and walls, incidental to the enjoyment of the dwellinghouse shall be erected on the site without the granting of a specific planning permission.
- 8 Reason: The majority of the site is located within the functional floodplain (Flood Zone 3b). This condition is to ensure that there is no additional risk of flooding or alteration of the functional flood plain, which may reduce the functional flood plain and increase the risk of flooding both on and off site in accordance with Policies LP18 and LP25 of the Local Plan 2021-2040, and the provision of the NPPG and NPPF.
- 9 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 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.
- 9 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF and Policies LP18, LP20 and LP21 of the Local Plan 2021-2040.
- 10 Condition: No development shall take place on any external surface of the development hereby permitted until samples of the pantile and wooden cladding to be used in the construction of the external surfaces of the building(s) have been made available to be viewed on site and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

- 10 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF and Policies LP18, LP20 and LP21 of the Local Plan 2021-2040.
- 11 Condition: Any access gates / bollard / chain / other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 5 metres from the near channel edge of the adjacent carriageway.
- 11 Reason: In the interests of highway safety enabling vehicles to safely draw off the highway before the gates/obstruction is opened in accordance with LP13 and LP21 of the Local Plan 2021-2040.
- 12 Condition: Prior to the first occupation of the development hereby permitted the proposed access / on-site car parking area shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 12 Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety in accordance with LP13 and LP21 of the Local Plan 2021-2040.
- 13 Condition: Self/custom 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
 - (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
 - (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.
- 13 Reason: 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, to ensure that the development is genuinely self-build and custom in accordance with the Self-build and Custom Housebuilding Act 2015 and can be counted as such, and to accord with Policy LP31 Custom and Self-Build Housing of the Local Plan.



Braemore, Lynn Road, East Winch, Kings Lynn Norfolk PE32 1NP

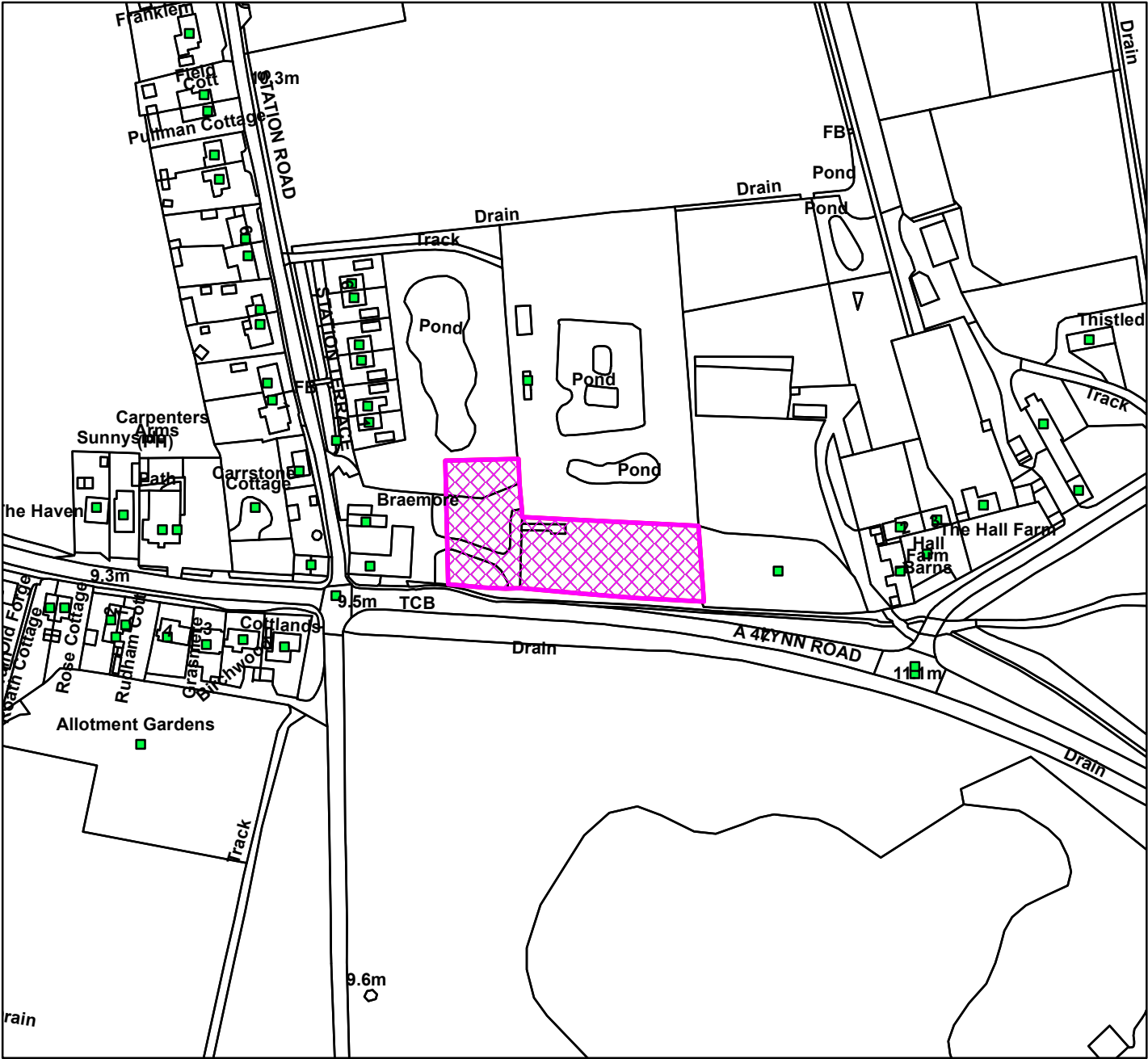


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Scale: 1:1,250

Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	20/10/2025
MSA Number	0100024314

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Ordnance Survey AC0000819234

Scale: 1:2,500

Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	20/10/2025
MSA Number	0100024314

Parish:	East Winch	
Proposal:	Outline application with some matters reserved for the construction of 5 new self/custom build sustainable homes within a site off the A47 at East Winch	
Location:	Braemore Lynn Road East Winch King's Lynn PE32 1NP	
Applicant:	Mr Jasbir Singh Anota	
Case No:	25/00590/O (Outline Application)	
Case Officer:	Mrs C Dorgan	Date for Determination: 10 June 2025 Extension of Time Expiry Date: 7 November 2025

Reason for Referral to Planning Committee – The applicant is related to Cllr Anota

Neighbourhood Plan: No

Case Summary

The application seeks outline planning consent with access, layout and scale. The appearance and landscaping would be determined as part of a reserved matters application.

The proposed development is for five custom and self-build dwellings with associated detached garages and driveways, and private gardens. Access is proposed via a shared single access onto the A47. The site is currently in the form of grassland.

The application site is approximately 0.4ha in size and lies to the north of the A47, in the village of East Winch. East Winch is categorised as a Rural Village in the adopted Local Plan. The site lies outside of the development boundary as designated on the Planning Policies Map.

Key Issues

Principle of Development
Highways / Access
Form and Character
Noise Impact
Neighbour Amenity
Flood Risk
Ecology
Trees/ Landscaping
Other Material Considerations

Recommendation

REFUSE

THE APPLICATION

Case Summary

The application seeks outline planning consent with access, layout and scale. The appearance and landscaping would be determined as part of a reserved matters application.

The application site is approximately 0.4ha in size and lies to the north of the A47, in the village of East Winch. East Winch is categorised as a Rural Village in the adopted Local Plan. The site lies outside of the development boundary as designated on the Planning Policies Map.

The proposed development is for 5 custom and self-build dwellings with associated detached garages and driveways, and private gardens. Four of the dwellings would front onto the A47, with the fifth dwelling positioned directly behind these. Access is proposed via a shared single access onto the A47. The site is currently in the form of grassland.

In terms of the scale of the development, the dwellings proposed are large two storey detached dwellings with a footprint width of over 14m and a ridge height of 8.1m. Indicative garages are also shown, with a double garage having a footprint of 6.1m by 6.7m and a ridge height of 5.4m. The single garage shows a proposed depth of 7.4m with a ridge height of 4.4m. In terms of land levels the site falls away from the front to the rear and also east to west.

The application has undergone a number of consultations following the receipt of amended plans. A key change to the scheme, during the application process, was the removal of the proposed footpath across the site leading north onto Station Road.

SUPPORTING CASE

Some Considerations.

1) This site offers a rare opportunity for people interested in the countryside and wildlife to find a home within a rural community with really good, in fact unique transport connections for a village. The philosophy is for the future occupants to be fellow stewards of the countryside.

2) So many people would like to live within a rural setting with good transport links. Following the loss of the rail service, East Winch now has the Excel bus service which is used by many, often in preference to using their car.

3) The eastern end of the application site is not really suitable for keeping horses or livestock, not being an agricultural holding and having so much flora and fauna. It is an ideal location for sustainable housing for families with children wishing to share the benefits of living close to nature. In addition, the applicant's family are happy for future residents to share the area around the lake. Let's be realistic this is a jewel of a location for a home,

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good transport links, not just the Excel bus service quiet roads off the A47 to the A10 and A134.

4) East Winch has a post office and store, a small airfield, public house – Carpenter's Arms, and RSPCA rescue centre with shop. There is a choice of two primary schools nearby and established bus routes for secondary and tertiary education centres in King's Lynn.

5) ACCESS – SAFETY: Off the A47 in East Winch this proposal is to be served by a roadway permitting easy access for small cars and commercial vehicles including refuse collection, enabling access / departure without reverse movements or blocking onto the A47, compliant with LP11b. The visibility splay is clearer and longer than any other access to East Winch using a junction with the A47 on the north side. This access point offering greater safety than alternatives especially Station Road, all visitors to the site have agreed on this point.

6) The access proposed is demonstrably the safest on the north side leading to East Winch section of the A47. The Station Road junction is unsuitable having no footway and narrowing towards the south, a high number of reported and unreported RTA's have occurred with the danger of pedestrian involvement which thankfully hasn't happened so far.

7) The site entrance complies with NPPF paragraphs 116 and 117. At the time of writing no response has been received from National Highways in response to the latest information they have requested and we have submitted; NH have requested an extension of time until late November but the BC have so far declined.

8) SITE: Entry to the south, screen of hedges along the south reducing traffic noise, which is not a problem with Braemore. The proposed entrance already has a classification as an entry point for Braemore and the land north and east, if the application is approved, the entrance will serve the proposed 5 homes only. The A47 roadside verge is wide with a footway going both east and west, to the West there is an Excel bus Stop with a half hour service between Norwich and Peterborough/ thence Great Yarmouth, or Lowestoft/ or thence to London, (several destinations). This is a superb service.

9) INVESTIGATIONS: Ecology including DNA tests in the lake and neighbouring bodies of water for Great Crested Newts. Arboricultural report and recommendations. Noise levels at the proposed house locations from the road are surprisingly low.

10) SERVICES: The site is able to be connected to the main sewer. Close proximity to UK Power Networks and high-speed broadband is available - part R of the building regulations, as well as BT landline connection.

11) Flooding; the ground water level can be observed in the lake, over a 12-month period the water level typically indicates that rainwater drainage can be via soak-aways. There have been no flooding issues on the site. (Confusion from a member of the PC who is concerned about flooding in Station Road. The application site is not connected to Station Road).

PLANNING HISTORY

23/00666/O: Application Withdrawn: 25/07/23 - Outline application for five two storey energy efficient homes – Braemore, Lynn Road, East Winch, King's Lynn PE32 1NP

16/01102/F: Application Permitted (Planning Committee determination): 04/08/16 - Change of use from business premises into residential annexe (retrospective) – Braemore, Lynn Road, East Winch, King's Lynn PE32 1NP

2/93/0380/F: Application Permitted (Delegated determination): 18/05/93 - Extension and alterations to dwelling – Braemore, Lynn Road, East Winch, King's Lynn PE32 1NP

RESPONSE TO CONSULTATION

Parish Council: OBJECTION

After discussions the Parish Council reconsidered their previous opinion and wish to register an OBJECTION to this application for the following reasons, which the planners should note.

1. The application is outside the development area
2. Access to the development is via the A47. It is close to the junction of Station Road and on a stretch of the A47 with difficult problems of vision with traffic movements.
3. The Council are concerned about clearance of grey and surface water. They believe that reliance would have to be put on the old main drainage which would be unable to cope, and the site would have to resort to soak aways and tanks.
4. Station Road is subject to flooding due to the restricted culverts under the road, which become easily blocked.

National Highways: OBJECTION

Notice is hereby given that National Highways' formal recommendation is that we:
d) recommend that the application be refused.

The applicant has provided a Road Safety Audit in support of the proposed upgraded access. The RSA raised concerns regarding the access for the development not identifying vehicles being unable to enter and exit the site in forward gear, or when there are conflicts with a vehicle waiting to exit whilst another vehicle enters the site which could result in unacceptable highway safety issues. In response, the designer's response was to extend the bus stop layby to provide additional space for turning vehicles. This design proposal is not acceptable and cannot be taken forward as a solution to the risks identified.

In addition, the application has not addressed previous comments regarding the design of the access. Most notably, the visibility splay crosses the bus layby, contrary to CD129 paragraph 3.7 stating 'the separation between a lay-by and an at-grade junction or access (excluding field accesses) on the same side of the road, both upstream and downstream, shall be at least $3.75V$ metres where V is the design speed in kph'. Paragraph 3.1 makes it clear that this relates to bus laybys as well as general purpose laybys. This issue has been raised before and is fundamental to the acceptance of any access strategy and requires a Departure of Standards application if the access is to remain in the proposed location. The design considerations, Departure from Standards applications and any subsequent acceptance from National Highways is required prior to determination of this application to ensure a safe access to the proposed development site is achievable and deliverable. It is understood that there have been no further submissions in regards to this.

Further to this, National Highways Safety colleagues have raised concerns about the location of the access in terms of it being unexpected. The proposed development is located outside of the 'built up' area, in particular when travelling along the A47 west bound. As a

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consequence, may increase the risk of shunt collisions or side impact collisions with traffic turning in or out of the access.

Although we acknowledge this application seeks outline permission with all matters reserved, the site location plan does not currently identify how the site can be safely accessed, given the interaction with the bus stop layby. It is recommended that the applicant considers alternative solutions such as achieving access from Station Road or consideration in to relocating the bus stop to outside of the visibility splay. Consequently, for the reasons identified above, National Highways recommend that this application is refused due to not identifying a safe access contrary to the NPPF paragraph 115.

Internal Drainage Board: NO OBJECTION

No objection subject to compliance with the Board's Byelaws.

Environmental Health & Housing - Environmental Quality: NO OBJECTION

The applicant has provided a screening assessment indicating no known contamination. We have reviewed our files and the site is not seen developed other than some small outbuildings on the north of site seen first in aerial photography dated 1999. The surrounding landscape is largely residential and agricultural. East Winch Common SSSI is located south of the site across the A47. No potential sources of contamination are identified in our records, or in the information provided by the applicant. We have no objection regarding contaminated land.

Strategic Housing: NO OBJECTION

The site area and number of dwellings proposed trigger the thresholds of the Councils affordable housing policy as per LP28 of the Councils adopted Local Plan. At present a 20% provision is required on sites capable of accommodating 5 or more dwellings and/or 0.165ha in East Winch. 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, 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 5 units are proposed, no affordable units are required.

Ecologist: NO OBJECTION subject to conditions.

The application has claimed an exemption from Biodiversity Net Gain under the Self build and custom build exemption. This exemption should be secured via a condition. A GIRAMS sHRA as been submitted. Once the Planning Officer has reviewed and completed this form it can be saved as the LPA record of HRA. I have no objection to the proposed development pending the completion of the sHRA. However, if you are minded to grant consent please include conditions on the decision notice.

Natural England: NO OBJECTION subject to GIRAMS payment.

DESIGNATED SITES [EUROPEAN] – NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION This advice relates to proposed developments that falls within the 'zone of influence' (ZOI) for one or more European designated sites, such as Norfolk GIRAMS. It is anticipated that new residential development within this ZOI is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development. On this basis the development will require an appropriate assessment. Your authority has measures in place to manage these potential impacts in the form of a strategic solution Natural England has advised that this solution will (in our view) be reliable and effective in preventing adverse effects on the integrity of those European Site(s) falling within the ZOI from the recreational impacts associated with this residential development. This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation.

Arboricultural Officer: OBJECTION

The application is supported by an Arboricultural Report. However, there remain concerns regarding the proposed layout. Although this is an outline application, the means of access is included for consideration, and the indicative layout will result in a very poor relationship with existing trees. In particular, the easternmost dwelling is shown unrealistically and unacceptably close to trees along the eastern boundary. This is also true of the rear gardens and their relationship to the to the hedgerow feature adjoining the A47, which includes several maturing poplar trees that have not been individually identified.

Development within the minimum Root Protection Areas of retained trees is also indicated. The proximity of dwellings and any access driveways to these trees would likely result in future pressure for their removal and an unsatisfactory living environment for future occupants.

Furthermore, the long-term retention and management of the southern hedgerow buffer remain unresolved. The layout cannot therefore be supported in its current form on arboricultural grounds.

Community Safety and Neighbour Nuisance: OBJECTION

No objection, subject to:

- Revision of the scheme layout - the current layout shows the access for three dwellings to be along the rear, bringing vehicle movements to both the front (A47) and rear, and leaving no protected 'quiet amenity areas'. We request the layout is revised to allow the access to run along the front of the dwellings, alongside the A47 (behind the hedging), which will, in turn, allow the dwellings to be set further back within their plots providing a greater separation distance from the A47 (main noise source).
- A BS4142:2014+A1:2019 noise assessment, to identify through a minimum monitoring and recording period of 4 days including a weekend the background noise levels for the locality, and traffic impacts of the A47, and to use the results to inform the design/build noise control measures required to protect the residential amenity of all future occupiers of the self-builds (such as the glazing requirements, siting bedrooms to the rear, where possible, etc.).

Request conditions for construction site hours.

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Norfolk Constabulary:

Detailed comments provided related to Secured by Design for the proposed scheme.

REPRESENTATIONS

THREE OBJECTIONS received, and these are summarised below.

- Vehicular access proposed will reduce safety for drivers using Station Road, Common Road and Walton Road. Already a difficult and slow area of traffic and the proposed access will intensify these problems.
- Queries regarding the land ownership/ access of proposed track. Proposed fencing blocks off access for neighbour. Footpath needs to be rerouted away from the neighbours land.
- Pond does contain fish and toads. Resident and breeding wildlife alongside animals such as deer.
- Flood risk.
- New access would delay traffic flow and increase risks to highway safety. Will also impact on use of bus stop.
- Noise levels from construction impact on residents.
- Loss of view.
- Pedestrian route proposed would mean a loss of privacy for neighbouring dwellings.
- Local services would be overwhelmed, especially foul sewerage.

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)

LP11 - Strategic Road and Major Road Network (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)

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NATIONAL GUIDANCE

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

OTHER GUIDANCE

Noise Policy Statement for England 2010

PLANNING CONSIDERATIONS

The main considerations are:

Key Issues

- Principle of Development
- Highways / Access
- Form and Character
- Noise Impact
- Neighbour Amenity
- Flood Risk
- Ecology
- Trees/ Landscaping
- Other Material Considerations

Principle of Development:

The application site lies towards the east of the village, on the edge of the built extent of East Winch. Access is proposed directly off the A47 (Lynn Road). The site currently consists of an area of rough grazing with some trees and hedging around the site boundaries particularly along the southern boundary. There is an established pond to the north. To the west of the site is a detached dwelling, to the south is the A47 (Lynn Road) with an area of woodland opposite the site. To the east of the site is also a wooded area.

East Winch is categorised as a tier 5 settlement in the Local Plan as a 'Rural Village'. However, the site is outside of the settlement boundary for East Winch as shown on the Local Plan Policies Map, although does directly adjoin it. Policy LP02 of the Local Plan states:

5. In tiers 5 and 6 of the settlement hierarchy, residential development will not normally be supported outside development boundaries, unless allocated through the Local Plan or a Neighbourhood Plan. That is except at Tier 5 settlements that have a housing requirement identified in Appendix 1 to Policy LP03 – Neighbourhood Plans, for which there are no opportunities within the development boundaries and which the relevant Neighbourhood Plan does not address through allocations. In such circumstances, small scale development of up to 5 dwellings will be supported here this is necessary to meet that housing requirement, and subject to the criteria under Parts 1 and 2 of this policy.

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There is no Neighbourhood Plan for East Winch. Appendix I of the Local Plan lists a windfall figure of only 2 dwellings for the plan period. The proposed number of units is clearly well above the 5 referred to in policy LP02 above.

Paragraph 83 of the NPPF 2024 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

The units proposed are identified as 'self-build' dwellings and paragraph 73(b) of the NPPF 2024 seeks opportunities to support small sites to come forward for self-build and custom build housing. Local Plan Policy LP31 supports self-build housebuilding and reads:

Policy LP31 – Custom and Self-Build Housing

- 1. Proposals for self-build and custom housebuilding will be supported where they respect local character and comply with other relevant policies in the plan.*
- 2. On multi-plot sites, proposals will be encouraged to make a proportion of serviced dwelling plots available to self and custom housebuilders, for which consideration should be given to the sizes of plots identified as required on the Self Build Register.*
- 3. The delivery of plots for custom and self-build housing will be secured by a planning condition or S106 agreement.*

The Borough Council has a legal duty to give suitable development permission to provide enough serviced plots of land to meet the demand for custom and self-build housebuilding in its area. At the current time the Council is experiencing some difficulty in demonstrating that it has met the need for Custom and Self-Build due to a change in legislation, however this does not mean that planning permission should automatically be granted - it is just one of a range of material considerations in assessing a planning application.

The self build nature has substantive positive weight and the location of the application site is adjacent to the development boundary, however, the scheme should also meet the criteria detailed in Local Plan Policy LP02. The number of units exceeds the housing requirement identified in Appendix I (to Policy LP03) and the scheme fails to meet the criteria listed under parts 1 and 2 of this policy.

Whilst custom and self build development may be acceptable in principle, there are other in principle matters outlined above and detailed below within this report which outweigh this need for custom and self build housing. Specifically, the failure to meet the criteria in Policy LP02. As such the scheme fails to accord with the NPPF, and Local Plan Policies LP01, LP02 and LP31.

Highways/ Access:

Policy LP11 of the adopted Local Plan states:

The Strategic Road Network within the Borough, comprising the A10, A17, A47, A134, A148, A149, A1101 & A1122 and shown on the Policies Map, will be protected as follows outside of the settlements specified within Strategic Policy LP01:

- a. New development, apart from specific plan allocations, will not be permitted if it would include the provision of vehicle access leading directly onto a road forming part of the Strategic and Major Road Network;*

b. New development served by a side road which connects to a road forming part of the Strategic and Major Road Network will only be permitted provided that it will not result in any unacceptable impact on highway safety, capacity, access or that the residual cumulative impacts from development, on the existing road network, would be considered severe.

The site lies outside of the development boundary for East Winch and is not a Local Plan allocation. Given that the access would lead directly onto the A47 (Lynn Road) which forms part of the Strategic Road Network, the proposed development would be directly contrary to Policy LP11.

Objections have been received from the Parish Council and neighbouring residents regarding the vehicular access proposed. The objections raise concerns regarding road safety, the speed of traffic, increased traffic flow and increased risks to highway safety. They also raise the potential impact on the use of the adjacent bus stop.

The access proposed is directly off the A47 (Lynn Road), and as part of the Strategic Road Network, National Highways is the appropriate highway authority. The applicant has submitted information to National Highways on numerous occasions throughout the application process, and four consultations have taken place to date. National Highways recommend that planning permission is refused. Their response is provided above.

National Highways has stated that the applicant has not presented an acceptable design solution for where there are conflicts with vehicles entering and exiting the site at the same time, and also where a vehicle cannot leave the site in forward gear. The design proposed does not address these risks. In addition, the visibility splays are not acceptable with one crossing the bus layby. This has been made clear to the applicant and is fundamental to an acceptable scheme. Further to this, National Highways has raised concerns about the location of the access points outside of the 'built up' area (in particular when travelling along the A47 west bound) and the consequence of this being an increase to the risk of collisions as a result of turning traffic.

The design considerations, Departure from Standards applications and any subsequent acceptance from National Highways is required prior to the determination of this application to ensure a safe access to the proposed development site is achievable and deliverable. The site location plan does not currently identify how the site can be safely accessed, given the interaction with the bus stop layby. It is recommended that the applicant considers alternative solutions such as achieving access from Station Road or consideration in to relocating the bus stop to outside of the visibility splay.

As a result, the policy position is clear. The applicant has had multiple opportunities to resolve the outstanding issues and a safe access cannot be demonstrated. The application is fundamentally contrary to the NPPF and Local Plan LP11. The scheme as proposed also fails to meet the requirements of Policies LP02, LP13 and LP18.

It is important to note that Members are not at this time in a position to approve the planning application. Should the Local Planning Authority propose not to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

Form and Character:

The development proposes five new large detached dwellings, accessed via a single shared access off the A47. Four of the dwellings would front onto the A47, with the fifth dwelling positioned directly behind these. The dwelling to the rear would take the form of back land development. The applicant describes this site as an 'infill' form of development, however there is only built form to the west of the application site with woodland to the east. This is not an 'infill' site.

In terms of land levels the site falls away from the front to the rear and also east to west. On the southern boundary of the site, at the point at which the access is proposed the land level is 12.9mAOD which then falls away to 12.3mAOD to the rear of the site. The land level on the southern boundary at the farthest point east is at 14.2mAOD which falls to 12.2mAOD to the rear.

The form and character of the built form in East Winch varies. To the west is a large detached dwelling and associated buildings (Braemore House), with three recently constructed detached dwellings to the northwest fronting onto Station Road. However, the pattern of development in East Winch is predominantly that of frontage development. This is clearly an edge of village site with areas of woodland to the east and to the south of the site reinforcing this rural character. As such consideration should be given to this rural location, and any scheme should seek to protect existing landscaping within the site and provide quality landscaping throughout the site. The proposed dwellings should relate to this locality in terms of the scale and appearance as well as the site layout. This application seeks consent for the layout and scale of the proposed development. The site layout as proposed is somewhat contrived and the Council is of the view that anything other than frontage development is considered contrary to the form and character in this edge of village location. As such it fails to meet the requirements of LP02 in that it does not 'respect and enhance local character, contributes to place making and the reinforcement of local distinctiveness, and can be readily assimilated into the settlement' (part 1a of LP02).

In terms of the scale of the development, the dwellings proposed are large two storey detached dwellings with a footprint width of over 14m and a ridge height of 8.1m. Indicative garages are also shown, with a double garage having a footprint of 6.1m by 6.7m and a ridge height of 5.4m. The single garage shows a proposed depth of 7.4m with a ridge height of 4.4m. Two storey detached dwellings are not out of keeping with the locality and therefore the scale of the dwellings and garages proposed are acceptable.

The applicant states in the Design and Access Statement that the development would be barely visible in the street scene behind the existing trees and hedging. The Arboricultural report does identify the removal of one tree on the southern boundary of the site, adjacent to the A47. One other tree is proposed to be removed within the site. The existing hedging along the southern boundary is proposed to be retained and reinforced with additional planting.

In summary, whilst in design terms, the site could come forward for a modest form of residential development that would not be contrary to the form and character of the locality. The scheme proposed is not considered appropriate and would be contrary to the NPPF and Local Plan Policies LP02, LP18 and LP21.

Noise Impact:

Paragraph 135 of the NPPF states:

‘Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development...

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.’

Paragraph 198 of the NPPF says:

‘Planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life...’

The proposed dwellings are within close proximity of the A47 (Lynn Road). The Community Safety and Neighbour Nuisance Officer has stated that they would have no objection to the scheme provided that the layout is revised to allow the internal access to run along the front of the dwellings, alongside the A47 (behind the hedging). This would allow the dwellings to be set further back within their plots providing a greater separation distance from the A47 (main noise source) and would remove additional vehicular movements at the rear of the site. The applicant has stated that this is not possible due to National Highways access requirements.

The CSNN Officer also requires that a noise assessment is submitted in order to identify the background noise levels for the locality and the traffic impacts of the A47. This would then need to inform the design/build noise control measures required to protect the residential amenity of all future occupiers of the dwellings where possible. It is suggested that the noise survey is submitted prior to the determination of the application as the results may impact upon the proposed site layout and proposed scale and positioning of the dwellings.

The applicant has stated that the screen of hedges along the south would reduce traffic noise, and that noise is not a problem for residents of Braemore which also fronts onto the A47 (Lynn Road).

In the absence of the noise survey, the Council cannot be satisfied that the development proposed would give rise to a quality form of development for potential residents with an appropriate level of residential amenity. As such the scheme is contrary to the NPPF, National Design Guide, the Noise Policy Statement for England (Department for Environment, Food & Rural Affairs, 2010) and Local Plan Policies LP18 and LP21.

Neighbour Amenity:

The site layout, scale of development and access proposed would be unlikely to result in a detrimental impact on existing neighbouring residents. The design of the proposed dwellings are to be determined at reserved matter, at which time the relationship between the proposed dwellings and those existing should be considered with regard to window

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placements, internal layouts, boundary treatments and landscaping. The site is of a sufficient size that the site layout and scale of development could be appropriately designed.

The Community Safety and Neighbour Nuisance Officer has stated that should the development be permitted a condition should be attached to control construction site hours. However, it is not considered this is reasonable given the location of the site alongside the A47.

The development proposed would, in regard to impacting neighbour amenity issues, be in accordance with the NPPF and Local Plan Policy LP18 and LP21.

Flood Risk:

The application site lies within Flood Zone 1 and is at the lowest risk of flooding. The application form states that the development would be connected to the main sewer. This is likely to drain to the East Winch sewerage treatment works, within which there is sufficient capacity at this time.

The Parish Council has raised concerns regarding the clearance of grey and surface water, and to whether the old main drainage would be able to cope. If not the site would have to resort to soakaways and tanks. The Parish Council also state that Station Road is subject to flooding due to the restricted culverts under the road, which become easily blocked.

A drainage scheme has not been submitted as part of the planning application, however it would be possible to secure foul and surface water drainage details via a condition attached to the consent.

The proposed development is in accordance with the NPPF and Local Plan Policies LP18 and LP21.

Ecology:

The site is comprised of modified grassland with some trees and native hedging. Third party objections to the scheme raise concerns regarding the impact of the development on local biodiversity. The applicant has submitted a Preliminary Ecological Appraisal which identifies that the proposed development would not have a significant impact on species or habitats beyond site level. No further survey work is required. The Appraisal includes necessary enhancement and mitigation measures which should be conditioned should the development gain consent. These include; management of the grassland, restricted lighting, installation of one bat box per dwelling, installation of a swift box, installation of two sparrow terraces, hedgehog holes, sensitive habitat clearance outside of nesting bird season and installation of minimum two bee bricks for each property.

The application site falls within the Impact Risk Zone for European Protected Sites, and as such the applicant is required to submit the GIRAMS HRA and the mitigation sum of £304.17 per dwelling (£1,520.85 in total). The applicant has submitted the HRA and the applicant would be required to pay the GIRAMS fee in full should the application be approved. (The fee has not been paid to date).

The General Biodiversity Net Gain (BNG) condition would not apply to this development as based on the information provided it would be exempt under the Self Build and Custom Build exemption. It is appropriate that should consent be granted a condition or a unilateral undertaking tying the applicant to the self build exemption would be applied to the planning permission.

The proposed development is in accordance with the NPPF and Local Plan Policies LP18, LP21 and LP27.

Trees / Landscaping:

The applicant has submitted an Arboricultural Report alongside the planning application. The Arboricultural Officer has considered the application and the report and raises concerns regarding the proposed site layout. The proposed layout would result in a very poor relationship with existing category B trees and in particular, the easternmost dwelling is positioned too closely to trees along the eastern boundary. This is also true of the rear gardens and their relationship to the existing hedgerow along the southern boundary of the site adjoining the A47. This hedgerow includes several maturing poplar trees that have not been individually identified. It is also indicated there would be development within the minimum Root Protection Areas of retained trees. The proximity of dwellings and any access driveways to these trees would likely result in future pressure for their removal and an unsatisfactory living environment for future occupants. Furthermore, the long-term retention and management of the southern hedgerow remains unresolved.

As such, the layout cannot be supported in its current form and the proposal is contrary to the NPPF and Local Plan Policies LP18 and LP19.

Other Material Considerations:

Contaminated Land - No potential sources of contamination are identified in the Council's records, nor in the information provided by the applicant.

Affordable Housing – Given the site area is under 0.5ha and 5 units are proposed there are no affordable housing requirements for this scheme in accordance with LP28 (Affordable Housing) of the Local Plan 2021-2040.

Climate Change - Policy LP06 of the Local Plan 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. The applicant has drawn attention to the location of the site within close proximity of the bus stop, as an ability to use an alternative mode of transport. The dwellings would be developed in accordance with building control standards of energy efficiency. No additional information has been submitted.

Amended scheme - The original proposal submitted included a footpath to the rear of the current application site on to Station Road. This was then removed from the proposed scheme. However, references are made to this within the third party representations.

The 'right to a view' for neighbouring residents is not a material planning consideration in the determination of applications.

Conclusion:

The application seeks outline planning consent with access, layout and scale. The appearance and landscaping would be determined as part of a reserved matters application. The proposed development is for five custom and self-build dwellings with associated detached garages and driveways, and private gardens.

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

The development proposed includes a vehicular access directly onto the A47, a strategic road. The site lies outside of the development boundary for East Winch and is not a Local Plan allocation. Therefore, the proposed development would be in direct conflict with Policies LP02, LP11 and LP13.

Furthermore, as statutory consultee, National Highways is required (prior to determination of this application) to ensure a safe access to the proposed development site is achievable and deliverable. To date the site location plan submitted does not currently identify how the site can be safely accessed and National Highways recommend the application is refused.

This application is for five self-build and custom dwellings on Lynn Road (A47) in East Winch, a tier 5 settlement. The application site lies immediately outside the development boundary of the village on land designated as countryside. While the Council can currently demonstrate sufficient housing supply and delivery, the Council are currently failing in their legal duty to provide sufficient self-build and custom dwellings. The self-build and custom nature of the proposal is therefore a material consideration which would be afforded weight in the determination of the application. In this case however, the need for the custom and self-build units does not outweigh the conflicts with other Local Plan policies.

The site is located adjacent to the development boundary and would be connected to the wider village. However, this is a rural village with limited local services and facilities. The proposed site layout does not reflect the pattern of development in the locality and as such is not considered acceptable for this edge of village location, and would be contrary to Local Plan Policies LP02, LP18 and LP21.

The proposed location of the development, fronting onto the A47, raises concerns regarding the residential amenity of the proposed residents. In the absence of a noise survey to assess this impact, the Council cannot be satisfied that the proposal would give rise to a quality form of development for potential residents with an appropriate level of residential amenity. As such the scheme is contrary to the NPPF, National Design Guide and Local Plan Policy LP21.

While the applicant has submitted an Arboricultural Report, the Arboricultural Officer remains concerned that the development as proposed is within too close a proximity to the existing trees and hedgerows. Not only may the development directly cause damage to the retained trees but would also likely result in future pressure for the removal of trees and hedgerows and an unsatisfactory living environment for future occupants.

The need for custom and self-build units does not outweigh these planning considerations. As such, the application is recommended for refusal for the reasons given above. The development is contrary to the NPPF, and Local Plan Policies, LP01, LP02, LP11, LP13, LP18, LP19, LP21 and LP31.

RECOMMENDATION:

REFUSE for the following reason(s):

- 1 The plans submitted show the vehicular access directly onto the A47, a strategic road. The site lies outside of the development boundary for East Winch and is not a Local Plan allocation. Local Plan Policy LP11 is clear that 'new development will not be

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permitted if it would include the provision of vehicle access leading directly onto a road forming part of the Strategic and Major Road Network'. The proposed development is therefore in direct conflict with this policy.

Furthermore, Local Plan Policy LP02 requires that new development does not result in an unacceptable impact on highway safety, or residual, cumulative impacts on the road network which would be severe (in accordance with Policy LP13). The applicant has failed to demonstrate that a safe access can be provided onto the A47 (Lynn Road).

The proposed development is contrary to the NPPF and Local Plan Policies LP02, LP13 and LP21.

- 2 The application site directly borders the A47 (Lynn Road) and the scheme proposes the construction of five dwellings, four of which would abut this highway. The proposed residents would experience noise and disturbance as a result of this close proximity. The applicant has failed to demonstrate that an acceptable standard of residential amenity could be achieved on this site for the proposed residents and as such the proposal would fail to accord with the NPPF, National Design Guide, the Noise Policy Statement for England (Department for Environment, Food & Rural Affairs, 2010) and Local Plan Policies LP18 and LP21.
- 3 Policy LP02 of the Local Plan controls residential development on windfall sites. The policy requires that 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 also requires that the development would make a positive contribution to the local environment.

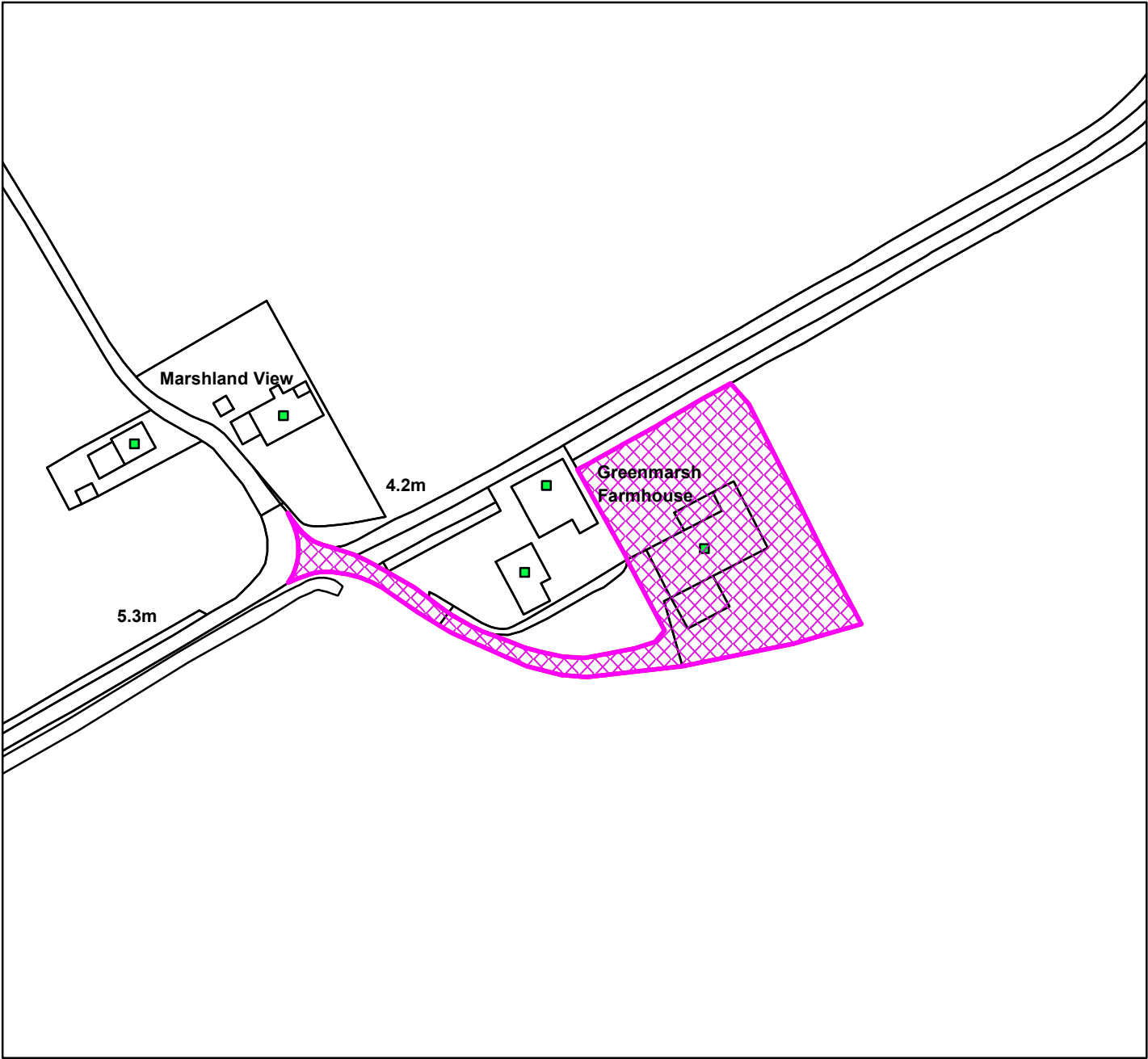
The established pattern of development in the village of East Winch is that of ribbon development, fronting onto the highways. While the development as proposed seeks to position four dwellings fronting onto the A47 (Lynn Road), the fifth dwelling is proposed to the rear of these. This represents backland development and is contrary to the established form and character of the locality.

Notwithstanding the weight attributed to the delivery of the custom and self build housing, this does not outweigh the conflict with Policy LP02. The development proposed fails to accord with the NPPF, and Local Plan Policies LP02, LP18 in respect of design and sustainable development, LP21 with regard to environment and design, and LP31 in respect of custom and self build housing.

- 4 The site layout, as demonstrated on plans submitted, would result in a very poor relationship between the development proposed and the existing trees and hedgerows on the site. The proximity of the dwellings, their driveways and amenity space, as well as the access arrangements, to the trees may result in disruption to their root protection areas and thereby cause damage to the trees. The development would likely result in future pressure for the removal of trees and hedgerows and an unsatisfactory living environment for future occupants. This is contrary to the NPPF and Local Plan Policies LP18 and LP19.



Owl Barn, Green Marsh Road, Terrington St Clement, Kings Lynn Norfolk PE34 4JJ



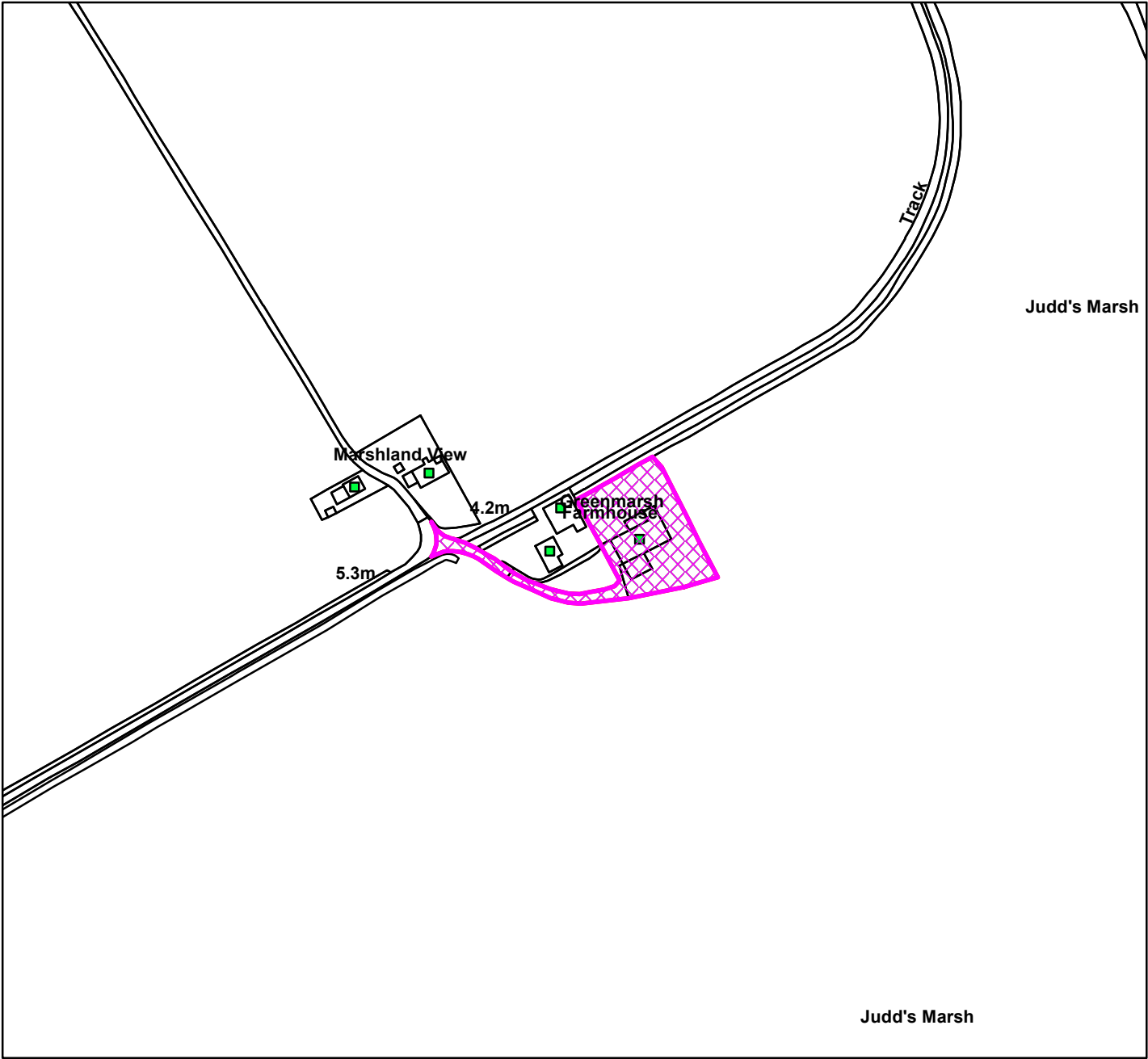
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Ordnance Survey AC0000819234

Scale: 1:1,250

Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	20/10/2025
MSA Number	0100024314



Owl Barn, Green Marsh Road, Terrington St Clement, Kings Lynn Norfolk PE34 4JJ



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Ordnance Survey AC0000819234

Scale: 1:2,500

Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	20/10/2025
MSA Number	0100024314

Parish:	Terrington St Clement	
Proposal:	New self build single storey house, utilising foot print, volume and structure of a part demolished barn.	
Location:	Owl Barn Green Marsh Road Terrington St Clement KINGS LYNN PE34 4JJ	
Applicant:	Mr Stephen Clarkson	
Case No:	25/01186/F (Full Application)	
Case Officer:	Clare Harpham	Date for Determination: 9 October 2025 Extension of Time Expiry Date: 11 November 2025

Reason for Referral to Planning Committee – Called in to Committee by Cllr Squires

Neighbourhood Plan: No

Case Summary

The application is a new self-build single storey house, utilising footprint, volume and structure of a part demolished barn along Green Marsh Road in the parish of Terrington St Clement.

The application site approximately 0.22ha in size, located within the countryside, approximately 870m (straight line distance) north of the development boundary of Terrington St Clement. Terrington St Clement is classified as a Tier 4 settlement, under the settlement hierarchy of LP01 of the Local Plan 2021-2040.

The site has recent planning history which is material to the determination of the application. The site had consent under Class Q to convert a barn on the site to a dwellinghouse. However, it was discovered during a site visit that large part of the former agricultural barn on this site has collapsed. Therefore, the permitted development right granted under 22/01019/PACU3 has fallen away and can no longer be carried out. The development is therefore for a new dwellinghouse.

Key Issues

Planning History
Principle of Development
Form and Character
Impact on Neighbour Amenity
Flood Risk
Any other matters requiring consideration prior to determination of the application

Recommendation

REFUSE

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25/01186/F

THE APPLICATION

The application is for a new self-build single storey dwelling, utilising the footprint, volume and structure of a part demolished barn along Green Marsh Road, north of the village of Terrington St Clement.

The proposal would be a three-bedroom, single storey, detached dwelling of modern appearance, finished in brick and timber cladding, with slate tiled roofing and timber aluminium composite to the windows and doors. On the front (south-east) elevation, a centralised porch is proposed; solar panels on the south-eastern roof slope; and roof lights on the north-west roof slope.

The application site is located within the countryside, approximately 870m (straight line distance) north of the development boundary of Terrington St Clement. Terrington St Clement is classified as a Tier 4 settlement, under the settlement hierarchy of LP01 of the Local Plan 2021-2040.

The site is located in Flood Zone 3 and a Tidal Hazard area.

The site has recent planning history which is material to the determination of the application. Prior Approval consent was granted under planning reference 22/01019/PACU3 for the change of use of an agricultural building to two dwellinghouses. Subsequent planning applications were submitted for one dwelling on this site which relied on the fall-back position. However, the Council considered that due to the collapse of a large part of the former agricultural barn, the permitted development right granted under 22/01019/PACU3 has fallen away and can no longer be carried out as there is no building to convert.

A Lawful Development Certificate was submitted to prove that development granted under 22/01019/PACU3 had commenced. The Council did not grant a certificate of lawfulness for this as the "the collapse and removal of the north-east wall and the majority of the north-west wall along with the removal of the roof and joists has meant that the prior approval consent 22/01019/PACU3 has fallen away and the works required to rebuild the proposed dwelling exceed the remit of the current prior approval consent." The Applicant has appealed the Council's refusal to grant a Lawful Development Certificate which is currently under the consideration of the Planning Inspectorate.

The full planning history is explained in detail in the report.

SUPPORTING CASE Submitted on behalf of the Applicant:

We purchased the barn from NCC in June 2024 with Prior Planning Approval for Class Q development for 2 abodes. Having searched the area for a suitable disabled friendly home this site provided a perfect opportunity to design and build a home to meet our specific needs and we decided to take the risk and bought the property. There had been local objections to the original application by NCC as the site was viewed as unsuitable for the extra traffic of 2 families.

Application was made to alter the design to a single abode, which was rejected. Work had commenced on site to conform to the conditions of sale. During the removal of the asbestos roof and walls it was apparent there was extensive damage to the structure and deterioration of the roof support columns. An accidental nudge caused the end gable wall to collapse, and

we were informed that all work had to stop. No work has been carried out on the barn now for some 14 months.

We finally sold our house to finance the project on 6 Feb 25 and moved onto site, and we are now living in a log cabin. Development of the garden surrounds has been the only option throughout 2025 and we have a good start with the clearance of the drain, the tangle of vegetation and detritus on site, a new tree line along the whole site perimeter and a 300 sq m lawn in front of the cabin. Local interest and support has been heartening and the neighbour support is reflected in the support for this application. Wildlife has flocked to the garden and is appreciated by locals as much as us. A petition of local support was a surprising success and we have survived simply because we have had so much support and practical assistance. The Parish Council are also backing the application and have given their full support.

As a retired Army Major who spent 13 years of his active service as an Ammunition Technical Officer involved in counter terrorist intelligence and bomb disposal work it is unfortunate that I have seen my health suffer as a result. In 2011 I was diagnosed with Parkinson's and 2 other neurological conditions. My wife is my Carer. As an artist and designer she planned our forever home with great care, as we are both aware that it will not be long before I will be wheelchair bound. Having undergone brain surgery in December 2023 we have wasted the best months of the improvements it gave me, and I am now showing signs of accelerating deterioration. Owl Barn was intended as our forever home with eco-friendly and exemplary features that we just could not find anywhere else. Glynis researched the best Government recommendations for solar power generation, heating systems and insulation as well as sewage treatment plans etc. As has repeatedly been stated by many in the council who have seen the site as it is now, "there is nothing similar in the area".

While we appreciate the original approval for two dwellings was achieved through a different planning application & appraisal, it surely sets a precedent for residential dwellings on the site. Our latest application is for one dwelling only and within the same footprint and volume as the original approval.

To us it is not clear why there would be any issue with this current application for a self-build project. There has been a building on site for over one hundred years. The process that approved the original application must have fully reviewed all planning policy & criteria to approve dwellings on this site, fundamentally nothing has changed in any of the potentially contentious issues except to reduce the proposal to one dwelling. The site has never experienced a flood, the use of local amenities is eased with only one dwelling as opposed to two and any issue of being out of a development area is mitigated by the existence of our neighbours' houses and the original barn.

We ask the committee to look on this application favourably. We have invested our life savings into the project and committed over £350,000 so far. This is intended as our forever home and we have no Plan B should it be unsuccessful. With failing health and ever reducing financial capability we are also running out of time and resource. Still committed to the goal of an exemplar house our future is very much, in your hands.

PLANNING HISTORY

25/00065/LDE: Not Lawful: 27/03/25 - LAWFUL DEVELOPMENT CERTIFICATE APPLICATION FOR EXISTING; This application is to support the works carried out to date qualify as implementation of the planning approval ref 22/01019/PACU3. And these works are considered to be within the requirements of Part 3W of Schedule 2 to the Town and

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Country Planning (General Permitted Development) (England) Order 2015, (Schedule 2, Part 3, Class Q) and the planning approval ref 22/01019/PACU3. Please refer to the accompanying statement for a description of the works completed to date. - Owl Barn Green Marsh Road Terrington St Clement.

Appeal: Ongoing

24/01588/F: Application Refused: 22/11/24 - Change of use from agricultural building to a single dwelling house, including new fenestration, replacement roof covering and entrance porches. (RETROSPECTIVE) - Owl Barn Green Marsh Road Terrington St Clement.

24/01187/PACU3: Prior Approval - Refused: 16/08/24 - Notification for Prior Approval: Change of Use of Agricultural Building to one Dwellinghouse (Schedule 2, Part 3, Class Q) Owl Barn Green Marsh Road Terrington St Clement.

22/01019/PACU3: Prior Approval - Approved: 10/11/22 - Notification for Prior Approval for change of use of agricultural building to two dwellings (Schedule 2, Part 3, Class Q).

RESPONSE TO CONSULTATION

Parish Council: NO OBJECTION

There are no objections to this application.

Highways Authority: NO OBJECTION

Having due regard to the existing class uses which the site presently enjoys, we believe that it would be difficult to substantiate an objection to the proposal on highway safety grounds.

The proposed development site is however remote from schooling; town centre shopping; health provision and has restricted employment opportunities with limited scope for improving access by foot and public transport. The distance from service centre provision precludes any realistic opportunity of encouraging a modal shift away from the private car towards public transport.

It is the view of the Highway Authority that the proposed development is likely to conflict with the aims of sustainable development and you may wish to consider this point within your overall assessment of the site. Should however your Authority seek to approve the application an access condition would be recommended.

Environment Agency: NO OBJECTION

The site is shown to be within Flood Zone 3 of the Environment Agency's Flood Map for Planning (Rivers and Sea) and is therefore at high risk of flooding. In addition, the site is shown to flood to depth of up to 100mm in the event of a breach of the flood defences of the tidal River Ouse, as shown on the Environment Agency's tidal hazard mapping. As such, the mitigation measures should be fully implemented prior to occupation or in accordance with the timing/phasing arrangements embodied within the scheme.

Environmental Quality - Contaminated Land: NO OBJECTION

The applicant has provided a screening assessment indicating no known contamination other than the potential for asbestos materials to be present. The supporting statement indicates some demolition works have been carried out on the barn. Further correspondence indicates the asbestos containing materials have been removed on site with a n email form

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WEAAR stating they have removed the materials on site. A waste transfer note is also provided evidencing the safe disposal of the materials.

The surrounding landscape is largely agricultural.

The information submitted does not indicate the presence of significant land contamination. However, the former agricultural use means that it is possible that some unexpected contamination could be present. Therefore, a condition would be recommended for this.

IDB: NO OBJECTION

Byelaw 3 consent may be required should any overflow of the proposed rainwater harvesting tank be discharged to a watercourse.

Historic Environment Services: NO OBJECTION

There are no known archaeological implications.

Emergency Planning: NO OBJECTION

Due to the location in an area at risk of flooding it's advised that the occupants' sign up to the EA FWD service and prepare a flood evacuation plan.

REPRESENTATIONS

TWO comments received in **SUPPORT**. The comments are as follows:

- Increase of wildlife due to improving the property and the grounds.
- The land on which the barn sits is kept tidy and maintained.
- The application is a good alternative to the barn falling into disrepair.

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)

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)

LP25 - Sites in Areas of Flood Risk (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 are:

Planning History
Principle of Development
Form and Character
Impact on Neighbour Amenity
Flood Risk
Any other matters requiring consideration prior to determination of the application

Planning History:

In November 2022 prior approval was granted for the change of use of the existing agricultural building to two dwellings (22/01019/PACU3). This approval was granted under Class Q, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, as amended.

In August 2024 prior approval was refused for the change of use of the agricultural building to one dwelling (24/01187/PACU3) as works had commenced on the building and in addition, the proposed development exceeded the external dimensions of the existing barn. Notwithstanding this refusal the original prior approval consent (22/01019/PACU3) was still extant and had until 10th November 2025 to be completed.

Whilst there are strict criteria within the regulations governing what can be granted approval under Class Q, Part 3 this does not preclude an application for planning permission being submitted for building works which do not fall within the scope of permitted development to be made either at the same time, or after a prior approval application in respect of the change of use of the same building.

In October 2024 full planning permission was submitted (24/01588/F) for the change of use from an agricultural building to a single dwelling house, including new fenestration, replacement roof covering and entrance porches (RETROSPECTIVE). When a site visit was undertaken on 11th October 2024 the roof had been completely removed (including joists etc) and two walls had been completely demolished (applicant states they collapsed and were removed for safety reasons) and new footings had been dug. Consequently, over half the barn had been demolished and as such, it was no longer capable of conversion and the application was refused.

In January 2025 an application for a lawful development was submitted (25/00065/LDE) to clarify that the works carried out to date would qualify as implementation of the planning approval ref 22/01019/PACU3 and effectively that the prior approval could be completed. This application was refused as the scope of the works required to rebuild the former agricultural barn were outside the remit of a prior approval application. This refusal has been appealed, and a decision has not yet been made by the Planning Inspectorate.

Planning Committee
3rd November 2025

It is important to note at this stage that due to the collapse of a large part of the former agricultural barn the permitted development right granted under 22/01019/PACU3 has fallen away and can no longer be carried out as there is no building to convert.

Consequently, the applicant does not have a fall-back position and cannot change the use of a building, the majority of which is no longer there.

Therefore, this application is for full planning permission to build a new single storey house, utilising the footprint, volume and structure of the part demolished barn.

Principle of Development:

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, but immediately adjoining the settlement boundaries of Tiers 1-4 provided they meet the criteria set out within the policy.

While the application site is within the parish of Terrington St Clement which is a Tier 4 settlement within Policy LP01, the site is approximately 1.5km from the development boundary of Terrington St Clement and within an area where new housing would conflict with the principles of sustainable development. While there are two houses in close proximity housing in this location would not normally be approved unless there was justification in accordance with paragraph 84 of the NPPF or Local Plan Policy LP36 (Housing needs of rural workers).

The application as submitted as a Self-Build and Custom dwelling. At the current time the Council is experiencing some difficulty in demonstrating that it has met the need for Custom and Self-Build due to a change in legislation, however this does not mean that planning permission should automatically be granted - it is just one of a range of material considerations that needs to consider.

The modest contribution of one self-build dwelling attracts limited weight and does not outweigh the harm caused by this proposal or the primacy of the Development Plan when considering the unsustainable location and flood risk.

The proposal would therefore be contrary to the principles of the NPPF, and local Plan Policies LP01, LP02 and LP06.

Design Acceptable:

The design proposes to utilise the existing barn (which is no longer there) and would not be dissimilar to that approved under the previous prior approval, with the addition of two open sided porches.

The proposed dwelling would be of modern appearance, measuring approximately 23m wide and 10.7m deep, with an extended roof slope and projection to the front elevation which

measures 13.9m wide and 4.5m deep. The maximum height of the dwelling would be around 5.6m tall. The dwelling would be finished in brick, with a slate tile, and aluminium/PVC windows and doors.

Overall, the design is considered acceptable in accordance with Policies LP18 and LP21 of the Local Plan 2021-2040.

Impact on Neighbours Acceptable:

There is a neighbour to the north, however the proposal only includes ground floor accommodation and so there would be no material overlooking, overshadowing (existing building) or being overbearing.

In terms of impact on neighbours, the proposal would comply with Policy LP21 of the Local Plan 2021-2040.

Flood Risk issues:

The application site is located within Flood Zone 3 and a Tidal Hazard area which could flood up to 1.0m should the flood defences be breached. The flood risk assessment demonstrates that it can be made safe for its lifetime and there are no objections from the Environment Agency who state that the flood risk mitigation measures must be conditioned.

Notwithstanding this, the proposal is for a more vulnerable use and still needs to pass the Sequential Test. The proposal seeks to utilise part of the demolished agricultural building and therefore it would not be possible to move it to an alternative site. Consequently, the Sequential Test is passed.

While the Sequential Test is passed the Exception test must be applied as it is for a more vulnerable use within Flood Zone 3a. With the Exception Test both elements of the test must be satisfied in order for the development to be permitted.

Para. 178 of the NPPF 2023, states that to pass the exception test it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking into account the vulnerability of its users, without increasing flood risk elsewhere, and, where possible will reduce flood risk overall.

While it is demonstrated that the development can be made safe for its lifetime, it is located in an unsustainable location and in an area at high risk of flooding where the benefit of providing one additional self build dwelling is not outweighed by the flood risk.

Regarding flood risk, the proposal is therefore contrary to paragraphs 178 and 179 of the NPPF 2024, and Policy LP25 of the Local Plan 2021-2040.

Other material impacts:

Highway Safety:

The Local Highway Officer does not object to the proposal on highway safety grounds given the existing use class at the site. However, they do note that the location is not considered sustainable, being remote from schooling; town centre shopping; health provisions; and

restricted employment opportunities and there would be a reliance upon use of private vehicles.

It should also be noted that the agricultural building has been demolished to a large extent and would require consent to be rebuilt (although it may be possible to do this under Part 6, Schedule 2 of the GPDO).

Whilst there would no highway safety concerns, the site is located in an unsustainable location, against the principles of Policy LP06, LP13 and LP18 of the Local Plan 2021-2040 and the NPPF.

Ecology:

The application site falls within a Zone of Influence of one or more of the European designated sites (North Coast, Brecks, Wash, Roydon & Dersingham) scoped into the Norfolk GIRAMS. It is anticipated that certain types of development in this area are likely to have a significant effect on the sensitive interest features of these European designated sites, through increased recreational pressure. The proposed development does not require a bespoke HRA due to its scale and location and therefore the mitigation provided by paying the GIRAMS fee is considered adequate mitigation. An appropriate assessment was undertaken in this regard, and a mitigation fee of £304.17 has paid by the applicant.

The proposal is for a self-build and custom dwelling and therefore exempt from providing BNG. Had the application been recommended for approval, additional biodiversity enhancements would have been recommended via condition.

Other matters: Public Sector Equality Duty

The LPA sympathise and accept that the collapse of the building has had an adverse impact on the Applicant's personal health and economic wellbeing, in terms of the proposed conversion and his future ambitions for a home. That said the LPA cannot apportion significant weight to this when considering the planning balance. This is not a material planning issue in the determination of the application.

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be

considered and may be balanced against other relevant factors. It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

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.

The proposal would effectively constitute the residential re-development of a parcel of countryside which would be contrary to the development plan. Given the agricultural building has been demolished to a large extent, the prior approval consent 22/01019/PACU3 can no longer provide a fall-back position and in the officer's opinion, there are no material considerations that would outweigh the in-principle policy objection.

In addition, the proposal would fail the Exception Test as benefit of one self-build and custom dwelling does not outweigh the flood risk.

Overall, the proposal fails to accord with the principles of the NPPF 2024 and Policy LP01, LP02, LP06, LP13, LP18, LP25 and LP31 of the Local Plan 2021-2040. It is therefore recommended that Members refuse this application.

RECOMMENDATION:

REFUSE for the following reason(s):

- 1 The purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes in a sustainable manner.

The agricultural building has been demolished, in part, and is therefore incapable of conversion without substantial rebuilding. Therefore, this proposal would result in a new dwelling sited within the countryside and in an isolated location. Isolated dwellings are generally not supported in national and local plan policies. Paragraph 84 of the NPPF 2023 states that decisions should avoid the development of isolated homes in the countryside unless certain stringent criteria apply. This application is not considered to meet the criteria within paragraph 84.

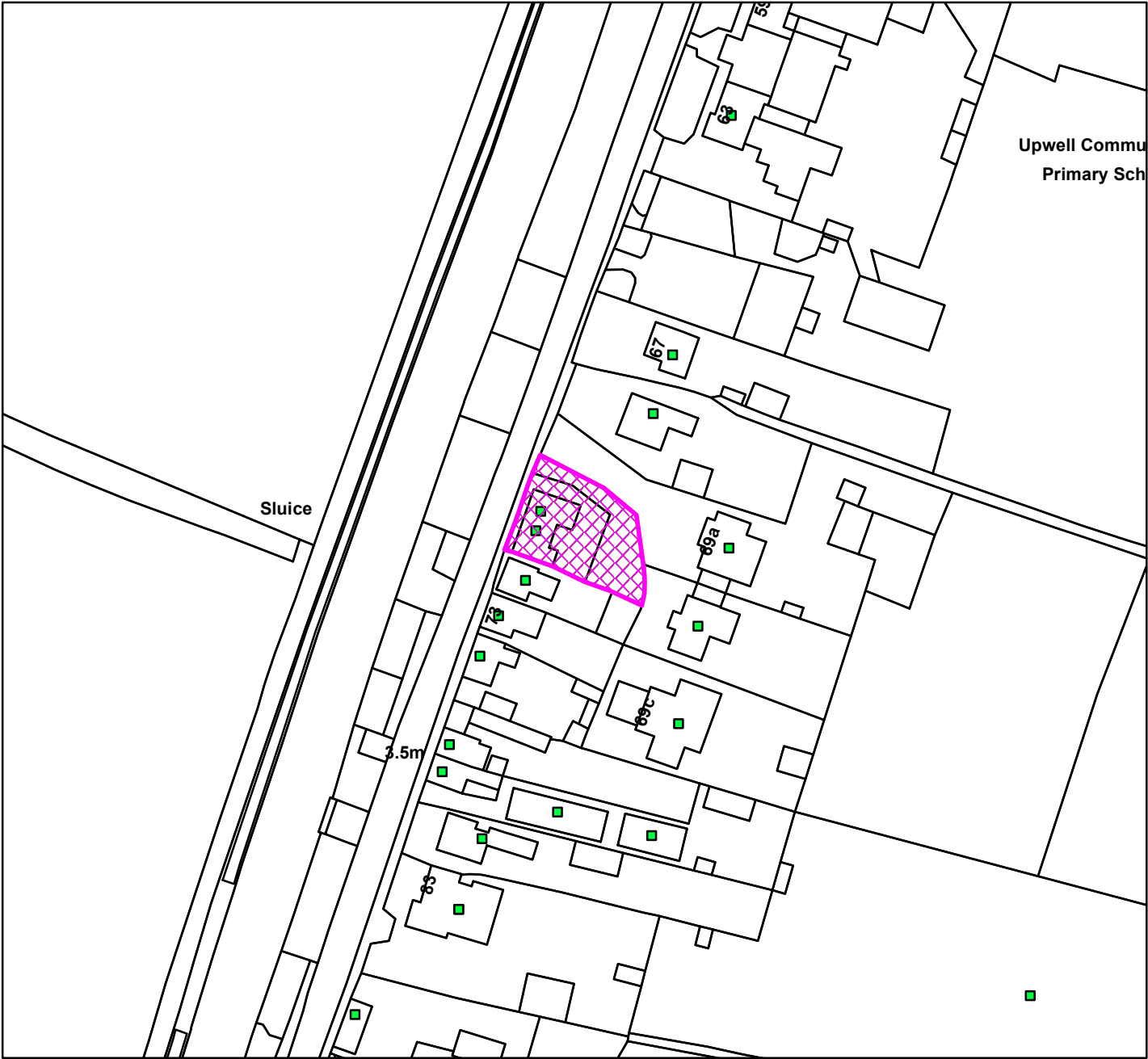
The proposal is contrary to the principles of the NPPF 2024, in particular paras. 83 and 84. The proposal also fails to accord with Local Plan Policies LP01, LP02 and LP06.

- 2 The application site is located within an area of high risk of flooding and is for a more vulnerable form of development where the Exception Test needs to be satisfied.

While it is demonstrated that the development can be made safe for its lifetime, it is located in an unsustainable location and in an area at high risk of flooding where the benefit of providing one additional dwelling is not outweighed by the flood risk. The proposal therefore fails the Exception Test and is contrary to paras. 178 and 179 of the NPPF 2024, and Local Plan Policy LP25.



The Old Barn, The Stables, 71 School Road, Upwell, Wisbech Norfolk PE14 9EW



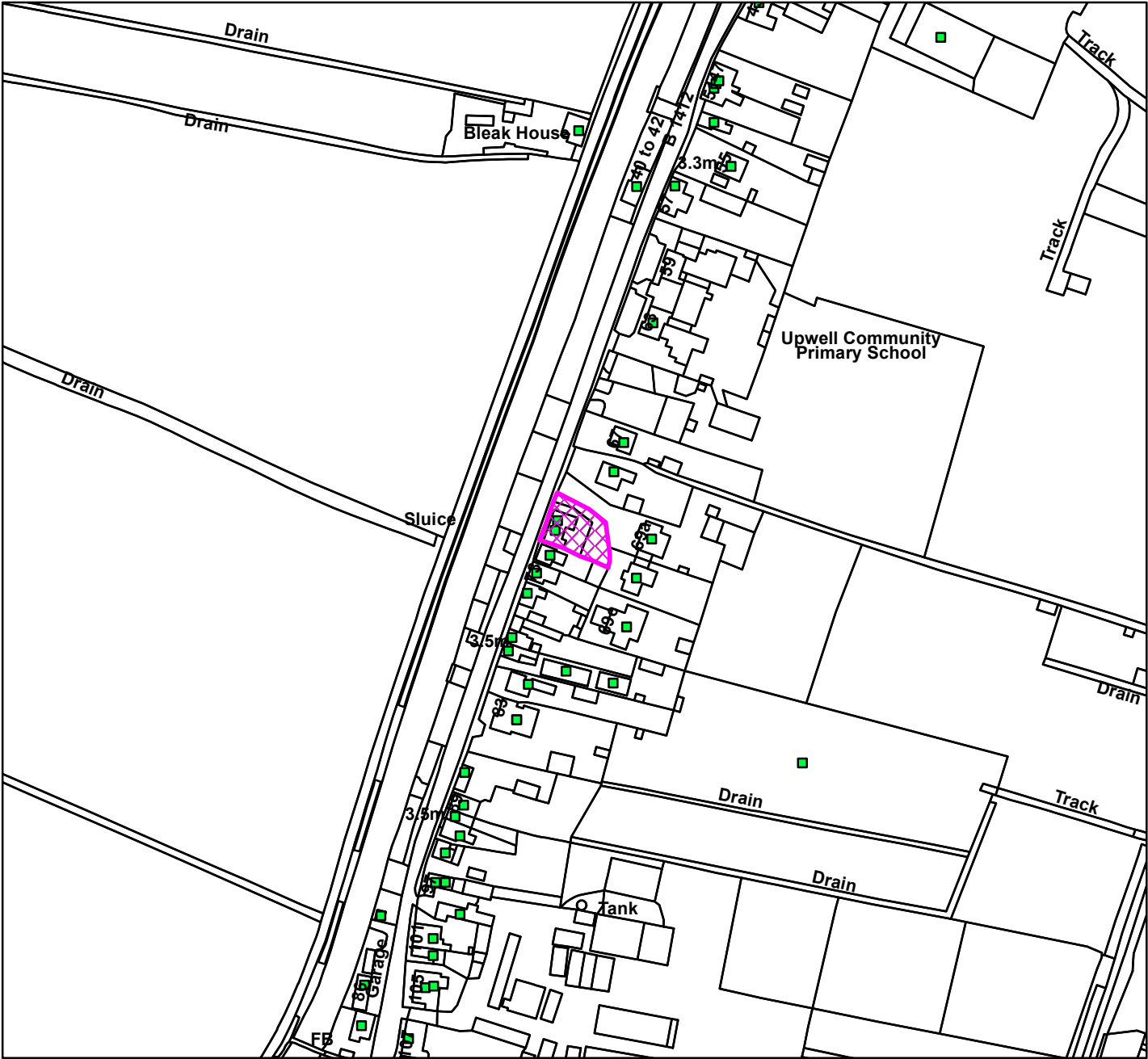
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Ordnance Survey AC0000819234

Scale: 1:1,250

Organisation	BCKLWN
Department	Department
Comments	
Date	20/10/2025
MSA Number	0100024314



The Old Barn, The Stables, 71 School Road, Upwell, Wisbech Norfolk PE14 9EW



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Ordnance Survey AC0000819234

Scale: 1:2,500

Organisation	BCKLWN
Department	Department
Comments	
Date	20/10/2025
MSA Number	0100024314

Parish:	Upwell	
Proposal:	Retrospective application for external cladding to building facade	
Location:	The Old Barn, 71 School Road, and The Stables, 71A School Road, Upwell PE14 9EW.	
Applicant:	Ms Caroline Parsons	
Case No:	25/01308/F (Full Application)	
Case Officer:	Tabitha Kaye	Date for Determination: 2 October 2025 Extension of Time Expiry Date: 7 November 2025

Reason for Referral to Planning Committee – Call in by Cllr Spikings - issues of wider concern.

Neighbourhood Plan: Yes

Case Summary

The application seeks retrospective full planning permission for external cladding to properties Old Barn, 71 School Road, and The Stables, 71A School Road, under section 73(A) of the Town and Country Planning Act 1990.

The site accommodates two semi-detached, two storey dwellings, The Old Barn (71 School Road) and The Stables (71A School Road) and is located within the Upwell Conservation Area. The properties are identified as important unlisted ('non designated') heritage assets.

Key Issues:

Principle of Development
Form and Character (and Impact on Heritage Assets)
Neighbour Amenity
Climate Change Mitigation
Any other matters requiring consideration prior to the determination of the application.

Recommendation REFUSE.

THE APPLICATION

The site accommodates two semi-detached, double-storey dwellings: 71 and 71A School Road. Both properties front School Road and are sited in a prominent position within the School Road section of the Upwell Conservation Area. As such, there are long views of the side (north) and principal elevations of no.71 from the north direction, looking south.

Planning Committee
3rd November 2025

25/01308/F

The application seeks retrospective planning permission for the installation of external 'Cedral Lap Horizontal' cladding to both properties. 'Ocean blue' coloured cladding has been installed to the side (north) and principal (west) elevations of no.71 School Road. White coloured cladding has been installed to the principal (west) elevation of no.71A School Road.

SUPPORTING CASE

None received.

PLANNING HISTORY

10/01016/F: Application Permitted: 03/08/10 - Two Storey Extension to Dwelling - The Stables.

RESPONSE TO CONSULTATION

Parish Council: SUPPORT.

The Upwell Parish Council Planning Group support this application in principal but would like to see the white cladding replaced with a more toned-down colour. The current white cladding creates a very stark appearance/contrast against the adjoining blue/grey cladding, and in the Planning Group's view does not compliment the street scene. A vast majority of existing painted render dwellings in the vicinity are detached so are one colour, but it is appreciated that this effort has been to identify two different dwellings.

Conservation: OBJECTION.

The building in question is shown as being an important unlisted building within the Upwell Conservation Area Appraisal document. This means that the buildings external appearance contributes positively to the street scene. This could be said to be particularly true for number 79 School Road, that externally, before being clad, was visibly constructed from the typical gault brick that is characteristic of Upwell.

The cladding is cedral cladding, fibre cement board cladding which is not appropriate for use within a conservation area. While the retention of appearance of two cottages is appreciated, the blue cladding is particularly jarring within the traditionally constructed street scene.

We are not convinced either that the introduction of the cladding will be the best method of keeping out damp as it traps the damp behind the cladding leaving it unable to be released. Other more traditional methods of damp remediation are available and could be utilised in this context.

As the development does not use materials which are appropriate to the local context (LP20 11B), the application fails to accord with Policy LP20 of the Local Plan.

It is therefore with regret that the conservation team object to this application as it would cause less than substantial harm to the significance of the conservation area as a designated heritage asset and therefore paragraph 215 of the NPPF should also be given consideration in the decision making process.

REPRESENTATIONS: THREE representations in **SUPPORT**. Comments summarised below:

- Visual enhancement / positive contribution to street scene;
- Original fenestrations have been retained;
- Improved resilience of building(s);
- Improved insulation and noise reduction for occupiers.

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

LP06 - Climate Change (Strategic Policy)

LP18 - Design & Sustainable Development (Strategic Policy)

LP20 - Environmental Assets- Historic Environment (Strategic Policy)

LP21 - Environment, Design and Amenity (Strategic Policy)

NEIGHBOURHOOD PLAN POLICIES

Housing Policy H3: Design

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2021

OTHER GUIDANCE

Upwell Conservation Area Character Statement 2010

PLANNING CONSIDERATIONS

The main considerations in the determination of the application are:

- Principle of Development
- Form and Character (and Impact on Heritage Assets)
- Neighbour Amenity
- Climate Change Mitigation

Principle of Development: Paragraph 2 of the National Planning Policy Framework (2024) reiterates the requirements of planning law which is that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

In this instance the Development Plan comprises of the newly adopted Local Plan (2021-2040) and the Upwell Neighbourhood Plan (UNP), adopted 2021.

This application has been made under section 73(A) of the Town and Country Planning Act 1990 (hereafter 'the Act 1990'). Section 73(A) enables planning permission to be granted for development carried out before the date of the application ('retrospective'). This applies to *development carried out – (a) without planning permission; (b) in accordance with planning permission granted for a limited period; or (c) without complying with some condition subject to which planning permission was granted.*

In the context of this application, the installation of external cladding was carried out without planning permission. The site is located within the Upwell Conservation Area and is not subject to an Article 4 direction. Notwithstanding this, the use of cladding ('improvement or other alteration') would not be permissible under Schedule 2, Part 1, Class A(2) of The Town and Country Planning (General Permitted Development) (England) Order 2015(as amended): *In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if — (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse.* Conservation Areas are within the definition of Article 2(3) land. Therefore, planning permission for the installation of external cladding is required.

Form and Character (and Impact on Heritage Assets): Development Plan Policies LP18 and LP21 outline the importance of high-quality development which responds positively to the character of the locality in scale, siting and use of materials, as is reiterated by Paragraph 135 of the NPPF (2024).

Policy H3 of the UNP contextualises this for Upwell, stating that development should be sympathetic to the distinctive character of Upwell and the Upwell Conservation Area.

The site is located well within the southern part of the Upwell Conservation Area boundary. The Upwell Conservation Area Character Statement identifies 71 and 71A School Road as non-designated heritage assets (NDHA) which contribute to the distinct character of the Conservation Area.

Impact on the Upwell Conservation Area (Designated Heritage Asset): Policy LP20 outlines that new development should seek to conserve the character of Conservation Areas, which is commensurate with the LPA's statutory duty to preserve and enhance the character of Conservation Areas, as outlined by s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Paragraph 208 of the NPPF outlines the LPA's duty to identify and assess the impact of a development upon the significance of a heritage asset.

As outlined by the Upwell Conservation Area Character Statement, the significance of the designated asset, with particular regard to School Road, can be attributed to the use of vernacular materials. Gault brick -the main material of 71 School Road- is cited by the Character Statement as being a prevailing vernacular material. Cedar cladding is not characteristic of the Upwell Conservation Area.

Specifically, Paragraph 11 of Policy LP20 states that development within Conservation Areas will only be permitted where the proposal: *(a) is of a design and scale that preserves or enhances the character or appearance of the area; (b) uses building materials and finishes (...) that are appropriate to the local context; (d) does not harm important views into, out of or within the Conservation Area.*

Taking the contribution of vernacular materials into account, the loss of gault brick from the street scene, caused by the introduction of a material which is incongruous with the character of the Upwell Conservation Area, is contrary to paragraphs 11(a) and 11(b) of LP20.

Properties to the north of the site are set back from the highway, meaning that there are long views of the side (north) and principal elevations of no.71 from the north direction, looking south. As such, the cladding -particularly to the northern elevation- is highly visible and harms views into the Conservation Area, as is contrary to paragraph 11(d).

For these reasons, the development causes less than substantial harm to the significance of the Upwell Conservation Area (as confirmed by the Conservation Officer). Paragraph 215 of the NPPF states that *where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.*

The submitted Design and Access Statement (DAS) explains that the cladding was introduced to both properties to provide insulation 'to assist with property performance and damp issues'; specifically, to the principal and north elevations of no.71, where damp issues were most prevalent. The Client Supporting Letter states that the cladding provided noise insulation for the occupiers. The benefits outlined above are considered to be private benefits to the owner and occupiers. As such, the cladding does not provide sufficient public benefit to outweigh the harm caused to the significance of the Upwell Conservation Area.

It should be noted that exiting examples of alternative colours (including blue), as well as cladding, along School Road have been considered in the officer assessment.

No.73 School Road has a painted brick façade in the colour of light blue. No.73 is also within the Upwell Conservation Area. Schedule 2, Part 2, Class C of the Order 2015 states that 'the painting of the exterior of any building or work' is permitted development, providing that the painting is not for the purposes of advertisement, announcement or direction'. Class C does not impose any restrictions for painting the exterior within Article 2(3) land. Therefore, the painting of the exterior of 73 School Road is permitted development and not a consideration in the determination of this application.

No.123 School Road, which is located outside of, but adjacent to, the Upwell Conservation Area boundary, features light blue cladding at first floor level of the principal elevation. There is no record of express planning permission for the installation of cladding. Google Maps street view demonstrates that cladding was installed between August 2011 and March 2019. Prior to the cladding, the principal elevation of the property was rendered entirely. Notwithstanding the question of lawfulness, this example has not been given significant weight in the determination of this application as the application of the cladding was unauthorised and outside of the Upwell Conservation Area boundary.

The pertinent issues of this application remain to be the additional harm sustained to the significance of the Upwell Conservation Area, and that it is the LPA's statutory duty to preserve the significance of Conservation Areas. While every application is assessed on its individual merit, the LPA would find it difficult to resist similar developments within the Upwell Conservation Area should this application be approved, which would cause further harm to the designated heritage asset.

Impact on 71 and 71A School Road (Non-Designated Heritage Assets): Commensurate with paragraph 216 of the NPPF, Policy LP20 of the Local Plan outlines criteria for assessing the impact a proposal will have upon the significance of a NDHA.

The importance of the site's original, external appearance (specifically, the gault brick on no.71) in forming the significance of the NDHAs is highlighted by the Conservation Officer in their comments. The visual loss of the gault brick adversely impacts the architectural significance of the NDHA, no.71 School Road. However, the main consideration is the harm caused to the significance of the Upwell Conservation Area through the loss of the gault brick and the subsequent introduction of cedar cladding.

Thus, it is concluded that the loss of the vernacular material, gault brick, and the subsequent introduction of cedar cladding, which is incongruous with the character of the Upwell

Conservation Area, causes 'less than substantial harm' to the significance of the designated heritage asset, with no demonstrated public benefit. It is to be noted that the loss of gault brick impacts the architectural significance of the non-designated heritage asset, no.71 School Road, also. Therefore, the proposal is contrary to Development Plan Policies LP18, LP20 and LP21 of the Local Plan, Policy H3 of the UNP, as well as paragraphs 135, 208, 215 and 216 of the NPPF.

Neighbour Amenity: Development Plan Policy LP21 stipulates that development should not have an adverse impact upon the amenity of neighbouring residences. Policy LP21 defines amenity as overlooking, overbearing, and overshadowing impacts.

Due to the nature of the development, there are no overlooking, overshadowing or overbearing impacts as a result of the cladding.

Thus, in relation to neighbour amenity, the cladding to 71 and 71A School Road is contrary to Development Plan Policy LP21 in so far as having an adverse impact on the visual amenity of the locality.

Climate Change and Mitigation: In response to the Government target of becoming a net-zero economy by 2050, Development Plan Policy LP06 states that new development shall seek to mitigate the challenges of climate change.

The Conservation Officer comments that the use of cladding is not the most effective way of preventing damp due to the implications it may have upon the historic fabric of the buildings. No evidence has been submitted to suggest that the cladding would prevent damp. Furthermore, the impact of the cladding upon the structural historic fabric of the properties is not a planning consideration. Therefore, it is difficult to suggest that the application would comply with Policy LP06.

CONCLUSION:

Due to the loss of traditional materials -in particular, gault brick- to the north and west elevations of no.71 School Road, the installation of cladding is considered to cause harm to the architectural significance of the NDHA, which is contrary to Policy LP20 of the Local Plan.

Given the contribution of nos. 71 and 71A School Road to the character of the Upwell Conservation Area, the loss of vernacular materials through the installation of cladding is directly contrary to paragraph 11(b) of Policy LP20 and, by extension, has an adverse impact upon views within the Conservation Area. Thus, the external cladding to nos. 71 and 71A School Road causes 'less than substantial harm' to the significance of the Upwell Conservation Area with no demonstrated public benefit.

As the external cladding is incongruous with the local character, it is considered that the proposal would have an adverse impact on the visual amenity of the locality. Thus, on grounds of form and character, and impact on heritage assets, the installation of external cladding is contrary to Development Plan Policies LP18, LP20 and LP21 of the Local Plan, Policy H3 of the UNP, and paragraphs 135, 208, 215 and 216 of the NPPF.

Due to the nature of the development, there are no overlooking, overshadowing or overbearing impacts as a result of the cladding.

No evidence has been submitted to suggest that the cladding would prevent damp. Furthermore, the impact of the cladding upon the structural historic fabric of the properties is

not a planning consideration. Therefore, it is difficult to suggest that the application would comply with Policy LP06.

The proposed development is therefore contrary to the Development Plan policies and NPPF paragraphs outlined above, and it is therefore recommended that this application be refused for the following reason.

RECOMMENDATION: REFUSE for the following reason:

- 1 Given the contribution of nos. 71 and 71A School Road to the character of the Upwell Conservation Area, the loss of vernacular materials through the installation of cladding is directly contrary to paragraph 11(b) of Policy LP20 and, by extension, has an adverse impact upon views within the Conservation Area. Thus, the external cladding to nos. 71 and 71A School Road causes 'less than substantial harm' to the significance of the Upwell Conservation Area with no demonstrated public benefit.

As the external cladding is incongruous with the local character, it is considered that the proposal would have an adverse impact on the visual amenity of the locality.

Thus, on grounds of form and character, and impact on heritage assets, the installation of external cladding is contrary to Development Plan Policies LP18, LP20 and LP21 of the Local Plan, Policy H3 of the Upwell Neighbourhood Plan, as well as paragraphs 135, 208, 215 and 216 of the NPPF.

Planning Committee - 3 November 2025

Previous Committee:	06/10/2025
Upcoming Committee:	03/11/2025

APPLICATIONS DETERMINED UNDER DELEGATED POWERS

PURPOSE OF REPORT

(1) To inform Members of the number of decisions issued between the production of the 6 October 2025 Planning Committee Agenda and the 3 November 2025 agenda. There were 77 total decisions issued with 73 issued under delegated powers and 4 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 23 September 2025 and 20 October 2025.

	Total	Approved	Refused	Under 8 Weeks	Under 13 Weeks	Performance %	National Target	Planning Committee Decision	
								Approved	Refused
Major	5	3	2		4	80.0%	60%	1	0
Minor	33	30	3	33		100.0%	80%	3	0
Other	39	38	1	38		97.4%	80%	0	0
Total	77	71	6	71	4			4	0

Planning Committee made 4 of the 77 decisions (5.2%)

PLANNING COMMITTEE – 03 November 2025

QUALITY OF DECISIONS

This measure calculates the percentage of the total number of decisions made by the Authority on applications that are then overturned at Appeal.

The Assessment period for this measure is the two years up to and including the most recent quarter plus 9 months.

Therefore, the performance for Q3 (end of September) is calculated as follows:

Planning applications determined between 01/01/2023 to 31/12/2024 plus 9 months = 30/09/2025.

The threshold for designation for both Major and Non-Major is **10%** - this is the figure that should not be exceeded, otherwise there is a risk the Authority being designated by MHCLG.

Performance at 30 September 2025

MAJOR			NON-MAJOR		
No. of Decisions Issued	No. Allowed on Appeal	% Overturned	No. of Decisions Issued	No. Allowed on Appeal	% Overturned
102	3	2.94%	2870	26	0.91%