



Planning Committee

Agenda

Monday, 2nd February, 2026
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, 2nd February, 2026

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 - 16)

To confirm as a correct record the Minutes of the Meeting held on 12 January 2026 (previously circulated).

3. DECLARATIONS OF INTEREST (Page 17)

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 18 - 19)

The Committee is asked to note the Index of Applications.

9. DECISION ON APPLICATIONS (Pages 20 - 164)

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

10. DELEGATED DECISIONS (Pages 165 - 166)

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

To: Members of the Planning Committee

Councillors B Anotá, 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, 5 February 2026** (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, 12th January, 2026 at 9.30 am in the Assembly Room, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ

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

PC77: APOLOGIES

Apologies for absence had been received from Councillors Barclay (Cllr Coates sub) and Councillor Devulapalli (Cllr Moriarty sub).

The Chair thanked the subs for attending the meeting.

PC78: MINUTES

The minutes of the meeting held on 1 December 2025 were agreed as a correct record and signed by the Chair.

PC79: DECLARATIONS OF INTEREST

Councillor de Winton declared a pecuniary interest in relation to application 9/2(a) – Brancaster, as he was the applicant.

Councillor Mrs V M Spikings declared an interest in relation to application 9/2(f) – Walsoken, as she knew the applicant personally and would leave the meeting during consideration of the item.

PC80: URGENT BUSINESS UNDER STANDING ORDER 7

There was no urgent business under Standing Order 7.

PC81: MEMBERS ATTENDING UNDER STANDING ORDER 34

The following Councillors attended and addressed the Committee under Standing Order 34:

Cllr T Parish	9/1(a)	Sedgeford
Cllr S Ring	9/2(d)	North Wootton
Cllr J Kirk	9/2(f)	Walsoken

PC82: **CHAIR'S CORRESPONDENCE**

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

PC83: **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.

PC84: **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 applications be determined, as set out at (i) – (vii) below, where appropriate to the conditions and reasons or grounds of refusal, set out in the schedules signed by the Chair.

(i) 25/00641/FM

Sedgeford: Sedgeford First School, Ringstead Road: Change of use of former School from education (Class F1a) to residential use (Class C3), subdivision of headteachers cottage, alongside demolition of ancillary structures, erection of new dwellings, creation of new access, cycle parking, car parking, hard and soft landscaping, plant and associated works: c/o Agent

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

The case officer introduced the report and explained that the application sought full planning permission for the conversion of the Sedgeford First School (and associated Headmasters House) to 8 flats and the construction of 12 new build houses within the surrounding site. Two on-site affordable units were proposed.

The site was wholly within the development boundary within the Policies Plan and in a position where residential development was supported by Policy LP02. The site was also within the Sedgeford Conservation Area which there was a duty to preserve or enhance.

The existing school building which had been unused since 2020 was designated as a community facility under Policy C1 of the Sedgeford Neighbourhood Plan.

The Sedgeford Neighbourhood Plan had a principal residency requirement which applied to the application.

The case officer pointed out a correction in the report in relation to GIRAMS tariff. The current fee was £304.17 per dwelling.

The application had been referred to the Committee for determination at the request of Councillor Parish 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, Mr B Clark on behalf of Sedgeford Parish Council and Claire Galilee (supporting) addressed the Committee in relation to the application.

In accordance with Standing Order 34, Councillor Parish addressed the Committee in relation to the application.

Committee members debated the adequacy of parking enforcement, the need for glazing restrictions to protect dark skies, the provision of public open space, biodiversity net gain (BNG) and tree replacement, and the implications of Anglian Water's concerns about sewage capacity.

After clarification from the Council's Legal Advisor in relation to the applicant being Norfolk County Council, Councillors Storey and Moriarty declared an interest in the application as Norfolk County Councillors and took no part in the debate or decision.

Councillor Lintern proposed that an additional condition be imposed to require glazing restrictions to protect dark skies. This was seconded by Councillor Fry.

In response to a question from Councillor Lintern, it was confirmed that Condition 16 could be amended to require the use of semi-mature tree planting rather than saplings.

Officers also clarified that amendments to conditions would be assessed on their merits if submitted in the future.

The Democratic Services Officer then carried out a roll call on the recommendation to approve the application subject to the following, and, after having been put to the vote, was carried (10 votes for and 2 abstentions).

- the imposition of an additional condition to require glazing restrictions to protect dark skies;
- Condition 16 being amended to require the use of semi-mature tree planting rather than saplings; and
- Condition 29 being amended, as set out in the Correspondence received after the publication of the agenda

RESOLVED: That the application be:

- (A) **APPROVE** – subject to the completion of a Section 106 to secure affordable housing, GIRAMS tariff, principal residency and any associated monitoring fees. If the agreement is not completed within 4 months of the Committee resolution, but reasonable progress had been made, delegated authority is granted to the Assistant Director / Planning Control Manager to continue negotiation and complete the agreement and issue the decision and:
- the imposition of an additional condition to require glazing restrictions to protect dark skies;
 - Condition 16 being amended to require the use of semi-mature tree planting rather than saplings; and
 - Condition 29 being amended, as set out in the Correspondence received after the publication of the agenda
- (B) If, in the opinion of the Assistant Director / Planning Control Manager no reasonable progress is made to complete the legal agreement within 4 months of the date of the Committee resolution, the application is **REFUSED** on the failure to secure Affordable Housing in line with LP29.

Councillor Anota joined the meeting.

- (ii) **25/00118/F**
Brancaster: Land east of 1 Saxon Field, Main Road:
Change of use from agricultural land to commercial with
installation of 5 no. holiday lodges and 3 no. camping pods:
Mr Tom de-Winton

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

Councillor de Winton declared a pecuniary interest in the application and addressed the Committee as a member of the public and left the meeting during consideration of the item.

The case officer introduced the report and explained that the application sought full planning permission for the change of use of

land from agricultural land to commercial tourism use and the installation of 5 no. holiday lodges and 3 no. camping pods on land east of Saxon Field, Main Road, Brancaster.

Various works of operational development were proposed, including the construction of a relocated access, private driveway / parking spaces, and the construction of an acoustic bund / fence.

The site formed part of a Scheduled Ancient Monument known as Branodunum.

The business plan was amended during the course of the application to set out that the holiday use would be for temporary / short stay purposes and the lodges / pods would not be owner-occupied second homes.

The site was located outside of the development boundary within the countryside. The site was within the Norfolk Coast National Landscape and within the Brancaster Neighbourhood Plan (covering the villages of Brancaster, Brancaster Staithe and Burnham Deepdale).

The application had been referred to the Committee for determination as the applicant was Councillor de Winton.

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, Mr T de Winton (supporting) addressed the Committee in relation to the application.

The Democratic Services Officer then carried out a roll call on the recommendation to approve the application, subject to an amendment to condition 20 and reason, as set out in the Correspondence received after the publication of the agenda and, after having been put to the vote, was carried unanimously.

RESOLVED: That the application be approved as recommended subject to the amended condition and reason, set out below:

20 Condition: Vehicular / pedestrian / cyclists to and egress from the adjoining highway shall be limited to the proposed access shown on Drawing No. DEW02.01.04 only. The existing boundary wall shall be made good in accordance with a detailed scheme to be agreed with the Local Planning Authority prior to the bringing into use of the new access, or otherwise in accordance with a timeframe to be agreed in writing.

20 Reason: In the interests of highway safety in accordance with the NPPF and Policy LP13 of the Local Plan and to ensure a

satisfactory external appearance in the interests of the locality in line with Policy LP21 of the Local Plan.

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

- (iii) **25/01595/LB**
Middleton: Middleton Castle, Station Road, Tower End:
Listed Building consent application for installation of 2.025
m timber fencing: MT Heritage Enterprises Ltd

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

The Conservation Officer introduced the report and explained that the applicant was seeking listed building consent to retain a close panel boarded fence attached to the curtilage listed wall, outside of a grade I listed building.

The application had been referred to the Committee for determination as Councillor Barclay was the applicant.

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

Members discussed the visual and structural impact of the fence, the lack of prior consultation with the conservation officer, and possible alternatives such as raising the wall or using a hedge. The applicant's reasons for privacy were acknowledged, but the Committee emphasised the importance of heritage protection.

Councillor Blunt proposed that the application be deferred for 2 months to allow the opportunity for the applicant to work with officers to find a better solution. This was seconded by Councillor Coates.

The Democratic Services Officer carried out a roll call on the proposal to defer the application for 2 months and, after having been put to the vote, was lost (3 votes for, 11 votes against and 1 abstention).

As the proposal was lost, the Democratic Services Officer then carried out a roll call on the recommendation to refuse the application and, after having been put to the vote, was carried (10 votes for, 1 vote against and 4 abstentions).

RESOLVED: That the application be refused as recommended.

- (iv) **25/01728/F**
Middleton: Tower Farm, Station Road, Tower End:
Retrospective construction of timber boundary fence 2.770
m high: Mr & Mrs T Barclay

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

The case officer introduced the report and explained that retrospective planning permission was sought for a timber boundary fence, erected above an existing brick and carstone wall, 0.90m over the height of the existing wall, bringing the total height to 2.77m at the highest point (some variation exists due to the sloping land levels). Timber mountings were present on the rear of the wall and were affixed to the wall itself. The site was located along Station Road, Middleton at Tower Farm. Tower Farm itself was approximately 750m northeast from the development boundary for Middleton and was considered to be within the countryside.

The boundary wall was originally permitted under application 16/00906/F at a height of 1.35m, then modified under application 17/0104/F to a height of 2.08 m.

The application had been referred to the Committee for determination as the applicant was Councillor Barclay.

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 refuse the application and, after having been put to the vote, was carried (10 votes for, 3 against and 2 abstentions).

RESOLVED: That the application be refused as recommended.

- (v) **25/01495/F**
North Wootton: Linnymead, Manor Road: Change of use of domestic garden building to Pilates Studio with the sale of refreshments (Class E): Mr B Smith

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

The case officer introduced the report and explained that full planning permission was sought for the retrospective change of use of a domestic garden building to a Pilates Studio and the change of use of a small area at the rear of the existing domestic garage to a servery ancillary to and used in association with the Pilates Studio.

The site was located within the development boundary of North Wootton, which was designated as a 'Settlement adjacent to King's Lynn and the Main Towns' (Tier 3) by Development Plan Policy LP01.

If approved, the permission would result in a mixed-use site comprising residential (Use Class C3) and Pilates Studio and ancillary servery (Use Class E(d) indoor sport, recreation or fitness excluding motorised vehicles, firearms, swimming and skating).

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

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, Mr B Smith (supporting) addressed the Committee in relation to the application.

In accordance with Standing Order 34, Councillor Ring addressed the Committee in support of the application highlighting the need for a trial period and the importance of strict conditions, especially regarding hours and parking.

In response to a comment from Councillor Coates, the case officer confirmed that the reference to am and pm could be removed from Condition 5 to make the condition clearer.

Members discussed the parking arrangements, noise concerns, and the need to protect a prominent oak tree. Councillor Mrs Spikings asked if an informative regarding tree protection for the Oak tree could be added to the consent. This was agreed by the Committee.

The Democratic Services Officer then carried out a roll call on the recommendation to approve the application with an informative regarding protection for the Oak tree be added to the consent and, after having been put to the vote, was carried unanimously.

RESOLVED: That the application be approved as recommended.

Councillor Fry left the meeting.

- (vi) **25/01697/F**
Upwell: Barns at Old Farm, Horsehead Drive, Lott's Bridge, Three Holes: Self Build: Proposed barn conversion and extensions and continued temporary occupation of a mobile home / caravan plus shed and decking: Mr Oliver Hartley

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

The case officer introduced the report and explained that the application site was located in open fenland approximately 3km from Three Holes, 2.4km from Lakes End and 3.6 km from Nordelph. It was accessed via an agricultural track (approximately 800m long) leading off the junction of Horsehead Drive, Cock Fen and Flint House Drive – all single width carriageways, some considerable distance from classified roads.

It was located within an area classed as countryside and within Flood Zone 2 and mostly within Flood Zone 3a of the Council adopted

Strategic Flood Risk Assessment. It contained a traditional brick-built barn with some rustic character / merit, and a more contemporary corrugated sheet metal open fronted machinery building with a curved roofline.

The proposal sought to demolish the open store, convert the existing traditional barn and construct additional accommodation in the form of mostly single storey extensions.

Retrospective permission was also sought for the continued temporary occupation of a 3-bedroom caravan, plus shed and decking sited to the south of the pond.

The application had been referred to the Committee for determination at the request of Councillor Mrs Spikings due to issues of wider concern.

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, Shanna Penney (supporting) addressed the Committee in relation to the application.

Committee Members discussed the application, citing the need for self-build, the positive reuse of the barn, and the lack of harm to the countryside.

Councillor Mrs Spikings proposed that the application be approved, stating that weight had been given to the fact that it would be a self-build and the re-use of a redundant building. This was seconded by Councillor Rose.

The Planning Control Manager clarified that what she was hearing from the Committee was that the applicant was in control of the barn adjacent to the site, they were giving weight to the re-use of the redundant barn, there was no harm regarding design and the fact that it would be a custom and self-build project would therefore be acceptable with policies LP18, LP21, LP35 and LP31 of the Local Plan. She further advised that if the Committee were minded approving the application then a Section 106 Agreement would be required to ensure that the proposal was a self-build development.

The Democratic Services Officer then carried out a roll call on the proposal to approve the application subject to conditions to be agreed following consultation with the Chair and Vice-Chair and a Section 106 Agreement to secure the custom and self-build development and, after having been put to the vote, was carried (12 votes for, 1 against and 1 abstention).

RESOLVED: That the application be approved, contrary to recommendation, subject to conditions to be agreed following consultation with the Chair and Vice-Chair and completion of a Section 106 Agreement to secure the self-build development, for the following reasons:

The applicant was in control of the barn adjacent to the site, and weight was attached to the re-use of the redundant barn, there was no harm regarding design and the fact that it would be a custom and self-build project would therefore be acceptable in accordance with the NPPF and policies LP18, LP21, LP35 and LP31 of the Local Plan.

(vii) **25/01675/O**

Walsoken: Land to rear of 1 to 3 Griffin Close: Outline Application Self Build: Proposed Custom / Self-Build Dwelling: Mr & Mrs P Griffin

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

Councillor Mrs Spikings declared an interest and left the meeting during consideration of the application as she was acquainted with the applicant.

The case officer introduced the report and explained that the application site was located to the south of Griffin Close, a fairly newly established enclave of development east of Green Lane close to its junction with Broadend Road where it meets Burrettgate Road in the parish of Walsoken.

The site was located within an area classed as countryside and within Flood Zone 1 of the Strategic Flood Risk Assessment.

Outline permission was sought for a proposed custom / self-build dwelling with only access for consideration at this stage and all other matters reserved for future consideration.

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

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

As the Committee had been sitting for three hours, it was agreed to continue to sit for a further one hour.

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

In accordance with Standing Order 34, Councillor Kirk addressed the Committee in support of the application.

Committee members discussed the site's context, the need for self-build housing, that the proposal would complete the development of the area and the minor nature of policy conflicts.

Councillor Storey proposed that the application be approved as he considered that the proposal would enhance the form and character of the area. This was seconded by Councillor Blunt.

The Planning Control Manager clarified that what she had heard from the debate was that Members considered that the proposal would enhance the form and character of the area and that weight should be given to fact that this was a custom and self-build project which outweighed the minor conflict with the Local Plan in terms of its location.

The Democratic Services Officer then carried out a roll call on the proposal to approve the application subject to conditions to be agreed with the Chair and the completion of a Section 106 Agreement to secure the custom and self-build development and, after having been put to the vote, was carried 12 votes for and 1 against.

RESOLVED: That the application be approved, contrary to recommendation, subject to conditions to be agreed with the Chair and the completion of a Section 106 Agreement to secure the custom and self-build development.

The proposal enhanced the form and character of the area and the need for custom and self-build housing outweighs the minor conflict with the development plan in terms of its location and as a result complies with Policy LP31.

PC85: **DELEGATED DECISIONS**

The Committee received schedules relating to the above.

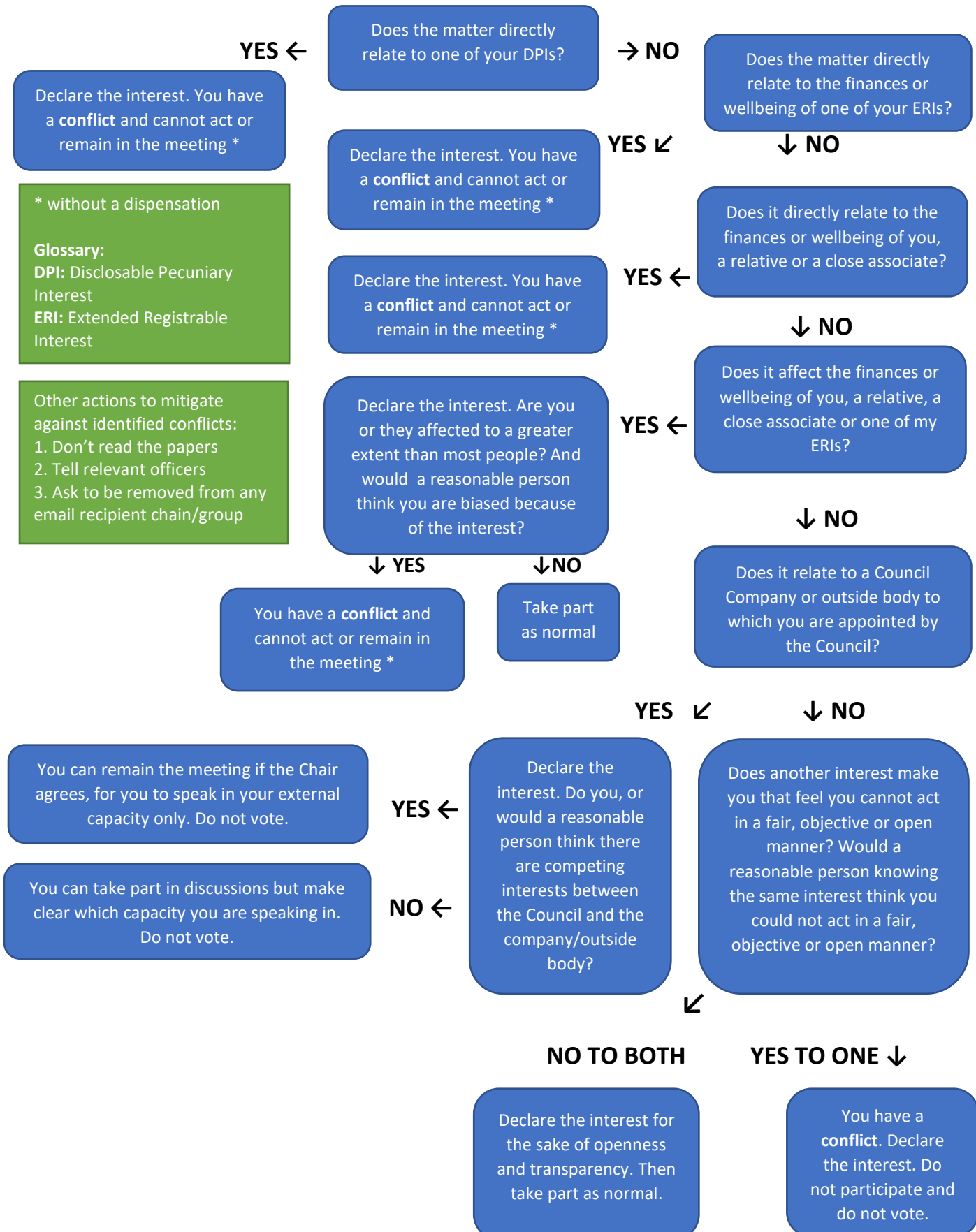
RESOLVED: That the reports be noted.

The meeting closed at 1.00 pm

DECLARING AN INTEREST AND MANAGING ANY CONFLICTS FLOWCHART



START



Declare the interest. You have a **conflict** and cannot act or remain in the meeting *

* without a dispensation

Glossary:

DPI: Disclosable Pecuniary Interest

ERI: Extended Registrable Interest

Other actions to mitigate against identified conflicts:

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

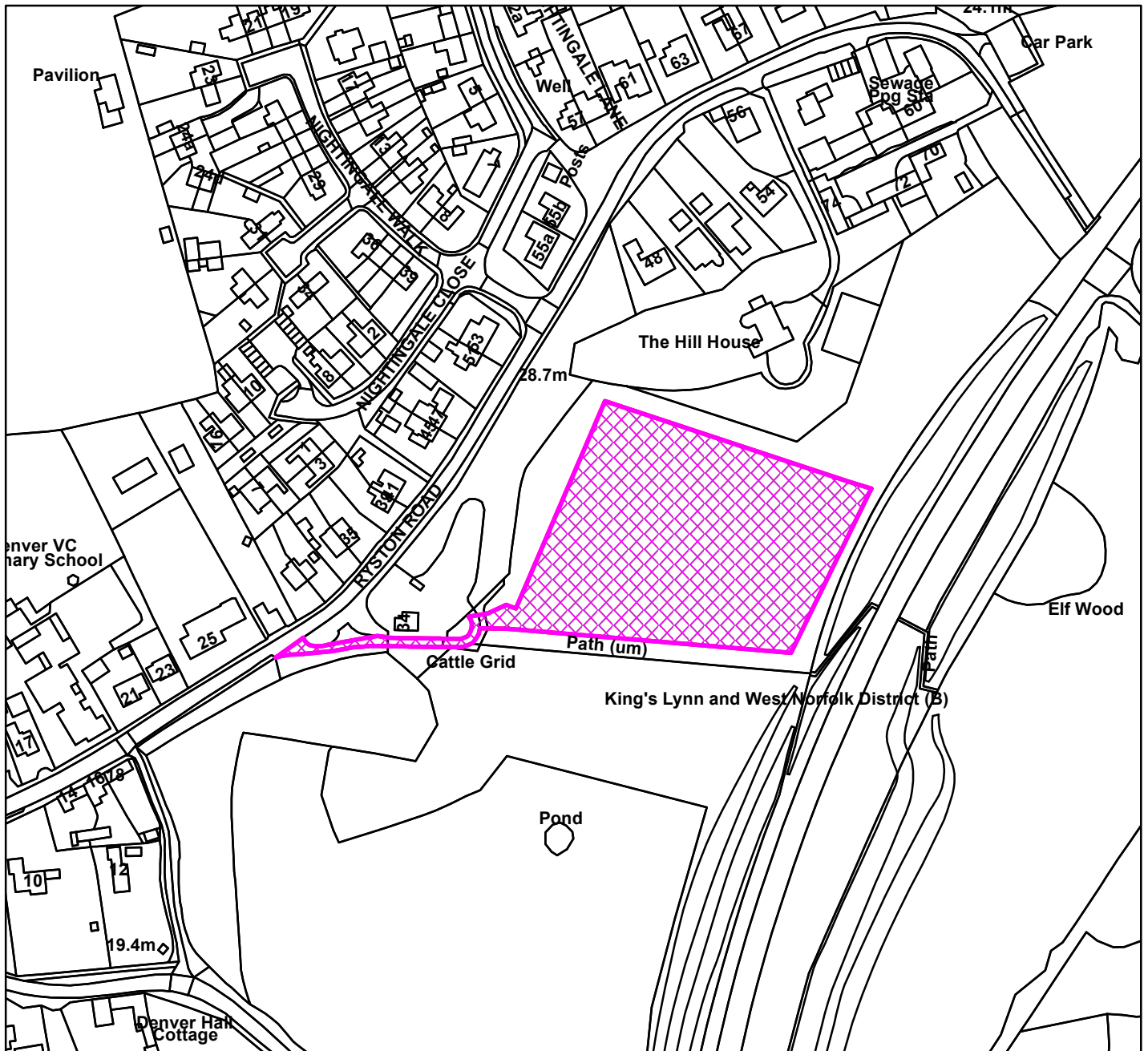
**INDEX OF APPLICATIONS
TO BE DETERMINED BY THE PLANNING COMMITTEE AT THE MEETING
TO BE HELD ON MONDAY 2nd FEBRUARY 2026**

Item No.	Application No. Location and Description of Site Development	PARISH	Recommendation	Page No.
MAJOR DEVELOPMENTS				
9/1 (a)	25/01552/FM Land to the East of Ryston Road, Denver PE38 0DP Change of Use of Agricultural Land to Sui Generis for secure dog walking	DENVER	APPROVAL	20
9/1 (b)	25/01391/FM Land E of Bennet Mews S And W of Sandy Lane, Sandy Lane, Docking PE31 8NF Full Planning Application: Erection of 5 no. single storey dwellings, garages, vehicular/pedestrian access, landscaping, and associated infrastructure; together with change of use of parts of site to residential curtilages (for existing dwellings)	DOCKING	APPROVAL	39
OTHER APPLICATIONS/APPLICATIONS REQUIRING REFERENCE TO THE COMMITTEE				
9/2 (a)	25/01684/F Little Congham House, Grimston Road, Congham PE32 1DR Proposed SELF-BUILD conversion of outbuilding to a single dwelling with extensions and erection of cart shed	CONGHAM	APPROVE	62
9/2 (b)	25/01974/F The Dabbling Duck 11 Abbey Road Great Massingham PE32 2HN Overflow car park (retrospective)	GREAT MASSINGHAM	APPROVE	84
9/2 (c)	25/01660/CU 8 Folgate Lane, Walpole St Andrew, PE14 7HY Retrospective application of change of use of a house of six residents (care included) (C3b) to a care home up to three children aged 8-18 (C2)	WALPOLE	APPROVE	98
9/2 (d)	25/01661/CU 10 Folgate Lane, Walpole St Andrew, PE14 7HY Retrospective application of change of use of a house of six residents (care included) (C3b) to a care home up to three children aged 8-18 (C2)	WALPOLE	APPROVE	118

9/2 (e)	25/00275/F Sibley House, Station Road, Walsoken, PE14 8DL Proposed erection of kennel buildings, within the confines of existing buildings (to be repaired and rebuilt) and creation of external exercise area for operational use	WALSOKEN	APPROVE	138
TREE PRESERVATION ORDER				
9/3 (a)	2/TPO/00709 Woodland Behind 140-176 Elvington King's Lynn PE30 4UX	KING'S LYNN		157



Land To The East of Ryston Road Denver PE38 0DP



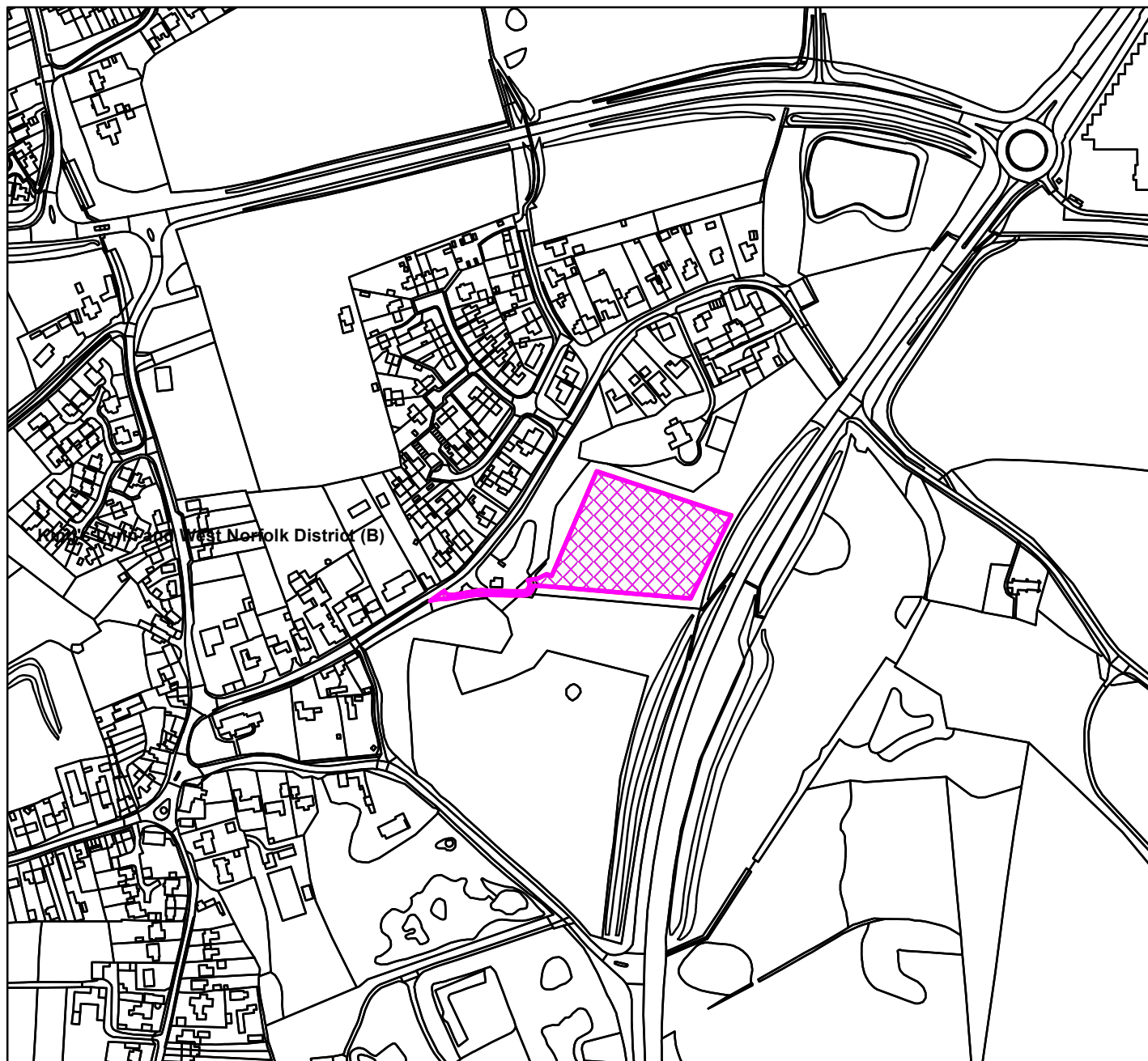
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Ordnance Survey AC0000819234

Scale: 1:2,500

Organisation	BCKLWN
Department	Department
Comments	
Date	19/01/2026
MSA Number	0100024314



Land To The East of Ryston Road Denver PE38 0DP



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Ordnance Survey AC0000819234

Scale: 1:5,000

Organisation	BCKLWN
Department	Department
Comments	
Date	19/01/2026
MSA Number	0100024314

Parish:	Denver	
Proposal:	Change of Use of Agricultural Land to Sui Generis for secure dog walking	
Location:	Land To The East of Ryston Road Denver Norfolk PE38 0DP	
Applicant:	Tiggys Paddock	
Case No:	25/01552/FM (Full Application - Major Development)	
Case Officer:	Helena Su	Date for Determination: 29 December 2025 Extension of Time Expiry Date: 6 February 2026

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

Neighbourhood Plan: No

Case Summary

The application is for the change of use of approximately 1.04ha agricultural land to a secure dog walking (sui generis) use at land to the east of Ryston End in Denver.

The site is located to the east of Ryston Road. The application site comprises of an existing access from Ryston Road and 1.04ha of agricultural land. The wider setting of the site encompasses agricultural land bound by woodland to the west, protected under a Tree Preservation Order (reference TPO/00085/W1) and trees along the north, east, and south boundaries. Furthermore, Denver Footpath 21 is located along the south of the application site.

Key Issues

Principle of development
 Form and character
 Impact on neighbour amenity
 Highway safety
 Ecology and biodiversity
 Any other matters requiring consideration prior to determination of the application

Recommendation:

APPROVE

THE APPLICATION

The application is for the change of use of approximately 1.04ha agricultural land to a secure dog walking (sui generis) use at land to the east of Ryston End in Denver.

The site is located to the east of Ryston Road. The application site comprises of an existing access from Ryston Road and 1.04ha of agricultural land. The wider setting of the site encompasses agricultural land bound by woodland to the west, protected under a Tree Preservation Order (reference TPO/00085/W1) and trees along the north, east, and south boundaries. Furthermore, Denver Footpath 21 is located along the south of the application site.

The dog walking field would be run by a business called 'Tiggy's Paddock'. The dog walking field would be available for bookings, made ahead of time via a dedicated website, for up to four dogs per visit between two households, for either 30- or 60-minute slots. The business would operate between 7am - 8pm on Monday to Saturdays and 8am - 8pm on Sundays and Bank/Public holidays in the summer months, and 8am - 4pm Monday - Sunday in the winter months. As the business would be open during daylight hours only, no lighting is proposed. Parking would be provided on the hardstanding created on the site to facilitate the development.

APPLICANT/PLANNING AGENT'S SUPPORTING CASE

The Site

The proposed site is located in the village of Denver, with the A10 running alongside the eastern boundary and Ryston Road to the western side of the site. There is residential development along Ryston Road, the majority of which is on the opposite side of the road to the site.

Access

The original proposal was to use an existing gated access into the site from the A10, however Highways at Norfolk County Council [NCC] objected to this due to the intensification of the existing access and highway safety issues.

The proposal was amended to relocate the access from Ryston Road where there is another existing access into the site, and this was deemed a suitable alternative by NCC subject to conditions. [Noted that the Parish Council maintain their objection regarding the access].

Public Right of Way [PROW]

There is a PROW that runs from west to east [from Ryston Road, towards A10]. Concerns were raised that the proposed secure dog walking area could clash, a Highway Boundary plan for that section of Denver Footpath 21 was requested which showed there would be no impingement on the PROW and the objection has been withdrawn.

Ecology and Biodiversity

No objection subject to conditions.

Community Safety & Neighbourhood Nuisance Officer [CSNN]

Concerns were raised of the possibility of dogs barking at dogs being walked along the PROW. A suggestion by the CSNO for a solid fence between the secure dog walking paddock and the PROW was suggested, however visually this would be incredibly intrusive. A management plan will be in force and in the unlikely event that an issue is reported, the customer in question will be refused any future bookings.

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Summary

The proposal is in an accessible location, offering a facility that is not currently available in this area. A business plan demonstrated that there is an obvious gap in the market for this in demand facility due to the huge increase in dog ownership over the last few years. The proposal includes tree planting which will enhance the site, creating new habitats and increasing biodiversity value. We have worked with The Borough of King's Lynn & West Norfolk throughout the planning process to ensure that concerns raised have been addressed and that the proposal complies with relevant planning policies both national and local, for that reason we would politely ask that an approval is granted.

PLANNING HISTORY

None

RESPONSE TO CONSULTATION

Parish Council: OBJECT

Initial comments made on 22 October 2025:

The Parish Council OBJECTS to this application.

The proposed access onto the highway raises safety and traffic concerns. The application states that there will be only 10 vehicle movements per day; however, the Council believes this figure is inaccurate and significantly underestimated. Customers are likely to arrive in more than one vehicle, which would increase the number of daily traffic movements.

In addition, the Council notes that the on-site dog waste bins will require regular emptying by the local authority, further adding to the number of vehicle visits to the site.

For these reasons, the Parish Council does not support the application as currently proposed.

Comments following amended plan made on 19 November 2025:

Denver Parish Council do not feel that the changes to the highway access have addressed the issues raised and so OBJECT to this application.

Highways Authority: NO OBJECTION subject to condition.

With reference to the amendment consultation and plan 100 Rev C, it is observed that the applicant has chosen an alternative point of access which would access onto Ryston Road as opposed to the A10. From an adopted road network consideration point, this revised access would be considered acceptable.

Public Rights of Way: NO OBJECTION

Further to the additional submitted information, PROW are content to remove our holding objection to this application.

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The Public Right of Way, known as Denver Footpath 21 is aligned adjacent to the Western boundary of the site. The full legal extent of this footpath must remain open and accessible for the duration of the development and subsequent occupation.

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

Historic Environment: There are no known archaeological implications.

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.

Community Safety and Neighbourhood Nuisance: OBJECT. However, suggest conditions:

Initial comments made on 30 October 2025:

The applicants have not considered the impacts on residential amenity and have not shown within the submitted documents how amenity will be protected from noise impacts associated with the proposed change of use of the land.

The residential plots which are close to the site boundary are 8.66m and 14.15m distance away (measured from Uniform). Neither have any solid barriers between them and the site. Having up to 10 dogs is of huge concern with respect to the noise impact.

The hours are stated to be until 9pm or 8pm, or sunset, and they state no lights/a light assessment will be necessary. As sunset does not fall at 30 minute intervals, the closing times are unclear (and would change frequently during the winter period) - lighting is likely to be required for user safety, so details are required/clarification on opening times is needed.

As per the principles of the 'agent of change', the impacts of the use on residential amenity must be addressed.

Comments following amended plan made on 1 December 2025:

Many users of secure dog paddocks use these because their dogs are reactive to people and/or other dogs (including being fearful of them) and therefore these fields provide a safe space for dogs to exercise without encountering other dogs. Due to the close proximity of the footpath (which public comments on this application show is a regular (dog) walking route), CSNN remain concerned that dog barking noise will occur, and more so than CSNN previously anticipated, which could impact on residential amenity for number 34, 'Hill House' and other dwellings on Ryston Road. There's an approximate 115m stretch where dogs in the field could react to dogs and/or people walking by, and likewise barking could also be generated by dogs passing the field.

CSNN have noted the NMP submitted via email on 3 November. Some elements are helpful, but ultimately, especially considering the path alongside the entire southern boundary of the proposed field, CSNN remain concerned that the proposal will impact on residential amenity from noise of dogs and people (owners calling back dogs etc). Such noise sources are the most difficult to regulate and control - noise will carry through the air, especially early mornings and late evenings when background noise levels are usually low -

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and this is likely to generate disturbance and detrimental impacts on residential amenity, causing complaints, which may not reach the thresholds for Statutory Nuisance levels, but would nonetheless adversely impact on amenity for the residents beyond the site. There remains concerns regarding the potential noise impacts.

It would be CSNN's recommendation that the site is enclosed with a solid boundary to the south (with a slight wrap-around at either end), and is set further back from the path (to avoid conflict with barking/dogs against the fence v users of the path) to create a greater separation distance.

If you are minded to approve this despite our concerns over the potential impact from barking, there really should be some means of preventing dogs from seeing users of the path (trees/planting will not be appropriate), and the MNP will need to be produced and submitted as a separate document (for reference, and to allow compliance with via a planning condition).

CSNN confirm, if this is approved, CSNN would expect planning conditions to:

limit the number of dogs to 4 per visit;

limit the number of cars to 2 per visit;

ensure bookings are controlled with allocated time slots and customer details being taken/retained;

have a full complaints process in place which should be included in the NMP and also included on site signage;

have a more detailed NMP, to include all these elements;

control the hours of use to 0700-2000 Monday to Saturday & 0800-1900 on Sundays/Bank/Public Holidays during the Summer time, and 0800-1600 Monday to Sundays/Bank/Public Holidays during the Winter time;

prohibit the installation of any external lighting at the site without the details having first been submitted for assessment and prior approval from the LPA.

Senior Ecologist: NO OBJECTION subject to BNG conditions.

The following documents have been submitted since the Ecologist's previous consultee comments on 12/11:

Statutory Metric (Tristanna Boxall [South Coast Ecology], 14/11/2025).

The baseline has been updated to add the clarity requested on grassland and reflect the latest project plan. The baseline is now considered to be accurate, so the Ecologist can remove their objection.

There are still issues with the post development values but these can be dealt with at the Discharge of Condition stage of the application. The following issues need to be resolved before the Metric and HMMP are submitted at that stage:

Trees - The user comments state '20 native trees' which correlates to an area value input for 27 medium sized trees. The information is therefore conflicting. As previously stated the trees should be inputted as small given that no evidence or justification for a higher size class is outlined and the proposed spacing is tight.

Trees - The trees are inputted as moderate level strategic significance. No justification has been provided for this and since the publication of the LNRS on 31st October 2025, this category no longer exists.

A Habitat Management and Monitoring Plan cannot be approved until a Biodiversity Gain Plan has been approved. Although a HMMP has been submitted, a requirement for one still

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needs to be a condition on any planning consent. The HMMP should include the proposed commencement date of the development.

Arboriculture Officer: NO OBJECTION

However, the Arboriculture Officer has some concerns regarding the detailed design and its potential impact on the surrounding landscape and nearby trees protected by a Tree Preservation Order.

The extent and form of the proposed fencing has the potential to appear visually intrusive within what is otherwise a very attractive and open landscape. Further consideration should be given to the height, alignment and specification of the fencing, and whether a less visually dominant solution could be achieved that better reflects the quiet and rural character of the area.

The Arboriculture Officer is also concerned about the quality of the submitted tree planting proposals. The species mix is not typical of the area, there is no planting specification or any establishment measures to demonstrate that the planting would provide meaningful landscape integration or appropriate mitigation for the visual impact of the development. Any planting should be of an appropriate scale and species for the location, designed to complement the existing landscape and to establish successfully in the long term.

In addition, it should be ensured that the installation of fencing and any associated works avoid encroachment into the Root Protection Areas of the nearby TPO-protected trees. No excavation, ground level changes or compaction should take place within these areas.

If consent is to be granted please consider conditions for tree protection and tree planting and establishment details and implementation.

REPRESENTATIONS:

THIRTEEN comments of **OBJECTION** and **SEVEN** comments in **SUPPORT**:

Objection comments summarised:

- Traffic around the school time on Ryston Road - concern with additional traffic.
- Plenty of open fields and local woods for dog walking.
- Concern for nature and wildlife
- Visual impact of fencing over the field
- Losing the space for public and walkers would be a shame
- Land is too close to a footpath and would allow roaming dogs to conflict with other dogs on the footpath - this could result in a dog ending up on the A10.
- Dog walking fields should be in more rural areas not adjacent to houses and footpaths.
- Proposal would spoil views from the users of the footpath.
- Urban paraphernalia (bins, fencing, gate, car parking and signs) would ruin the rural surroundings.
- Norfolk has plenty of public footpaths, bridleways, riverbanks, forests and beached to walk dogs.
- Assumption that the fenced in area is aimed at unsociable dogs and the Council should not encourage the public to own such dogs and allow them to ruin local people's peace, quiet and security.
- Change of use to commercial would be detrimental to local community.

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- Increase noise, disturbance and traffic.
- Not in character with the area.
- Use of the access would have an impact on surrounding neighbours privacy, security and use of their home freely.
- Activity on this site would directly overlook homes and gardens throughout the day.
- Proposal conflicts with DM15, LP21, LP41 and DM2 of the local development plans.
- The area is known as Ryston Park. It has been an open area, used as pasture and grazing for generations. To consider splitting the area to the extent where large, unpredictable dogs can be contained will disrupt and ruin the openness of the local countryside dramatically.
- Neighbouring stables to be reinstated with the possibility of a small paddock - the dogs will cause distress to the animals.
- The Park is rich with wildlife including muntjac, pheasants and smaller creatures. Although it is suggested that the area is enclosed, these animals cannot be prevented from entering the area, becoming entrapped and/or being at risk of attack.
- To the other side of the Village, approximately two miles away, there is already a seven acre field providing a further, secure, dog walking facility. This is already available for dog walkers to hire privately, and it has plenty of availability for further customers. It has an online diary system where this can be viewed and verified.

Support comments summarised:

- As a local dog owner, would like to see more enclosed places locally to let dogs run free.
- As someone who currently uses this field regularly with a dog on the lead, it is not currently widely used by public other than the footpath which would not be obstructed.
- Field would not be visible from road users
- Would not generate large amounts of traffic
- Large housing estates have reduced viable dog walking options.
- Local access to open space for walking our dogs or public walking generally has been much reduced by town infrastructure.
- It is really important for us and our sense of identity in west Norfolk to have access to open walking space from the doorstep, rather than having to drive.
- Seems to be a diversification of the local ecosystem and to support biodiversity by replacing agricultural land growing a single crop
- It will provide a valuable and safe environment for off lead exercising of dogs.
- For those living in Denver and Downham Market, this would be a walkable distance.
- Having an enclosed area where your dog can play is also hard to come by in Downham Market, so it would also allow dog owners to let their dog run/play off lead with peace of mind.

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

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

LP06 - Climate Change (Strategic Policy)

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LP07 - The Economy (Strategic Policy)

LP18 - Design & Sustainable Development (Strategic Policy)

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

LP21 - Environment, Design and Amenity (Strategic Policy)

LP23 - Green Infrastructure (Strategic Policy)

NATIONAL GUIDANCE

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

PLANNING CONSIDERATIONS

The main considerations are:

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

Principle of Development:

LP07 of the Local Plan 2021-2040 supports rural economy where the development is appropriate in size and scale to the local area; adjacent to the settlement; and the proposed development and use will not be detrimental to the local environment or local residents.

Paragraph 89 of the NPPF recognises that local businesses in rural areas may be found beyond existing settlements in locations not well served by public transport. In these circumstances it would be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).

Denver is a Tier 5 (rural village) settlement under the Local Plan 2021-2040. The application site is adjacent to the development boundary of Denver and can be reached by footpaths throughout the village, and as far as Downham Market. The proposal is modest in scale, with the Planning Statement indicating a low-level use, with bookings offered in 30- or 60-minute slots, for up to two vehicles and a maximum of four dogs. This is not expected to have an unduly detrimental impact upon neighbour amenity that would justify a refusal in this case. This is discussed in detail below.

The proposal would comply with LP07 and provisions of the NPPF for a rural based business.

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Form and Character:

Policies LP18, LP19 and LP21 of the Local Plan 2021-2040 seeks to ensure that all development in the borough is high quality design and conserve and enhance the amenity of the wider environment, reinforcing the distinctive character areas identified in King's Lynn and West Norfolk Landscape Character Assessment. 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 currently an open agricultural field. The wider site is bound by a woodland to the west which is protected under a Tree Preservation Order (TPO) (reference TPO/00085/W1) and linear group of trees to the north, south and east.

Third parties and the Arboricultural Officer have raised concern regarding the visual impact of the development, in particular, the installation of fencing. The Arboricultural Officer has raised further concerns about the proposed landscaping scheme.

Regarding fencing, the proposal involves the erection of an approximate 2m high stock mesh fence, with finer mesh to the bottom half, and timber posts along the north, west, south and east boundaries. It is important to consider that the Applicants could currently erect gates and fences up to 2m tall under Schedule 2, Part 2, Class A of the Town and Country (General Planning Development) Order 2015.

CSNN has recommended that the southern boundary treatment be solid to prevent views of dogs within the site from users of Denver Footpath 21, and vice versa. However, when balancing the potential visual impact of a solid fence against the need to manage noise, the proposed stock mesh fence is considered less intrusive within the landscape. It is also noted that noise from dogs and pedestrians could occur irrespective of the proposed facility, as the site and surrounding land, including the public footpath, are currently unrestricted.

It is accepted that the introduction of the stock fence would alter the existing open countryside character experienced by users of Denver Footpath 21, which runs west - east to the south of the site. Views from Ryston Road would be limited due to substantial screening provided by woodland to the east and within the curtilage of No 34. The mesh design, with timber posts and finer mesh to the lower section, would help soften the visual impact and maintain some views across the field.

As no details regarding the colour or finish of the fence have been submitted, a condition requiring full details to be approved prior to installation is recommended. This will ensure the boundary treatment integrates appropriately with the surrounding landscape and addresses the concerns raised by the Arboricultural Officer and third parties.

Whilst the comments of the Arboricultural Officer regarding landscaping is noted, to address this, a condition for a tree planting scheme will be proposed as a condition. Furthermore, as the application site lies, at its closest point, approximately 9m from the woodland covered by the tree preservation order (TPO/00085/W1), to ensure the fence and landscaping does not

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impact existing trees surrounding the site, a condition for a tree protection scheme will also be included.

A small area of hardstanding, which would measure approximately 10m wide and 13.7m - 15.6m deep (114 square metres in area), is proposed to the south-west corner of the site to provide onsite parking. The hardstanding would be made up of 300mm deep excavated land filled with compacted scalpings. The hardstanding would be separated from the access by a 2m high gate and the proposed fencing. The hardstanding would be located near other areas of hardstanding and therefore would be consistent with the existing situation and would not give rise to visual amenity issues.

Regarding form and character, whilst there would be some visual changes to the site due to the erection of the fence, this change and use of the land for dog walking, is not considered to harm the local character and would comply with LP18, LP20 and LP21 of the Local Plan 2021-2040 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.

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 should be refused.

A number of comments of objection raised issues relating to noise and disturbance, security, and loss of privacy.

The closest receptors to the site are the residential dwellinghouses to the north and west of the site and users of the public right of way, Denver Footpath 21, which runs along the south of the application site. The closest neighbours to the application site are No 34 who are approximately 42m to the east and shown within the blue line boundary, and Hill House who are approximately 38.2m to the north.

Given the nature of the proposal, there would be no impact regarding overlooking, overbearing and shadowing. Whilst there might be momentary views from customers of the dog walking field to No 34 and Hill House, views would not be to their private amenity areas and therefore would not constitute as a loss of privacy which would warrant a refusal. Furthermore, while there may be moments where users of the footpath and of the dog walking field could conflict, this would not result in a prolonged noise and disturbance impact.

The Community Safety and Neighbourhood Nuisance (CSNN) team has expressed concern that the proposal may result in an unsatisfactory relationship with neighbouring properties due to noise from sources that are difficult to control, particularly given the proximity of Denver Footpath 21 to the south of the site. These comments have been fully considered. However, it is concluded that the anticipated level of activity, noise, and general disturbance would not be so significant as to warrant refusal, as appropriate conditions can be imposed to ensure effective management of the site.

It is also recognised that noise from pedestrians and dogs could occur irrespective of the proposed secure dog-walking facility. The site and surrounding land are currently unrestricted, with no existing limit on the number of dogs or pedestrians using the area.

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To support the application, the Applicant has submitted a management plan outlining the operation of the facility. This includes a limit of one booking at a time, with sessions of either 30 or 60 minutes, and a maximum of four dogs from no more than two households. As such, any associated noise is expected to be comparable to that generated within a typical domestic garden.

CSNN acknowledges that several aspects of the submitted noise management plan are acceptable but has requested further detail regarding the booking system, customer record-keeping, complaints procedures, and site signage. A condition requiring the submission and approval of a detailed noise management plan prior to the first use of the facility is therefore recommended.

Regarding waste and odour, the Applicants have stated that free biodegradable waste bags would be provided for customers to use, and a dog waste bin provided on the site. Waste would be removed from site by the customers or a waste management contractor on a weekly or fortnight basis.

No external light is proposed as part of the development. External lighting would be conditioned so that should any lighting be installed, it would not cause amenity issues and is contained within the site.

Lastly, loss of views is not a material consideration.

Should the application be granted, conditions related to the submission of a detailed noise management plan, limiting the number of dogs allowed at any one time, hours and days of operation, and lighting details prior to installation would be included on the decision notice.

Regarding impact to neighbours, the proposal would comply with LP07 and LP21 of the Local Plan 2021-2040 and provisions in the NPPF subject to conditions.

Highway Safety and Public Rights of Way:

The site would be accessed via an existing access from Ryston Road for vehicular traffic. The site is also well connected to Denver and Downham Market by footpaths, which allow customers to also arrive by foot. Lastly, Denver Footpath 21 lies approximately 7.6m from the southern boundary of the application.

Initially, the development sought to utilise an existing access from the A10 to serve the proposed dog walking field. As a Primary route in Norfolk's Route Hierarchy and designated as a corridor of movement in the Kings Lynn and West Norfolk Local Plan, the development would conflict and interfere with the passage of through traffic on this primary route, ultimately caused by additional vehicles, slowing, waiting, and turning into the site. The Local Highway Officer therefore objected to the access egressing from the A10.

Following this, the Applicant submitted an amended site plan with the access egressing from Ryston Road in Denver by an existing track, currently used to access the field and No 34, a residential dwelling shown within the blue line ownership. The Local Highway Officer has no objection to the use of this access, subject to conditions.

The Parish Council have objected to application due to the level of traffic generated by customers and the local authority to collect and dispose of the waste. In addition, some third-party comments also refer to the existing level of traffic along Ryston Road.

The traffic associated with this development would be low level (up to 8 customer car trips per hour) and sufficient parking space would be created on site, with a passing place for waiting customers within the application site. The Applicant has said that waste would be removed from site by the customers or a waste management contractor on a weekly or fortnight basis. Traffic levels from customers and contractors on Ryston Road would be limited and would not increase existing traffic.

Furthermore, third party comments also raised concerns with the impact on Denver Footpath 21. The Applicant has obtained a Highway Boundary Map from Norfolk County Council, Public Rights of Way Team (PROW), which shows that the development would not impact the legal extent of the public right of way. The PROW Team, therefore, have no objection to the proposal.

Therefore, it is considered, following the change to the access from the A10 to Ryston Road, that the development would comply with LP13, LP14, LP21 and LP23 of the Local Plan 2021-2040 and the NPPF.

Ecology and Biodiversity Net Gain (BNG):

The application was supported by a Statutory Metric for biodiversity net gain completed by Tristanna Boxall [South Coast Ecology] dated 14 November 2025 and a Preliminary Ecology Assessment (PEA).

The metric data indicates that the application site comprises 2.16 of habitat units of grazed modified grassland. The Applicant intends to provide biodiversity net gain on site by planting trees around the perimeter of the site, which equates to approximately 15.92 per cent gain - which is above the mandatory 10 per cent gain. The Council's Senior Ecologist has no objection to the BNG baseline.

The Applicant has submitted a Habitat Monitoring Plan for consideration. However, BNG is a post-consent consideration and cannot be given any consideration at this stage.

The PEA found a potential for commuting and foraging bats, badgers and hedgehogs on the site. Third party comments raised concerns with the proposed fencing hindering the free movement of wildlife across the site. Verbally, the Council's Ecologist considered that the development would have a neutral impact on wildlife movements as the site currently comprises low foraging habitat and there is no significant barrier to movement, with wildlife still able to continue moving south to north (and vice versa) outside of the application site.

The PEA recommends mitigation such as no lighting, escape ladders during the construction phase to prevent animals from becoming trapped in any open excavations left overnight, vegetation within the works area shall be maintained at a maximum height of 30mm through regular mowing in order to discourage GCN and reptiles from using the site, any trenches left overnight should be covered or provided with ramps to prevent GCN (and other species such as Hedgehogs and Badgers) from becoming trapped. Furthermore, enhancements such as native planting of trees such as Oak, Willow, Beech, Ash, Elm, Birch, Hawthorn, Holly, Elder, Hazel and Rowan trees, and three woodcrete bird nest boxes will be erected on site is also proposed.

The Council's Senior Ecologist has no objection the mitigations and recommendations of the PEA.

Subject to conditions related to BNG and the mitigation and enhancements within the PEA, the proposal would comply with LP19 of the Local Plan 2021-2040 and provisions in the NPPF.

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

Climate Change:

Policy LP06 of the Local Plan 2021-2040 requires all development to acknowledge and contribute to future proofing against the impacts of climate change, supporting the transition towards the Government's target of achieving a net zero economy by 2050.

The policy also requires proposals over 1ha in size to be accompanied by a sustainability and climate change statement. The supporting text to LP06 explains that the policy is intended to address matters such as flood risk, coastal change and rising temperatures, where relevant to the nature of the development.

This application relates to the change of use of non-arable agricultural land to support a small scale rural business. The use would generate only low levels of traffic, and the site is accessible on foot. Taking these factors into account, the proposal is considered to comply with the aims of LP06, making efficient use of land in a sustainable location that is not wholly dependent on vehicular access.

Specific comments and issues:

Paragraph 48 of the NPPF 2024 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Whilst third parties have quoted policies of the previous plan (Site Allocation and Development Management Plan 2016 and the Core Strategy 2011), the development has been considered against the updated policies of the Local Plan 2021-2040.

The recommended conditions suggested by CSNN have been amalgamated where possible to avoid the duplication of condition and in order to meet the test for planning conditions.

CONCLUSION:

The application seeks to change agricultural land to a secure dog walking field at Land E of Ryston Road in Denver. Local and national planning policies are largely supportive of rural based businesses. The proposed development is in Denver which is accessible by footpaths in and around Denver and Downham Market. Following the amendment to the access from egressing from the A10 to Ryston Road in Denver, the access and parking arrangements is considered to be acceptable, and the Local Highway Authority do not object to this.

The concerns were raised by the Parish Council, CSNN, and third parties regarding form and character, impact to neighbours, and impact on the highway, it is considered the scale of the proposed development would be low and not have an unduly impact.

No objections were raised by Public Rights of Way (PROW), IDB, Historic Environment, Natural England, and the Council's Ecologist and Arboricultural Officers, subject to the imposition of conditions.

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To conclude, the proposed development would comply with policies LP06, LP07, LP18, LP19, LP21 and LP23 of the Local Plan 2021-2040 and provisions of the NPPF and it is recommended that Members approve this application, subject to the imposition of conditions.

RECOMMENDATION:

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

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out using only the following approved plans:
Dwg no. 100 Rev C. Location Plan.
Dwg no. 101 Rev C. Proposed Block Plan.
Dwg no. 102 Rev E. Proposed Site Plan.
Dwg no. 103 Rev E. Detailed Plan.
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: The dog walking facility hereby approved shall be limited to one booking on site at any one time, with a maximum of 2 cars / 4 dogs per booking.
- 3 Reason: In order that the Local Planning Authority may retain control over the development in the interests of the amenities of the locality in accordance with the NPPF and Policy LP21 of the Local Plan 2021-2040.
- 4 Condition: Prior to the installation of any external lighting, a detailed outdoor lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type of lights, the orientation/angle of the luminaries, the spacing and height of the lights, the extent/levels of illumination over the site and on adjacent land and the measures to contain light within the curtilage of the site. The scheme shall be implemented in accordance with approved scheme and thereafter maintained and retained as agreed.
- 4 Reason: In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF and Policy LP21 of the Local Plan 2021-2040.
- 5 Condition: Prior to the first use of the development hereby approved, a Noise Management Plan, which shall include: details of how bookings are controlled within the allocated time slot(s); how customer details being taken and retained; and on-site signage, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the agreed Noise Management Plan thereafter.
- 5 Reason: In order that the Local Planning Authority may retain control over the development in the interests of the amenities of the locality in accordance with the NPPF and Policy LP21 of the Local Plan 2021-2040.

- 6 Condition: The dog walking field hereby approved shall operate and be open to members of the public on the following days and times:
- From the 1st March to the 31st October in any calendar year, on Monday to Saturday between the hours of 7am to 8pm and on Sunday/Bank/Public Holidays between the hours of 8am to 8pm;
 - and from the 1st November to the 28th February (29th February on a leap year) in any calendar year, on Monday to Sunday/Bank/Public Holidays between the hours of 8am to 4pm, unless agreed in writing by the Local Planning Authority.
- 6 Reason: In order that the Local Planning Authority may retain control over the development in the interests of the amenities of the locality in accordance with the NPPF and Policy LP21 of the Local Plan 2021-2040.
- 7 Condition: Notwithstanding the approved plans, prior to first use of the development hereby permitted, a plan shall be submitted to and approved in writing by the Local Planning Authority indicating the positions, heights, design, materials and type of boundary treatment to be erected on the north, east, south and west boundaries. The boundary treatment shall be completed before the use hereby permitted is commenced or before the building(s) are occupied or in accordance with a timetable to be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 7 Reason: To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF and policy LP21 of the Local Plan 2021-2040.
- 8 Condition: The Biodiversity Gain Plan shall be prepared in accordance with the Statutory Metric dated 14 November 2025 and prepared by Tristanna Boxall.
- 8 Reason: To ensure the development delivers a Biodiversity Net Gain on site in accordance with Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 and policy LP19 of the Kings Lynn and West Norfolk Borough Council Local Plan.
- 9 Condition: The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan has been submitted to, and approved in writing by, the local planning authority and including:
- a) a non-technical summary;
 - b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
 - c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
 - d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
 - e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority

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

No occupation shall take place until:

Planning Committee
02 February 2026

- (a) the habitat creation and enhancement works set out in the approved HMMP have been completed; and
- (b) a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.

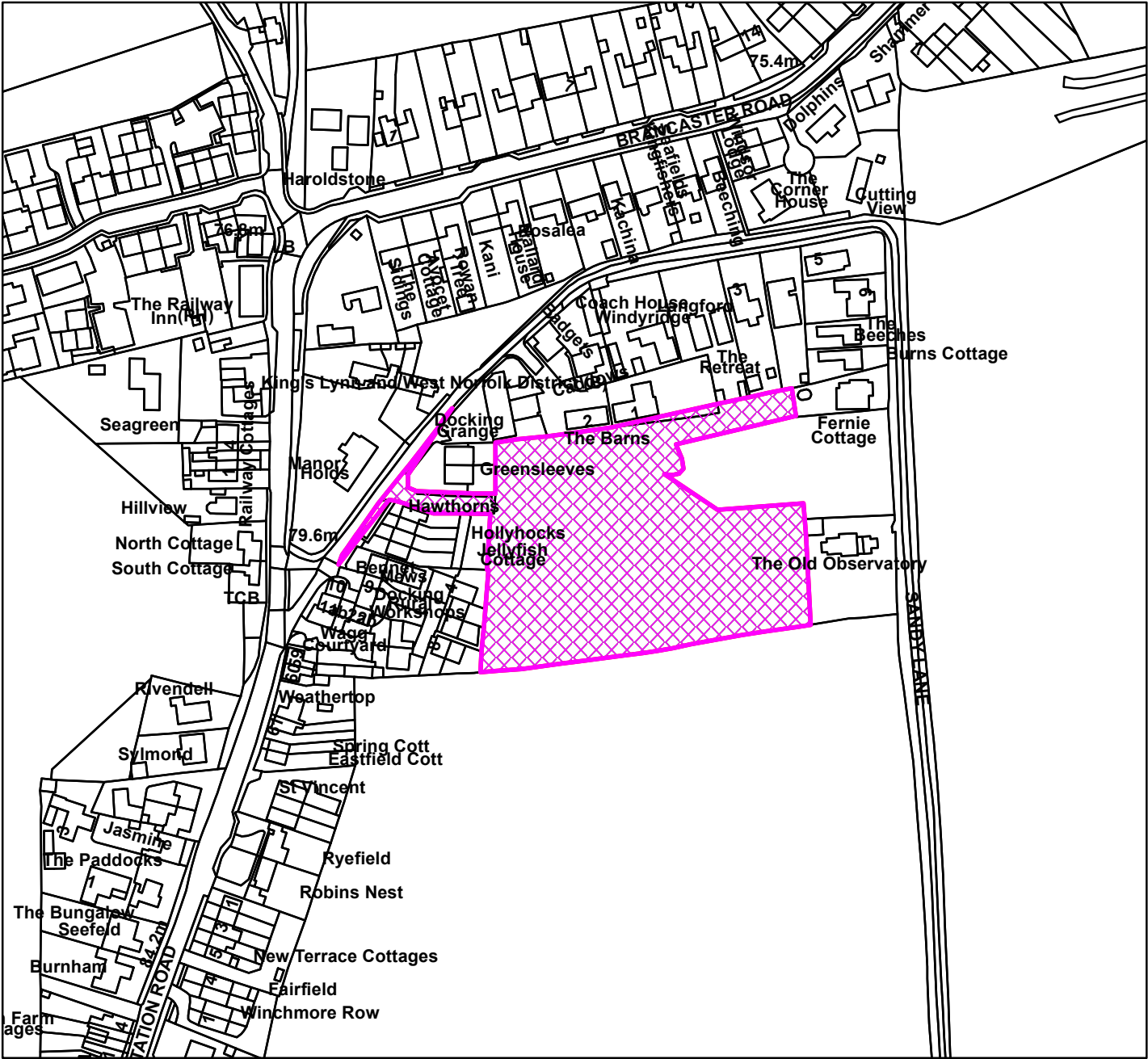
- 9 Reason: To ensure the development delivers a Biodiversity Net Gain on site in accordance with Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 and policy LP19 of the Kings Lynn and West Norfolk Borough Council Local Plan.
- 10 Condition: The development hereby approved shall be carried out in strict accordance with the mitigation and enhancement Strategy outlined in Section 5 of the Preliminary Ecological prepared by South Coast Ecology dated 16/09/2025. Locations of these enhancement measures must be mapped in relation to the proposed development and submitted to the LPA alongside photographic evidence of installation prior to use of the development hereby approved. Measures shall be implemented in full and the habitats maintained thereafter.
- 10 Reason: In order to ensure the development does not result in the loss of habitat for protected species and to enhance biodiversity on the site in accordance with Paragraph 174 of the NPPF and local planning policy.
- 11 Condition: No development or other operations shall commence on site until the existing trees of TPO/00085/W1, in the blue line of dwg no 100 Rev C, shown to be retained have been protected in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the erection of fencing for the protection of any retained tree or hedge before any equipment, machinery, or materials are brought on to the site for the purposes of development or other operations. The fencing shall be retained intact for the full duration of the development until all equipment, materials and surplus materials have been removed from the site. If the fencing is damaged all operations shall cease until it is repaired in accordance with the approved details. Nothing shall be stored or placed in any fenced area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written approval of the Local Planning Authority.
- 11 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF and policy LP19 and LP21 of the Local Plan 2021-2040.
- 12 Condition: Notwithstanding the approved plans, prior to the first use of the development hereby permitted, full details of both hard standing and soft landscape works have been submitted to and approved 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 plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate.
- 12 Reason: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF and policy LP19 and LP21 of the Local Plan 2021-2040.
- 13 Condition: All hard and soft landscape works shall be carried out in accordance with the approved details of condition 12. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme

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

- 13 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF and policy LP19 and LP21 of the Local Plan 2021-2040.



Land E of Bennet Mews S And W of Sandy Lane Docking PE31 8NF



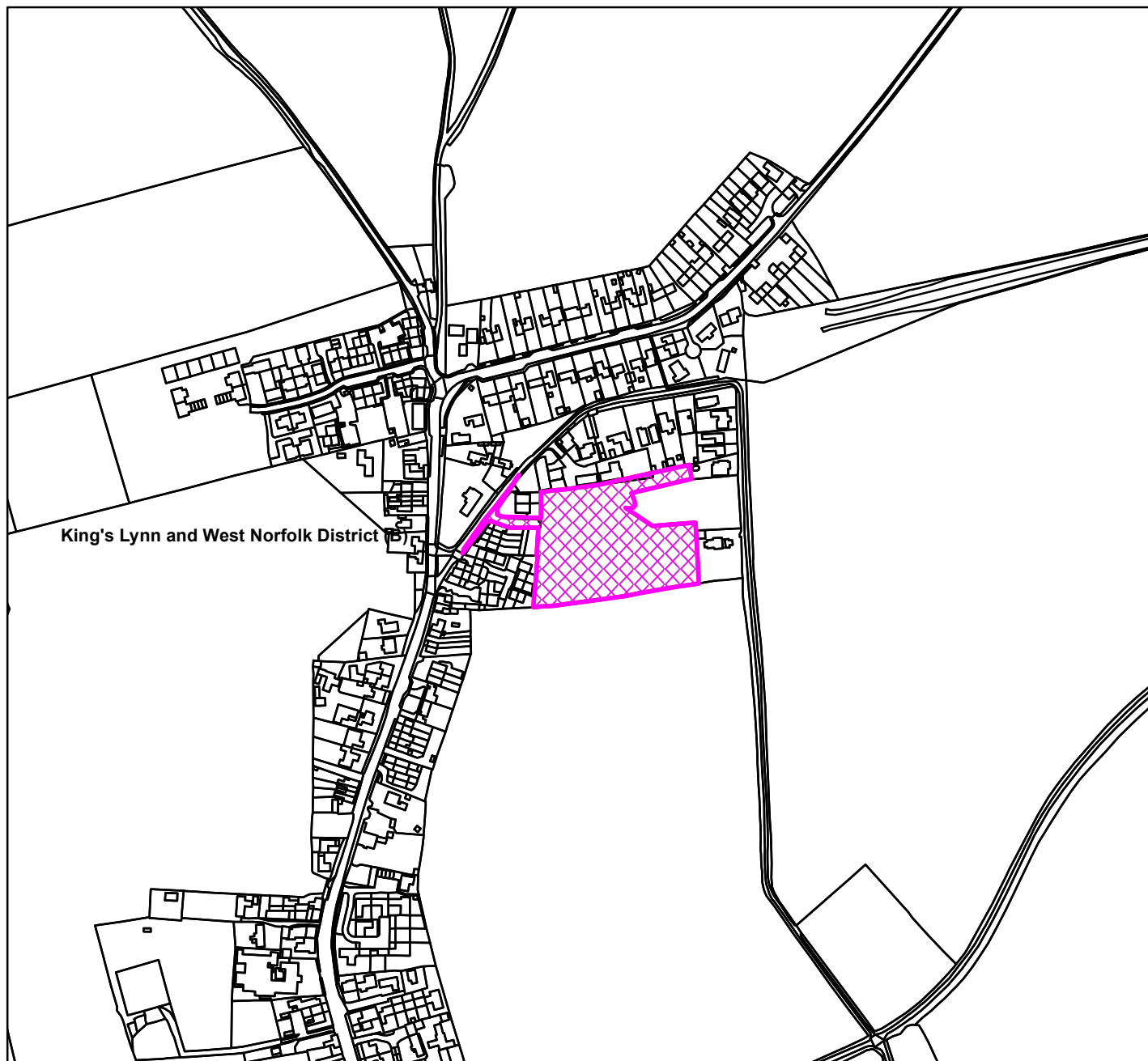
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Ordnance Survey AC0000819234

Scale: 1:2,500

Organisation	BCKLWN
Department	Department
Comments	
Date	21/01/2026
MSA Number	0100024314



Land E of Bennet Mews S And W of Sandy Lane Docking PE31 8NF



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Ordnance Survey AC0000819234

Scale: 1:5,000

Organisation	BCKLWN
Department	Department
Comments	
Date	21/01/2026
MSA Number	0100024314

Parish:	Docking	
Proposal:	Full Planning Application: Erection of 5 no. single storey dwellings, garages, vehicular/pedestrian access, landscaping, and associated infrastructure; together with change of use of parts of site to residential curtilages (for existing dwellings)	
Location:	Land E of Bennet Mews S And W of Sandy Lane Sandy Lane Docking Norfolk	
Applicant:	Vello Ltd.	
Case No:	25/01391/FM (Full Application - Major Development)	
Case Officer:	Jack Ibbotson	Date for Determination: 3 December 2025 Extension of Time Expiry Date: 27 February 2026

Reason for Referral to Planning Committee – Sifting Panel Referral.

Neighbourhood Plan: No - Docking Neighbourhood Plan has not yet been made although has been considered below as an emerging plan.

Case Summary

Full Planning permission is sought for the erection of five single storey dwellings together with change of use of parts of the site to residential curtilages (for existing dwellings) at land adjacent to, but outside of the development boundary of Docking.

The development would see four open market dwellings and one affordable dwelling constructed.

The proposal has been amended since its original submission from 6 dwellings to 5 dwellings. This would now result in total of 9 dwellings using the existing private access which is the maximum allowed under NCC Highways policy.

Key Issues

Principle of Development
Design, Impact upon Heritage and Landscape
Access and Highway Safety
Impact upon Neighbour Amenity
Flood Risk and Drainage
Affordable Housing

Recommendation

A. APPROVE - subject to completion of a s106 to secure Affordable Housing. If the agreement is not completed within 4 months of the committee resolution, but reasonable progress has been made, delegated authority is granted to the Assistant Director/Planning Control Manager to continue negotiation and complete the agreement and issue the decision.

B. If in the opinion of the Assistant Director/Planning Control Manager no reasonable progress is made to complete the legal agreement within 4 months of the date of the committee resolution, the application is **REFUSED** on the failure to secure Affordable Housing in line with Policy LP28 of the Local Plan.

THE APPLICATION

The application site is a field located to the north of Docking. The site would be accessed via an existing private drive located on the western section of Sandy Lane within close proximity to the junction with Station Road. The site adjoins Docking development boundary on the west and northern boundaries and more recent residential development runs along the eastern site boundary. The southern boundary of the site and field is an established hedgerow including hedgerow trees separating it to further agricultural land to the south. Docking Conservation Area is also located to the north and west of the site. There are a number of attractive unlisted heritage assets within close proximity of the site.

Full planning permission is sought for the erection of five single storey dwellings, which is an amendment from the original six dwelling proposal. The amendment has seen the site area reduced slightly to approximately 1.1 hectares and now includes the provision of a bin storage area within an area owned by the applicant to the side of the front garden of Hawthorns, Sandy Lane, close to the public highway. This bin storage area is proposed to be used on bin collection days. In addition, parts of the site are proposed to be changed from agricultural to garden curtilage of neighbouring properties. This would see the gardens of houses along the north and part of the west boundary expanded.

The site lies on an east-west axis. Access would be gained from Sandy Lane to the west, with the private access drive running along the northern portion of the site boundary to the east with five dwellings along the southern half of the site.

Four of the proposed dwellings (plots two to five) would be open market dwellings. Plot one is proposed as an affordable rental dwelling. The four market dwellings would be large single storey, three-bedroom dwellings, with private drives and garages set within large curtilages.

The affordable dwelling has been reduced to a relatively modest size bungalow in line with Strategic Housing Comments to ensure this unit is deliverable. This unit would meet the M4(2) building standards (accessibility) and also meets the Nationally Described Space Standard (NDSS) minimum gross internal area.

The dwellings would be constructed from a variety of traditional materials (clay pantiles, Norfolk soft red brickwork, flint set within brick quoins, painted timber windows, painted timber weather board, small sections of white render.

SUPPORTING CASE

The application has been made to accord with all the provisions of the Local Plan and (emerging) Neighbourhood Plan, in particular Policy LP02 (Residential development on windfall sites).

The site represents a 'rounding off' of the settlement's built form. The site is not an important visual space within the street scene, nor one that makes a contribution to the appearance or rural character of the area (either landscape or Conservation Area). Development of the site – especially by single storey dwellings of a sympathetic and characterful form - would not dilute or undermine settlement planning policy or the specific characteristics of this part of Docking; nor would it set a precedent for any future expansion of the village southwards.

Particularly in the context of the approach expounded by Policy LP02.

The applicant is a local housebuilder, and has recently completed the adjacent bungalow (Skylark) on Sandy Lane. This illustrates commitment to high quality, well-designed, and sustainable homes in Docking.

In proposing bungalows, the application meets the provisions of Policy LP29 (Housing for the Elderly and Specialist Care), and also reflects Government guidance, seeking that Councils take better account of the needs of their older residents when planning for new homes in their area.

The application includes an affordable dwelling. The design and tenure meet the requirements of the Housing Officer, including meeting the M4(2) standard.

AW's response is noted. However, we contend:

- The Water Industry Act 1991 provides a **statutory duty/obligation** for AW to make the necessary management plans, provision of waste water treatment/recycling infrastructure, and the connection of new dwellings thereto;
- LPAs are not obliged to follow AW's recommendations on planning applications (especially as AW is a non-statutory consultee). Such advice is a material consideration to be assessed in the overall consideration/planning balance exercise (benefit v. adverse impacts) undertaken by LPAs, in determining applications in the context of planning law;
- LPAs should not - in determining applications and applying conditions of planning permission – duplicate other/parallel statutory or permitting regimes (Water Industry Act, water quality, pollution control regimes, etc.);
- Any concerns over lack of capacity, in the planning balance, are outweighed by: (a) the parallel statutory regime and confidence that it should be effective; and (b) benefits of the scheme;
- There should be no distinction between developments served by different WRCs, insofar as the determination of planning applications is concerned.

The applicant undertook considerable pre-application engagement, with the Parish Council and local residents. And has amended the scheme in response to application consultation, including reducing the dwellings from 6 to 5.

The Parish Council's comments are noted. However, construction traffic can be managed; AW's position is addressed above. The development is of a relatively low density (to reflect local character).

There have been no objections from other consultees.

In conclusion, these proposals meet – in full - the provisions of the NPPF, and newly-adopted Local Plan. The NPPF makes it clear that there is a presumption in favour of sustainable development, and that such proposals should be approved, where they accord with the Development Plan, without delay. Such circumstances are applicable here; we believe that the application should therefore be granted planning permission, subject to appropriate conditions and a S.106 agreement (to address affordable housing and GIRAMS). (11/01/2026)

PLANNING HISTORY

2/01/0340/F: Application Permitted: 21/05/01 - Construction of 4 terraced dwellings - Land South of Greensleeves Station Road

RESPONSE TO CONSULTATION

Parish Council – OBJECTION:

- Over-development of Docking especially in context of so much recent development -.
- The field is a Local Green Space.
- Infrastructure is insufficient in Docking to support more housing with limited surgery and school spaces.
- Parking and traffic would be further impacted from overcrowding.
- There are significant parishioner and neighbour objections.
- Sandy Lane is far too narrow to accommodate further traffic.

Anglian Water - OBJECTION:

31/12/2025 - There are no additional drainage documents since our last response, therefore we have no further comments to add to our previous response objecting to the development.

Anglian Water objects to the proposed development due to the intended connection to the public foul drainage network.

This site is located within the catchment of the Heacham Water Recycling Centre (WRC), which currently lacks the capacity to accommodate the additional flows that would be generated by the proposed development. Anglian Water has determined that the site is unsustainable due to the associated environmental risk and the increased discharge rates, which could lead to a deterioration in water quality and an unacceptable risk of breaching environmental legislation at Heacham WRC.

Considering these concerns, we recommend that planning permission be refused on the grounds of insufficient infrastructure capacity and to prevent environmental harm.

Anglian Water collaborates with local planning authorities across the region to identify sustainable locations for future development, taking into account infrastructure capacity as part of the development plan processes. We also work closely with our regulators to identify opportunities for future growth investment. At present, no funding has been allocated at this

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Water Recycling Centre (WRC) for AMP 8 (2025-2030). However, we may seek to promote investment through our future business plans.

Anglian Water is the statutory undertaker responsible for the provision of water and wastewater services and has a duty to ensure that new development does not compromise the integrity of existing infrastructure or pose risks to our existing customers and/or the environment.

The capacity at WRCs and sewerage networks is a material consideration in planning decisions. National and local planning policies require that development must not contribute to or be adversely affected by unacceptable levels of water pollution and it should be demonstrated that adequate infrastructure capacity is available or can be provided.

Policy LP18 3.k. of King's Lynn and West Norfolks Local Plan, adopted 2025 states "development proposals will be required to demonstrate evidence that there is, or will be, sufficient wastewater infrastructure capacity to accommodate the development".

Under Section 106 of the Water Industry Act 1991, development with planning consent has the absolute right to connect regardless of any capacity constraints. The Supreme Court decision in *Barratt Homes v Welsh Water* [2009] concluded that the planning system was the only mechanism available to prevent premature occupation and control the risk of flooding and pollution. This is entirely independent of our obligations under Section 106 of the Water Industry Act.

Heacham Water Recycling Centre (WRC) operates under a numeric environmental permit issued by the Environment Agency. This permit includes a defined limit on Dry Weather Flow (DWF)—the volume of treated effluent that can be discharged to the receiving watercourse.

These limits are set by the Environment Agency (EA) to ensure that the receiving water environment is not detrimentally impacted. They are based on a range of environmental factors, including the sensitivity and ecological status of the watercourse.

While Anglian Water does not model the specific environmental effects of individual planning applications, the limits set within our permits are designed to protect the water environment.

The EA assesses the impact of these limits when granting and reviewing permits. Therefore, any additional flow that would cause the WRC to exceed its permitted DWF is an unacceptable risk to the environment.

Unfortunately there is currently no solution other than to deliver a capital scheme at the works.

If the applicant were to propose alternative private means of foul disposal, such as by utilising a package treatment plant or septic tank for example with no connection into the Anglian Water network, this would overcome our wastewater treatment objection.

Should the applicant choose to propose this, Anglian Water would like to be formally reconsulted, to ensure satisfactory foul drainage from the development and to safeguard the receiving water body.

In regard to surface water disposal Anglian Water Have not objected. They have also stated that apart from the lack of capacity at Heacham WRC there is sufficient capacity within the sewerage network to which the development would connect, however, this network would connect to Heacham WRC.

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CSNN – OBJECTION:

CSNN object on the basis of the objection of Anglian Water.

An objection to the use of wood burners due to the impact upon air quality, health and pollution.

An objection to the position of the turning head being part of the drive of one of the dwellings (Plot 4) and the impact that turning cars would have upon amenity.

The findings of the noise impact assessment are accepted by CSNN. The proposed noise attenuation fence along the south side of the access is supported, a request is made for an additional fence to the north side (on the boundary with Dragonfly Sandy Lane).

Air source heat pumps are noted as the heating system proposed. It is requested that a condition is attached to ensure full details are submitted.

Waste Team – OBJECTION (Consultation relates to the original 6 dwelling scheme without a storage area for bins now proposed.)

Household Contract Waste shall be collected from the curtilage of each property, i.e. the location where the property boundary meets the public highway.

Objection as adequate arrangements for the collection of waste and recycling had not been made.

BCKLWN would not direct a RCV up an unadopted road on a new development.

Local Highway Authority – NO OBJECTION:

Following the amendment of the scheme to five dwellings, which would result in a total of nine dwellings using the site access, the Local Highway Authority has confirmed that they do not object to the principle of the development and that the private drive would not need to be improved/constructed to an adoptable standard, nor would a management agreement be required for ongoing maintenance. This is because the NCC Highways policy allows up to nine dwellings to be accessed from a private drive.

The Local Highway Authority has requested conditions be attached to any permission in relation to highway permitted development rights, width of access, visibility splay, laying out of roads and parking, off site highway improvement, and an informative in regard to the applicants other responsibilities in relation to highways outside of planning control.

Norfolk Fire and Rescue Service – NO OBJECTION:

Request that a condition is added to any permission requiring the provision of at least one fire hydrant, connected to the potable water supply.

Norfolk Constabulary – COMMENTS MADE:

Generally supportive of the proposal. Advice given on Secured by Design features.

Environmental Quality – Contaminated Land – NO OBJECTION:

Soil sampling completed and risk of contamination is low. A condition is recommended should unexpected contamination be found on site to control how this is remediated.

Environmental Quality – Air Quality: COMMENTS MADE

Environmental Quality does not object to the principle of this development, but further information is requested to satisfy policies LP06 and LP18 subject to any relevant condition(s).

The site area is relatively large and where a more detailed sustainability and climate change statement is required under LP06 that critically shows how the development will minimise its emissions.

The use of wood burners would result in particulate matter emissions (PM2.5) which would result in air pollution. Control over wood burners under the Building Regulations and other legislation is limited. Consideration should be given to limiting the impact of these heat sources such as requiring the highest emission standard appliances, and also the provision of suitable dry wood storage to reduce PM2.5 emissions.

Norfolk County Council Minerals and Waste Planning – NO OBJECTION.

Norfolk County Council Local Lead Flood Authority – NO COMMENT:

Standing Advice given with no site-specific comment or advice due to small scale nature of development.

Norfolk County Council Historic Environment Service – NO OBJECTION:

Artefacts of Roman and Medieval date have been found in the vicinity of the application site. If planning permission is granted, this is requested to be subject to conditions requiring a programme of archaeological mitigatory work in accordance with National Planning Policy Framework (2024), Section 16: Conserving and enhancing the historic environment, paragraph 211.

Conservation Officer – NO OBJECTION:

No objection to the amended scheme.

The site is close to the Docking Conservation Area and important unlisted buildings that rely upon a rural setting for some of their significance.

However, since the date of the adoption of the conservation area statement, further development has been allowed along the edges of this piece of land which has enclosed it on two out of three sides. This has, in itself had an impact upon the rural quality of this part of the conservation area.

The site is well screened to the south with an existing hedgerow and on the other two sides with more recent development. Given this new development and existing screening, the development proposed in this application would not be harmful to the character of this part of the conservation area.

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However, it would be useful if the existing hedgerow to the south of the site could be enhanced to ensure that views into the site are further screened and filtered.

STRATEGIC HOUSING - NO OBJECTION:

In this instance as the site area exceeds 0.5ha and 5 units are proposed, LP28 is triggered and an affordable contribution of 1 unit of affordable housing would be required. This should be delivered as 1 built unit for rent. It is noted the applicant is proposing 1 x 3 bed 5 person bungalow as the affordable unit which is acceptable.

The bungalow should also meet M4(2) standards as a minimum.

The affordable unit must be transferred to a Registered Provider of Affordable Housing agreed by the Council at a price that requires no form of public subsidy.

A S.106 Agreement will be required to secure the affordable housing contribution.

Ecologist - NO OBJECTION:

The updated BNG statement confirms that the 3.04 Area & 1.65 Hedgerow Units will be delivered through the purchase of Habitat Bank Units.

If minded to grant permission a condition to require the Biodiversity Gain Plan and a BNG informative are recommended.

Arboriculturist – NO OBJECTION:

The proposal appears to make best use of the site, incorporating solar gain and protecting existing trees along the southern boundary.

The elderly oak trees (T1 and T2) identified as veterans are valuable features, and their retention is welcomed. The impact assessment and indicative tree protection proposals show that the trees can be successfully retained and protected alongside development. However, the assessment lacks the level of details required and a condition is required to secure this information.

The Landscape Proposals drawing is indicative and lacks detail.

A condition should be included for all landscaping works to be completed prior to first occupation.

REPRESENTATIONS

SEVEN comments in **OBJECTION** have been received setting out the following issues:-

- 5 large houses (as opposed to 6) are not needed in the village. Affordable, smaller housing is what is required.
- Other planning permissions are yet to be built.
- Second homes or holiday lets would not benefit the village
- Additional dwellings would have an unacceptable impact upon local services, including schools, medical services.
- The village has already seen significant development
- Anglian Water have objected to the scheme as there is insufficient foul water capacity and there are issues with fresh water supply.
- Highway safety would be compromised on the existing narrow access and roads with increased traffic.

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- Development on the land would result in harm to a meadow and harm trees and hedgerows
- the hedgerow on Sandy Lane has been cut back to accommodate the visibility splay
- The proposal would be overdevelopment
- Land is in part owned by the Crown Estate

TWO letters of **SUPPORT** have been received setting out the following points –

- It is inevitable that the land would be developed so better to have a low density scheme come forward.

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)

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

LP05 - Implementation (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)

LP20 - Environmental Assets- Historic Environment (Strategic Policy)

LP21 - Environment, Design and Amenity (Strategic Policy)

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

LP28 - Affordable Housing Policy (Strategic Policy)

LP30 - Adaptable & Accessible Homes (Strategic Policy)

NEIGHBOURHOOD PLAN POLICIES

Docking Neighbourhood Plan has not yet been made although has been considered below as an emerging plan.

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

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PLANNING CONSIDERATIONS

The main considerations are:

- Principle of Development
- Design, Impact upon Heritage and Landscape
- Access and Highway Safety
- Impact upon the Amenity of the Area
- Flood Risk and Drainage
- Affordable Housing
- Any other matters requiring consideration prior to determination of the application

Principle of Development:

In regard to the principle of residential development Policy LP01 defines Docking as a Tier 4 'Key Rural Service Centre'. These are larger villages that provide a good range of services that meet the daily needs of their residents and other nearby villages.

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 site is outside but adjoining the settlement boundary of Docking. As such, part 2 of Policy LP02 (Residential Development on Windfall Sites) is relevant and supports residential development in such locations subject to complying with other relevant Local Plan Policies and meeting Policy LP02 part 2 criteria.

The development of this area of land adjoining the development boundary accords with criteria part 1 and 2 of LP02. This is because the relatively low heights of buildings, low densities and good quality design and materials in this edge of centre location, subject to landscaping, would be well integrated within the wider character of the area. With development on three sides the development would not have an adverse impact on the character of the countryside.

Comments made within representations related to services and the impact of this development would have been noted. However, the small scale of the development (now five dwellings) is not considered to result in services becoming overwhelmed and new residential development may support existing services through the addition of new residents to the village.

The development would be subject to Community Infrastructure Levy to contribute to infrastructure requirements. Additionally, an onsite affordable house would be provide. Further comment on wastewater treatment is set out below, but in principle the proposal is considered to comply with Policy LP02 part 1c and 2b.

Considering the additional development to the east of the site and comments of the Conservation Team, there is no harm to the setting of the adjoining conservation area in accordance with LP02 part 2d.

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The development would not result in Docking being linked to other settlements in accordance with part 2e.

Part 3 of Policy LP02 sets out that developments of not more than 25 dwellings in key rural service centres can be considered as windfall development rather than through local Plan housing allocations, which this proposal is consistent with the revised five dwelling proposal. The proposal is therefore in accordance with Policy LP02.

Docking does not have a neighbourhood plan although it is noted that this is being produced. Policies of the emerging Neighbourhood plan are a material consideration but can currently be given limited weight as the Neighbourhood plan is not made and is currently under independent examination.

Neither the emerging neighbourhood plan nor the Local Plan includes housing allocations within Docking. The proposed windfall development would go towards meeting the windfall requirement of Docking (Local Plan indicates 11 dwellings within the plan period).

Residents have set out in objections whether there is a need for dwellings, and that the village has seen previous development. Whilst the Local Authority has in excess of 5 years of housing land supply, there is not a maximum figure in terms of new dwellings subject to other material considerations.

Therefore, it is considered the principle of residential development in this location and of this extent is generally in accordance with Policy LP01 and LP02 of the Local Plan (2021 – 2040) and the NPPF.

Design, Impact upon Heritage and Landscape:

Policies LP02, LP18 (Design and Sustainable Development) and LP21 (Environment Design and Amenity) of the Local Plan, and Paragraph 135 of the NPPF are all relevant in terms of design, scale, form of development and the impact it has upon the character of an area.

As the site is adjacent to Docking Conservation area Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (As amended) is relevant which places a duty on the Local Planning Authority to pay special attention to the 'desirability of preserving or enhancing the character or appearance of that area' in the exercise of their planning function. Policy LP20 (Historic Environment) of the Local Plan is also relevant.

As set out by the Conservation Officer, due to the proximity to the Docking Conservation Area including important unlisted buildings which rely upon a rural setting for some of their significance the works have been assessed in relation to the above duty.

In design terms of form and character Policy 6 (Design) of the emerging Docking Neighbourhood Plan is relevant. This sets out seven-character areas, the site is within a character area described as 'Edge Development' (CA2).

The key principles of these design policies can be summarised as requiring development to contribute to the overall quality of the area through high quality design. This should be achieved through good quality architecture, layout and landscaping. Consideration should be given to the character and history of the area, and that places should be distinctive through the use of street layout, materials etc.

Additionally, safety, accessibility and health are important elements of high-quality design. The density of new development is required by the NPPF and Policy LP18 to be efficient, whilst reflecting the form and character of the surroundings.

The proposed development would have an impact upon the countryside. However, the layout of the scheme with large gardens, space for landscaping, and the provision of extended gardens at neighbouring residential dwellings would not be harmful. The existing screening hedge on the southern boundary is to be reinforced, and space for landscaping within the site would mean that this development would result in a relatively verdant layout and would not have an adverse visual impact upon the area.

The design of the dwellings incorporates materials, finishes and forms which are typical of the wider area and would be of a good quality.

Given that this site is at the edge of the settlement and the constraint of the private access, it is considered that this is an appropriate density of development.

The proposal is therefore considered to be in accordance with paragraph 135 of the NPPF, Policies LP18, 20 and 21 of the Local Plan and the emerging Neighbourhood Plan.

Access and Highway Safety:

The proposed housing by virtue of their separation to neighbouring dwellings, and their orientation facing away from the nearest dwellings would not result in harm to the amenity of neighbours through overlooking or overshadowing. The dwellings would have main views to the rear over fields, and to the front over the access road and rear/side gardens of neighbours on the north. The separation distance between properties and their design mean that each dwelling would have sufficient amenity and would not reduce privacy of neighbouring residents.

A noise impact assessment (NIA) has been conducted and concludes that the development would not result in adverse impacts subject to the inclusion of an acoustic fence along the access drive to reduce the noise level within the garden of Hawthorns, Sandy Lane.

The CSNN Team has objected to the development and one of the reasons set out in their comments is that a similar fence should be included along the northern access road to protect the amenity of the property to the north of the access. However, given that the noise survey has not identified this neighbouring property as being adversely impacted, and that in general the predicted noise levels from the additional car passes is 'not significant' taking into account relevant guidelines (IEMA Guidelines) it is not reasonable to require an acoustic fence on the opposite site of the boundary[JB1]. The CSNN comment regarding the position of the turning head is noted, however considering the small number of dwellings and length of driveway, this would not cause significant amenity impact and is not considered a reason for refusal.

The proposal is therefore considered to comply with Policy LP21 part 2 b. (Environment Design and Amenity) of the Local Plan.

Impact on Neighbour Amenity:

The proposed housing by virtue of their separation to neighbouring dwellings, and their orientation facing away from the nearest dwellings would not result in harm to the amenity of neighbours through overlooking or overshadowing. The dwellings would have main views to the rear over fields, and to the front over the access road and rear/side gardens of

neighbours on the north. The separation distance between properties and their design mean that each dwelling would have sufficient amenity and would not reduce privacy of neighbouring residents.

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The proposal is therefore considered to comply with Policy LP21 part 2 b. (Environment Design and Amenity) of the Local Plan.

Flood Risk and Drainage:

The site is within an area categorised by the Environment Agency as being within Flood Zone 1. The application is supported by a site-specific flood risk assessment and drainage strategy. The site is at lower risk of flooding and therefore directing development towards locations such as this would comply with the provisions of the NPPF para. 170 which seeks to steer development away from areas at highest risk.

The development would result in a green field site seeing development including new hard surfacing. The applicant has submitted a drainage strategy to mitigate this increased surface water runoff and volume.

The site is not currently considered at risk of surface water flooding, and within the drainage strategy the use of SUDs features would be within the redline site boundary. The site investigations have shown that infiltration drainage features are viable, and as can be seen in the amended site layout the position of drainage features would be integrated in the landscape proposal.

In regard to foul water, an objection has been received from Anglian Water (although not a statutory consultee). CSNN and third-party responses have also raised foul water issues. In response, the agent has set out that there is a statutory Right to Connect under Section 106 of the Water Industry Act 1991.

In Anglian Water's initial response, they set out that the immediate sewage pipe network in this area has capacity but the water recycling centre at Heacham does not have additional capacity. The LPA sought additional information and evidence on this point with the response included above. The Anglian Water response lacks detailed evidence to back up or otherwise demonstrate a specific impact from this scheme.

Anglian Water has set out that the only solution is to increase capacity at the Heacham WRC and that they no current plans to do this, although in post 2030 plans this could be included in their capital investment program. Anglian Water has set out that they do not model

individual developments impacts so no indication is given as to what impact this development would have. The Anglian Water response has not set out how far the current capacity has been exceeded, and how this in turn has, or would cause environmental harm.

Heacham is a Key Rural Service Centre and a fundamental part in the delivery of housing and economic growth within the Borough. Despite requests, Anglian Water were not able to provide sufficient evidence base or justification or indeed a reasonably practicable timeframe to allow any necessary upgrades to be undertaken to the Heacham WRC to ensure capacity for this development and so no 'pre-occupation' condition or similar could be justified as necessary. Anglian Water cannot place a moratorium on development as a result.

Considering the relatively small scale of development and the lack of evidence to show that this proposal would have an environmental impact, the principle of foul drainage connection to mains sewer is considered acceptable in this case.

The foul and surface water implications of the development are therefore considered acceptable, subject to detailed conditions relating to surface water drainage ensuring the details of installed infrastructure is acceptable and the proposal would comply with the NPPF and Policies LP18 and LP21 of the Local Plan.

Affordable Housing:

The site area and number of dwellings proposed trigger the thresholds of the Council's affordable housing policy as per Policy LP28 of the Council's Local Plan. At present a 20% provision is required on sites capable of accommodating 5 or more dwellings and/or 0.165ha in Docking.

The Applicants proposed policy compliant contributions (1 on site unit).

A S.106 Agreement is required to secure the affordable housing contribution.

The affordable units must be transferred to a Registered Provider of Affordable Housing agreed by the Council at a price that requires no form of public subsidy.

Subject to completion of the S106, the proposal would comply with the NPPF (2024) and Policy LP28 of the Local Plan.

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

Ecology and Trees

The application is supported by information setting out has been considered by the Council's Ecologist and Arboriculturist. The application would provide biodiversity net gain through off site credits.

The ecologist has concluded that no protected species or habitats would be harmed by the development and that the proposed biodiversity enhancement through offsite credits is acceptable.

The Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS) is a strategic partnership between the Borough of Kings Lynn and West Norfolk, Breckland Council, Broadland and South Norfolk District Council, Great Yarmouth Borough Council, North Norfolk District Council and Norwich County Council. The aim of GIRAMS is to ensure no adverse effects are caused to Habitats Sites (also called European sites) across Norfolk, either alone or in-combination from qualifying developments. A payment has

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been made which is considered to address these recreational pressures from growth and the resultant impact on designated habitat sites within Norfolk.

In regard to trees, the space given within the scheme would ensure that all trees can be retained. Landscaping conditions are suggested to ensure the trees are protected and the landscape scheme is controlled.

The proposal is therefore considered to be in accordance with Policy LP19 (Environmental Assets) of the Local Plan and NPPF.

Waste and Recycling

In regard to waste and recycling, the site plan has been amended to include a bin storage area to the side of Hawthorns on the access road. This is to overcome the objection from the Borough Council's Waste and Recycling Officer who had objected to the scheme on the basis that no new private access would be served by Council operated waste collection vehicles (whether or not it is constructed to an adoptable standard).

The proposal has been amended to provide a bin store close to the public highway for bins to be moved to on bin day only. Bins would be stored for the remaining period at the properties.

This is a compromised position as residents would need to move bins a relatively large distance up to 100m. However, on balance this is not considered unacceptable. Bins could be presented at the public road on collection day, albeit via a less convenient process. The proposal is therefore considered to accord with Policy LP18 and LP21 of the Local Plan and the NPPF.

Noise and Air Quality

Comments from the Air Quality officer are noted in regard to woodburners. Compliance with Building Regulations is a separate requirement and the specific type of wood burner would not warrant refusal of this application. The comments have been provided to the Applicant for their review.

In accordance with the comments of CSNN condition to control Air Source Heat pump specifications are added to protect the amenity of future occupants and neighbouring residents.

The proposal would not harm the amenity of neighbouring residents or result in unacceptable levels of pollution and therefore are considered to accord with the NPPF and policy LP06, LP18, and LP21 of the Local Plan.

Historic Environment

In regard to archelogy comments and the fact that artefacts of roman and medieval date have been found in the vicinity conditions are recommended to control archaeological mitigation. Subject to conditions, archaeological implications comply with the NPPF and Policy LP20 of the Local Plan.

The development is considered to be in accordance with Policy LP06. By virtue of it's limited scale (5 dwellings) there is a proportionate level of information required to be submitted which has been included in statements supporting the scheme. Significantly in terms of

reducing CO2 emissions, the location is sustainable with good walking and cycling links to the village which should reduce the need to travel by car for shorter trips.

Access rights

In representations concerns about the ongoing maintenance of the access and right of access for new dwellings have been raised by other residents. This is considered to be a civil matter. The application form includes ownership certificates which state that notice was served on those with an interest in the land.

Open Space

It is also noted that the Parish Council's objection includes that the development would result in the loss of open space. Protection of open space would be at the heart of any planning decision, however, the land in question is not allocated as open space or any other use or designation within the emerging neighbourhood plan which would preclude it from being considered acceptable in principle for development.

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 application seeks permission for five dwellings including an affordable dwelling within a site which is adjoining the development boundary of Docking, in a position which is considered to be sustainable when assessed against the criteria of Policy LP02 of the Local Plan and is in accordance with the NPPF.

The reduction in the number of proposed dwellings means that the total number of dwellings using the private access would be in accordance with Norfolk County Council Highway guidance for development accessed by private roads. The site is considered to offer safe access and would be acceptable by active travel modes in accordance with Policy LP13 of the Local Plan.

The lack of detailed evidence or specific harm set out to support the objection of Anglian Water in relation to foul water drainage means that on balance this application is considered acceptable in relation to drainage.

A S106 legal agreement is required to control on and off-site affordable housing and the GIRAMS tariff

Overall, the proposal would comply with the NPPF (2024), Policies LP02, LP06, LP13, LP14, LP18, LP19, LP20, LP21, LP22, LP28 of the Local Plan. Limited weight is given to the emerging neighbourhood plan, but in general the proposal would not be contrary to relevant policies.

RECOMMENDATION:

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

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans: -
2020658-02 Revision G - Initial Site layout concept
2020302-05 Revision A Plots 3 & 5 as Proposed
2020302-06 Revision A - Plot 2 as Proposed
2020302-07 Revision C - Plot 1 as Proposed
2020302-08 Revision A - Plot 4 as Proposed
2020302-10 Revision A - Block Plan as Existing
2020302-11 Revision B - Block Plan as Proposed
2020302-09 Revision B - Location Plan
2020302-12 - Garages
0574 C101 Revision P2 - Visibility Splay Plan
0574 C102 P2
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: The development shall not be brought into use until a scheme for the provision of fire hydrants has been implemented in accordance with a scheme that has previously been submitted to and approved in writing by the Local Planning Authority.
- 3 Reason: In order to ensure that water supplies are available in the event of an emergency in accordance with the NPPF and policy LP18 of the Local Plan 2021 - 2040.
- 4 Condition: 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/organization to undertake the works set out within the written scheme of investigation and
 - 7) any further project designs as addenda to the approved WSI covering subsequent phases of mitigation as required.
- 4 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF and policy 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.

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- 5 Condition: No development shall take place other than in accordance with the written scheme of investigation approved under condition 4 and any addenda to that WSI covering subsequent phases of mitigation.
- 5 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF and policy LP20 of the Local Plan 2021 - 2040.
- 6 Condition: The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition 4 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- 6 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF and policy LP20 of the Local Plan 2021 - 2040.
- 7 Condition: The Biodiversity Gain Plan shall be prepared in accordance with the Statutory Metric dated 17/12/2025 and prepared by Dr GW Hopkins FRES CEnv MCIEEM "
- 7 Reason: To ensure the development delivers a Biodiversity Net Gain on site in accordance with Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 and policy LP19 of the Kings Lynn and West Norfolk Borough Council Local Plan.
- 8 Condition: No works or development shall take place until a scheme for the protection of the retained trees (section 5.5, BS 5837:2012, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall include:

a, a site layout plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (section 4.6 of BS5837:2012) of every retained tree on site and on neighbouring or nearby ground to be superimposed on the layout plan. The positions of all trees to be removed shall be indicated on this plan.

b, a schedule of tree works for all the retained trees in paragraphs (a) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 2010, Recommendations for tree work.

c, the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers, (section 6.2 of BS5837:2012), to form a construction exclusion zone, and the type and extent of ground protection (section 6.2.3 of BS5837:2012) or any other physical tree protection measures, such as tree boxes. These details are to be identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). Barrier and ground protection offsets should be dimensioned from existing fixed points on the site to enable accurate setting out. The position of barriers and any ground protection should be shown as a polygon representing the actual alignment of the protection.

The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.

d, the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 7.7 of BS5837:2012). the details of the working methods to be employed with regard to site logistics including, the proposed access and delivery of materials to the site; space for storing materials spoil and fuel, and the mixing of cement; contractor car parking; site huts, temporary latrines (including their drainage), and any other temporary structures.

- 8 Reason: To ensure that the existing trees are properly given full consideration and protected during the development of the site in accordance with the NPPF and policy LP19 of the Local Plan 2021 - 2040. This needs to be a pre-commencement condition given the potential for trees to be lost during development.
- 9 Condition: Notwithstanding the submitted landscaping proposals, prior to the first occupation of the development hereby approved, full details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include finished levels or contours, hard surface materials, refuse or other storage units, street furniture, structures and other minor artefacts. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate. Details should be included of gap filling along the southern boundary of the site.
- 9 Reason: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF and policies LP18, LP19, LP20 and 21 of the Local Plan 2021 - 2040.
- 10 Condition: All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.
- 10 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF and policies LP18, LP19, LP20 and 21 of the Local Plan 2021 – 2040
- 11 Condition: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with current best practice, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

- 11 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

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out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the NPPF and policies LP18 and 21 of the Local Plan 2021 - 2040.

- 12 Condition: Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order (2015), (or any Order revoking, amending or re-enacting that Order) no gates/bollard/chain/other means of obstruction shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.
- 12 Reason: In the interests of highway safety and traffic movement in accordance with Policy LP13 of the Local Plan and the NPPF.
- 13 Condition: Notwithstanding the submitted details unless otherwise agreed in writing by the Local Planning Authority the proposed private drive shall be maintained in perpetuity at a minimum width of 4.2 metres for its complete length and shall be constructed perpendicular to the highway carriageway for a minimum length of 10 metres as measured from the near edge of the highway carriageway.
- 13 Reason: In the interests of highway safety and traffic movement in accordance with Policy LP13 of the Local Plan and the NPPF.
- 14 Condition: Prior to the first occupation of the development hereby permitted visibility splay(s) shall be provided in full accordance with the details indicated on the approved plan (C101 Rev P2). The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.
- 14 Reason: In the interests of highway safety in accordance with Policy LP13 of the Local Plan and the NPPF.
- 15 Condition: Prior to the first occupation of the development hereby permitted the proposed access / on-site car parking / turning / waiting area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 15 Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety in accordance with Policy LP13 of the Local Plan 2021 - 2040.
- 16 Condition: Notwithstanding the details indicated on the submitted drawings no works above slab level shall commence on site unless otherwise agreed in writing until detailed drawings for the off-site highway improvement works as indicated on Drawing No.(s) C100 Rev P3 have been submitted to and approved in writing by the Local Planning Authority.
- 16 Reason: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor in accordance with Policy LP13 of the Local Plan 2021 - 2040.
- 17 Condition: Prior to the first occupation/use of the development hereby permitted the off-site highway improvement works (including Public Rights of Way works) referred to in

condition 16 shall be completed to the written satisfaction of the Local Planning Authority.

- 17 Reason: To ensure that the highway network is adequate to cater for the development proposed in accordance with Policy LP13 of the Local Plan 2021 - 2040.
- 18 Condition: Prior to the first occupation of the development hereby approved, the acoustic fence as specified within the Noise Impact Assessment at part 5.6.7 figure 5.3 (reference IEC/4777/01/AVH) shall be installed in accordance with submitted details. The acoustic fence shall be maintained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
- 18 Reason: In the interests of the amenities of the locality in accordance with the principles of the NPPF and policy LP21 of the Local Plan 2021 - 2040.
- 19 Condition: No development shall take place until a scheme based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority.

Those details shall include (where applicable):

- i. Details of the design of the scheme in conjunction with the landscaping plan.
- ii. A timetable for its implementation (including phased implementation).
- iii. Operational maintenance and management plan including access requirements for each sustainable drainage component.
- iv. Proposed arrangements for future adoption by any public body, statutory undertaker or management company.

The development shall be undertaken in accordance with the agreed details.

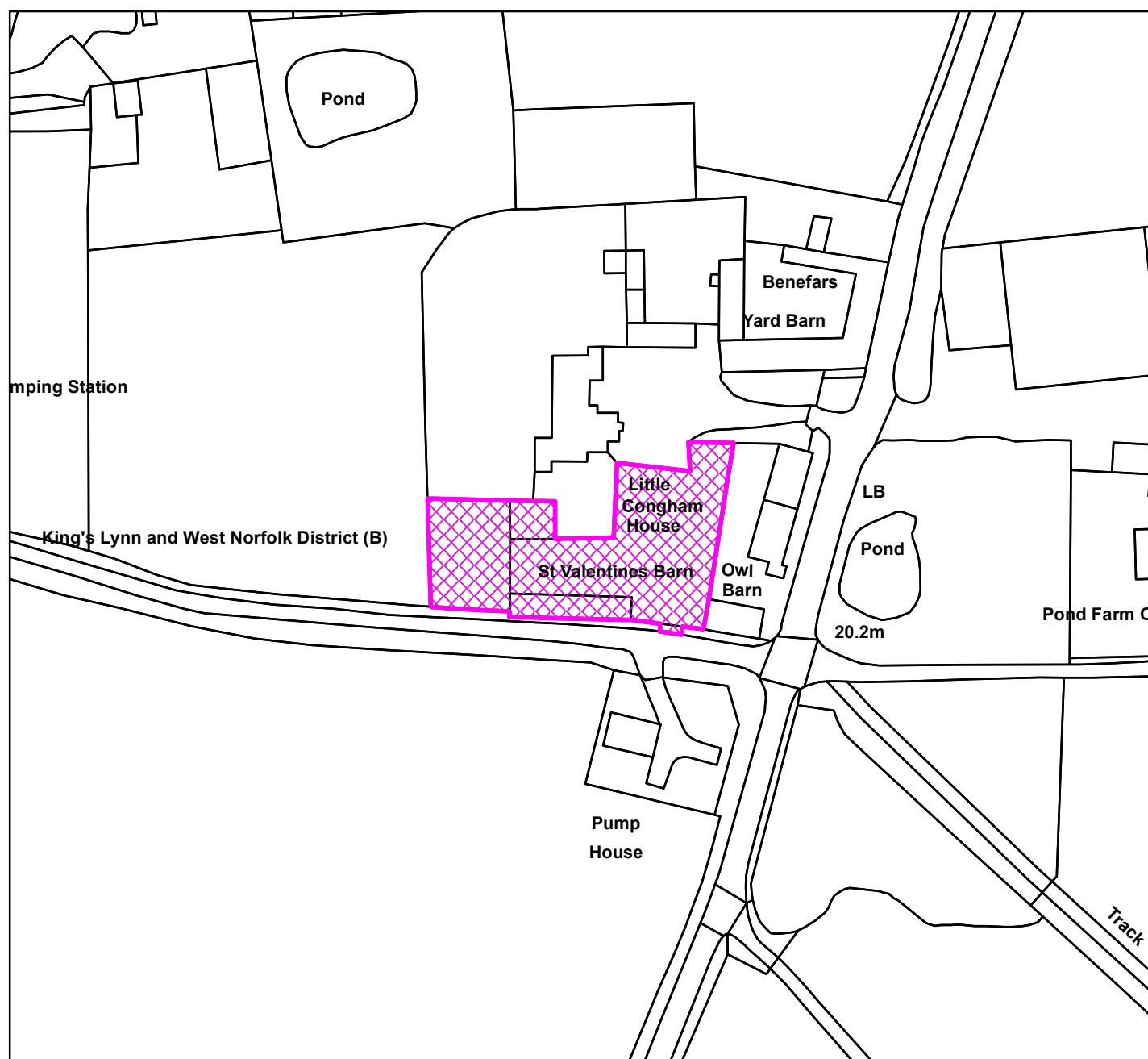
- 19 Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 182 of NPPF and Policies LP18, 21 and 25 of the Local Plan 2021 - 2040.
 - 20 Condition: Prior to the installation of any air source heat pump(s) a detailed scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the make, model and sound power levels of the proposed unit(s), the siting of the unit(s) and the distances from the proposed unit(s) to the boundaries with neighbouring dwellings, plus provide details of anti-vibration mounts, and noise attenuation measures. The scheme shall be implemented as approved and thereafter maintained as such.
 - 20 Reason: In the interests of the amenities of the locality in accordance with the principles of the NPPF and policy LP21 of the Local Plan 2021 - 2040.
- B)** If in the opinion of the Assistant Director/Planning Control Manager no reasonable progress is made to complete the legal agreement within 4 months of the date of the committee resolution, the application is **REFUSED** on the failure to secure Affordable Housing in line with Policy LP28 of the Local Plan.

25/01684/F

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



Little Congham House Grimston Road Congham PE32 1DR



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Ordnance Survey AC0000819234

Scale: 1:1,250

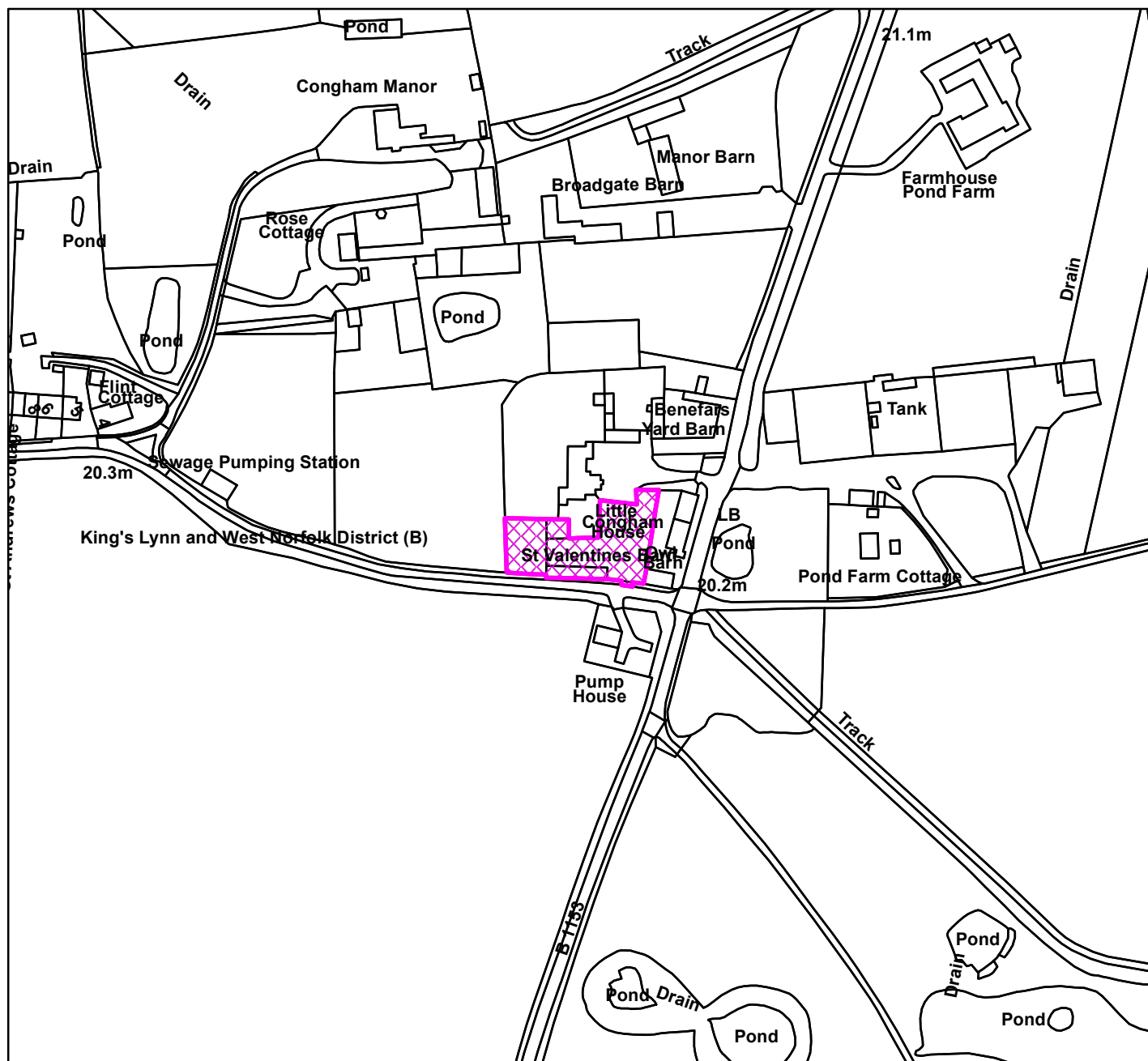
Organisation	BCKLWN
Department	Department
Comments	
Date	20/01/2026
MSA Number	0100024314

25/01684/F

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



Little Congham House Grimston Road Congham PE32 1DR



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Ordnance Survey AC0000819234

Scale: 1:2,500

Organisation	BCKLWN
Department	Department
Comments	
Date	20/01/2026
MSA Number	0100024314

Parish:	Congham	
Proposal:	Proposed SELF-BUILD conversion of outbuilding to a single dwelling with extensions and erection of cart shed	
Location:	Little Congham House Grimston Road Congham KINGS LYNN PE32 1DR	
Applicant:	Mr & Mrs J Diksa	
Case No:	25/01684/F (Full Application)	
Case Officer:	Jody Haines	Date for Determination: 10 December 2025 Extension of Time Expiry Date: 6 February 2026

Reason for Referral to Planning Committee – Called in by Cllr de Whalley and officer recommendation is contrary to Parish Council recommendations.

Neighbourhood Plan: Yes

Case Summary

This application is for the proposed self-build conversion of an outbuilding to a single dwelling with extensions and erection of a cart shed.

The application site is located within the Congham development boundary as seen within the policies map as defined by the Local Plan 2021-2040 and Figure 3: Strategic gaps of Grimston, Pott Row, Roydon and Congham Neighbourhood Plan.

The site comprises an area of land measuring approx. 1439 sqm and accommodates an outbuilding constructed of a variety of materials such as carrstone, knapped flint, chalk and brick.

Key Issues

Principle of Development
 Form and Character
 Impact on Non-Designated Heritage Asset
 Impact on Neighbour Amenity
 Highway Safety
 Flood Risk
 Impact on biodiversity
 Other matters requiring consideration prior to the determination of this application

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Recommendation

A) APPROVE subject to the completion of a legal agreement to secure the dwelling as a self-build dwelling. If the agreement is not completed within 4 months of the committee resolution, but reasonable progress has been made, delegated authority is granted to the Assistant Director/Planning Control Manager to continue negotiation and complete the agreement and issue the decision.

B) REFUSE If in the opinion of the Assistant Director/Planning Control Manager no reasonable progress is made to complete the legal agreement within 4 months of the date of the committee resolution, the application is REFUSED on the failure to secure the dwelling as a self-build in line with LP31.

THE APPLICATION

This application is for the conversion of an outbuilding with extensions to create a self-build dwelling and erection of cart shed following the sub-division of the garden land of Little Congham House.

The existing outbuilding constructed of carrstone, knapped flint, chalk and brick with a clay pantile roof, would be brought into a viable use, seeing single storey extensions to the north of the outbuilding constructed of brick and carrstone with a red zinc roof.

The application site is approx. 1439 sqm, located within the development boundary as seen within the policies map as defined by the Local Plan and Figure 3: strategic gaps of Grimston, Pott Row, Roydon and Congham Neighbourhood Plan. Congham falls within Tier 6: Smaller Villages and Hamlets within Policy LP01 of the Local Plan 2025.

APPLICANT/AGENT SUPPORTING CASE

None received at the time of writing the report.

PLANNING HISTORY

No relevant planning history.

RESPONSE TO CONSULTATION

Parish Council: OBJECTION

Original comments

A spring exists in the site of the proposed garages, flooding has occurred previously. More vehicles will use St Andrew's Lane. The zinc panelling on a section of the roof is not in keeping with the area. The size of the plot in comparison to the development seems small. The neighbourhood plan recognises Congham as a hamlet and does not seek further development. The neighbouring Owl Barn will lose their view and have a building just 15 metres from their property.

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Comments received after amended plans

The adjustments to the planning application have been debated by the Parish Council and our original view to object to the planning application has not changed and our concerns remain as already put forward to the planning department.

Highways Authority: NO OBJECTION

Original comments

Given the site's rural location (albeit within the development boundary), it is remote from the local services and transport connections that are available in Hillington, Gayton or Kings Lynn and as such precludes any realistic opportunity of encouraging a modal shift away from the private car towards public transport or sustainable travel choices.

However, having regard to the scale of the development, it is considered it would be difficult to sustain an objection on the grounds of accessibility and transport sustainability, nor demonstrate that there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Accordingly, it is recommended that conditions and / or informatives relating to vehicular access, access gates or other means of obstruction, visibility splays, on-site parking and turning, and development involving works within the public highway are appended to any grant of consent.

Comments received after amended plans

No further comment to make in respect of this application; its response dated 4 November 2025 and recommendations therein remains applicable.

Environmental Health & Housing – Environmental Quality: NO OBJECTION

Original comments

The application is for the development of a new dwelling via the conversion of an existing store/coal shed outbuilding with associated extensions following the sub-division of the application site. Proposed landscaping will comprise of parking and turning situated to the east and north-east of the plot incorporating the outbuilding and additional maintained garden land to the west of the site including patio and courtyard space, laid with slabs.

The application includes a Design & Access Statement, and screening assessment form. Both of which contain information about the sites previous use and assessment of the likelihood of land contamination being present.

The information in the submitted documents suggests that the site and surroundings were associated with historical farm buildings and land. The current use is domestic. The information submitted and also on our files does not identify any significant sources of contamination, therefore we have no objections regarding contaminated land.

Comments received after amendments

No further comments to make.

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Conservation Officer: NO OBJECTION

Original comments

This conversion and extension appear to be similar to the previously submitted pre-app. Within the previous pre-application the barn was recognised as being a Non-Designated Heritage Asset. However, the additional lounge area does make the extension much larger than the existing barn and is not a traditional form of extension for this type of rural building. Perhaps this could be removed or reduced in scale.

It is pleasing that the existing historic barn is being retained, and the extension is limited to single storey, however, it is large and does overpower the barn to some extent.

The materials appear to be acceptable but should be controlled by an on-site sample panel condition. Exact window and door details should also be subject to a condition, along with flues and vents.

The Conservation Team consider that a reduction in the scale of the extension would be an enhancement on the current plans and would cause less harm to the character and setting of the historic barn.

Comments received after amendments

It is clear that the mass of the proposal is the same as that which we provided comments on at pre-application stage. At this point no objection is raised to the proposal. For clarity, there are no concerns now at application stage. The Conservation Team therefore have no objection to the scheme in front of you.

With regards to the window condition – the applicant's plan 923/24/14 REV A state that the windows will be black/dark grey aluminium windows and the elevation plans show that the windows will be slim profile. Should the applicant wish to move away from this material or profile then it would materially affect the appearance, and an application would be required. There is therefore enough information on the plans, and no windows condition would be required.

A condition requesting the sample panel and details of all external materials should however be considered.

Arboricultural Officer: NO OBJECTION

Having reviewed the submitted Arboricultural Assessment, the Arboricultural Officer has no objection in principle to the proposed conversion and associated works. The proposal will necessitate the removal of T1 Yew, which has established directly against the gable end of the existing barn, and one unimportant Cherry Plum tree also located very close to the existing building.

The Arboricultural Assessment provides only preliminary information for the protection of the remaining trees within Group G1, it demonstrates that these may be retained through a combination of protective fencing and ground protection, but a detailed Tree Protection Plan has not been provided at this stage.

This information may either be submitted prior to determination or, more appropriately, secured via a pre-commencement condition, requiring the submission and approval of a

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detailed Tree Protection Plan and Arboricultural Method Statement in accordance with BS5837:2012, prior to the commencement of any works on site.

In addition, the proposed site plan and street scene drawings indicate the planting of nine new trees. To secure this it is recommended the inclusion of a standard hard and soft landscaping condition, to include planting details, implementation, and replacement provisions

Ecology Officer: NO OBJECTION

Original comments

Protected Species

Bats

The barn was considered to have moderate bat roosting potential and the PEA recommended further surveys. Emergence surveys were undertaken on 23/07/2025 and 18/08/2025. On the 23/07/2025 a maximum of three brown long-eared bats were seen to enter the barn via the western gable end window (assumed not to be roosting). A single soprano pipistrelle was still inside at the end of the survey. Soprano pipistrelle, common pipistrelle, brown long-eared, natterers and noctule were noted around the site. On 18/08/2025 a maximum of two brown long-eared were seen to emerge. Soprano pipistrelle, common pipistrelle, serotine, barbastelle and noctule calls were noted around the site.

It is concluded that 1 x brown long eared and 1x pipistrelle roost (max 2 bats) are present and a licence is required to facilitate the proposed development.

Great Crested Newts (GCN)

The PEA also identified one pond that required further survey to understand the potential to support GCN. On the 30/06/2025, an eDNA assessment was undertaken of Pond P2 and the result returned was negative for GCN DNA. It is concluded that GCN are likely absent from the site.

Birds

No active bird nests were noted during the survey. The survey was however undertaken outside of the main bird nesting period. 10 barn owl pellets were noted within Section 1 of the barn, and it is reported that a barn owl is often seen in there. There was some potential for nesting birds under the pantile roof and within cavities. The remaining vegetation on site (that hadn't been cut at the time of the survey) did have the potential to support common garden birds.

Protected Sites

There are no impacts anticipated on protected sites beyond the in-combination recreation impact that can be mitigated for through a GIRAMS payment. An sHRA form should be completed and saved to file and a GIRAMS tariff payment made.

Protected Habitats

No notable or protected habitats were identified on site. The application has claimed a self-build and custom build exemption from Biodiversity Net Gain (BNG) and this should be

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conditioned. An exemption from BNG does not preclude every developments duty to provide a measurable net gain in biodiversity. Appropriate ecological enhancements have been recommended in the PEA and bat report to meet this duty and implementation of them should form condition of any consent.

In summary the LPA's Senior Ecologist raises no objection to the proposed development subject to conditions and / or informatives relating to BNG, protected species licence and ecological enhancements.

Comments received after amendments

There are no comments on the updates submitted. The previous comments on the 28/10/20205 remain valid and unchanged.

REPRESENTATIONS

There was **ONE** comment in **OBJECTION** received on the original scheme. The comment raised the following:

- The cart shed would block rural views and reduce natural light to neighbouring dwellings.

Following amendments there were **FOUR** comments received in **OBJECTION** and **THREE** comments received in **SUPPORT**.

The comments in **OBJECTION** raised the following:

- The cart shed would obstruct views, be overbearing, reduce natural light, create a sense of enclosure to neighbouring dwellings,
- The cart shed would be out of keeping for the established character of the area,
- Disruption to neighbouring dwellings during the construction phase,
- Loss of privacy, increase overlooking and overbearing impact,
- To protect privacy, safety and minimise impact to neighbouring dwellings the current picket fence should be replaced with a flint and brick wall,
- Possibility of a natural spring on the site, where the gardens of Owl and St Valentines Barns have been flooded, where any disturbance could increase the risk of water runoff and flooding elsewhere,
- The materials and style are not in keeping for the area,
- Little Congham House would remain a large house with little garden, and
- Little Congham House would see devaluation.

The comments in **SUPPORT** raised the following:

- The proposal is a pleasing piece of architecture using contemporary and traditional design and materials sensitively designed to blend and enhance the local area,
- Without the proposal the outbuilding would become derelict,
- Opportunity to preserve heritage,
- Appreciation of the use of single storey which will naturally blend into the surrounding buildings,
- The development would feature typical Norfolk features such as carrstone insets and 5-barred gate which would make the road more attractive,
- Never seen evidence of a spring on this plot of land, and
- Positive and harmonious visual impact on this outlying part of the village.

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

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

LP02 - Residential Development on Windfall Sites (Strategic Policy)

LP06 - Climate Change (Strategic Policy)

LP13 - Transportation (Strategic Policy)

LP18 - Design & Sustainable Development (Strategic Policy)

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

LP20 - Environmental Assets- Historic Environment (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)

NEIGHBOURHOOD PLAN POLICIES

Policy 2 - Infrastructure & Sust Growt

Policy 3 - Housing Type and Mix

Policy 5 - Density of New Housing Dev

Policy 7 - Location of New Housing

Policy 12 - Dark Skies

Policy 14 - Heritage Assets

Policy 15 - Sustainable Transport

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2021

PLANNING CONSIDERATIONS

The main considerations are:

- Principle of development
- Form and character
- Impact on Non-Designated Heritage Asset
- Impact on neighbour amenity
- Highway safety
- Flood risk
- Impact on biodiversity
- Other matters requiring consideration prior to the determination of this application

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 King's Lynn and West Norfolk Local Plan 2021-2040, (2025) and Grimston, Pott Row, Roydon and Congham (GPRRC) Neighbourhood Plan 2017-2036, (2024) (hereon referred to as the NP).

The site is located within the development boundary in Congham which falls within Tier 6: Smaller Villages and Hamlets. In accordance with Policy LP02 of the Local Plan and Policy 7 of the NP, development within development boundaries would be supported subject to being in accordance with certain criteria and other development plan policies.

Policy LP02 of the Local Plan and Policy 3 of the NP strive for the size, type and tenure of new housing to support the needs of the community. The proposal for one dwelling would provide three-bedrooms. Whilst Policy 3 is not engaged due to the proposal only providing one additional dwelling not two as required by the policy, the King's Lynn & West Norfolk Housing Needs Assessment 2020 shows the need for more three-bedroom dwellings.

It is not considered that a three-bedroom dwelling would cause significant adverse impacts on services and infrastructure, therefore not engaging Policy 2 of the NP due to the proposal not generating the need for additional local services and infrastructure and therefore being in line with Policy LP02 of the Local Plan.

The application is identified as 'self-build' dwellings. Footnote 28 of the NPPF explains that 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". Para 73(b) of the NPPF 2024 seeks opportunities to support small sites to come forward for custom and self-build housing, with Local Plan Policy LP31 supporting self-build and custom housebuilding where it respects local character and complies with other relevant policies of the plan. Development is therefore acceptable in principle subject to securing the provision of the self-build dwelling via a legal agreement.

Form and Character:

Policy LP02 of the Local Plan provides criteria for ensuring acceptable windfall development. In regards to design, it ensures sustainable design that respects and enhances local character, contributes to place making and enforcing local distinctiveness, and that it can be assimilated into the settlement. Specifically in relation to infill development of small gaps

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within the development boundary within an otherwise continuously built-up frontage in Congham, Policy 7 of the NP requires that these do not:

- a. Harm the purpose of the strategic gap (Policy 1);
- b. Fill a gap which makes a positive contribution to the street scene or the distinctiveness of the rural character of the settlement; and
- c. Unduly erode the sense of openness.

Policies LP18 and LP21 of the Local Plan and Policy 4 of the NP require all new development to be of a high-quality design, which reinforces, complements, protects and enhances the character and amenity of Congham. This will be achieved by proposals responding to the local context by responding, preserving, complimenting or enhancing the character of the area. This will be achieved by ensuring the appropriate density, variety, scale and layout, and the use of vernacular and sustainable materials. Development that is of a poor design will be refused.

Policy 5 of the NP provides further details ensuring that density of new housing reflects the prevailing character of the area, with the building footprint, including any ancillary buildings, to be in keeping with the predominant pattern of development in the area and site's context. Sufficient outdoor amenity and landscaping space should be provided. This should not be eroded over time by inappropriate extensions.

In regards to extensions these will be supported provided they:

- a) Do not reduce the gaps between existing dwellings in a way which leads to a cramped appearance or undermines the rural character of the village;
- b) Are subordinate to the original dwelling; and
- c) Retain sufficient space for off street parking for the expanded dwelling in accordance with Norfolk County Council parking standards.

The proposal would see the conversion of the outbuilding with an extension added to the north. To the northeast of the dwelling there would be a cart shed/store. The extension is identified in three parts: the link (from the original barn), the main section and the projection to the north. The link would measure a width of approx. 9.4 metres, depth of approx. 4.4-4.6 metres and a ridge height of approx. 4.27 metres to the east and a parapet height of approx. 3.3 metres to the west. The main section would measure a width of approx. 21.9 metres, depth of approx. 5.62 metres, and a ridge height of approx. 4.97 metres. The projection to the north would measure a width of approx. 5.6 metres, depth of approx. 6 metres, and ridge height of approx. 4.97 metres.

The cart shed with store would measure a width of approx. 9 metres, depth of approx. 6 metres with a ridge height of approx. 3.9 metres.

Due to the location of the proposal, it would not impact on the strategic gaps as recognised on Figure 3 of the NP.

The built development in the immediate vicinity is limited being in a clustered form. The site currently provides garden land to Little Congham House. Within the locality garages, outbuildings and converted outbuildings can be seen. Whilst the proposal would reduce the space awarded to the south of Little Congham House, given the single storey nature and open space remaining, it would not result in a cramped form of development and would reflect the form of surrounding buildings.

The subdivision of Little Congham House would allow the retention of ample amenity space for the donor dwelling and the proposed dwelling. The proposal would also see a parking and turning area to the east of the dwelling.

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The extension, whilst large in mass, is considered to be of an appropriate scale and design that are sympathetic to the existing built form and reflective of the locality. The materials proposed are a mixture of traditional and modern materials. The extension would see the use of Norfolk red facing brick and coursed carrstone slip which would be in keeping with the vernacular of the locality. Whilst the red standing-seam zinc roof would introduce a new material giving a new profile, the colour would respect that of clay pantiles. There would also be limited views of this material awarded to the south of the site. The extension would also see details such as straight ashlar, brick banding, and parapet to reflect the traditional character and appearance of the surrounding locality and outbuilding. The use of black/grey aluminium windows and doors would not detrimentally impact the character and appearance of the locality.

The cart shed would have vertical timber cladded elevations with a hipped clay peg/pin tiled roof. The use of these materials would allow the building to remain subservient in nature and would be in keeping for the surrounding rural locality.

Therefore, whilst the proposal would introduce an extension which has a large mass, with contemporary material of red zinc roofing, the proposal keeps a simplistic design which materials respect or respond to the materials or colour of the local vernacular. It is considered the site would remain with a sense of openness, providing adequate amenity space and parking and turning area, and would not see a cramped form of development. It is therefore considered the proposal complies with Policies LP02, LP18 and LP21 of the Local Plan and Policies 5 and 7 of the NP.

Impact on Non-Designated Heritage Asset:

Para 202 of the NPPF recognises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so they can be enjoyed for their contribution to the quality of life of existing and future generations. With Para 208 requiring that any conflict between a heritage asset and any aspect of the proposal is avoided or minimised. Para 207 of the NPPF requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.

These are reiterated by Policy LP20 of the Local Plan and Policy 14 of the NP requiring a heritage statement and development to be of the highest design quality that will sustain and protect, and where appropriate, enhance the special interest, character and significance of the heritage assets and their setting and that will make a positive contribution to local character and distinctiveness will be supported.

Para 216 of the NPPF, Policy LP20 of the Local Plan and Policy 14 of the NP ensure that proposals to non-designated heritage assets should be assessed on their significance and their setting. Development which would remove, harm or undermine its significance, or its contribution to the character of a place (directly or indirectly) will require a balanced judgement having regard to the scale of harm and significance of the asset.

The outbuilding is of some age and has some historic significance to the site and the wider farm complex. Therefore, it has been identified as a Non-Designated Heritage Asset. The form, scale and character of the barn add to the character of the area and sits comfortably within the rural street scene.

The outbuilding has been recognised as being suitable for the conversion and therefore would bring the outbuilding into a viable use which would see restoration and long-term care of the outbuilding.

To respect the existing character and appearance, the proposal would utilise as many existing openings as possible. Due to the disrepair of the roof, it would be re-roofed using the re-claimed pantiles as much as possible. The rooflights would be conservation rooflights therefore lying flusher with the roof to reduce the visual impact. The windows would be black/grey aluminium with slim profiles which would not detract from the character and appearance of the outbuilding.

Whilst the extension has a contrasting design such as the gable projections and red zinc roofing, the scale would remain single storey with the use of carrstone slip, Norfolk red brick, pantiles and traditional detailing, therefore respecting the local vernacular of the outbuilding and the surrounding locality.

Although the extension has a larger mass than the outbuilding, the extension is set in from the west and east ends of the outbuilding and due to its location, the outbuilding remains the principal element from the street scene. It is also considered that the design would not overpower the setting of Little Congham House or its grounds.

Currently the outbuilding is of a traditional form, scale and construction. Whilst the proposal would alter this causing some level of harm, the outbuilding can still be appreciated, with the proposal seeing the preservation of the outbuilding, therefore overall, there would be negligible harm to the significance of the Non-Designated Heritage Asset. It is considered the proposal is in accordance with Policy LP20 of the Local Plan, Policy 14 of the NP and the NPPF, specifically Para 216.

Impact on Neighbour Amenity:

Policy LP21 of the Local Plan and Policy 7 of the NP states that proposals will be assessed against their impact on neighbouring uses and their occupants as well as the amenity of any future occupants. Development that has a significant adverse impact on the amenity of others will be refused. The NPPF also refers to these issues in para 135f by encouraging development to have a high standard of amenity for existing and future users.

To the south of the conversion, extensions and cart shed and to the west of the conversion and extensions, there would be no neighbour amenity impacts as there are no neighbouring properties.

Impact on Little Congham House

The site would see the sub-division of Little Congham House. Whilst Little Congham House has an immediate garden (approx. 223 sqm) to the south, there is ample land (approx. 1885 sqm) to the west of the house to serve this property.

The cart shed would be approx. 5.3 metres from the west boundary of an approx. 1.7 metre carrstone and brick wall, and approx. 3 metres from the north boundary of an approx. 2.5 metre carrstone and brick wall. The adjacent land to the west is a garden and gravel drive to the north. Given the scale of the cart shed, current and proposed boundary treatments and incidental residential use, there would be minimal neighbour amenity impact.

The main extension would be approx. 1 metre to the current approx. 1 metre picket fence and approx. 1.5 metre carrstone and brick wall, with the fence to be infilled by a garden wall and woven steel fencing installed above both elements. The main extension would be approx. 16.1 metres from Little Congham House. The projection extension would be approx. 2.1 metres from an approx. 2 metre brick and flint wall and approx. 1 metre from the wall to

the east. To the north of the projection there would be an ASHP positioned 1.8 metres behind the wall and would have a separation distance of approx. 7.2 metres to Little Congham House.

Due to the single storey nature, boundary treatments, no windows on the north elevation with the dormer, rooflights and gable glazing being at a high level, there would be no overbearing or overlooking impact, with minimal overshadowing impact.

Impact on Owl Barn and St Valentines Barn

The boundary treatment to the east of the site is an approx. 1.2 metre picket fence for Owl Barn. The boundary treatment for St Valentines Barn has a short length of approx. 1.6 metre close boarded fence with the rest of the boundary being an approx. 1.7-1.8 metre flint and brick wall.

The cart shed would be approx. 6.3 metres from the east boundary and given the separation distance, incidental residential use and scale of the cart shed, there would be minimal neighbour amenity impacts.

Given the separation distance from the conversion and extensions to the east boundary (approx. 15.1 metres from bedroom 3, approx. 20.8 metres from the entrance hall, and approx. 18.1 to the wall and 21.1 metres to the picket fence from bedroom 2), scale of the proposal, boundary treatments (such as the wall and fence), and the window on the gable end being of a high level, there would be no overbearing, overshadowing or overlooking impact.

Therefore, the proposal accords with Policy LP21 of the Local Plan, Policy 7 of the NP and Para 135f of the NPPF.

Highway Safety:

Policies LP02, LP06, LP13 and LP21 of the Local Plan ensure proposals do not result in unacceptable impacts on highway safety or the road network, provide safe and convenient access for all modes, and promote and support sustainable modes of transport. These policies also push to ensure development is located within the correct locations reducing the need to travel by car and utilise sustainable modes of transport. Policies LP14 and LP21 of the Local Plan provides parking provisions for new dwellings and ensures all development has adequate parking facilities.

Policy 7 and 15 of the NP allow for infill development within settlements provided that vehicular access and off-street parking is acceptable and promotes sustainable modes of transport.

Whilst the comments of the LHA regarding the sustainability of the location are noted, the Local Plan provides for infill development within Tier 6 settlements and is therefore acceptable.

The site would see the removal of the existing access and flint and brick wall to the south, to make way for a new entrance. The visibility splays and inward opening gates have been shown on the plan and no objection has been raised by the Local Highway Authority subject to conditions.

Whilst the proposed cart shed would not comply with the minimum dimensions for parking spaces cited within Policy LP14 of the Local Plan, there is adequate space on-site to

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accommodate the two parking spaces, with the cart shed providing the secure and covered cycle parking. The Local Highway Authority does not object and as a result the proposal is considered acceptable.

Overall, the proposal would comply with Policies LP02, LP13 and LP21 of the Local Plan and Policy 7 of the NP.

Flood Risk and drainage:

Policy LP25 of the Local Plan ensures that where sites are at risk of flooding and there are no other sites appropriate with a lower risk of flooding, they will be subject to a site-specific flood risk assessment that considers all sources of flooding. Policy 13 of the NP specifically discuss surface water flooding and incorporating Sustainable Drainage Systems (SuDS) wherever technically feasible. Policies LP06 and LP18 of the Local Plan also ensures that new development is designed and adapted to incorporate climate change and flood risk resilience.

The site lies within Flood Zone 1, which has a low probability of flooding; however, the site is in an area at risk of surface water flooding and ground water flooding.

The surface water flooding has a 3.3% chance of flooding per year to the west, and 0.1-1% chance of flooding per year to the rest of the site. This has a depth of no more than 30cm. The groundwater flooding is susceptible of <25% to the west and <=25%<50% for the rest of the site.

The public comments regarding the spring have been noted however, the agent/applicant has no evidence to suggest that there is a spring on the land.

As per Section 14 the NPPF all development at risk of flooding (from any source) needs to pass the sequential test and a proportionate site-specific flood risk assessment required.

The agent has provided evidence that there are no other available sites within the Congham area, with a lower flood risk. The agent has also confirmed that the design of the site will meet the flood risk design standards guidance and that the surface water drainage strategy conforms to the requirements of the Norfolk County Council as LLFA. Whilst this has been stated on the flood risk proforma, given the flood risk on site and concern from neighbouring dwellings, it is considered that further details in relation to how the drainage will meet these standards is required and therefore will be conditioned.

The foul drainage will connect to the main sewers, which falls within the Grimston STW catchment. This catchment is not an affected WRC area.

The new access would be conditioned, so it provides arrangements for surface water drainage to be intercepted and disposed of appropriately to prevent run-off on the highway.

Overall, the proposal would comply with Policies LP06, LP18, and LP25 of the Local Plan, Policy 13 of the NP and the NPPF.

Impact on biodiversity:

Impact on Trees:

Policies LP18, LP19, and LP21 of the Local Plan recognise the importance of landscape character and the need to protect the existing natural environment and green infrastructure

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and avoid impact on these aspects. It also ensures the protection and enhancement of biodiversity, and where this is affected, this is mitigated or compensated for.

In addition to the policies of the Local Plan, Policies 4 and 9 of the NP emphasise the need to retain and enhance the overall sense of rural character and openness by enhancing landscaping and vegetation on site. Where proposals affect trees or hedgerows, the proposal must be accompanied by a survey and any loss must result in adequate replacement.

Immediately adjacent to the outbuilding to the west there is a Yew tree (T1) and Cherry Plum (T2) tree. The Yew tree is recognised as category U, which is unsuitable for retention, and the Cherry tree is recognised as category C, which is of low quality and value. The removal of these trees is to ensure that there is no further damage to the outbuilding. It is considered that the loss of these trees would not cause detriment to the visual amenity of the street scene and no objection has been raised by the Arboricultural Officer.

The remaining cluster of trees to the west are proposed to be protected through fencing and ground protection. Whilst this preliminary information has been given, the Arboricultural Officer requires a condition for a detailed tree protection plan.

On the proposed site plan is shows the planting of nine new trees. Currently no details on the species have been provided and therefore this has been captured by a hard and soft landscaping condition which was recommended by the Arboricultural Officer.

Impact on Ecology:

In addition to the policies in the Local Plan, Policy 9 of the NP emphasise the need to safeguard, retain and enhance wildlife. Any loss to habitat should be justified and result in adequate replacement.

The barn was considered to have moderate bat roosting potential, where further surveys were conducted. From these surveys it found the presence of Soprano pipistrelle, common pipistrelle, brown long-eared, natterers and noctule around the site, with long-eared bats and a single soprano pipistrelle bat entering or emerging from the barn.

Given this a licence is required before any work can commence on site to avoid disturbance to the bats, which has been conditioned.

Whilst ponds are in locality to the site it is concluded that Great Crested Newts are likely absent from the site.

Whilst the report was undertaken outside of the main bird nesting period, barn owl pellets were noted within the ecology report, with the potential for nesting birds under the pantile roof, within cavities and within vegetation on the site.

Therefore, to ensure there is minimal impact on wildlife, mitigation and enhancements have been secured by condition such as timing of work, lighting, bat and bird boxes, bee bricks, bat friendly planting, and methods of habitat clearance.

Three tests of derogation – licence:

The NPPG advises that the LPA must be confident that Natural England will issue a licence before granting planning permission.

Natural England will only grant a licence if satisfied that the three statutory tests prescribed under the directive and regulations have all been met. The test are:

1. There are no feasible alternative solutions that would be less damaging or avoid damage to the site.
2. The proposal needs to be carried out for imperative reasons of overriding public interest.
3. The necessary compensatory measures can be secured.

The obligation on the LPA is to consider the likelihood of a licence being granted by NE, not to determine definitively whether or not the licence will, in fact, be granted. It therefore has to review the three tests, in the context of a planning application, to then form a view on the likelihood of NE granting a derogation licence under the Regulations.

Taking each of the three tests in turn:

1. There are no other available proposal sites for the applicant, with the development relating to the conversion of the outbuilding rather than demolition.
2. The proposal would bring back a Non-Designated Heritage Asset into use. Whilst the proposal is only for one dwelling it provides a positive contribution to the Council's self-build housing supply.
3. Based on the information within the Ecology Report, the Council's Ecologist considered that the necessary compensatory measures could be secured to offset any impacts the proposal would have on the protected species.

Taking the above into account, the LPA cannot see any reason why Natural England would not likely grant a derogation license under the Regulations in relation to this development.

Overall, the proposal would comply with Policies LP18, LP19, and LP21 of the Local Plan, Policies 4 and 9 of the NP.

BNG:

Whilst Policy LP19 of the Local Plan and Policy 9 of NP require a 10% Biodiversity Net Gain requirement, the site is exempt from 10% Biodiversity Net Gain due to the proposed dwelling being a self-build exemption.

Whilst the proposal is exempt from Biodiversity Net Gain, it does not preclude the need to include enhancements for species within development. All development has a duty to deliver measurable net gains for biodiversity. Therefore, the enhancement measures outlined with the Preliminary Ecological Appraisal prepared by Philip Park Associates Ltd dated 20/08/2025 will be conditioned.

GIRAMS:

Policy 27 of the Local Plan and Policy 8 of the NP ensure that development proposals do not adversely affect the integrity of European sites either alone or in-combination. Evidence such as a shadow Habitat Regulations Assessment (HRA) would need to be provided to demonstrate that adverse effects would be avoided.

A shadow HRA has been provided, and it is considered that there would be no impacts on protected sites beyond the in-combination recreation impact that can be mitigated for through a GIRAMS payment. This payment has been secured and paid.

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

Climate Change:

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. Policy 12 of the NP strives for designs that reduce energy demand and help to design out energy uses, with all new housing being encouraged to be designed to a high energy efficiency standard.

The proposal would see the conversion of an existing outbuilding therefore retaining the embodied carbon. This proposal would bring this building into acceptable thermal and energy efficiency standards and would comply with building regulations. The extension would also meet these standards and due to the orientation would see the addition of solar panels on the south roof pitch. The site would also see the use of an ASHP to reduce energy demand.

Therefore, it is considered the proposal would comply with Policy LP06 of the Local Plan and Policy 12 of the NP.

Dark skies:

Section f of Policy LP21 requires light to the need to take into consideration light pollution of a proposal. Policy 12 of the NP requires the protection of dark skies, with external lighting not normally being supported except where it is required for safety, security or community reasons or public footways.

Currently the proposal does not propose external lighting, however, this issue has been captured by the need for a bat sensitive lighting scheme which is to be conditioned.

Given the height of the windows with louvres used at high level and the rooms the rooflights serve (being mostly non-habitable), there would be minimal impact from internal lighting.

Therefore, the scheme is considered acceptable in regards to Policy LP21 of the Local Plan and Policy 12 of the NP.

Specific comments and issues:

It is considered that the above report addresses the Parish Council and third-party objections.

In addition, devaluation of a property and loss of a view are not material planning considerations and therefore have not been discussed within the body of the report.

CONCLUSION

The proposal is for the conversion of an outbuilding to provide a self-building dwelling with associated extensions and the erection of a cart shed/store.

The site is located within the development boundary in Congham which falls within Tier 6: Smaller Villages and Hamlets.

Whilst the proposal would introduce a large extension, with contemporary material of red zinc roofing, the proposal keeps a simplistic design with materials that respect or respond to the materials or colour of the local vernacular. It is considered the site would remain with a sense of openness, providing adequate amenity space and parking and turning area, and would not be a cramped form of development. Also, whilst the proposal would alter the traditional form, scale and construction of the outbuilding, the outbuilding can still be appreciated and would see the preservation of the outbuilding, therefore causing negligible harm to the significance of the Non-Designated Heritage Asset. It is not considered the proposal would cause detrimental harm to the amenity of neighbouring dwellings. It is also not considered that there would be any detrimental impacts to the locality in relation to flood risk or biodiversity, with these elements being conditioned accordingly.

Therefore, the proposal is considered acceptable and in accordance with Policies LP02, LP06, LP13, LP18, LP19, LP20, LP21, LP25, LP27, and LP31 of the Local Plan, Policies 3, 5, 7, 12, 14, and 15 of Grimston, Pott Row, Roydon and Congham Neighbourhood Plan, as well as the NPPF, specifically Para 212 and 213 of the NPPF. It is recommended that this application be approved subject to the following conditions.

RECOMMENDATION:

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

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out using only the following approved plans:
 - * Location Plan 923/24/00
 - * Proposed site plan and street scene 923/24/11 Rev A
 - * Proposed floor plan 923/23/12
 - * Proposed elevations & section 923/24/13
 - * Proposed sections, cart shed plan, elevations and section 923/24/14 Rev A
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: The use of the cart shed/store 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 separate residential, business or commercial purposes.
- 3 Reason: In order that the Local Planning Authority may retain control over the development in the interests of the amenities of the locality in accordance with Policy LP21 of the Local Plan and the NPPF.
- 4 Condition: No development or other operations shall commence on site until the existing trees and/or hedgerows to be retained have been protected in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the erection of fencing for the protection of any retained tree or hedge before any equipment, machinery, or materials are brought on to the site for the purposes of development or other operations. The fencing shall be retained intact for the full duration of the development until all equipment, materials and

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surplus materials have been removed from the site. If the fencing is damaged all operations shall cease until it is repaired in accordance with the approved details. Nothing shall be stored or placed in any fenced area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written approval of the Local Planning Authority.

- 4 Reason: To ensure that existing trees and hedgerows are properly protected in accordance with the NPPF.
- 5 Condition: Prior to the first occupation of the development hereby permitted, full details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include finished levels or contours, hard surface materials, refuse or other storage units, street furniture, structures and other minor artefacts. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate.
- 5 Reason: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with Policies LP18 and LP21 of the Local Plan and the NPPF.
- 6 Condition: All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.
- 6 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 7 Condition: Construction works associated with the conversion of the outbuilding to provide one new dwelling shall not in any circumstances commence unless one of the following has been submitted to and approved in writing by the Local Planning Authority:
 - a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or;
 - b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.
- 7 Reason: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998.
- 8 Condition: The development hereby approved shall be carried out in strict accordance with the mitigation and enhancement Strategy outlined in Sections 8 of the Preliminary Ecological Appraisal prepared by Philip Park Associates Ltd dated 20/08/2025. The specific details of all of the required mitigation and enhancement measures such as the timing of work, external lighting, bat and bird boxes, bat friendly planting, methods of habitat clearance, and bee brick, including the type or species, dimensions, and

location of these together with a scaled plan or drawing illustrating the requirements, shall be submitted to and approved in writing by the local planning authority prior to occupation of the dwelling. The mitigation and enhancement measures shall be carried out in accordance with the approved details and thereafter retained in a suitable condition to serve the intended purpose.

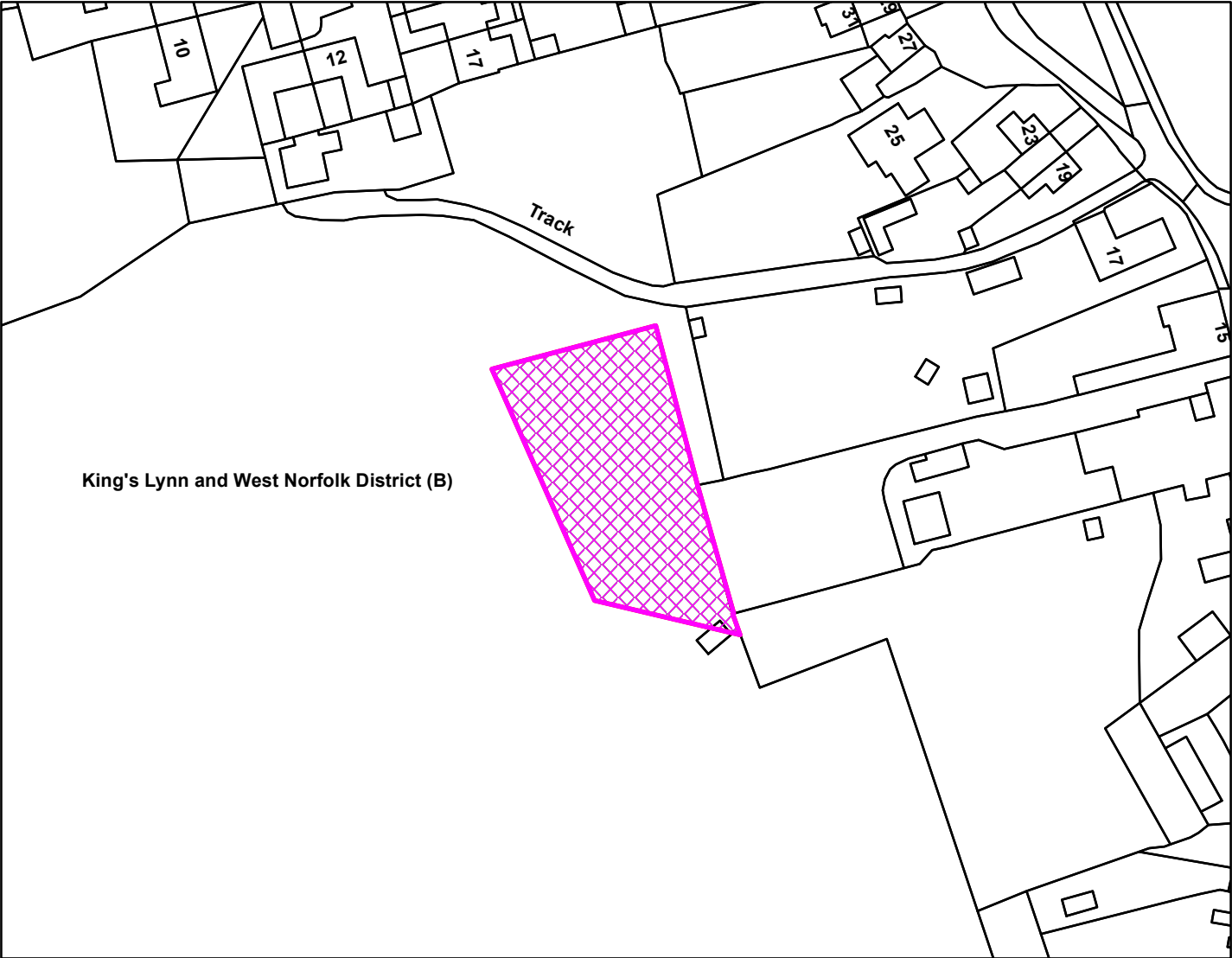
- 8 Reason: In order to ensure the development does not result in the loss of habitat for protected species and to enhance biodiversity on the site in accordance with Policies LP18 and LP19 of the Local Plan and Paragraph 174 of the NPPF.
- 9 Condition: No development shall commence on any external surface of the development until a sample panel of the materials to be used for the external surfaces of the extension 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 Policies LP18, LP20 and LP21 of the Local Plan and the principles of the NPPF.
- 10 Condition: Full details of all extractor vents, heater flues and meter boxes including their design and location shall be submitted to and approved in writing by the Local Planning Authority prior to installation. Installation shall be carried out in accordance with the approved details.
- 10 Reason: To ensure that the design and appearance of the development is appropriate in accordance with Policies LP18, LP20 and LP21 of the Local Plan and the principles of the NPPF.
- 11 Condition: No development shall commence on site until full details of the surface water drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.
- 11 Reason: To ensure that there is a satisfactory means of drainage in accordance with Policy LP06, LP18 and LP21 of the Local Plan and the NPPF.
- 12 Condition: Prior to the first occupation of the development hereby permitted the vehicular access shall be constructed in accordance with the highway's specification (TRAD 5) and thereafter retained at the position shown on the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway.
- 12 Reason: To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety in accordance with Policies LP13 and LP21 of the Local Plan and the NPPF.
- 13 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. Any sidewalls/fences/hedges

adjacent to the access shall be splayed at an angle of 45 degrees from each of the outside gateposts to the front boundary of the site.

- 13 Reason: In the interests of highway safety enabling vehicles to safely draw off the highway before the gates/obstruction is opened in accordance with Policies LP13 and LP21 of the Local Plan and the NPPF.
 - 14 Condition: Prior to the first occupation/use of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on the approved plan (Drg No. 923/24/11 Rev A). The splays shall thereafter be maintained at all times free from any obstruction exceeding 0.225metres above the level of the adjacent highway carriageway.
 - 14 Reason: In the interests of highway safety in accordance with Policies LP13 and LP21 of the Local Plan and the principles of the NPPF.
 - 15 Condition: Prior to the first occupation of the development hereby permitted the proposed on-site car parking/turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
 - 15 Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety in accordance with Policies LP21 and LP25 of the Local Plan and the NPPF.
- B)** If in the opinion of the Assistant Director/Planning Control Manager no reasonable progress is made to complete the legal agreement within 4 months of the date of the committee resolution, the application is **REFUSED** on the failure to secure the dwelling as a self-build in line with LP31.



The Dabbling Duck 11 Abbey Road Great Massingham PE32 2HN



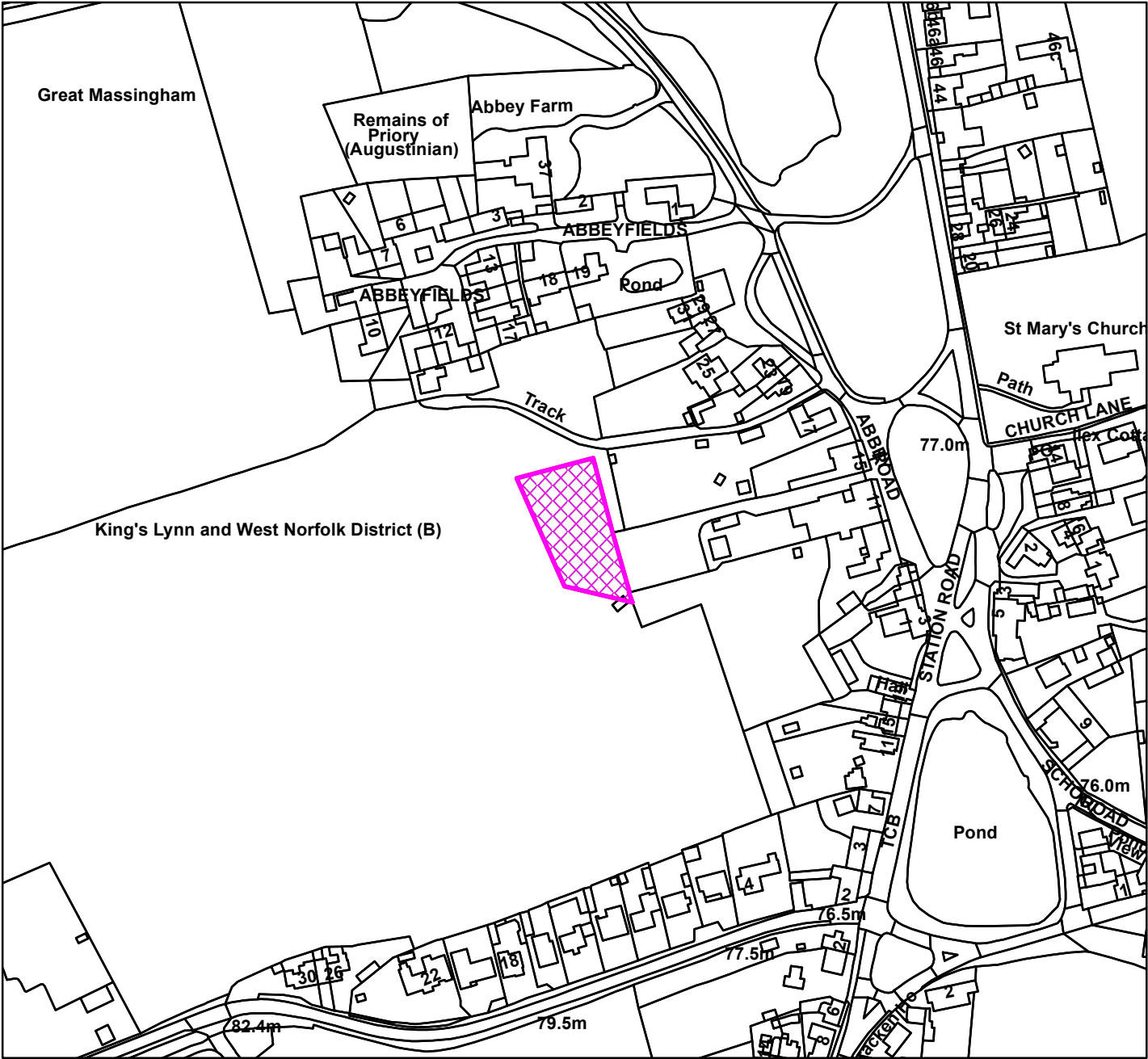
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Scale: 0 0.0125 0.025 0.05 KM

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Ordnance Survey AC0000819234

Organisation	BCKLWN
Department	Department
Comments	
Date	21/01/2026
MSA Number	0100024314

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Ordnance Survey AC0000819234

Scale: 1:2,500

Organisation	BCKLWN
Department	Department
Comments	
Date	21/01/2026
MSA Number	0100024314

Parish:	Great Massingham	
Proposal:	Overflow car park (retrospective)	
Location:	The Dabbling Duck 11 Abbey Road Great Massingham King's Lynn PE32 2HN	
Applicant:	The Dabbling Duck	
Case No:	25/01974/F (Full Application)	
Case Officer:	Lucy Smith	Date for Determination: 26 January 2026

Reason for Referral to Planning Committee – Called in by Cllr Beales.

Neighbourhood Plan: No

Case Summary

Members may recall that application reference 25/00323/F for the retention of an overflow car park to be utilised in association with The Dabbling Duck public house was considered and ultimately approved by the Planning Committee on 28th July 2025 . Since this date, it has become evident that, despite the retrospective nature of that application, the boundaries of the site had not been accurately shown on the approved plans. As a result, at Discharge of Condition stage when considering the additional landscaping around the fire break and hedgerow, the proposed landscaping works were outside of the approved red line and therefore not able to be controlled.

This application seeks planning permission for a scheme with a revised site area. All other details are the same as the approval, bar for the increase in site area from approx. 902m2 to 1530m2, allowing some 555m2 area around the perimeter of the application site to be landscaped with a proposed hedgerow and 2m fire break and fencing, as per the arrangements of the extant approval.

The application comprises part of a wider agricultural field, the north boundary to which runs parallel to the edge of a Public Right of Way known as Great Massingham FP7 to the north. Access to the car park has been created through the existing car park at the rear of the public house, where a single width access is provided between the main building and an adjoining dwelling.

The application site is positioned just outside of the Conservation Area, the boundary to which runs along the back of houses to the east and to the north. Existing dwellings across the field at Abbeyfields to the north, are within the Conservation Area.

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25/01974/F

Key Issues

Principle of Development
Form and Character and Impact on the Conservation Area
Impact on Neighbours, including Fire Safety
Crime and Disorder
Highway Safety
Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

Members may recall that application reference 25/00323/F for the retention of an overflow car park to be utilised in association with The Dabbling Duck public house was considered and ultimately approved by the Planning Committee on 28th July 2025. Since this date, it has become evident that, despite the retrospective nature of that application, the boundaries of the site had not been accurately shown on the approved plans. As a result, at Discharge of Condition stage when considering the additional landscaping around the fire break and hedgerow, the proposed landscaping works were outside of the red line and therefore not able to be controlled.

This application seeks planning permission for a scheme with a revised site area. All other details are the same as the approval, bar for the increase in site area from approx. 902m² to 1530m², allowing some 555m² area around the perimeter of the application site to be landscaped with a proposed native species hedgerow and 2m fire break and fencing, as per the arrangements of the extant approval.

The extant consent is a material planning consideration, and the principle of development on site has previously been deemed acceptable.

The application comprises part of a wider agricultural field, the north boundary was revised during the course of the temporary application to ensure a reasonable set back from the edge of a Public Right of Way known as Great Massingham FP7 to the north. The boundary for this application remains set back from the PROW and would not facilitate access to/from.

Access to the car park has been created through the existing car park at the rear of the public house, where a single width access is provided between the main building and an adjoining dwelling.

The application site is positioned just outside of the Conservation Area, the boundary to which runs along the back of houses to the east, and adjacent to Abbeyfields to the north.

The proposed plans indicate the creation of a hedge around the car parking area, with a 2m wide 'fallow strip' of mud/soil strip between this boundary and the car park in order to prevent fire spread between the car park and the adjoining agricultural land. Fencing is proposed immediately around the car park to prevent cars parking on the soil strip. Gaps at corners are provided for maintenance purposes.

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The application has again been supported by a revised Management Plan which provides enforceable measures for the operators of the public house to implement when the car park is in use. The measures include ongoing maintenance of the land including removal of litter, the provision of fire extinguishers, CCTV monitoring, and signage advising no access is available via the public right of way to the north.

APPLICANT/AGENT SUPPORTING CASE

None provided.

PLANNING HISTORY

25/00323/F: Application Permitted: 05/08/25 - Overflow car park (retrospective) - The Dabbling Duck – COMMITTEE DECISION

23/00173/F: Application Permitted: 12/02/24 - Proposed overflow car park (retrospective) - The Dabbling Duck – COMMITTEE DECISION

RESPONSE TO CONSULTATION

Parish Council: SUPPORT comments summarised as follows:

Benefits to the community -

- Reducing vehicle parking on the greens, helping to prevent damage to these valued community assets.
- Easing congestion around the front of The Dabbling Duck Public House, Village Stores and St Mary's Church, thereby improving safety and accessibility for both pedestrians and vehicles

Recommended conditions:

1. Hedge Planting as a Multi-Functional Boundary Treatment (Fire break, privacy, defining boundary)
2. Secure boundary fencing
3. Restricted Operating Hours

Highways Authority: NO OBJECTION with the following comments (summarised):

- The current plans show an increased perimeter, increased capacity and ultimately, increased use of the access, which needs to be considered against the increased parking provision/potential reduction in on-street parking, which provide no real improvement to the overall situation, given the shortcomings of the site access.
- Whilst the potential amenity issues are noted, these would not be highway related and would not substantiate a highway safety objection to the overspill parking area, on the basis that it could provide an occasional provision to prevent increased on street parking in the vicinity.

Fire and Rescue Service No objection, with the following comments and advice (summarised):

- The proposed 2m fire strip should remain 'fire sterile' and be maintained to ensure no combustible items compromise its purpose.

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- If the ground is to remain grassed then it is strongly advised that this grass is kept as short as practicably possible.
- These steps in junction with the sterile 2m wide strip will assist in reducing and or limiting the fire spread to just the car park.
- The car park should be inspected daily and any litter removed, particularly during the summer

Secured By Design - Designing Out Crime Officer: Provided detailed advice as to the operation of the car park. This full response has been provided to the Agent for their ongoing consideration.

REPRESENTATIONS

FIFTEEN letters of **OBJECTION**, summarised as follows:

- Visual impact on countryside
- Impacts from engine noise, lighting
- Request for hedge to have no gaps and evergreen content to reduce disturbance
- Other mechanisms exist for restricting parking on the green
- Difficult to monitor site for signs of fire
- Gaps in hedgerow would allow access to wider field (*Officer Note - The proposed fencing inside the fire break would prevent access to the wider field*)
- Previous discharge of condition application not submitted within the timeframe
- Request for more robust mitigation measures, preventing use of the wider field (or access to it) preventing maintenance access to within the red line area only, request for an evergreen hedge,
- No hedge is shown on the east boundary despite concerns for crime for the nearest properties

THREE letters of **SUPPORT**, summarised as follows:

- The Dabbling Duck have gone to in order to appease the relative few villagers which have continued to have issues and criticism towards these proposals.
- Economic benefits
- Signage has been implemented to discourage parking on the green
- Hedgerow would improve local habitat

ONE Neutral Letter

- a hedge would aid in reduction nuisance and disturbance impacts

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)

LP07 - The Economy (Strategic Policy)

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)

NATIONAL GUIDANCE

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

PLANNING CONSIDERATIONS

The main considerations are:

- Principle of development
- Form and character and Impact on the Conservation Area
- Impact on neighbours, including fire safety
- Highway safety
- Crime and Disorder
- Other material considerations

Principle of Development:

The principle of development was confirmed as part of 25/00323/F. The increase in site area does not alter the principle of development, notwithstanding a slight uptake in use of countryside/agricultural land.

Great Massingham is categorised as a Key Rural Service Centre (Tier 4) in Policy LP02 of the Local Plan.

The application site is outside of the development boundary shown on the Policies Plan and is considered to be in the wider countryside.

Whilst the expansion and retention of rural enterprises is supported by planning policies at both a local and national level, this is subject to compliance with other policies of the NPPF and Local Plan.

Paragraph 88c and d of the NPPF (2024) states that planning policies and decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside; and enable the retention and development of accessible local such as public houses.

Policy LP07 of the Local Plan is supportive of development to enhance visitor economy.

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The car park is intended to be utilised as an overflow carpark for the public house. An increase in capacity of parking to the rear of the public house has the potential to both reduce parking on the green space to the front of the public house, which currently detracts from the Conservation Area setting, whilst also minimising vehicle movements into the site where vehicles currently enter and immediately exit the site itself when no parking is available.

As part of the temporary application on site, Members gave limited weight to the impact on the Conservation Area associated with the proposed use. Whilst the site is visible from Abbeyfields and the PROW to the north, as well as in gaps in housing and hedging to the southwest, it is considered that subject to suitable landscaping details, the principle of development in this location would not be harmful to the current rural setting to the Conservation Area.

The proposal would benefit users of the Public House through additional on-site parking, and subject to detailed form and character consideration below, would not lead to adverse impacts on the Conservation Area. No highway safety concerns were raised by the Local Highway Authority. It is considered that subject to conditions controlling the use of the site as parking in association with the public house known as the Dabbling Duck only, the principle of development is acceptable and would comply with the NPPF (2024) and Policy LP07 of the Local Plan.

Form and Character and Impact on the Conservation Area

The application site is outside of the Conservation Area however the application site is considered to form part of the wider setting.

Paragraph 135 of the NPPF (2024) states that planning decisions should ensure that developments 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.

Paragraph 187 requires planning decisions to recognise the intrinsic character and beauty of the countryside.

Paragraph 203 of the NPPF (2024) states that in determining planning applications, the LPA should take account of:

- 'a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.'

As per what was ultimately agreed at Planning Committee last year, the proposed plans indicate the creation of livestock fencing immediately surrounding the car parking area, followed by a 2 metre fire break and then a proposed hedgerow.

The application form identifies that 35 parking spaces could be provided on the field (this is an increase of 5 from the extant consent). As with the previous application, it is considered that the specific number of parking spaces provided is not necessary to control through additional demarcation; on the basis that the principle of an overflow car park is acceptable, subject to suitable screening, irrespective of the specific number of spaces within it.

As a result of its position on the edge of an open and undeveloped agricultural field, the application site is visible from viewpoints along the PROW to the north, as well as from the rear of houses in the immediate vicinity. Some viewpoints are also provided on approach along Lynn Lane from the south, by virtue of the gaps between hedgerows and sporadic dwellings. Whilst the site area is larger, this impact would not be substantially different than the extant consent.

Whilst the existing field is a somewhat irregular shape, the use of the land could be considered to lead to some harm both to the countryside and the setting of the Conservation Area, as a result of the projection into the field as well as the long views available of the site from the north, west and south. The impact of car parking during periods of wetter weather will lead to loss of grass cover which will have further impacts which could not be mitigated against. No surfacing of the field is proposed as part of this application and was not proposed or deemed necessary previously – the lack of hard surfacing reduces landscape and conservation area impacts.

An amended management plan, received 20th January 2026, sets out that the hedgerow will be comprised of a mix of native species plants (50% Hawthorn, 25% Hazel, 25% Maple). At the time of planting, the plants will be between 90-120cm tall, and will thereafter be managed to 2 metres high. 5 plants are proposed per metre.

As a native species hedge, it will take time for the hedgerow to fully mature.

Once established, the hedge would screen some of the infrastructure from view, however, is unlikely to fully screen the views of parked vehicles themselves. This is considered acceptable and was acknowledged by Planning Committee previously.

Section 16 of the NPPF (2024) requires any harm to designated heritage assets, including from development in their setting, to be balanced against public benefits. The proposal has not been identified as additionally harmful to the Conservation Area compared to the extant consent.

The Parish Council continue to support the scheme and its highway benefits in principle. If the car park works as intended, and the management plan provided to alleviate issues is suitably implemented, the proposed parking area has the potential to decrease the number of vehicles parked on the public highway to the front of the pub. This could lead to some gain in terms of Conservation Area impacts and the setting of Great Massingham as a whole.

Whilst the car park is and will continue to be visible from the rear of houses in the vicinity, as well as from the PROW to the north and gaps in frontage dwellings to the south, it is considered, subject to compliance with the submitted management plan and proposed plans (including the native hedgerow planting) that the visual impacts of the development on the Conservation Area would be acceptable.

Overall, it is considered that the proposal would comply with the NPPF and Local Plan, in particular Policies LP07, LP18, LP20 and LP21 in regard to adverse impacts on the Countryside and the setting of heritage assets.

Impact on Neighbours, including Fire Safety:

As with the previous approval, there is potential for some noise and disturbance impacts to occur as a result of vehicle movements to/from site – including from people using the site, entering exiting their vehicles etc. It should however be noted that planning permission would be granted for the site to be utilised as parking area only, and not for typical ‘pub garden’ space or other uses where people are more likely to congregate.

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Any dis-amenity caused by the use of the land of the car park is likely to be limited and would not warrant refusal of this application on those grounds. The applicants should be aware that there are separate controls and legislation in place to control nuisance in relation to the use of the site, outside of the realm of planning.

The majority of concern raised to the Enforcement Team during the period of temporary consent related to overnight parking and use of the overflow car park whilst spaces are available in the existing car park within the site.

The Management Plan has been updated as part of this application and covers Fire Risk (fire extinguishers, site inspections, no smoking signs, fire sterile fire break), and Monitoring (via CCTV). This is in line with the extant consent.

The management plan also sets out details for the implementation and management of the native hedgerow.

The Parish Council and third parties have requested the car park is only utilised during 'business hours'. As discussed, and agreed by Members at the previous committee, the pub has overnight accommodation, and such a control would not have any bearing on the use of the site. Secondly, it would be unreasonable and unnecessary to expect the operators of the pub to advise these patrons to move their cars partway through their visit if a space in the 'main' car park becomes available.

As also noted during the previous approval, it is not considered that impacts of vehicle movements and headlights would lead to such detrimental impacts on neighbours as to warrant refusal of this application. The land immediately east of the car park, separated from the site by mature hedgerows is set out with a polytunnel and planting beds and provides screening and separation between the proposed use and this neighbouring dwelling.

By nature, the proposed use will not lead to overbearing or overshadowing impacts, and no extensive physical works are proposed in excess of those approved under the previous application. Whilst the car park may be visible from rear gardens and this has been noted by neighbouring residents within consultations, the appearance of the site would not lead to detrimental impacts on neighbour amenity.

Fire Safety

No changes are proposed to the fire strategy/management plan previously approved.

Paragraph 96 of the NPPF (2024) states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible. Paragraph 102 goes on to state that public safety should be promoted as part of planning decisions, including through appropriate and proportionate steps to improve public safety, decrease vulnerability and increase resilience.

Neighbour objections have, over the course of numerous applications on site, been received which relate to fire safety and the potential risk involved with the use of the site during dry weather. The Building Regulations process, where applicable, sets out various measures to ensure access and facilities for the fire service are appropriate.

The proposed plans indicate the creation of a 2m wide 'fallow strip' of mud/soil to form a fire break between the car park and the adjoining agricultural land. The Norfolk County Council

Fire Safety Inspector has provided advice on the application, and this has been incorporated into the proposed management plan for the avoidance of doubt.

The revised management plan (as discussed above) sets out that the measures suggested by the Fire Officer can be complied with.

Subject to compliance with the proposed plan and maintenance plan, which can be controlled via condition, the proposal would comply with Paragraphs 96, 102 and 135 of the NPPF in regard to public safety and neighbour amenity, and Policies LP18 and LP21 of the Local Plan.

Highway Safety

Paragraph 117 of the NPPF (2024) states that applications for development should create places that are safe, secure and attractive, which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter and respond to local character and design standards. This is reiterated by Policy LP13 which states that development proposals should provide for safe and convenient access for all modes.

The application form states the car park would provide around 35 spaces for customers. Given the Conservation Area concerns discussed above, it is possible that a lack of demarcation of individual spaces will limit the maximum number in use, however opportunities for clear demarcation of each space without detriment to the rural character of the area are limited, and it is not considered necessary in this instance to require a specific number of car parking spaces are provided and retained.

Neighbour objections have previously referred to the use of the adjoining PROW by vehicles gaining access to the site. The red line area was altered as part of the previous application to ensure the car park is set back away from the PROW to the north of the site, which will help to prevent any vehicle movements in this direction.

The provision of additional parking could alleviate some existing on-street parking issues which occur on and around the green to the front of the public house, however with no parking restrictions on the green, the provision of a larger car park may not be of any significant benefit to neighbouring residents. Customers could continue to choose to avoid the restricted width entrance way - being better located for the main portion of the pub's facilities which are to the front of the site. However, additional car parking space to the rear would prevent additional trips through the access point for those vehicles who previously would be unable to park due to a lack of parking space availability.

The known highways benefits of the proposal are therefore limited; however, no highway safety objection has been raised by the Local Highway Authority and it is considered, on balance, that the highways implications of the development are acceptable and comply with the NPPF (2024) and Policy LP13 of the Local Plan.

Crime and Disorder

There are no specific known crime and disorder impacts. Neighbour objections have referred to an increase in crime in the area following the beginning of the unauthorised and temporary consented use, however the LPA has no evidence to suggest that this has any association with the use of the land proposed under this application.

Paragraph 96(b) of the NPPF aims to healthy, inclusive and safe communities which are *'safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion...'*

The neighbouring property to the North has raised concern over the lack of 2m high fencing (or a hedge, or both) along the east boundary of the car park. It should be noted that the east boundary of the application site does not coincide with the west boundary of this property. The installation of a hedge or fence along the site boundary would not prevent access into the neighbouring garden. Were a fence to be required along the west boundary of this dwelling's curtilage, it could be provided under permitted development rights and would not require an application. It should be noted that no significant change has occurred to this side boundary compared to the previous approval which was found to be acceptable by the Planning Committee.

Comments regarding anti-social behaviour and the lack of CCTV or monitoring of the site are noted. The proposed plan shows the position of CCTV which can be used to monitor the site. Comments from the Secured By Design Officer have been forwarded to the Agent and largely relate to issues outside of the scope of this application.

Other material considerations:

Policy LP06 – the addition of hedgerows would accord with the general aims of Policy LP06 in regard to green infrastructure. Given the scale and nature of this application, this is considered sufficient to comply with the requirements of LP06 in regard to climate change mitigation.

Ecology and BNG - As a retrospective application, the application continues to be exempt from Biodiversity Net Gain. The continued use of land for car parking is considered unlikely to lead to any adverse impacts on protected species given the nature and scale of the application. No external lighting is proposed, and conditions can be used to restrict lighting within the car parking area.

Response to Neighbour Representations

Neighbour consultation responses have been addressed throughout this report and generally reiterate concerns raised under the previous application. As discussed throughout this report, whilst the concerns are noted, the proposed development can be made acceptable through the imposition of conditions relating to compliance with the management plan and landscaping details.

CONCLUSION

All applications must be determined in accordance with the development plan unless material considerations allow otherwise.

The application seeks consent for the retention of a car parking area adjacent to the Conservation Area and outside of the Development Boundary for Great Massingham as defined in the Local Plan. Whilst the use is retrospective, the fallback position of the extant 25/00323/F with the smaller site area is a strong material consideration. The principle of development has previously been considered acceptable and the site area proposed to be increased as part of this application would not materially alter the considerations at hand.

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The submitted management plan continues to set out measures to control the use of the site, including measures to minimise fire risk.

Landscaping conditions would ensure that the proposed hedgerow, fencing and fire break are implemented within the next 2 months and retained and maintained as such thereafter.

As with the most recent application, it has been established, the additional car parking proposed could have some wider benefit to Great Massingham by removing cars from the adjacent highway and may also provide some minor economic benefits to the business itself. It is however of note that the existing access is of limited width, and there are no current plans to restrict parking on the green itself.

Subject to conditions controlling full detailing of the proposed soft landscaping details as well as compliance with the management plan, it is considered that the proposal complies with Paragraphs 88, 96, 102, 135, 187 and 203 of the NPPF (2024) and Policies LP07, LP13, LP14, LP18, LP20 and LP21 of the Local Plan.

RECOMMENDATION:

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

- 1 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans:
*22183 02 Rev A - Proposed Location Plan
*22183 04 - Proposed Landscape Plan

- 1 Reason: For the avoidance of doubt and in the interests of proper planning.

- 2 Condition: The approved landscaping, including the agreed hedgerow planting, fire break and boundary treatment shall be completed as shown on the approved plan within two months of the date of this decision.

The proposed species, plant sizes, establishment, and ongoing maintenance, shall comply with the details shown within the Hedgerow Planting & Maintenance section of the Management Plan received via email 20th January 2026.

The hedgerow planting, fire break and boundary treatments shall thereafter be retained and maintained on site as approved for the lifetime of the development.

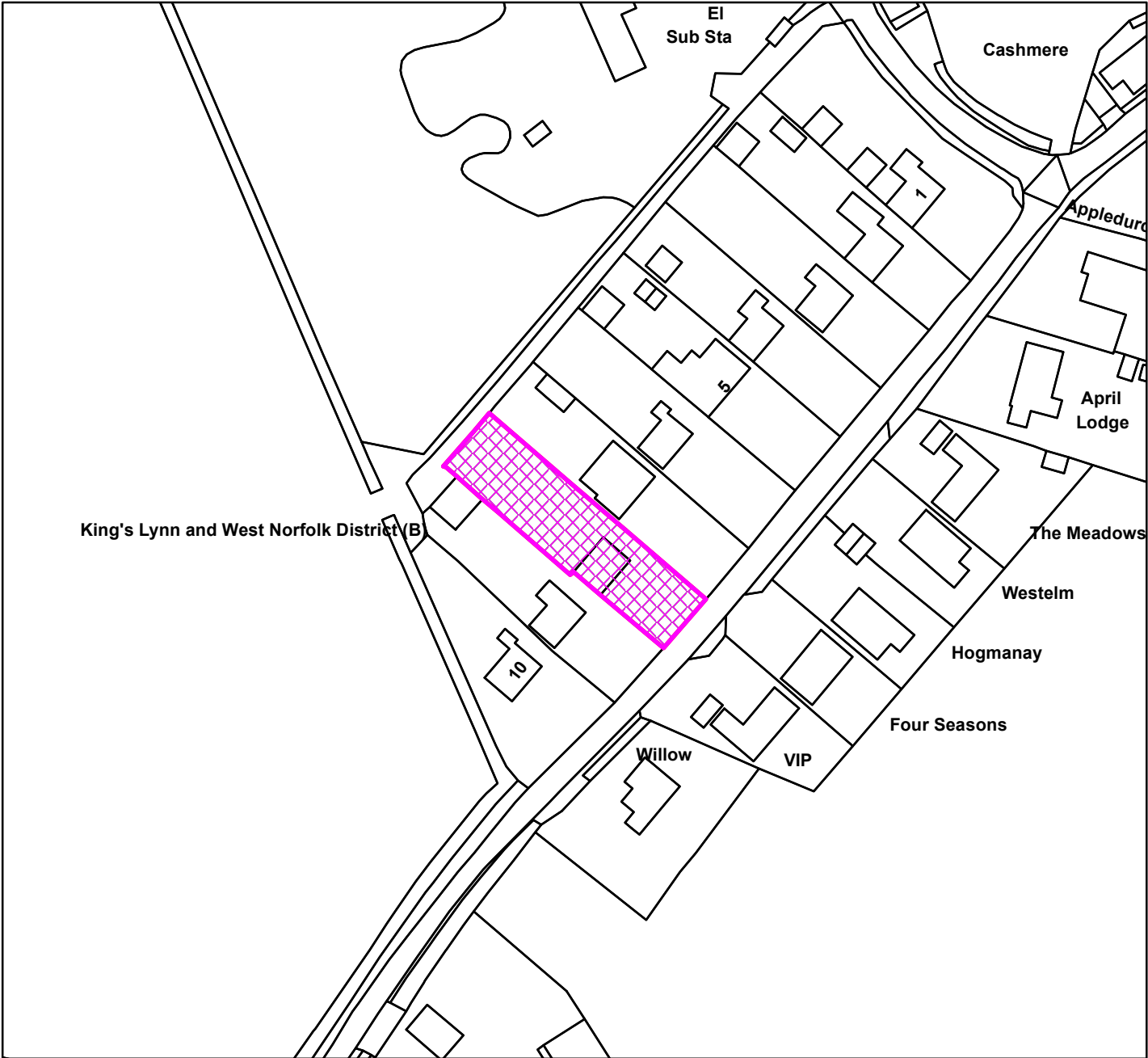
- 2 Reason: In the interests of safety and the amenities of the locality and Conservation Area, In line with Paras 96, 102, 187 and 203 of the NPPF (2024) and Policies LP18, LP20 and LP21 of the Local Plan.
- 3 Condition: The land outlined in red on dwg No. 22183 02 Rev A shall only be used as an overflow car park in connection with the existing business known as The Dabbling Duck, shown in blue on the approved plan. The car park shall operate in full accordance with the Management Plan submitted via email received 20th January 2026.
- 3 Reason: For the avoidance of doubt and in order to control potential impacts of the scheme on the locality, in accordance with the NPPF (2024) and Policies LP07, LP18, LP20 and LP21 of the Local Plan.

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- 4 Condition: Any hedgerow plants as shown on the approved that die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.
- 4 Reason: In the interests of safety and the amenities of the locality and Conservation Area, In line with Paras 96, 102, 187 and 203 of the NPPF (2024) and Policies LP18, LP20 and LP21 of the Local Plan.



8 Folgate Lane Walpole St Andrew PE14 7HX



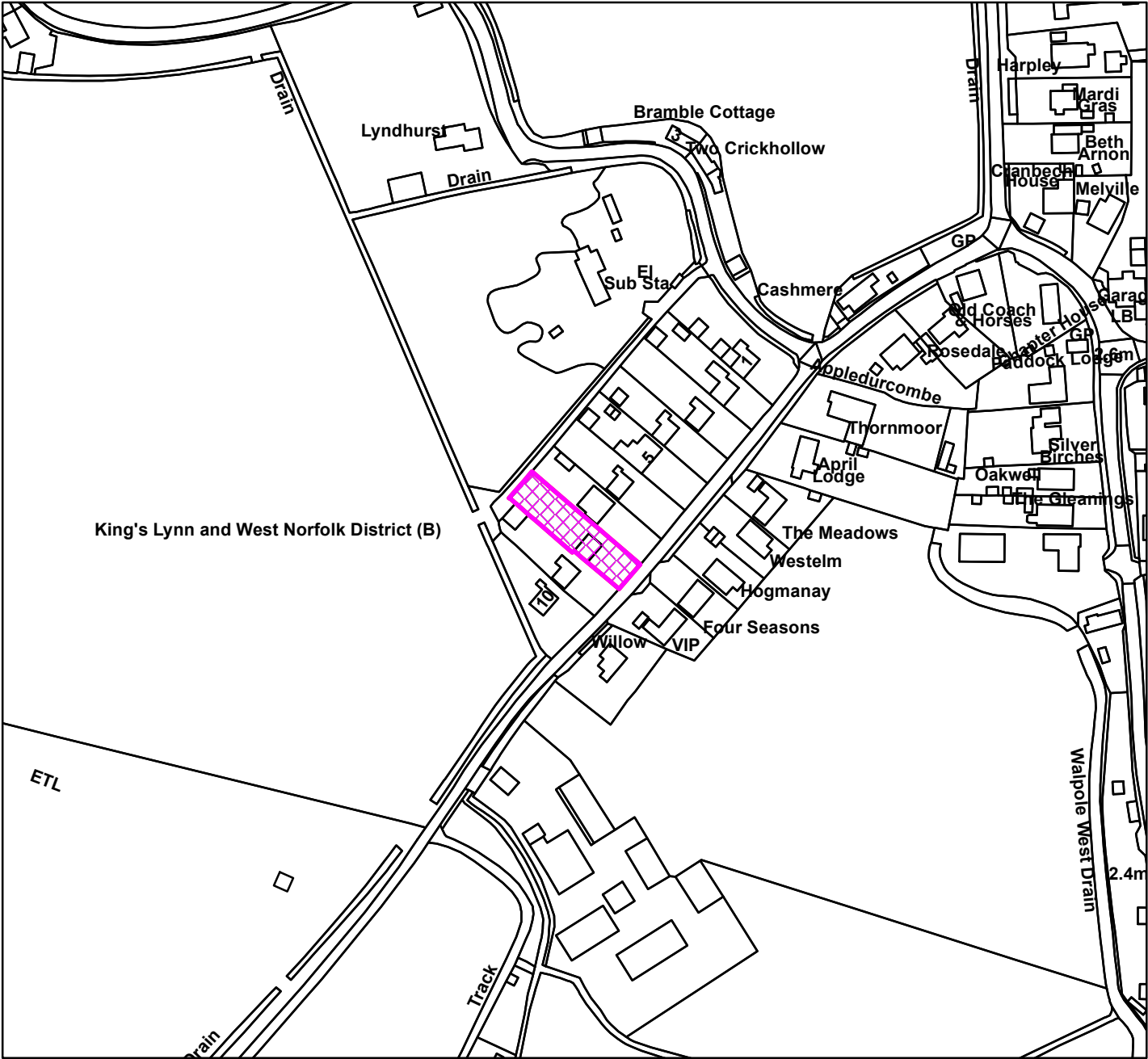
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Ordnance Survey AC0000819234

Scale: 1:1,250

Organisation	BCKLWN
Department	Department
Comments	
Date	20/01/2026
MSA Number	0100024314



8 Folgate Lane Walpole St Andrew PE14 7HX



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Ordnance Survey AC0000819234

Scale: 1:2,500

Organisation	BCKLWN
Department	Department
Comments	
Date	20/01/2026
MSA Number	0100024314

Parish:	Walpole	
Proposal:	Retrospective application of change of use of a house of six residents (care included) (C3b) to a care home up to three children aged 8-18 (C2)	
Location:	8 Folgate Lane Walpole St Andrew Wisbech Norfolk PE14 7HY	
Applicant:	Gabriela James	
Case No:	25/01660/CU (Change of Use Application)	
Case Officer:	Helena Su	Date for Determination: 3 December 2025 Extension of Time Expiry Date: 6 February 2026

Reason for Referral to Planning Committee – Called in by Cllr Blunt.

Neighbourhood Plan: Yes

Case Summary

This application is a retrospective application for the change of use of a house of six residents (care included) (Use Class C3(b)) to a care home up to three children (Use Class C2) at No 8 Folgate Lane in Walpole St Andrews. No 8 is a four-bedroom bungalow, following recent renovations.

The application site is approximately 0.08ha in size, located to the northwest side of Folgate Lane, which is located within the development boundary and Neighbourhood Plan area of Walpole St Peters, St Andrew and Marsh.

Key Issues

Principle of Development
 Form and Character
 Impact on Neighbour Amenity
 Crime and Disorder
 Highway Safety
 Flood Risk
 Any other matters requiring consideration prior to determination of the application

Recommendation:

APPROVE

THE APPLICATION

This application is a retrospective application for the change of use of a house of six residents (care included) (Use Class C3(b)) to a care home up to three children (Use Class C2) at No 8 Folgate Lane in Walpole St Andrews. No 8 is a four-bedroom bungalow, following recent renovations.

Walpole St Andrew is classified as a Tier 4 (Key Rural Service Centre) settlement under policy LP1 of the Local Plan 2021-2040. The application site is approximately 0.08ha in size, located to the northwest side of Folgate Lane. The site is located within The Walpole's Neighbourhood Plan area.

In 2024, a Lawful Development Certificate was obtained under reference 24/00167/LDP on this site which deemed that it would be lawful for the dwellinghouse to be used for Use Class C3(b), with six residents living together in the same unit, with care being provided.

Since the site registered with Ofsted on 2 July 2025, the site operated as a Use Class C2 - with staff taking shifts to care for three children age between 8 - 18 years of age. The house is staffed by up to three members of staff at any one time operating between two shifts: a daytime shift between 8am - 10pm of between one - three members of staff; a night cover shift between 9.45pm - 8.15am with one waking staff, supported by a sleep-in member of staff.

An identical application at No 10 Folgate Lane has also been submitted by the Applicants under planning reference 25/01661/CU.

APPLICANT/AGENT SUPPORTING CASE

This statement is provided to assist Members in understanding the nature of the use, its impacts, and the wider planning and equality context within which this application should be assessed.

The property operates as a children's home, providing a small, stable, residential environment for looked-after children. In planning terms, this use is residential in character and must be assessed on land-use impacts rather than perceptions of behaviour or the personal circumstances of the occupants.

We recognise that neighbours have expressed concerns regarding visibility, police attendance, and vehicle movements. We do not dismiss the fact that missing-from-care incidents and visible safeguarding responses can be unsettling. However, it is important to clarify that reporting a child missing is a statutory duty under the Children's Homes (England) Regulations 2015 and associated national guidance. Police involvement therefore reflects legal safeguarding compliance, not criminality. The overwhelming majority of police attendance associated with the property has been directly linked to missing-from-care reports, historic allegations where the child is the victim, welfare checks, or proactive safeguarding visits. No police attendance at the property has ever related to criminal activity arising from the operation of the home.

With regard to vehicle movements, we note that neighbours have monitored activity associated with the home. There have been no reports or evidence of unsafe driving. Staff and visitors are actively encouraged to use on-site driveways at all times. On the rare occasions where visitors have parked on the road, this has been addressed promptly when

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brought to our attention. There are no parking restrictions on the road, and parking has not resulted in highway safety concerns.

We have recently transitioned to electric vehicles; during this short transition period there was some temporary buying and selling of vehicles, which may have resulted in higher-than-usual numbers of cars associated with the property. This was time-limited and is not reflective of the ongoing or typical use of the site.

Our approach to care is trauma-informed and safeguarding-led. Many children in care have experienced significant trauma, instability, and loss of trust in adults. Behaviours such as going missing are not acts of threat or antisocial intent but are recognised trauma responses. Our lawful and professional response is calm, non-threatening, and focused on safety. We do not restrain, or forcibly return children, nor do we "lock them in." Such actions would be unlawful and harmful. Instead, we prioritise trust, consistency, and protection, helping young people to rebuild safe relationships with adults over time.

We acknowledge that neighbours may occasionally see young people at moments of distress. These moments represent a very small proportion of their lives in the home. What is less visible is the progress being made. All four children currently living at the property are now attending school; only one arrived with a school place and regular attendance. Progress for traumatised children is not linear. They will make mistakes, and we support them to put things right through kindness, calm, and connection before correction.

In order to offer something tangible to the community as a resource we have commenced installing a secure, externally accessible defibrillator at the property, which will be registered for community use. This was carefully chosen as a practical and thoughtful way of supporting the immediate local community and offering a genuine, potentially life-saving resource close to home.

Members are also asked to consider the broader context. The area has limited local facilities and services, yet children with complex needs must still be provided with stable homes within communities. Recent appeal decisions, including the approval of Rowan House in Harpley, have recognised that children's homes should not be excluded from residential areas on the basis of perception, fear, or stigma, and that safeguarding matters are not planning considerations.

This is our young people's home. It is the place where they live, recover, and begin to thrive. There is no legal basis to determine who may or may not live on a street based on personal characteristics, and it would be fundamentally unfair to apply a different standard to looked-after children. Planning decisions must not result in indirect discrimination by treating vulnerable children as less entitled to a family-style home within a residential street.

We respectfully ask Members to assess this application on proper planning grounds alone, recognising both the residential nature of the use and the significant public benefit in providing safe, stable homes for children who need them.

PLANNING HISTORY

24/00167/LDP: Would be Lawful: 22/03/24 - Application for a Lawful Development Certificate for proposed use as a dwelling house by not more than six residents living together as a single household (including a household where care is provided for residents)

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23/02043/LDP: Would be Lawful: 08/01/24 - LAWFUL DEVELOPMENT CERTIFICATE APPLICATION FOR A PROPOSED; Single storey rear extension within 4m of detached house

23/01676/LDP: Not Lawful: 13/11/23 - Single storey rear extension within 4m of detached house

RESPONSE TO CONSULTATION

Parish Council: OBJECT

The Parish Council strongly oppose these two retrospective planning applications.

The Parish Council have noted several complaints from neighbouring properties, including retired and elderly residents, who have had to call out the police reporting anti-social behaviour and intent to cause criminal damage. These residents are in constant fear of this anti-social behaviour. Concerns also raised over the lack of care allowing excessive noise and such anti-social behaviour.

Traffic issues are also causing problems on the single land road with multiple vehicles parked on both premises, taxi's and minibuses present on a regular basis, and vehicles heard after 10pm at night.

The very obvious lack of any facilities has to be raised yet again.

Highways Authority: NO OBJECTION

Having examined the submitted information, in terms of highway considerations for the adopted road network, the LHA have no objection to the principle of the application.

Internal Drainage Board: NO OBJECTIONS

Environment Agency: NO OBJECTION

The Environment Agency have reviewed the submitted Flood Risk Assessment with regard to tidal and designated main river flood risk sources and consider that the site is at low risk of flooding from these sources. As such, the EA have no objection to the proposed development on flood risk grounds.

Environmental Health & Housing - Environmental Quality: NO OBJECTION

The application is retrospective for a change of use from residential care to care home for up to 3 children.

The applicant has provided a planning statement providing information on the proposed changes.

We have reviewed our files and the site is first seen developed in historical maps dated 1945-1970. The surrounding landscape is largely residential and agricultural.

No significant potential sources of contamination are identified in our records, or in the information provided by the applicant.

We have no objection regarding contaminated land.

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Community Safety and Neighbourhood Nuisance (CSNN): NO OBJECTION

CSNN team have no objections to either applications and do not wish to recommend any conditions.

Emergency Planning Officer: Because of its location in an area at risk of flooding, would suggest that those running the site, if they have not already:

-Should sign up to the Environment Agency flood warning system (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

REPRESENTATIONS

THIRTY-THREE comments of **OBJECTION** and **SEVEN** comments in **SUPPORT**. A number of the objection comments were made by the same parties.

Summarised **OBJECTION** comments:

- Noise pollution
- Number of traffic movements - noise exacerbated by gravel parking area. Average traffic movements of a 'normal house' with two parents would average 2 movements per day according to NTS Accredited National Statistics 2022.
- Inadequate parking on site for the amount of carers, visitors, and other vehicles attending the site.
- Turning and manoeuvring of the vehicles off the site at all times in the day, causing disturbance
- Noise and disturbance from the outdoor play area
- Concern with more residents and staff to be moved to site
- Police presence has rising, averaging 1 visit per day.
- The homes have turned a rural village into an inner city sink estate.
- Lack of careers to action or discipline the residents
- Residents using the amenities in the rear garden are causing noise and disturbance outside of normal/school hours
- The residents of Folgate Lane should also be able to live in safe, stable and caring communities.
- The Borough Council have previously recommended refusal on 3rd July 2023 because of the location, lack of amenities and facilities.
- Questions why the development cannot be moved to another location which is in the ownership of the Applicants.
- Rights of the residents should be at the forefront of the decision making.
- The young people housed there need far more support and control than the well meaning carers are able to give them.
- Limited bus services.
- Nothing to occupy the residents time and improve their behaviour.
- Impact on residential amenity of existing elderly residents with residents with behavioural issues.
- Overdevelopment and inappropriate location as the proposal is a departure from existing residential character in the neighbourhood.

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- Question that support comments made by parties outside of the Norfolk and should be given no weight.

Summarised **SUPPORTING** comments:

- The home will provide much-needed support for vulnerable young people who require a safe, stable, and nurturing environment. High-quality residential care settings like this one play an important role in our community, ensuring children who cannot live with their families receive the care, guidance, and stability they deserve.
- Comments about the Applicant's character

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

LP06 - Climate Change (Strategic Policy)

LP14 - Parking Provision in New Development

LP18 - Design & Sustainable Development (Strategic Policy)

LP21 - Environment, Design and Amenity (Strategic Policy)

LP29 - Housing for the elderly & Specialist Care (Strategic Policy)

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

NEIGHBOURHOOD PLAN POLICIES

Policy 3 - Design

NATIONAL GUIDANCE

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

PLANNING CONSIDERATIONS

The main considerations are:

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

Principle of Development:

A Lawful Development Certificate (LDC) under reference 24/00167/LDP, determined that on the basis of the information supplied with the LDC, the use of the site for up to six residents living as a household, where care is provided, would meet the definition of Use Class C3(b)

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and would not require planning permission as it would be lawful. The submission of this current application is as a result of an Enforcement Investigation (reference 25/00125/UNAUTU) where a change of use from Use Class C3(b) to C2 was identified.

In considering applications of this nature, paragraph 63 of the NPPF is supportive of diverse housing needs for different groups in the community, this includes looked after children.

Furthermore, a Ministerial Statement made on 23 May 2023 states that "The planning system should not be a barrier to providing homes for the most vulnerable children in society...These need to be the right homes, in the right places with access to good schools and community support. It is not acceptable that some children are living far from where they would call home (without a clear child protection reason for this), separated from the people they know and love." This stance is unchanged when considering applications of this nature.

The Applicants have stated in the Planning Statement that there is currently a shortage of placements for children in care in Norfolk. In Norfolk, a charity for Children in Care and Young Care Leavers, Become, found that in 2022-2023, 40 per cent of children in care are placed over 20 miles from home, which is higher than the national average. The Applicants reported that in 2023/2024, Norfolk had an estimate of 1150 children in care, with an estimated 168 in residential placements and 184 placed out-of-county. Based on the latest data from the Department of Education via the Explore Education Statistics (2024/2025), Norfolk has an estimate of 1,200 children in care.

Policy LP29 (Housing for the Elderly and Specialised Care) of the Local Plan 2021-2040 supports specialised housing for those who need support including care for young people where it is located within the Spatial Strategy and Settlement Hierarchy (LP01) and i. close to town or village shops, public transport, community facilities and medical services; and ii. these are easily reached by those without access to a car, as appropriate to the needs and level of mobility of potential residents.

The application site is located within the joint development boundary of Walpole St Peter, St Andrew, and Marsh, which is a Tier 4 (Key Rural Service Centre) settlement within the Settlement Hierarchy of LP01 of the Local Plan 2021-2040.

Walpole St Andrew contains local community services such as a church, village hall and primary school at various distance from the site and within the development boundary. Whilst these services may not be served by a footpath the entire length of the trip, due to the nature of the proposal, the residents would rely on carers to drive or walk with them to these services. The residents would also benefit from the transport connectivity for travelling to and from the site and accessing other facilities more commonly found in larger settlements, such as secondary schools, medical and retail services.

Furthermore, the closest bus stop is located approximately 200m (as the crow flies) to the east of the site on the junction between Walnut Road and West Drove North. This bus stop provides daily services to King's Lynn and other neighbouring villages (at 7am, 9am and 12pm to King's Lynn and 2pm and 5pm from King's Lynn on weekdays and less frequently during Saturdays). Whilst the public transport provision in Walpole St Andrew may be infrequent, the needs and mobility of future residents may require transportation by car with their carers', and the site can conveniently access other local roads and the A17 to the north and A47 to the south.

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Lastly, whilst there may be fewer opportunities to access community led activities and social groups in a rural location compared with an urban location, this does not exclude children with additional care needs living in villages such as Walpole St Andrew.

A recent appeal decision for a similar scheme at Harpley was allowed by the Planning Inspectorate under appeal reference APP/V2635/W/25/3371127 / planning reference 25/00611/CU. This appeal decision has been attached as an appendix to this report. The planning application was refused by Planning Committee on 30 June 2025 as the Committee considered that the site was in an inappropriate location due to the lack of community facilities and public transport in the village which would not outweigh the benefits of the scheme. The Inspector acknowledged that Harpley was a rural village with limited services and public transport, but this did not preclude children with additional care needs to live in this village. The site would operate similar to that of the existing residential dwellinghouse and remain integrated with the surrounding development.

Whilst each application is determined on a case-by-case basis, significant weight has been given to the appeal decision due to the similarities the applications share.

Considering all the aforementioned factors, the proposed residential care home in the joint development boundary of Walpole St Peter, St Andrew, and Marsh, would comply with policies LP01 and LP29 of the Local Plan 2021-2040 and provisions of the NPPF and is acceptable in principle.

Form and Character:

Policies LP18 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. 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 comprises a detached four-bedroom bungalow, which has been recently extended, with a modest rectangular rear garden area. The dwellinghouse has been extended to the rear by 4m, permitted under planning reference 23/02043/LDP. In the rear garden, an outbuilding had been sited, and hardstanding had been laid to create an outdoor sport and activities area. An Enforcement investigation of these works was carried out in February 2025 under reference 25/00038/UNOPDE. The investigation was closed with the conclusion that these works were lawful: the outbuilding complied with Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order (GDPO) 2015 (as amended); the hardstanding for the outdoor sport complied with Schedule 2, Part F of the GDPO 2015. Cumulatively, these works do not take up more than 50 per cent of the curtilage and would comply with the provisions of the GDPO 2015.

To the front of the house is an area of gravel for up to five parking spaces, mostly screened from view from Folgate Lane by some ornamental tree planting and a low horizontal boarded fence. No alterations to the external appearance of the dwellinghouse, or the site, is proposed as part of this application.

Concern has been expressed that the demographics of Folgate Lane are predominantly elderly, retired people who enjoy the quiet rural location and that the children's home urbanises the character of the area by the number of cars parked in and around the site, and

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that the development as a business use in a residential location would alter the character of the lane.

While the current demographic of the lane is noted, there are no restrictions preventing a change in the age profile of residents, and the nature or age of an occupier is not a material planning consideration unless controlled by condition.

With regard to vehicle numbers, neighbours have reported that the number of cars associated with the site exceeds the five spaces shown on the submitted plans. During the Officer's site visits, between five and six vehicles were observed within the site, with no vehicles parked on Folgate Lane itself. It is not clear how neighbours have recorded vehicle numbers or whether all vehicles observed at various times relate directly to the application site. The Applicant has demonstrated that the site can accommodate five off-street parking spaces, and this was evident on inspection.

Although the use involves staff attending the property to provide one-to-one care, the scale of activity associated with three young residents and up to three carers working on a shift basis is considered to remain comparable to a residential use. The level of comings and goings would not be out of keeping with what could reasonably occur at a dwelling of this size.

The rural location of the site does not preclude the proposed use, and the development is not considered to result in harm to the form, character or appearance of Folgate Lane.

Regarding form and character, the proposal would have a neutral impact on the street scene and would accord with LP18 and LP21 of the Local Plan 2021-2040, the NPPF, and policy 3 (Design) of the Neighbourhood Plan.

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 immediate neighbours are No 9 and 7 Folgate Lane; both are detached bungalows. No 9 is currently rented out by the organisation which runs the children's homes subject to this application and 25/01661/CU at No 10 Folgate Lane. Given the nature of the proposed development, which is for a change of use only, there would be no overshadowing, overlooking and overbearing impacts to the neighbouring properties.

A number of neighbour objections have been received relating to noise and disturbance, particularly from vehicle movements and the use of the outdoor areas.

The Applicant's Planning Statement explains that the home would typically operate with up to three members of staff on site at any one time, with visitors attending by prior appointment. At this level of activity, the number of vehicle trips generated is not considered to differ significantly from that associated with a single dwelling of comparable size. While short periods of increased activity may occur during staff changeovers, the site provides

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sufficient space for parking and manoeuvring, reducing the likelihood of disturbance to neighbouring properties.

The submitted Noise Management Plan confirms that outdoor play and activities would be encouraged only during appropriate hours, forming part of the residents' routine and structure. Any noise arising from the use of the garden for play or recreation would be consistent with what could reasonably be expected from a dwellinghouse in a residential area.

The Community Safety and Neighbourhood Nuisance (CSNN) team has raised no objection to the proposal and has not recommended any conditions. CSNN also confirmed that a single noise complaint had previously been made in relation to No. 8 Folgate Lane; however, this was closed on 5 January 2026 with no further action taken. The noise was assessed as domestic in nature and did not constitute a statutory nuisance under the Environmental Protection Act.

Regarding impact on neighbour amenity, the scheme is considered to comply with LP21 of the Local Plan 2021-2040.

Crime and Disorder:

Crime and security as a planning matter increased in profile after Section 17 of the Crime and Disorder Act 1998 required all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder.

Paragraph 96(b) and 135(f) states that planning decisions should aim to achieve healthy, inclusive and safe places which promote the 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.

Objectors have reported on an increase presence of police along Folgate Lane following the introduction of these children's homes.

The Applicant has explained in their supporting statement that police presence relates to their statutory duties under the Children's Homes (England) Regulations 2015, rather than crime and disorder from the residents. The Applicant has shared that the majority of incidents where police attendance related to the property is as a result of missing-from-care reports, historic allegations where the child is the victim, welfare checks, or proactive safeguarding visits. Police involvement therefore reflects the legal safeguarding compliance, not criminality of the residents.

Within the Planning Statement, the Applicants have also provided the Location Risk Assessment (LRA) and Impact Risk Assessment (IRA), which is required to be submitted and agreed by OFSTED, who are the governing body. The LRA evaluates risks in the surrounding area, such as crime, environmental features, transport, and community relations and IRA considers whether a new child is a safe match for the home, including potential effects on other children, the staff team, and the wider community. These are living documents which are reviewed on a regular basis and carried out prior to the admission of a new resident to the units.

Regarding crime and disorder, whilst police presence has increased along Folgate Lane, this is not as a result of criminality and disorder, but the statutory safeguarding duties of the

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organisation. The proposal would therefore comply with LP21 of the Local Plan 2021-2040 and the provisions in the NPPF for safe and inclusive communities.

Highway Safety and Parking Provision:

The Parish Council and neighbours have made comments related to the parking and turning area on the site, off-site parking, and impact of traffic on Folgate Lane.

The parking area to the front of the dwellinghouse is approximately 244 square metres, measuring approximately 16.9m deep and 14.3m wide. The Applicant has demonstrated that up to 5 vehicles could fit on site. For a four-bedroom dwelling, three parking spaces are required as per policies LP14 and LP21 of the Local Plan 2021-2040 and Norfolk's Parking Standard. The Local Highway Authority has raised no objection to the principle of development.

The Applicant has provided an example of a rota for the proposed development which shows three members of staff on the site, with two members of staff staying overnight most nights. The Applicant has confirmed that staff would arrive in the morning, stay overnight, and leave the following morning - just like a typical household.

Neighbours have reported on the level of parking exceeding the stated amount on occasion, at times reaching 19 total cars - it is unclear whether this is for one site only and all at one time. The main parking requirements would be primarily for staff and visitors might visit occasionally by a pre-arranged visit to ensure management of the parking provision on site. Shifts are staggered to ensure there is not an excessive build-up of vehicles on site.

Furthermore, whilst the neighbours have quoted that the trips taken associated with this development significantly exceeds the average number of trips, it is unclear how this has been calculated. The Local Highway Officer has verbally confirmed that according to the National TRICS data base, a household averages 6 trips per day - not 2 trips per day as stated by third parties. Use Class C2 use would be akin to a residential use and whilst traffic movements may exceed the expectation of surrounding neighbours, it is not considered a significant increase.

Concerns have been raised that the intensification of the site would put pressures on the local road network. Again, considering the potential maximum number of cars visiting the site, impacts would be similar to those expected if the building was occupied as a four-bedroom residential dwelling. Maintenance of the road would be the responsibility of the Local Highway Authority and is not a material consideration within the scope of this application.

In regard to highway safety, the proposal would comply with LP06, LP13, LP14 and LP21 of the Local Plan 2021-2040.

Flood Risk:

The site is located within a Flood Zone 3 and within a Tidal Hazard Mapping area, identified as impacted by climate change with regard to surface water and Tidal 0.1% and 0.5%AEP.

Notwithstanding that a flood risk assessment has been submitted it is material that the flood risk vulnerability of the proposal is no different than its current vulnerability classification as a dwelling (both are classed as 'More vulnerable').

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Consequently, there is no change in the vulnerability classification as a result of the change of use. An informative relating to the EA flood warning direct service and the preparation of a Flood Evacuation Plan will be placed on the decision notice as it is in an area affected by flooding. The Environment Agency have no objection to the application following the submission of a flood risk assessment.

No objections were raised by the Environment Agency and Internal Drainage Board.

Surface water drainage and foul drainage is as existing and is not amended by this change of use application.

In regard to drainage, the proposal would comply with LP06, LP18 and LP25 of the Local Plan 2021-2040.

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 application seeks to utilise an existing dwelling whilst not introducing significant additional traffic movements beyond that expected of a normal household. Additionally, the Applicant has shared that their staff have recently purchased and will be using electric vehicles which would generate less carbon emission.

Public Sector Equality Duty (PSED):

In making this decision the Authority must have regard to the public sector equality duty (PSED) under Section 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 is an important and relevant consideration in the decision making process; however, it does not require the Council to achieve any particular outcome. Instead, it must be weighed alongside all other material planning considerations.

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25/01660/CU

In this case, the relevant protected characteristic is age. The proposal would provide accommodation and support for young people aged 8-18, and the development is considered to have a positive equality impact for this group by meeting their assessed needs in an appropriate setting.

Concerns have been raised by some elderly neighbours who believe that the proposal may adversely affect them due to their age. These concerns have been carefully considered. However, the evidence does not indicate that the development would result in a disproportionate or detrimental impact on older residents as a group. Any general amenity issues raised have been assessed separately within the planning balance and are not considered to amount to an adverse equality impact under the PSED.

Specific comments and issues:

Comments in objection can be categorised into five key matters: noise and disturbance; traffic, parking and accessibility; safety, behaviour and impact on the community; suitability of the location; and decision making. These matters have been covered in the planning balance, discussed above.

Other comments in objection were related to the effectiveness of staff in deescalating situations with residents at times. This is an operational matter which is not a material consideration and outside the scope of the planning application. Furthermore, the character and background of the Applicant/Planning Agent is also immaterial to the planning application.

No objections were raised by Council's Environmental Quality and the Emergency Planning Officer.

CONCLUSION

The application seeks the retention to the change the use of a residential dwelling (Use Class C3(b)) to a residential care home for up to three children aged 8 - 18 (Use Class C2). The application site is an existing four-bedroom dwelling in Walpole St Andrew, a Key Rural Service Centre, where the sustainability of the site is considered acceptable being within the development boundary of Walpole St Andrew.

Although concerns were raised by third parties and the Parish Council, regarding form and character, impact on neighbour impact (noise and disturbance, and crime, disorder and behaviour of residents), and highways safety, it is considered that the proposed scale of operations of the proposed use would be similar to the residential use a dwelling of this size and would not have any unacceptably detrimental impacts on neighbours or the locality as a whole.

No objections were raised by Local Highway Authority, Internal Drainage Board, Environment Agency, Environment Quality, Community Safety and Neighbourhood Nuisance Team, and the Emergency Planning Officer.

On the basis of the above, the scheme is considered acceptable and in accordance with LP01, LP06, LP14, LP18, LP21, and LP29 of the Local Plan 2021-2040, and the NPPF. It is therefore recommended that Members approved this application, subject to the imposition of conditions.

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RECOMMENDATION:

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

- 1 Condition: The development hereby permitted shall be carried out in accordance with:
Dwg no. 25/1040/PL-1. Location Plan and Block Plan.
Dwg no. 25/1040/PL-3. Existing Parking Arrangement Plan.
- 1 Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 Condition: The premises shall be used solely as a residential care home within Use Class C2 for the accommodation and care of no more than three children aged between 8 and 18 years, and for no other purpose (including any other purpose within Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or any statutory re-enactment thereof).
- 2 Reason: To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF and policy LP01, LP21 and LP29 of the Local Plan 2021-2040.



Appeal Decision

Site visit made on 19 November 2025

by **M Tandy C.WEM MCIWEM MIoL**

an Inspector appointed by the Secretary of State

Decision date: 09 December 2025

Appeal Ref: APP/V2635/W/25/3371127

Rowan House Back Street, Harpley, Norfolk PE31 6TU

- 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 Juventas Services against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref is 25/00611/CU.
 - The development proposed is change of use of an existing dwellinghouse (Use Class C3) to a residential care home (Use Class C2) to care for up to four children between the ages of 8-18.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use of an existing dwellinghouse (Use Class C3) to a residential care home (Use Class C2) to care for up to four children between the ages of 8-18 at Rowan House Back Street, Norfolk, PE31 6TU in accordance with the terms of the application, Ref 25/00611/CU, and the plans submitted with it, subject to the following conditions:
 - 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 Location Plan dated 02-04-2025 [PP-13907837v1].
 - 3) The premises shall be used solely as a residential care home within Use Class C2 for the accommodation and care of no more than four children aged between 8 and 18 years, and for no other purpose (including any other purpose within Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or any statutory re-enactment thereof).

Preliminary Matters

2. I am satisfied appropriate notification of the appeal against the decision to refuse planning permission for the development described above has been undertaken.

Main Issues

3. The main issues are:
 - whether the appeal site would be an appropriate location for the proposed development to access community facilities and public transport; and
 - the effect of the proposal on highway safety, with particular regard to the provision of parking and safe site access.

Reasons

Location

4. The appeal site is located in Harpley, which predominantly comprises residential dwellings, agricultural development and amenities typical of a rural village for this area of Norfolk. The village benefits from a daily bus service and the nearby A148 connects Harpley to neighbouring settlements including King's Lynn and Fakenham. Harpley is identified in the spatial strategy and settlement hierarchy of LP01 of the King's Lynn and West Norfolk Local Plan 2021-2040 (the Local Plan).
5. The proposed use of the appeal site is considered similar to that of the existing residential dwelling and would therefore integrate with the surrounding development. Local community services including a church, village hall and primary school are a short distance from the appeal site and accessible by foot. Future users would also benefit from Harpley's transport connectivity for travelling to and from the appeal site and accessing other facilities more commonly found in larger settlements, such as medical and retail services. Whilst the public transport provision in Harpley may be infrequent, the needs and mobility of future residents may require transportation by car, and the appeal site can conveniently access the A148 directly from Back Street. Furthermore, whilst there may be fewer opportunities to access community led activities and social groups in a rural location compared with an urban location, this does not exclude children with additional care needs living in villages such as Harpley.
6. As a consequence of the above, I conclude that the location is not isolated nor inappropriate in terms of access to community facilities and public transport. The proposed development would therefore not conflict with Policies LP01, LP06, LP13, LP18, LP21 and LP29 of the Local Plan with regards to appropriate location. Collectively these seek to appropriately locate development with consideration of climate change and use of sustainable transport, and support grouped specialist care accommodation close to medical services, and retail, public and community facilities, as appropriate to the needs and mobility of future occupiers.

Highway safety

7. The appeal site comprises a detached two-storey residential dwelling with a large sweeping gravel driveway offering off-street parking and access to a garage and private rear garden. The driveway entrance is directly from Back Street which is a single carriageway, generally flanked with brick and flint walls or vegetation that demarks neighbouring property boundaries.
8. The proposed development would require parking for care staff and visitors with seven available spaces identified on the submitted 'Parking Layout Plan'. It was evident from the site visit that the large driveway could accommodate several vehicles to avoid off-site parking, however the proposed layout may lead to some practical difficulties for turning during peak use. For example, during staff shift changes where six members of staff could be on site concurrently. However, with reasonable site management I consider the practicalities of vehicle turning are surmountable to avoid future users reversing on to the highway and visitor parking facilitated by prior arrangement.
9. The proposed development would not increase the number of vehicle movements above that expected of the existing five bedroom family dwelling, nor introduce a

new access onto Back Street. During the site visit I observed partially obscured visibility splays from the appeal site access only due to overgrown vegetation, and it was evident that sections of open verge provided adequate passing places to facilitate large transport and agricultural vehicles travelling along Back Street and the surrounding roads. The absence of footways and street lighting is not uncommon in rural villages and the speed limits in Harpley are generally low. Furthermore, pedestrians could utilise numerous verges to step off the carriageway when necessary. The highway authority has not raised concerns regarding the above issues and having visited the site, I see no reason to disagree.

10. For the above reasons, I conclude that the proposed development would not result in an increased risk to highway safety, with particular regard to parking provision and safe site access. The proposed development would therefore not conflict with Policies LP14 and LP21 of the Local Plan, in relation to ensuring adequate parking provision and safe site access.

Other Matters

11. Concerns have been raised by the Parish Council and third parties, including in relation to air, noise and water pollution, waste collection, the demographic of neighbouring occupiers, a nearby unfenced pond, and provision of emergency services in Harpley. However, the Council has not advocated these concerns and based on the information before me, none of these matters would be grounds to dismiss the appeal.
12. Considering the nature and context of the proposed change of use, I find there would be no harm to the Grade II listed building which neighbours the appeal site and that its setting would be preserved. The proposed development would therefore not conflict with Policy LP20 of the Local Plan which ensures protection of the historic environment.
13. The site is located within or close to the zones of influence of The Roydon Common Site of Special Scientific Interest (SSSI) and Ramsar Site, and The Roydon Common and Dersingham Bog Special Area of Conservation (SAC). The Secretary of State has considered the application in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (Si 571/2017) and directed the proposed development is not Environmental Impact Assessment development.

Conditions

14. The Council has provided a list of suggested planning conditions, which I have considered against paragraph 57 of the National Planning Policy Framework, and advice contained in the Planning Practice Guidance. I have amended and simplified the wording for several of the conditions in the interests of effectiveness and precision.
15. To meet legislative requirements, a condition shall be imposed to address the period for commencement. I shall also impose conditions for the following reasons. A condition specifying the relevant drawing is imposed as this provides certainty. A condition to ensure the use of the premises remains suitable for its location and compatible with the character of the area.

Conclusion

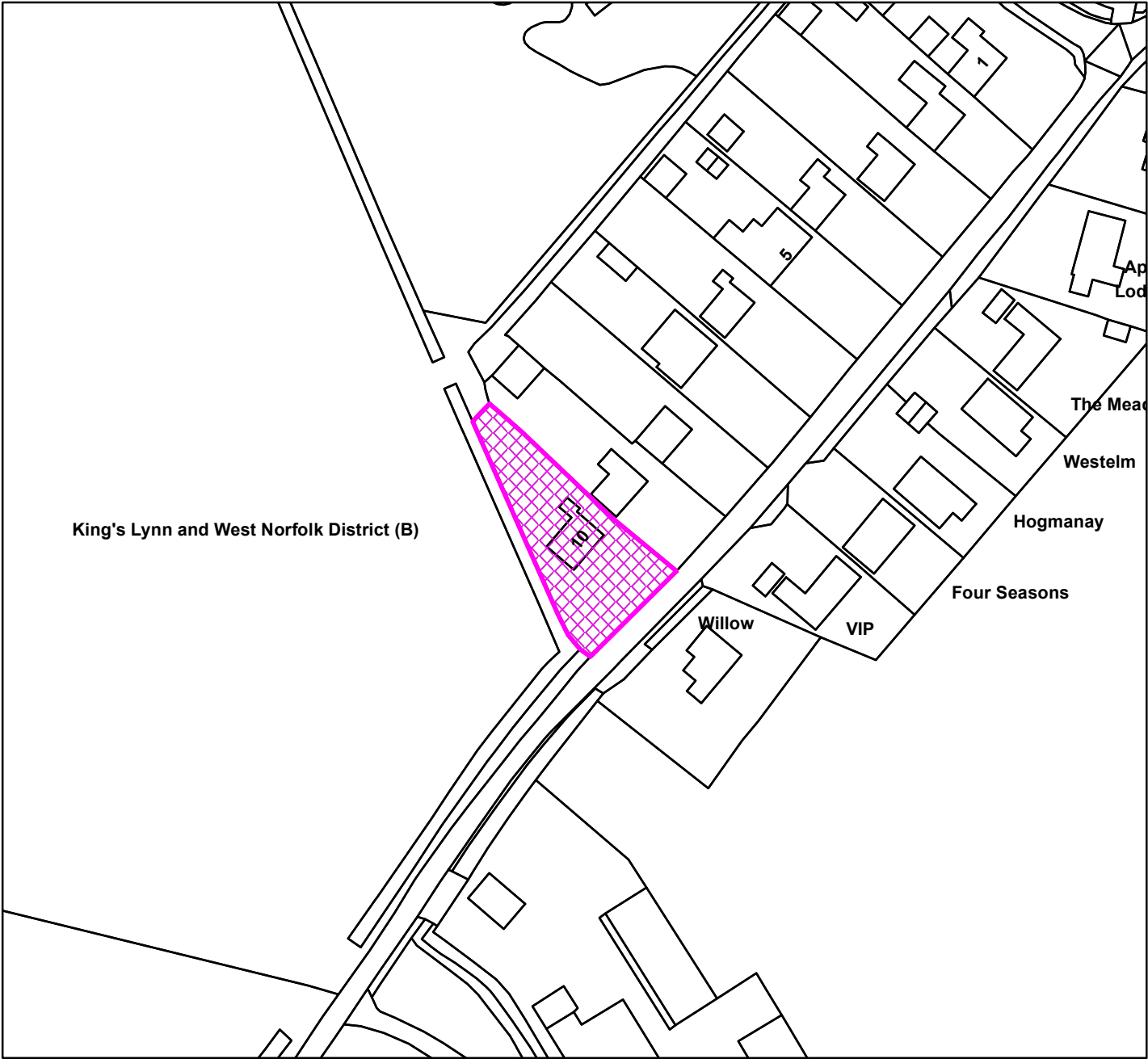
16. For the reasons given above, I conclude that the proposed development would comply with the Development Plan when it is considered as a whole. The appeal should be allowed.

M Tandy

INSPECTOR



10 Folgate Lane Walpole St Andrew PE14 7HX

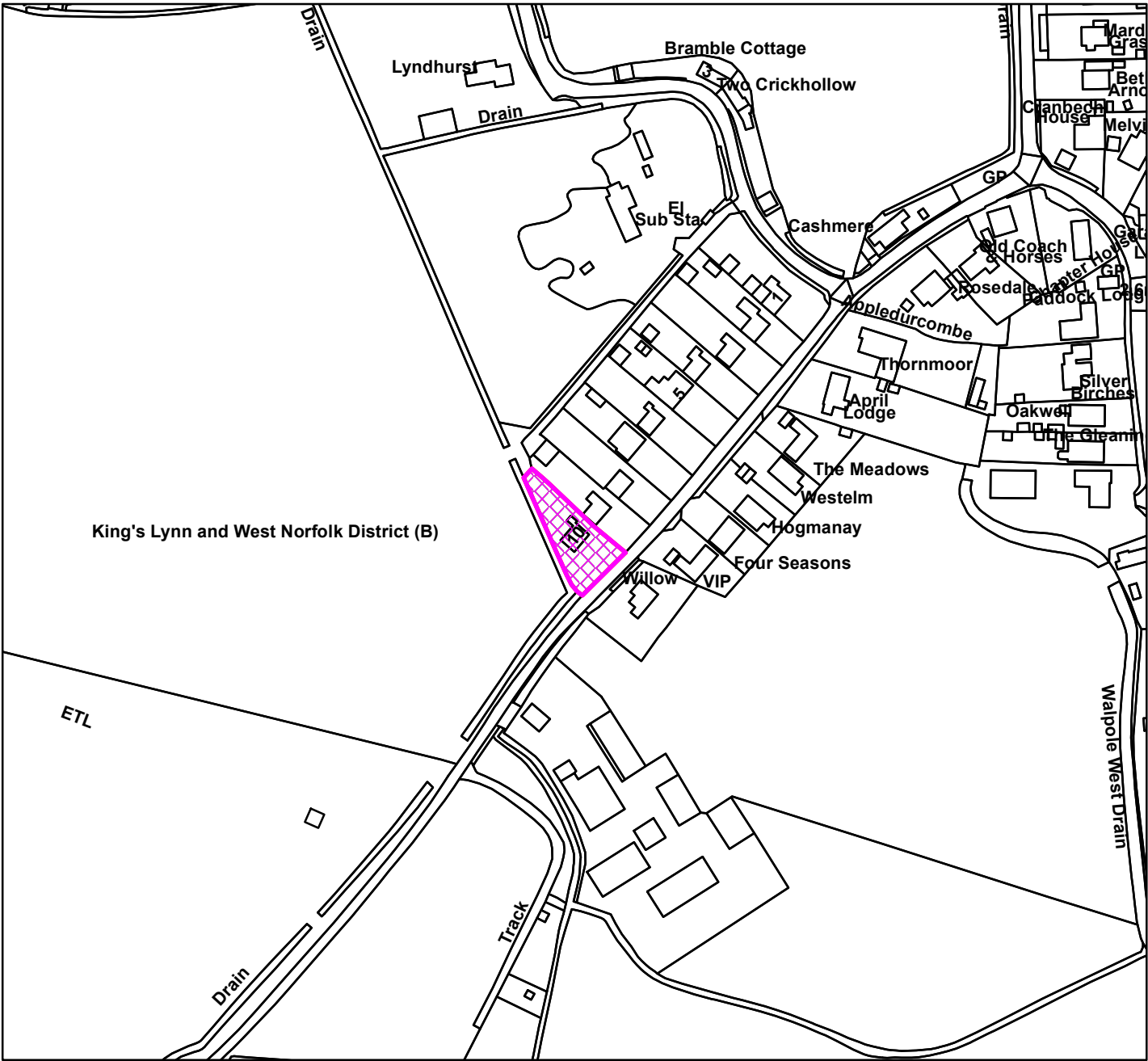


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Ordnance Survey AC0000819234

Scale: 1:1,250

Organisation	BCKLWN
Department	Department
Comments	
Date	20/01/2026
MSA Number	0100024314

10 Folgate Lane Walpole St Andrew PE14 7HX



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Ordnance Survey AC0000819234

Scale: 1:2,500

Organisation	BCKLWN
Department	Department
Comments	
Date	20/01/2026
MSA Number	0100024314

Parish:	Walpole	
Proposal:	Retrospective application of change of use of a house of six residents (care included) (C3b) to a care home up to three children aged 8-18 (C2)	
Location:	10 Folgate Lane Walpole St Andrew Wisbech Norfolk PE14 7HY	
Applicant:	Gabriela James	
Case No:	25/01661/CU (Change of Use Application)	
Case Officer:	Helena Su	Date for Determination: 3 December 2025 Extension of Time Expiry Date: 6 February 2026

Reason for Referral to Planning Committee – Called in by Cllr Blunt.

Neighbourhood Plan: Yes

Case Summary

This application is a retrospective application for the change of use of a house of six residents (care included) (Use Class C3(b)) to a care home up to three children (Use Class C2) at No 10 Folgate Lane in Walpole St Andrew. No 10 is a three-bedroom bungalow.

The application site is approximately 0.08ha in size, located to the northwest side of Folgate Lane, which is located within the development boundary and Neighbourhood Plan area of Walpole St Peters, St Andrew and Marsh.

Key Issues

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

Recommendation:

APPROVE

THE APPLICATION

This application is a retrospective application for the change of use of a house of six residents (care included) (Use Class C3(b)) to a care home up to three children (Use Class C2) at No 10 Folgate Lane in Walpole St Andrew. No 10 is a three-bedroom bungalow.

Walpole St Andrew is classified as a Tier 4 (Key Rural Service Centre) settlement under policy LP1 of the Local Plan 2021-2040. The application site is approximately 0.08ha in size, located to the northwest side of Folgate Lane. The site is located within The Walpole's Neighbourhood Plan area.

In 2023, a Lawful Development Certificate was obtained under reference 23/01333/LDP, on this site which deemed it would be lawful for the dwellinghouse to be used for Use Class C3(b), with no more than six residents living together as one household in the same unit, with care being provided for residents.

Since the site registered with Ofsted on 2 July 2025, the site operated as a Use Class C2 - with staff taking shifts to care for up to three children age between 8 - 18 years of age. The house is staffed by up to three members of staff at any one time operating between two shifts: a daytime shift between 8am - 10pm of between one - three members of staff; a night cover shift between 9.45pm - 8.15am with one waking staff, supported by a sleep-in member of staff.

An identical application at No 8 Folgate Lane has also been submitted by the same Applicants under planning reference 25/01660/CU.

APPLICANT/AGENT SUPPORTING CASE

This statement is provided to assist Members in understanding the nature of the use, its impacts, and the wider planning and equality context within which this application should be assessed.

The property operates as a children's home, providing a small, stable, residential environment for looked-after children. In planning terms, this use is residential in character and must be assessed on land-use impacts rather than perceptions of behaviour or the personal circumstances of the occupants.

We recognise that neighbours have expressed concerns regarding visibility, police attendance, and vehicle movements. We do not dismiss the fact that missing-from-care incidents and visible safeguarding responses can be unsettling. However, it is important to clarify that reporting a child missing is a statutory duty under the Children's Homes (England) Regulations 2015 and associated national guidance. Police involvement therefore reflects legal safeguarding compliance, not criminality. The overwhelming majority of police attendance associated with the property has been directly linked to missing-from-care reports, historic allegations where the child is the victim, welfare checks, or proactive safeguarding visits. No police attendance at the property has ever related to criminal activity arising from the operation of the home.

With regard to vehicle movements, we note that neighbours have monitored activity associated with the home. There have been no reports or evidence of unsafe driving. Staff and visitors are actively encouraged to use on-site driveways at all times. On the rare occasions where visitors have parked on the road, this has been addressed promptly when

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brought to our attention. There are no parking restrictions on the road, and parking has not resulted in highway safety concerns.

We have recently transitioned to electric vehicles; during this short transition period there was some temporary buying and selling of vehicles, which may have resulted in higher-than-usual numbers of cars associated with the property. This was time-limited and is not reflective of the ongoing or typical use of the site.

Our approach to care is trauma-informed and safeguarding-led. Many children in care have experienced significant trauma, instability, and loss of trust in adults. Behaviours such as going missing are not acts of threat or antisocial intent but are recognised trauma responses. Our lawful and professional response is calm, non-threatening, and focused on safety. We do not restrain, or forcibly return children, nor do we "lock them in." Such actions would be unlawful and harmful. Instead, we prioritise trust, consistency, and protection, helping young people to rebuild safe relationships with adults over time.

We acknowledge that neighbours may occasionally see young people at moments of distress. These moments represent a very small proportion of their lives in the home. What is less visible is the progress being made. All four children currently living at the property are now attending school; only one arrived with a school place and regular attendance. Progress for traumatised children is not linear. They will make mistakes, and we support them to put things right through kindness, calm, and connection before correction.

In order to offer something tangible to the community as a resource we have commenced installing a secure, externally accessible defibrillator at the property, which will be registered for community use. This was carefully chosen as a practical and thoughtful way of supporting the immediate local community and offering a genuine, potentially life-saving resource close to home.

Members are also asked to consider the broader context. The area has limited local facilities and services, yet children with complex needs must still be provided with stable homes within communities. Recent appeal decisions, including the approval of Rowan House in Harpley, have recognised that children's homes should not be excluded from residential areas on the basis of perception, fear, or stigma, and that safeguarding matters are not planning considerations.

This is our young people's home. It is the place where they live, recover, and begin to thrive. There is no legal basis to determine who may or may not live on a street based on personal characteristics, and it would be fundamentally unfair to apply a different standard to looked-after children. Planning decisions must not result in indirect discrimination by treating vulnerable children as less entitled to a family-style home within a residential street.

We respectfully ask Members to assess this application on proper planning grounds alone, recognising both the residential nature of the use and the significant public benefit in providing safe, stable homes for children who need them.

PLANNING HISTORY

24/01059/F: Application Permitted: 09/08/24 - Part single storey side extension

23/01333/LDP: Was_Would be Lawful: 08/12/23 - APPLICATION FOR LAWFUL DEVELOPMENT CERTIFICATE FOR PROPOSED USE as a dwelling house by not more

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than six residents living together as a single household (including a household where care is provided for residents)

23/00265/CU: Application Withdrawn: 04/07/23 - Change of use of bungalow from a dwelling (C3) to a children's home (C2) for up to two children

RESPONSE TO CONSULTATION

Parish Council: OBJECT

The Parish Council strongly oppose these two retrospective planning applications.

The Parish Council have noted several complaints from neighbouring properties, including retired and elderly residents, who have had to call out the police reporting anti-social behaviour and intent to cause criminal damage. These residents are in constant fear of this anti-social behaviour. Concerns also raised over the lack of care allowing excessive noise and such anti-social behaviour.

Traffic issues are also causing problems on the single land road with multiple vehicles parked on both premises, taxi's and minibuses present on a regular basis, and vehicles heard after 10pm at night.

The very obvious lack of any facilities has to be raised yet again.

Highways Authority: NO OBJECTION

Having examined the submitted information, in terms of highway considerations for the adopted road network, the LHA have no objection to the principle of the application.

Internal Drainage Board: NO OBJECTIONS

Consent not required under Byelaws 9, 10, and Section 23 of the Land Drainage Act 1991.

Environment Agency: NO OBJECTION

The Environment Agency have reviewed the submitted Flood Risk Assessment with regard to tidal and designated main river flood risk sources and consider that the site is at low risk of flooding from these sources. As such, the EA have no objection to the proposed development on flood risk grounds.

Environmental Health & Housing - Environmental Quality: NO OBJECTION

The application is retrospective for a change of use from residential care to care home for up to 3 children.

The applicant has provided a planning statement providing information on the proposed changes.

We have reviewed our files and the site is first seen developed in historical maps dated 1945-1970. The surrounding landscape is largely residential and agricultural.

No significant potential sources of contamination are identified in our records, or in the information provided by the applicant.

We have no objection regarding contaminated land.

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Community Safety and Neighbourhood Nuisance (CSNN): NO OBJECTION

CSNN team have no objections to either application and do not wish to recommend any conditions.

Emergency Planning Officer: Because of its location in an area at risk of flooding, would suggest that those running the site, if they have not already:

-Should sign up to the Environment Agency flood warning system (0345 988 1188 or www.gov.uk/flood)

- A flood evacuation plan should be prepared (more details at www.gov.uk/flood):

o This will include actions to take on receipt of the different warning levels.

o Evacuation procedures eg isolating services and taking valuables etc

o Evacuation routes

REPRESENTATIONS

TWENTY-FIVE comments of **OBJECTION** and **SEVEN** comments in **SUPPORT**. A number of the objection comments were made by the same parties.

Summarised **OBJECTION** comments:

- Noise pollution
- Number of traffic movements - noise exacerbated by gravel parking area. Average traffic movements of a 'normal house' with two parents would average 2 movements per day according to NTS Accredited National Statistics 2022.
- Inadequate parking on site for the amount of carers, visitors, and other vehicles attending the site.
- Turning and manoeuvring of the vehicles off the site at all times in the day, causing disturbance
- Noise and disturbance from the outdoor play area
- Concern with more residents and staff to be moved to site
- Police presence has rising, averaging 1 visit per day.
- The homes have turned a rural village into an inner city sink estate.
- Lack of careers to action or discipline the residents
- Residents using the amenities in the rear garden are causing noise and disturbance outside of normal/school hours
- The residents of Folgate Lane should also be able to live in safe, stable and caring communities.
- The Borough Council have previously recommended refusal on 3rd July 2023 because of the location, lack of amenities and facilities.
- Questions why the development cannot be moved to another location which is in the ownership of the Applicants.
- Rights of the residents should be at the forefront of the decision making.
- The young people housed there need far more support and control than the well-meaning carers are able to give them.
- Limited bus services.
- Nothing to occupy the residents time and improve their behaviour.
- Impact on residential amenity of existing elderly residents with residents with behavioural issues.
- Overdevelopment and inappropriate location as the proposal is a departure from existing residential character in the neighbourhood.
- Question related to the supports comments made by parties outside of the Norfolk and should be given no weight.

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Summarised **SUPPORTING** comments:

- The home will provide much-needed support for vulnerable young people who require a safe, stable, and nurturing environment. High-quality residential care settings like this one play an important role in our community, ensuring children who cannot live with their families receive the care, guidance, and stability they deserve.
- Comments about the Applicant's character

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

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

LP06 - Climate Change (Strategic Policy)

LP14 - Parking Provision in New Development

LP18 - Design & Sustainable Development (Strategic Policy)

LP21 - Environment, Design and Amenity (Strategic Policy)

LP29 - Housing for the elderly & Specialist Care (Strategic Policy)

NEIGHBOURHOOD PLAN POLICIES

Policy 3 – Design

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
- Crime and Disorder
- Highway Safety
- Flood Risk
- Any other matters requiring consideration prior to determination of the application

Planning History:

On the 5th June and 3rd July 2023, planning reference 23/00265/CU was presented to Planning Committee where it was discussed that due to the lack of facilities for children in

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the village, the Committee were resolved to refuse the application. However, the application was withdrawn by the Planning Agent before the decision was issued. Therefore, whilst a committee resolution was given, no final decision was made.

Following this, a Lawful Development Certificate (LDC) (planning reference 23/01333/LDP) was submitted to the Local Planning Authority to confirm whether the occupation of up to six residents with a live-in carer on site would be lawful. Based on the information provided with the LDC, the Council determined that the proposed use as a dwellinghouse, for no more than six residents living together as a single household, including care being provided for residents, would be lawful as under Use Class C3(b) use and would not require planning permission.

The submission of this current application is as a result of an Enforcement investigation (reference 25/00125/UNAUTU) where a change of use from Use Class C3(b) to C2 was identified.

Principle of Development:

In considering applications of this nature, paragraph 63 of the NPPF is supportive of diverse housing needs for different groups in the community, this includes looked after children.

Furthermore, a Ministerial Statement made on 23 May 2023 states that "The planning system should not be a barrier to providing homes for the most vulnerable children in society... These need to be the right homes, in the right places with access to good schools and community support. It is not acceptable that some children are living far from where they would call home (without a clear child protection reason for this), separated from the people they know and love." This stance is unchanged when considering applications of this nature.

The Applicants have stated in the Planning Statement that there is currently a shortage of placements for children in care in Norfolk. In Norfolk, a charity for Children in Care and Young Care Leavers, Become, found that in 2022-2023, 40 per cent of children in care were placed over 20 miles from home, which is higher than the national average. The Applicants reported that in 2023/2024, Norfolk had an estimate of 1150 children in care, with an estimated 168 in residential placements and 184 placed out-of-county. Based on the latest data from the Department of Education via the Explore Education Statistics (2024/2025), Norfolk has an estimate of 1,200 children in care.

Policy LP29 (Housing for the Elderly and Specialised Care) of the Local Plan 2021-2040 supports specialised housing for those who need support including care for young people where it is located within the Spatial Strategy and Settlement Hierarchy (LP01) and i. close to town or village shops, public transport, community facilities and medical services; and ii. these are easily reached by those without access to a car, as appropriate to the needs and level of mobility of potential residents.

The application site is located within the joint development boundary of Walpole St Peter, St Andrew, and Marsh, which is a Tier 4 (Key Rural Service Centre) settlement within the Settlement Hierarchy of LP01 of the Local Plan 2021-2040.

Walpole St Andrew contains local community services such as a church, village hall and primary school at various distances from the site and within the development boundary. Whilst these services may not be served by a footpath the entire length of the trip, due to the nature of the proposal, the residents would rely on carers to drive or walk with them to these services. The residents would also benefit from the transport connectivity for travelling to and

from the site and accessing other facilities more commonly found in larger settlements, such as secondary schools, medical and retail services.

Furthermore, the closest bus stop is located approximately 200m (as the crow flies) to the east of the site on the junction between Walnut Road and West Drove North. This bus stop provides daily services to King's Lynn and other neighbouring villages (at 7am, 9am and 12pm to King's Lynn and 2pm and 5pm from King's Lynn on weekdays and less frequently during Saturdays). Whilst the public transport provision in Walpole St Andrew may be infrequent, the needs and mobility of future residents may require transportation by car with their carers', and the site can conveniently access other local roads and the A17 to the north and A47 to the south.

Lastly, whilst there may be fewer opportunities to access community led activities and social groups in a rural location compared with an urban location, this does not exclude children with additional care needs living in villages such as Walpole St Andrew.

A recent appeal decision for a similar scheme at Harpley was allowed by the Planning Inspectorate under appeal reference APP/V2635/W/25/3371127 / planning reference 25/00611/CU. This appeal decision has been attached as an appendix to this report. The planning application was refused by Planning Committee on 30 June 2025 as the Committee considered that the site was in an inappropriate location due to the lack of community facilities and public transport in the village which would not outweigh the benefits of the scheme. The Inspector acknowledged that Harpley was a rural village with limited services and public transport, but this did not preclude children with additional care needs to live in this village. The site would operate similar to that of the existing residential dwellinghouse and remain integrated with the surrounding development.

Whilst each application is determined on a case-by-case basis, significant weight has been given to the appeal decision due to the similarities the applications share.

Considering all the aforementioned factors, the proposed residential care home in the joint development boundary of Walpole St Peter, St Andrew, and Marsh, would comply with policies LP01 and LP29 of the Local Plan 2021-2040 and provisions of the NPPF and is acceptable in principle.

Form and Character:

Policies LP18 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. 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 comprises a detached three-bedroom bungalow, which has been recently extended, with a modest triangular rear garden area. Before the submission of the planning application the site had been renovated. The dwellinghouse has been extended to the side under planning reference 24/01059/F. In the rear garden, an outbuilding had been erected. The outbuilding complies with the requirements set out under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order (GDPO) 2015 (as amended).

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To the front of the house is an area of gravel for up to five parking spaces, mostly screened from view along Folgate Lane by a linear hedgerow and small ornamental tree planting. No alterations to the external appearance of the dwellinghouse, or the site, is proposed as part of this application.

Concerns have been expressed that the demographics of Folgate Lane are predominantly elderly, retired people who enjoy the quiet rural location; the children's home urbanises the character of the area by the number of cars parked in and around the site; and that the development as a business use in a residential location which alters the character of the lane.

While the current demographic of the lane is noted, there are no restrictions preventing a change in the age profile of residents, and the nature or age of an occupier is not a material planning consideration unless controlled by condition.

With regard to vehicle numbers, neighbours have reported that the number of cars associated with the site exceeds the five spaces shown on the submitted plans. During the Officer's site visits, between five and six vehicles were observed within the site, with no vehicles parked on Folgate Lane itself. It is not clear how neighbours have recorded vehicle numbers or whether all vehicles observed at various times relate directly to the application site. The Applicant has demonstrated that the site can accommodate five off-street parking spaces, and this was evident on inspection.

Although the use involves staff attending the property to provide one-to-one care, the scale of activity associated with three young residents and up to three carers working on a shift basis is considered to remain comparable to a residential use. The level of comings and goings would not be out of keeping with what could reasonably occur at a dwelling of this size.

The rural location of the site does not preclude the proposed use, and the development is not considered to result in harm to the form, character or appearance of Folgate Lane.

Regarding form and character, the proposal would have a neutral impact on the street scene and would accord with LP18 and LP21 of the Local Plan 2021-2040, the NPPF, and policy 3 (Design) of the Neighbourhood Plan.

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 site has one immediate neighbour, No 9 Folgate Lane, which is a detached bungalow, currently rented out by the organisation which runs the children's homes. Given the nature of the proposed development, which is for a change of use only, there would be no overshadowing, overlooking and overbearing impacts.

A number of neighbour objections have been received relating to noise and disturbance, particularly from vehicle movements and the use of the outdoor area.

The Applicant's Planning Statement explains that the home would typically operate with up to three members of staff on site at any one time, with visitors attending by prior appointment. At this level of activity, the number of vehicle trips generated is not considered to differ significantly from that associated with a single dwelling of comparable size. While short periods of increased activity may occur during staff changeovers, the site provides sufficient space for parking and manoeuvring, reducing the likelihood of disturbance to neighbouring properties.

The submitted Noise Management Plan confirms that outdoor play and activities would be encouraged only during appropriate hours, forming part of the residents' routine and structure. Any noise arising from the use of the garden for play or recreation would be consistent with what could reasonably be expected from a dwellinghouse in a residential area.

The Community Safety and Neighbourhood Nuisance (CSNN) team has raised no objection to the proposal and has not recommended any conditions. CSNN also confirmed that a single noise complaint had previously been made in relation to No. 10 Folgate Lane; however, this was closed on 16 December 2025 with no further action taken. The noise was assessed as domestic in nature and did not constitute a statutory nuisance under the Environmental Protection Act.

Regarding impact on neighbour amenity, the scheme is considered to comply with LP21 of the Local Plan 2021-2040.

Crime and Disorder:

Crime and security as a planning matter increased in profile after Section 17 of the Crime and Disorder Act 1998 required all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder.

Paragraph 96(b) and 135(f) states that planning decisions should aim to achieve healthy, inclusive and safe places which promote the 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.

Objectors have reported on an increase presence of police along Folgate Lane following the introduction of these children's homes.

The Applicant has explained in their supporting statement that police presence relates to their statutory duties under the Children's Homes (England) Regulations 2015, rather than crime and disorder from the residents. The Applicant has shared that the majority of incidents where police attendance related to the property is as a result of missing-from-care reports, historic allegations where the child is the victim, welfare checks, or proactive safeguarding visits. Police involvement therefore reflects the legal safeguarding compliance, not criminality of the residents.

Within the Planning Statement, the Applicants have also provided the Location Risk Assessment (LRA) and Impact Risk Assessment (IRA), which is required to be submitted and agreed by OFTSED, who are the governing body. The LRA evaluates risks in the surrounding area, such as crime, environmental features, transport, and community relations. The IRA considers whether a new child is a safe match for the home, including potential effects on other children, the staff team, and the wider community. These are living

documents which are reviewed on a regular basis and carried out prior to the admission of a new resident to the units.

Regarding crime and disorder, whilst police presence has increased along Folgate Lane, this is not as a result of criminality and disorder, but the statutory safeguarding duties of the organisation. The proposal would therefore comply with LP21 of the Local Plan 2021-2040 and the provisions in the NPPF for safe and inclusive communities.

Highway Safety and Parking Provision:

The Parish Council and neighbours have made comments related to the parking and turning area on the site, off-site parking, and impact of traffic on Folgate Lane.

The parking area to the front of the dwellinghouse is approximately 354 square meters, measuring approximately 15m deep and 24.3m wide. The Applicant has demonstrated that up to 5 vehicles could fit on site. For a three-bedroom dwelling, three parking spaces are required as per policies LP14 and LP21 of the Local Plan 2021-2040 and Norfolk's Parking Standard. The Local Highway Authority has raised no objection to the principle of development.

The Applicant has provided an example of a rota for the proposed development which shows three members of staff on the site, with two members of staff staying overnight most nights. The Applicant has confirmed that staff would arrive in the morning, stay overnight, and leave the following morning - just like a typical household.

Neighbours have reported on the level of parking exceeding the stated amount on occasion, at times reaching 19 total cars - it is unclear whether this is for one site only. The main parking requirements would be primarily for staff and whilst visitors might visit occasionally by a pre-arranged visit to ensure management of the parking provision on site. Shifts are staggered to ensure there is not an excessive build-up of vehicles on site.

Furthermore, whilst the neighbours have quoted that the trips taken associated with this development significantly exceeds the average number of trips, it is unclear how this has been calculated. The Local Highway Officer has verbally confirmed that according to the National TRICS data base, a household averages 6 trips per day - not 2 trips per day as stated by third parties. The C2 use would be akin to a residential use and whilst traffic movements may exceed the expectation of surrounding neighbours, is not considered a significant increase.

Concerns have been raised that the intensification of the site would put pressures on the local road network. Again, considering the potential maximum number of cars visiting the site, impacts would be similar to those expected if the building was occupied as a three-bedroom residential dwelling. Maintenance of the road would be the responsibility of the Local Highway Authority and is not a material consideration within the scope of this application.

In regard to highway safety, the proposal would comply with LP06, LP13, LP14 and LP21 of the Local Plan 2021-2040.

Flood Risk:

The site is located within a Flood Zone 3 and within a Tidal Hazard Mapping area, identified as impacted by climate change with regard to surface water and Tidal 0.1% and 0.5%AEP. Along the west boundary is a Board maintained drain.

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Notwithstanding that a flood risk assessment has been submitted it is material that the flood risk vulnerability of the proposal is no different than its current vulnerability classification as a dwelling (both are classed as 'More vulnerable').

Consequently, there is no change in the vulnerability classification as a result of the change of use. An informative relating to the EA flood warning direct service and the preparation of a Flood Evacuation Plan will be placed on the decision notice as it is in an area affected by flooding. The Environment Agency have no objection to the application following the submission of a flood risk assessment.

An IDB maintained drain runs along the west boundary of the application site. The IDB have no objections to the proposal but highlighted that consent may be required if works were to take place. This has been passed to the Applicant for their further consideration.

Surface water drainage and foul drainage is as existing and is not amended by this change of use application.

In regard to drainage, the proposal would comply with LP06, LP18 and LP25 of the Local Plan 2021-2040.

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 application seeks to utilise an existing dwelling whilst not introducing significant additional traffic movements beyond that expected of a normal household. Additionally, the Applicant has shared that their staff have recently purchased and will be using electric vehicles which would generate less carbon emission.

Public Sector Equality Duty (PSED):

In making this decision the Authority must have regard to the public sector equality duty (PSED) under Section 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 is an important and relevant consideration in the decision making process; however, it does not require the Council to achieve any particular outcome. Instead, it must be weighed alongside all other material planning considerations.

In this case, the relevant protected characteristic is age. The proposal would provide accommodation and support for young people aged 8-18, and the development is considered to have a positive equality impact for this group by meeting their assessed needs in an appropriate setting.

Concerns have been raised by some elderly neighbours who believe that the proposal may adversely affect them due to their age. These concerns have been carefully considered. However, the evidence does not indicate that the development would result in a disproportionate or detrimental impact on older residents as a group. Any general amenity issues raised have been assessed separately within the planning balance and are not considered to amount to an adverse equality impact under the PSED.

Specific comments and issues:

Comments in objection can be categorised into five key matters: noise and disturbance; traffic, parking and accessibility; safety, behaviour and impact on the community; suitability of the location; and decision making. These matters have been covered in the planning balance, discussed above.

Other comments in objection were related to the effectiveness of staff in deescalating situations with residents at times. This is an operational matter which is not a material consideration and outside the scope of the planning application. Furthermore, the character and background of the Applicant/Planning Agent is also immaterial to the planning application.

No objections were raised by Council's Environmental Quality and the Emergency Planning Officer.

CONCLUSION

The application seeks to change the use of a residential dwelling (Use Class C3) to a residential care home for up to three children aged 8 - 18 (Use Class C2). The application site is an existing three-bedroom dwelling in Walpole St Andrews, a Key Rural Service Centre, where the sustainability of the site is considered acceptable being within the development boundary of Walpole St Andrews.

Although concerns were raised by third parties and the Parish Council, regarding form and character, impact on neighbour impact (noise and disturbance, and crime/disorder), and highways safety, it is considered that the proposed scale of operations of the proposed use would be similar to the residential use a dwelling of this size and would not have any unacceptably detrimental impacts on neighbours or the locality as a whole.

No objections were raised by Local Highway Authority, Internal Drainage Board, Environment Agency, Environment Quality, Community Safety and Neighbourhood Nuisance Team, and the Emergency Planning Officer.

On the basis of the above, the scheme is considered acceptable and in accordance with LP01, LP06, LP14, LP18, LP21, and LP29 of the Local Plan 2021-2040, and the NPPF. It is

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therefore recommended that Members approved this application, subject to the imposition of conditions.

RECOMMENDATION:

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

- 1 Condition: The development hereby permitted shall be carried out in accordance with:
Dwg no. 25/1041/PL-1. Location Plan.
Dwg no. 25/1041/PL-4. Existing Parking Arrangement Plan.
- 1 Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 Condition: The premises shall be used solely as a residential care home within Use Class C2 for the accommodation and care of no more than three children aged between 8 and 18 years, and for no other purpose (including any other purpose within Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or any statutory re-enactment thereof).
- 2 Reason: To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF and policy LP01, LP21 and LP29 of the Local Plan 2021-2040.
- 3 Condition: Within three months of the date of this decision, a 2.4 metre wide parallel visibility splay (as measured back from the near edge of the adjacent highway carriageway) shall be provided across the whole of the site's roadside frontage .The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 0.25 metres above the level of the adjacent highway carriageway.
- 3 Reason: In the interests of highway safety in accordance with the principles of the NPPF and policy LP21 of the Local Plan 2021-2040.



Appeal Decision

Site visit made on 19 November 2025

by **M Tandy C.WEM MCIWEM MIoL**

an Inspector appointed by the Secretary of State

Decision date: 09 December 2025

Appeal Ref: APP/V2635/W/25/3371127

Rowan House Back Street, Harpley, Norfolk PE31 6TU

- 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 Juventas Services against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref is 25/00611/CU.
 - The development proposed is change of use of an existing dwellinghouse (Use Class C3) to a residential care home (Use Class C2) to care for up to four children between the ages of 8-18.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use of an existing dwellinghouse (Use Class C3) to a residential care home (Use Class C2) to care for up to four children between the ages of 8-18 at Rowan House Back Street, Norfolk, PE31 6TU in accordance with the terms of the application, Ref 25/00611/CU, and the plans submitted with it, subject to the following conditions:
 - 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 Location Plan dated 02-04-2025 [PP-13907837v1].
 - 3) The premises shall be used solely as a residential care home within Use Class C2 for the accommodation and care of no more than four children aged between 8 and 18 years, and for no other purpose (including any other purpose within Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or any statutory re-enactment thereof).

Preliminary Matters

2. I am satisfied appropriate notification of the appeal against the decision to refuse planning permission for the development described above has been undertaken.

Main Issues

3. The main issues are:
 - whether the appeal site would be an appropriate location for the proposed development to access community facilities and public transport; and
 - the effect of the proposal on highway safety, with particular regard to the provision of parking and safe site access.

Reasons

Location

4. The appeal site is located in Harpley, which predominantly comprises residential dwellings, agricultural development and amenities typical of a rural village for this area of Norfolk. The village benefits from a daily bus service and the nearby A148 connects Harpley to neighbouring settlements including King's Lynn and Fakenham. Harpley is identified in the spatial strategy and settlement hierarchy of LP01 of the King's Lynn and West Norfolk Local Plan 2021-2040 (the Local Plan).
5. The proposed use of the appeal site is considered similar to that of the existing residential dwelling and would therefore integrate with the surrounding development. Local community services including a church, village hall and primary school are a short distance from the appeal site and accessible by foot. Future users would also benefit from Harpley's transport connectivity for travelling to and from the appeal site and accessing other facilities more commonly found in larger settlements, such as medical and retail services. Whilst the public transport provision in Harpley may be infrequent, the needs and mobility of future residents may require transportation by car, and the appeal site can conveniently access the A148 directly from Back Street. Furthermore, whilst there may be fewer opportunities to access community led activities and social groups in a rural location compared with an urban location, this does not exclude children with additional care needs living in villages such as Harpley.
6. As a consequence of the above, I conclude that the location is not isolated nor inappropriate in terms of access to community facilities and public transport. The proposed development would therefore not conflict with Policies LP01, LP06, LP13, LP18, LP21 and LP29 of the Local Plan with regards to appropriate location. Collectively these seek to appropriately locate development with consideration of climate change and use of sustainable transport, and support grouped specialist care accommodation close to medical services, and retail, public and community facilities, as appropriate to the needs and mobility of future occupiers.

Highway safety

7. The appeal site comprises a detached two-storey residential dwelling with a large sweeping gravel driveway offering off-street parking and access to a garage and private rear garden. The driveway entrance is directly from Back Street which is a single carriageway, generally flanked with brick and flint walls or vegetation that demarks neighbouring property boundaries.
8. The proposed development would require parking for care staff and visitors with seven available spaces identified on the submitted 'Parking Layout Plan'. It was evident from the site visit that the large driveway could accommodate several vehicles to avoid off-site parking, however the proposed layout may lead to some practical difficulties for turning during peak use. For example, during staff shift changes where six members of staff could be on site concurrently. However, with reasonable site management I consider the practicalities of vehicle turning are surmountable to avoid future users reversing on to the highway and visitor parking facilitated by prior arrangement.
9. The proposed development would not increase the number of vehicle movements above that expected of the existing five bedroom family dwelling, nor introduce a

new access onto Back Street. During the site visit I observed partially obscured visibility splays from the appeal site access only due to overgrown vegetation, and it was evident that sections of open verge provided adequate passing places to facilitate large transport and agricultural vehicles travelling along Back Street and the surrounding roads. The absence of footways and street lighting is not uncommon in rural villages and the speed limits in Harpley are generally low. Furthermore, pedestrians could utilise numerous verges to step off the carriageway when necessary. The highway authority has not raised concerns regarding the above issues and having visited the site, I see no reason to disagree.

10. For the above reasons, I conclude that the proposed development would not result in an increased risk to highway safety, with particular regard to parking provision and safe site access. The proposed development would therefore not conflict with Policies LP14 and LP21 of the Local Plan, in relation to ensuring adequate parking provision and safe site access.

Other Matters

11. Concerns have been raised by the Parish Council and third parties, including in relation to air, noise and water pollution, waste collection, the demographic of neighbouring occupiers, a nearby unfenced pond, and provision of emergency services in Harpley. However, the Council has not advocated these concerns and based on the information before me, none of these matters would be grounds to dismiss the appeal.
12. Considering the nature and context of the proposed change of use, I find there would be no harm to the Grade II listed building which neighbours the appeal site and that its setting would be preserved. The proposed development would therefore not conflict with Policy LP20 of the Local Plan which ensures protection of the historic environment.
13. The site is located within or close to the zones of influence of The Roydon Common Site of Special Scientific Interest (SSSI) and Ramsar Site, and The Roydon Common and Dersingham Bog Special Area of Conservation (SAC). The Secretary of State has considered the application in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (Si 571/2017) and directed the proposed development is not Environmental Impact Assessment development.

Conditions

14. The Council has provided a list of suggested planning conditions, which I have considered against paragraph 57 of the National Planning Policy Framework, and advice contained in the Planning Practice Guidance. I have amended and simplified the wording for several of the conditions in the interests of effectiveness and precision.
15. To meet legislative requirements, a condition shall be imposed to address the period for commencement. I shall also impose conditions for the following reasons. A condition specifying the relevant drawing is imposed as this provides certainty. A condition to ensure the use of the premises remains suitable for its location and compatible with the character of the area.

Conclusion

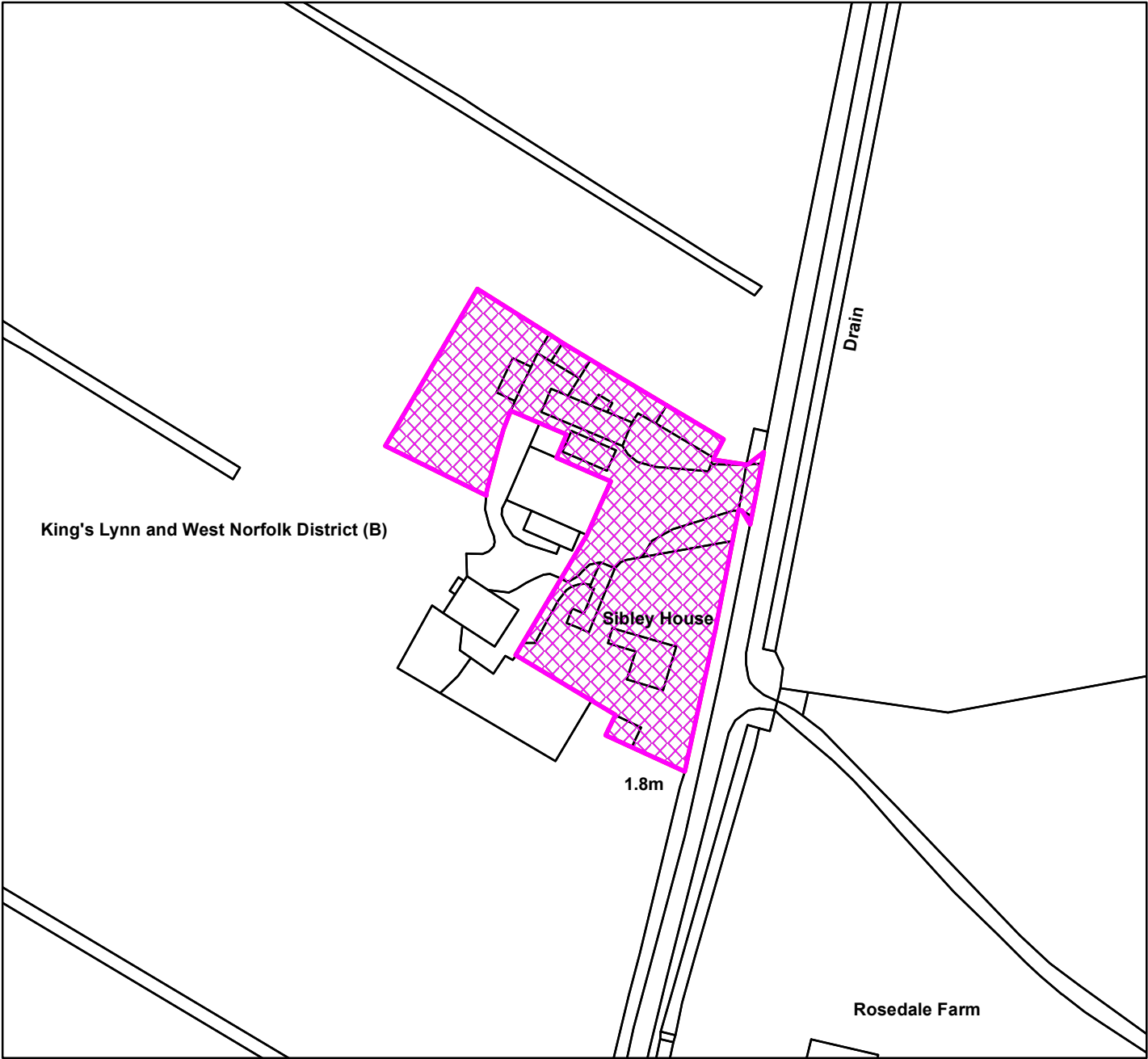
16. For the reasons given above, I conclude that the proposed development would comply with the Development Plan when it is considered as a whole. The appeal should be allowed.

M Tandy

INSPECTOR



Sibley House Station Road Walsoken PE14 8DL

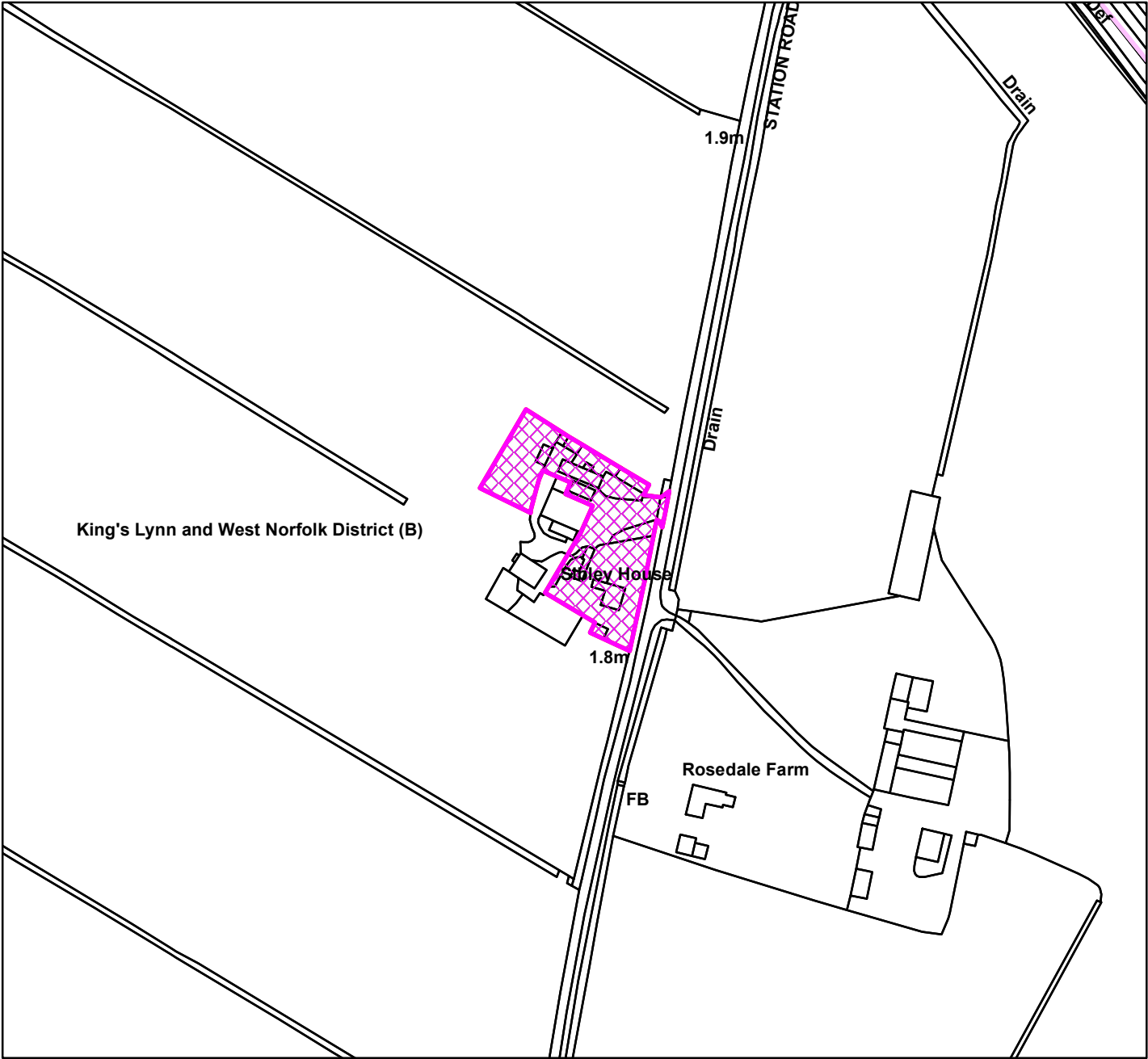


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Ordnance Survey AC0000819234

Scale: 1:1,250

Organisation	BCKLWN
Department	Department
Comments	
Date	21/01/2026
MSA Number	0100024314

Sibley House Station Road Walsoken PE14 8DL



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Ordnance Survey AC0000819234

Scale: 1:2,500

Organisation	BCKLWN
Department	Department
Comments	
Date	21/01/2026
MSA Number	0100024314

Parish:	Walsoken	
Proposal:	Proposed erection of kennel buildings, within the confines of existing buildings (to be repaired and rebuilt) and creation of external exercise area for operational use.	
Location:	Sibley House Station Road Walsoken Wisbech PE14 8DL	
Applicant:	Michelle Wade	
Case No:	25/00275/F (Full Application)	
Case Officer:	Clare Harpham	Date for Determination: 21 April 2025 Extension of Time Expiry Date: 10 February 2026

Reason for Referral to Planning Committee – The application has been called in by Councillor Kirk who wishes the application to be determined by Members. The Parish Council also object to the proposal which is contrary to the officer recommendation.

Neighbourhood Plan: No

Case Summary

The site lies on the western side of Station Road, Walsoken and within the open countryside. The proposal is to allow the erection of dog kennels within the confines of the existing agricultural buildings. This will involve rebuilding one structure which currently only has a brick plinth, and the refurbishment and rebuilding of a fire damaged agricultural building. In addition, the area to the rear (west) of these agricultural buildings will be used as a dog exercise area and the building immediately adjacent to this exercise area would be used as a whelping room. The proposal would be for the keeping and breeding of dogs only and not for any dog boarding/day care purposes.

At the current time the applicant has a breeding licence for two dogs which she keeps in the dwelling known as Sibley House along with three other pet dogs (five in total). There are an additional 11 German Shepherd dogs (GSD) which are currently kept on site, (without planning permission and within wooden kennels) and it is these dogs which would be rehoused within these kennels should the application be approved.

Key Issues

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

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Recommendation

APPROVE

THE APPLICATION

The application site is located to the western side of Station Road, Walsoken and forms part of the agricultural yard associated with Sibley House and an area of land to the rear (west) which is currently grassed with some kennels in situ (unlawful).

The wider locality is rural, with agricultural fields and scattered rural dwellings and businesses in the general vicinity.

The application is for full planning permission and the site is split into two areas to make it easier to control via condition.

Zone A relates to the proposed erection of kennel buildings, within the confines of the existing buildings on site (to be repaired and rebuilt) and the creation of an external exercise area for operational use. The kennels will be used for the keeping of dogs for breeding and showing purposes only. There are 11 dogs (eight breeding bitches and three stud dogs) within Zone A. Zone B relates to the dogs kept by the applicant within her house. At the current time the applicant has five dogs within her house, two of which are used for breeding and for which she has a licence.

SUPPORTING CASE

We have worked proactively with the council's planning officer and CSNN officer to arrive at a scheme with full consultee support, and subsequent recommendation of approval from the planning authority.

8 kennels are proposed, for a maximum of 11 adult dogs on site. There will be no more than 2 dogs per kennel in any case, up to the maximum of 11 adult dogs associated with the proposal. There are also 5 existing dogs at Sibley House itself. The 11 dogs comprises 3 males/studs and 8 females for breeding.

A Noise Management Plan has been developed for the site and its operations (as outlined with the Noise Impact Assessment), and will be enforced by Julie the Manager, who will live on site within Sibley House.

The noise report concludes that it is inevitable that dog barking at a breeding kennel facility will occur, and can occur at any time of day, but the recommendations and Noise Management Plan have shown that dog barking can be controlled to a large extent, and the maximum noise level is unlikely to have any negative impact upon the amenity or nearby neighbours – given the existing noise sources in the area and ambient noise levels.

The site is in a remote open-countryside location. The nearest residential neighbour (Rosedale Farm) is 128m South-East of the nearest kennel building, and 130m SouthEast of the nearest part of the outdoor exercise area.

The next nearest residential neighbour (The Maples) is 255m North of the nearest kennel building and nearest part of the outdoor exercise area.

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And the final residential neighbour (Hollycroft) is 430m South of the nearest kennel building, and 415m South of the nearest part of the outdoor exercise area.

The quoted distances to the 3 nearest residential dwellings show how remote this site is, making it an ideal location for the use, and it would be hard to find a more remote site with residential accommodation and buildings to repurpose.

The previous refusal reasons have now been addressed within this submission. The specialist noise report confirms the proposal is low impact and will enable the applicant to continue her business and diversify the dilapidated buildings and agricultural site.

As such, we ask members to support the planning application.

PLANNING HISTORY

24/01117/F: Application Refused: 29/11/24 - Proposed erection of kennel buildings, within the confines of existing buildings (to be repaired made good) and the creation of an external exercise area both for operational use associated with the breeding of dogs. In addition, the conversion of an existing barn to provide residential accommodation for the kennel manager - Sibley House Station Road Walsoken

24/00036/F: Application Refused: 09/05/24 - Erection of Various Outbuildings for Kennels & Associated Static Caravan - Sibley House Station Road Walsoken

RESPONSE TO CONSULTATION

Parish Council: OBJECT

- Nuisance to neighbours (noise)
- Welfare concerns about local residents due to amenity issues.

Highways Authority: NO OBJECTION

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

Community Safety & Neighbourhood Nuisance: NO OBJECTION

Following the submission of more information and amendments during the application there are no objections to the proposal subject to conditions being applied.

The applicant/agent has worked continuously with CSNN to address our concerns. The documents provided, if strictly adhered to, indicate that there should be no significant adverse noise impacts for unrelated residential receptors.

The only aspect, which is not possible to assess, is whether the domestic/residential dogs (Zone B) will react to the non-residential dogs (Zone A) when outside simultaneously, and vice versa. The applicant and Kennel Manager will need to ensure that this aspect is carefully managed, particularly when the residential dogs may be able to access the garden for prolonged periods in the summer months. Action must be taken promptly to reduce or eliminate barking from either site.

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Irrespective of planning consent, if the residential dogs, commercial kennelled dogs, or both, generate nuisance complaints, under the Environmental Protection Act 1990 the Local Authority has a duty to investigate complaints and we may (on determination of a Statutory Nuisance) serve a legal notice requiring any said nuisance to be abated – with failure to comply potentially resulting in prosecution.

We recommend planning conditions, some of which may appear as a duplication of the Noise Management Plan (NMP) contents; however, it is considered that conditioning the key elements is crucial for clarity of the necessary control measures.

- The kennels are for dogs used for breeding and showing only (not rescue dogs, dog day care or boarding).
- The site and management of the kennels remains linked to the owner/occupant of the main dwelling (Sibley House).
- Maximum number of dogs on site in each zone.
- Kennels operated in accordance with the specialist noise report, in particular the Noise Management Plan.
- Hours for customer visits restricted.
- No external lighting unless full details submitted and agreed prior to installation.
- Waste management conditioned (within a specific time period of 3 months).
- The kennels and whelping room to be constructed in accordance with the acoustic design advice provided within the technical noise report (within a specified time period).

Internal Drainage Board: NO OBJECTION

The applicant has indicated that surface water will be disposed of via infiltration, however the viability has not been evidenced. If infiltration (soakaway) is not feasible, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this instance, consent will be required from the Board under Byelaw 3.

It is proposed to dispose of foul water via a sealed tank / cess pit which would be collected by a licensed company. Should the applicant's plans change and treated foul water be disposed of via a watercourse then consent will be required under Byelaw 3.

There is a riparian watercourse adjacent to the boundary. Currently no works are proposed to alter the watercourse. If the proposal alters and there are plans to alter the watercourse in future, consent will be required under the Land Drainage Act 1991 (Byelaw 4).

There are no Board maintained watercourses within or adjacent to the site and so Byelaw 10 does not apply.

Environmental Health & Housing - Environmental Quality: NO OBJECTION

The application is for kennels and external exercise area. The applicant has provided a plan that lists a ruined and fire damaged building being present. We have reviewed our files, and the site is on land seen as developed since historic maps dated 1891 to 1912. The surrounding landscape is largely agricultural.

Due to the previous agricultural use of the structures and the damage to the buildings from fire there is the potential for contamination to be present on site. Therefore, conditions are recommended regarding contamination which includes pre-commencement conditions (agreed by the agent in email dated 14th July).

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Due to the age of the property there is the potential for asbestos containing materials to be present and so an informative is recommended.

Emergency Planning: NO OBJECTION

Due to the location in an area at risk of flooding and in line with best practice in business continuity it's advised that those running the site sign up to the EA FWD service, install services at high levels and prepare a flood evacuation plan (including evacuation procedures, e.g. moving dogs, isolating services etc).

REPRESENTATIONS

Councillor Julian Kirk:

- Representing constituents who are close neighbours and the majority object.
- Little changed from previous refusals.
- Dogs bark continuously affecting living conditions of neighbours.
- No dog waste collections (possibly burning dog waste).
- Dogs are locked up in poor conditions.

FIFTEEN letters of **OBJECTION** covering the following issues:

- Main issue is a balance between neighbour amenity, commercial viability and animal welfare.
- Been refused twice but there have not heeded advice.
- Acoustic quality of the kennels.
- Noise issues with dogs barking effecting mental health and well-being.
- Poor business plan, aspirational rather than precise calculations regarding costs of construction, wages, service costs such as electricity.
- Is it viable given the costs of breeding and reduction in demand for puppies.
- Animal welfare concerns; dogs not exercised, insufficient staff, no outside runs with kennels.
- Why charge dog stud fees if only using the dogs on site.
- Have heard they are already breeding without a licence.
- Negative impact on property prices and ability to sell.
- Plans lack detail.
- Lack of security (fence only 1.2m) so dogs cannot be exercised off lead / may worry livestock.
- Dogs have escaped from site and been returned.
- Noise Assessment is flawed, how is it possible to get a baseline when the dogs are already on site?
- Doubts raised over noise recordings within the NMP.
- Rosedale is often mentioned as closest neighbour but other houses are affected too.
- NMP states that the barking would be 18db louder than background which is characterised as a significant adverse effect.
- Applicant also breeds under a different name so there could be more dogs on the site.
- Inconsistencies over the number of dogs on site. Some information states 12 dogs but the NMP states 20 dogs.
- The plans in the FRA differ from the plans being considered.
- The Screening Assessment states that asbestos is on site but doesn't clarify if it has been / or is intended to be removed.
- Possible contamination due to previous fire on the site.

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- Not sure how agent concludes that the proposal would have a low impact given the previous reasons for refusal.
- Dog waste needs to be properly removed, the site gets waterlogged and solid waste may find its way into watercourses and cause pollution.
- There does not appear to be a red dog waste bin being collected anymore.
- How will washdown water be collected from the wooden kennels?
- No biodiversity information submitted.
- Intimidation of objectors.

SEVEN letters of **SUPPORT** covering the following:

- Well run business with caring staff.
- Secure gates mean need to call ahead to gain access.
- Noise is minimal (only if someone unknown approaches).
- Not a puppy farm.
- Kennel Club registered dogs.
- Area has other dogs that also bark.
- Some objectors do not live nearby.
- In a countryside location which is ideal for animals, with space to run.
- Farmer in Scotland diversified from sheep farming to dog farming.
- Land should be diversified so people can make a living.
- Dog waste is not burned on site.

ONE NEUTRAL comment:

- Dogs from the site have been loose on the road and returned.

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

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

LP06 - Climate Change (Strategic Policy)

LP07 - The Economy (Strategic Policy)

LP13 - Transportation (Strategic Policy)

LP14 - Parking Provision in New Development

LP18 - Design & Sustainable Development (Strategic Policy)

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

LP21 - Environment, Design and Amenity (Strategic Policy)

LP25 - Sites in Areas of Flood Risk (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
- Highway safety
- Flood risk
- Ecology
- Any other matters requiring consideration prior to determination of the application

Planning History:

Planning permission was refused in May 2024 (24/00036/F) for the erection of various outbuildings for kennels and an associated static caravan for residential use.

The application was refused for three reasons; as the applicant failed to demonstrate that the proposal would not have an adverse impact with regard to noise; that the proposal failed the sequential and exception test with regard to the residential caravan; and it also failed to demonstrate that the proposed temporary dwelling (static caravan) would pass Policy DM6 of the Site Allocations and Development Management Policies Plan (SADMPP) 2016 'Housing Needs of Rural Workers'. In particular, that the temporary dwelling could not be provided by another dwelling in the locality, nor did the proposal pass the financial test as set out within DM6 of the Site Allocations and Development Management Policies Plan (SADMPP) 2016.

Planning permission was refused again in November 2024 (24/01117/F) for the erection of kennel buildings, within the confines of the existing buildings (to be repaired made good) and the creation of an external exercise area both for operational use associated with the breeding of dogs. In addition, the application included the conversion of an existing barn to provide residential accommodation for the kennel manager.

This application was refused for five reasons which included four reasons related to the residential accommodation; failure to demonstrate the barn could be converted under permitted development rights to a residential use, failure to demonstrate the residential dwelling would be safe for its lifetime (fails Exception Test), no mitigation (GIRAMS) provided due to the recreational impact the dwelling would have on protected European sites, and lack of protected species survey due to the potential for bats within the proposed residential barn. The fifth reason related to failure to demonstrate that the proposal would not have an adverse impact regarding noise.

This current application differs fundamentally from the previously refused applications in that it does not have a residential element proposed but is solely for the keeping and breeding of dogs and the associated kennels and exercise area. It is proposed that the manager of the

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kennels (within Zone A) resides in Sibley House which is now within the red line, and a condition will be placed on any decision to that effect, thus removing the need for separate residential accommodation on site.

As the existing occupant of Sibley House also has dogs (two of which she has a licence to breed) these dogs are also now located on the application site which is shown as within Zone B for clarity.

Principle of Development:

The application site is located a considerable distance outside of the development boundary of Walsoken and within the Countryside as defined by the Local Plan (2021-40).

While the keeping and breeding of dogs is not essentially a rural enterprise, the fact that it can generate noise and disturbance means that it is more likely to be acceptable within the countryside, rather than in a densely populated residential area. It is of note that the previous location for the business known as Iolanda Kennels, was located adjacent to an industrial area which is less sensitive with regard to noise.

Planning policy is supportive of the rural economy and agricultural diversification as set out within Local Plan Policy LP07. The proposal is set within the open countryside with no close settlement; however, it is part of an existing farmyard. The proposal would therefore be acceptable in principle provided the applicant could demonstrate that it would not be detrimental to the local environment or amenity of local residents.

Notwithstanding the above, the nature of the application would require the presence of a kennel worker / manager to be on site, both for animal welfare but also to ensure that noise was managed appropriately.

The previously refused applications included residential accommodation for the manager; however this application proposes the dwelling known as Sibley House as accommodation for the manager.

Sibley House is now within the application site (Zone B) and close to the proposed kennels within Zone A. The applicant (Michelle) who lives in Sibley House is not involved in the day-to-day running of the kennels but has her own dogs housed within the dwelling, two of which are used for breeding. The proposed kennels are run by a manager (Julie), and it is now the intention that the manager will reside within Sibley House, along with the applicant, so that there is an on-site presence for the proposed kennels. Without an on-site presence the provision of a kennels business in this location would be unacceptable and therefore this accommodation will be conditioned.

Now that the existing dwelling provides on-site residential accommodation the proposal is considered acceptable in principle provided it can be demonstrated that it would not have an adverse impact upon amenity. The proposal is therefore in accordance with the principles of the NPPF 2024, particularly para. 88 and Local Plan Policy LP07. This impact upon amenity is discussed below.

There are objections as to whether the commercial viability of the proposal has been demonstrated, however this is not required as an assessment of this application. In previous applications when residential accommodation was proposed this was relevant as the business had to demonstrate it could support the proposed residential accommodation that was tied to the enterprise. That is not the case in this application as the residential accommodation already exists and is not reliant on the dog breeding business.

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Form and Character:

The application seeks to repurpose and rebuild some dilapidated and fire damaged buildings within the existing farmyard. Plans have been submitted to show that the buildings will be brick built in parts where previously other materials were used to ensure that there is sufficient noise attenuation. Building 1 (kennels 1-4) has a footprint of 28m x 4.35m with a maximum height of 4.1m, Building 3 (kennels 5-8) has a footprint of 18m x 5.2m with a height of 3.6m and Building 4 (whelping room) has a footprint of 7.7m x 4.1m with a height of 4.6m. While this may alter the visual appearance of parts of the existing buildings, the proposed buildings have a similar form and scale to the existing.

The proposal includes the provision of an exercise area to the rear of the farm buildings and where there are currently sited a number of wooden kennels which are unlawful and are to be removed when the dogs have been moved into the proposed kennels. A condition will be placed on the decision to ensure their removal once the dogs are moved into the permanent kennels.

The proposed exercise area would have a 1.2m post and rail fence with native hawthorn hedge to the northern and western boundary, to the southern and eastern boundary there would be a 2.0m close board fence with a native hawthorn hedge, planted to the outside, to provide screening.

Overall, the proposal is considered to respect the form and character of the locality and comply with the principles of the NPPF 2024 and Local Plan policy LP18.

Impact on Neighbour Amenity:

The provision of dog kennels has the potential to cause amenity issues, especially with regard to noise and disturbance. Planning Practice Guidance does state that where justified noise can override other planning concerns and planning decisions need to take account of the acoustic environment, whether or not an adverse effect is occurring or likely to occur, and whether a good standard of amenity can be achieved. The Noise Policy Statement for England (2010) promotes good health and good quality of life and recognises the impact of noise and disturbance on the health and quality of life of local residents. When rating noise impacts, at its lowest level noise is not perceived to be present and by definition has no effect. As noise increases it would have no adverse effect if it does not cause any change in behaviour, attitude or physiological response by those affected by it. Increasing noise will at some point cause a significant observed adverse effect which causes a material change in the behaviour of neighbouring residents, such as keeping windows shut, turning up volume on TV, and at the most extreme could cause sleep disturbance which can lead to psychological stress and sleep deprivation.

The subjective nature of noise means that there is not always a simple relationship between noise levels and the impact on those affected. Noise can have more impact at night where background noise is often lower and people are trying to sleep. The application site is located in open countryside where background levels are low.

The proposal is in close proximity to Sibley House, which is within the application site and proposed as accommodation in conjunction with the proposed kennels. The closest off-site receptor is Rosedale Farm to the south-east. There is no doubt that the unrestricted keeping of a large number of dogs (sixteen in total) in close proximity to this neighbour would have an adverse impact with regard to noise and disturbance.

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There are a number of objections to the proposal from the Parish Council and third parties regarding noise and disturbance from the application site due to barking dogs and the impact upon neighbours' mental well-being. It is noted that at the current time the majority of dogs are located behind the existing agricultural buildings and within the area shown on the plans as the exercise area. The dogs are currently housed within wooden kennel buildings which have no noise attenuation. The proposed kennels which are subject of this application has more suitable noise attenuation properties (discussed below). There are also five dogs housed within Sibley House itself (zone B) which are owned by the applicant and are pets (two used for breeding, one litter per year).

There has been one noise complaint to CSNN submitted on 25th November 2025. At the current time no further information has been submitted in support of the complaint.

A Noise Impact Assessment was submitted with the application, and this has been updated following conversation and cooperation with CSNN. The proposed kennels are to be constructed of materials which would have noise mitigation properties as set out within Figures 4 and 5 of the Noise Management Plan (Non-Residential) dated 9th December (NMP). These mitigation measures include construction specifications regarding external walls, external/internal doors, glazing, acoustic trickle vents, and roof construction and insulation.

It is acknowledged that the German Shepherd dogs are already on site in unauthorised wooden kennels (to be removed), and the proposed permanent kennels will take time to build. There will consequently be a further period of time which must be allowed for the building of the permanent kennels which could give rise to disturbance.

There are also third-party doubts raised over the recordings within the Noise Impact Assessment and how a baseline could be achieved when there are already dogs on site. The Noise Impact Assessment and Noise Management Plans have been carefully assessed by CSNN and the noise management plans amended where considered necessary.

There are no objections to the proposal from CSNN provided the Noise Management Plans, both 'Residential' (Zone B) and 'Non-residential' (Zone A) are adhered to, as well as the details requiring the noise mitigation measures within the construction of the proposed kennels.

It is highlighted within the comments from the CSNN officer that one area which is not possible to assess is how the domestic/residential dogs will react to the non-residential dogs when outside simultaneously and vice versa. The garden to Sibley House (west of the dwelling) is approx. 27m from the exercise area, and while a 2m close board fence and hedging is proposed between the two this is an area where potential barking could be triggered, especially during summer months where the residential dogs may be able to access the garden for prolonged periods. This aspect must be carefully managed by both the applicant and kennel manager, and as with previous applications involving dog kennelling it is the management of the site which can make it acceptable or unacceptable.

It should be noted at this stage that should the application generate noise complaints; the granting of planning permission does not preclude the Council from investigating and taking enforcement action under the Environmental Protection Act 1990, should a statutory nuisance occur.

Overall, notwithstanding this potential trigger point, the proposal is considered to accord with para 135 of the NPPF and Local Plan Policy LP21 and LP07.

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Highway Safety:

The proposal utilises an existing access which serves the existing farm buildings. There are no objections to the proposal from the Local Highway Authority with regard to highway safety and therefore the proposal complies with para. 115 of the NPPF 2024, and Local Plan Policies LP13, LP14 and LP21 with regard to access and parking provision.

Flood Risk:

The application site is located within Flood Zone 3 of the EA NaFRA2 and Flood Zone 3a of the SFRA 2018 and in previous applications it was determined that the site was outside the extent of the Tidal Hazard Mapping for the Nene and Great Ouse. The main source of flooding would be from risk associated with watercourses under the jurisdiction of the IDB. There are no objections to the proposal from the IDB or the Emergency Planner who advise the applicants to sign up to the Environment Agency's Flood Warning Direct Service and prepare a flood evacuation plan.

There are no sites available for the proposed development within the parish at a lower risk of flooding and therefore the Sequential Test is passed. The application is for a 'less vulnerable' form of development which is considered acceptable within the Planning Practise Guidance in Flood Zone 3a (Table 2:Flood Risk vulnerability and flood zone incompatibility) and therefore the Exception Test is not required.

The mitigation measures proposed within the submitted FRA are considered acceptable given the proposed 'less vulnerable' form of development. The applicant will be registered with the EA flood warning service and in the event of an emergency the dogs would be evacuated to a kennels in Doddington.

Overall, the proposal complies with para. 175 and 177 of the NPPF 2024 and Local Plan Policy LP18 and LP25.

Ecology

GIRAMS - The application site falls within a Zone of Influence of one or more of the European designated sites scoped into the Norfolk GIRAMS (North Coast, The Wash and Brecks). Notwithstanding this, the application does not involve residential development and therefore it is not anticipated that it would have a likely significant effect on the sensitive interest features of these European designated sites, through increased recreational pressure. Therefore, mitigation is not required in this instance.

BNG – The proposal is considered de minimis with regard to BNG as it involves the use/repurposing/rebuilding of existing structures on the site. The proposal is therefore exempt.

Protected species - The proposal includes the redevelopment of some existing buildings. Given the materials used in the existing structures and in line with Natural England standing advice the potential for protected species, particularly bats are unlikely to be present and so an ecology survey was not requested. The previously refused application involved the conversion of a barn which had features likely to support protected species, but this building does not form part of this application.

The proposal complies with the principles of the NPPF and Local Plan Policy LP19.

Climate Change

Policy LP06 of the Local Plan 2021-2040 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. Given the scale and nature of the proposal (which must be located away from areas of high residential accommodation), the proposal would generally be compliant with Policy LP06.

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

Contamination – There are no objections from the Environmental Quality Team, however, given the previous use of the buildings for agriculture and the fact that there are fire damaged buildings on site contamination conditions will be placed on any decision. Some site investigation will need to be carried out prior to any groundworks associated with the kennels and therefore consent was obtained from the agent relating to these ‘pre-groundworks’ conditions.

Waste disposal and Drainage – Foul drainage is to be to via gullies to a sealed tank (cess pit) in the yard which will be collected from site by a licensed company (Bates Environmental). Solid waste will be collected in a dedicated wheeled bin in the yard area (shown on the site plan). Surface water is proposed to soakaways. Comments have been received from the IDB who do not object to the proposal but state that should surface water or treated foul water be discharged to a watercourse consent will be required from the IDB under Byelaw 3.

Animal welfare – There have been a number of objections relating to animal welfare, including the fact that there are no outside runs attached to the kennels. In order to have a licence kennelled dogs must either have direct and continuous access to a run for toileting or be taken out of the kennel unit to toilet e.g. during exercise. Dogs that are kept in a kennel environment must have continuous access to their sleeping area and access to an adjoining run (which does not have to be outside) or secure outside space.

It is your officer’s understanding that the adjoining run, which can be an area for toileting, can be located inside a building, but the kennel should have a division between the sleeping area and the area where the dog/s can go to the toilet. This can be done using a physical separation or by having a sleeping ‘box’ area. There is sufficient space within each kennel to provide this separation of space. A German Shepherd dog is around 30kg and the regulations for licensing state for this size a kennel should be 8m² with an additional 4m² per dog. Kennels 1-4 are 18m² and kennels 7-10 are 15m² and so there is sufficient space to provide a separate sleeping area in the kennels, with kennels 1-4 capable of accommodating 2 dogs per kennel.

There are objections to the proposed height of the fencing to the north and west boundary of the exercise area (proposed at 1.2m). Objectors feel this is not tall enough as dogs have been loose from the site. This height is considered sufficient by the applicant who is familiar with the dogs in question and is not a reason to refuse the application.

There are objections that the applicant breeds under a different name and that there are more dogs on the application site than declared. This issue has been resolved by the inclusion of the dogs that are housed within Sibley House and the two management plans (Residential Zone B and Non-Residential Zone A) relating to the management of the two different zones.

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There are objections relating to waste disposal. As stated above, the dogs are currently on site in unauthorised wooden kennels. Following the provision of more permanent kennels and drainage, the proposed waste disposal is considered satisfactory.

CONCLUSION

The proposed kennel buildings and whelping room would not have an adverse visual impact on the locality or surrounding countryside and would have a similar form and footprint to the existing agricultural buildings on site. With strict adherence to the submitted Noise Management Plans which CSNN consider are acceptable, the proposal should not have an adverse impact upon neighbour amenity with regard to noise and disturbance. The waste management of the site is considered acceptable.

It is acknowledged that the eleven GSDs which are currently located on site within zone A are currently housed within kennels that do not have adequate noise mitigation and that it will take time to 'rebuild' the proposed kennels and move the dogs. A realistic condition would be placed on the decision should members decide to approve the application.

The proposal is considered to comply with the principles of the NPPF 2024 and Local plan policies LP07, LP06, LP18, LP21 and LP25 and it is recommended that Members approve the application.

RECOMMENDATION:

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

- 1 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans:
 - * 6903/SK01R 'Location Plan and Proposed Plans' received by the LPA on 10th December 2025;
 - * 6903/SK02E 'Proposed Building 1' received by the LPA on 10th December 2025;
 - * 6903/SK03D 'Proposed Building 3' received by the LPA on 10th December 2025; and
 - * 6903/SK04A 'Proposed Building 4' received by the LPA on 21st May 2025.
- 1 Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 Condition: Within six months of the date of this permission, all works associated with Buildings 1 and 3 shall be carried out and completed in accordance with the approved plans and Figures 4 and 5 of the Non-Residential Noise Management Plan. All dogs currently located within zone A shall be moved into these kennels upon their completion. There shall be no more than eight kennels within Zone A as well the whelping room.
- 2 Reason: In the interests of the amenities of the locality with regard to noise and disturbance in accordance with the principles of the NPPF 2024 and Local Plan Policy LP21.
- 3 Condition: Within one month of the dogs within Zone A being relocated into the permanent kennels hereby approved in Buildings 1 and 3, the wooden kennels located on the exercise area, to the west of the proposed whelping room, shall be removed from the application site and the land reinstated to its former condition, other than where it is to be used as the outside exercise area.

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- 3 Reason: For the avoidance of doubt and in the interests of the amenities of the locality in accordance with the principles of the NPPF and Local Plan policies LP18 and LP21.
- 4 Condition: Within two months of the date of this permission, the 2.0m high close board fence to the eastern and southern boundaries of the exercise area shall be erected. This fence be maintained in good condition and retained in perpetuity.
- 4 Reason: In the interests of the amenities of the locality with regard to noise and disturbance in accordance with the principles of the NPPF 2024 and Local Plan Policy LP21.
- 5 Condition: The development hereby approved shall be used for the keeping and breeding of dogs for commercial purposes, and at no time be used for dog boarding, dog day care, or dog training facilities.
- 5 Reason: For the avoidance of doubt and in the interests of the amenities of the locality in accordance with the principles of the NPPF 2024 and Local Plan Policies LP18 and LP21.
- 6 Condition: The manager of the dog kennels within Zone A shall reside in the dwelling known as Sibley House, Station Road, Walsoken (Zone B) and the site shall remain in the control of the occupants of Sibley House and shall at no time be separated or sold as a separate business site.
- 6 Reason: For the avoidance of doubt so that the site is managed properly in the interests of the amenities of the locality in particular noise and disturbance in accordance with the principles of the NPPF 2024 and Local Plan Policies LP18 and LP21.
- 7 Condition:
 - No more than 11 adult dogs are permitted to be housed within Zone A and there will be no more than 2 dogs per kennel.
 - The external exercise area shall be used by dogs that are housed within Zone A only, both adults and puppies.
 - No more than five adult dogs shall be permitted to be housed within Zone B and all dogs will live indoors as domestic pets and shall not be housed outside during the day or night.
- 7 Reason: For the avoidance of doubt and in the interests of the amenities of the locality with regard to noise and disturbance in accordance with the principles of the NPPF 2024 and Local Plan Policy LP21.
- 8 Condition: The following hours of use shall be adhered to:

In accordance with the Non-Residential Noise Management Plan, the following shall be adhered to for Zone A:

 - All the dogs will be housed in the kennels between 19:30hrs and 08:00hrs;
 - The exercise area will only be used between 08:00hrs and 16:00hrs in winter and 08:00hrs and 19:30hrs in summer;
 - The appointment times for visiting/viewing will be between 10:00hrs and 17:00hrs in the summer and between 10:00hrs and 15:00hrs in the winter;
 - After every exercise session the dogs will be returned to their designated kennels.

In accordance with the Residential Noise Management Plan, the following shall be adhered to for Zone B:

- The appointment times for visiting/viewing will be between 10:00hrs and 17:00hrs in the summer and between 10:00hrs and 15:00hrs in the winter.
- 8 Reason: In the interests of the amenities of the locality with regard to noise and disturbance in accordance with the principles of the NPPF 2024 and Local Plan Policy LP21.
- 9 Condition: Notwithstanding conditions 5, 7 and 8 Sibley House and the kennels hereby approved shall operate in strict accordance with the following documents:
- Noise Management Plan for Kennels at Sibley House (Non-residential Zone A) dated 9th December 2025; and
 - Noise Management Plan for Kennels at Sibley House (Residential Zone B) dated 1st December 2025.
- 9 Reason: In the interests of the amenities of the locality with regard to noise and disturbance in accordance with the principles of the NPPF 2024 and Local Plan Policy LP21.
- 10 Condition: Prior to the first use of the kennels and whelping room the waste management (storage and disposal) procedure and wash-down drainage (within Zone A) shall be constructed and carried out in accordance with the approved plans. Both shall remain as approved for the lifetime of the use hereby permitted.
- 10 Reason: To ensure that there is adequate foul waste disposal to meet the needs of the development in accordance with the principles of the NPPF 2024 and Local Plan Policy LP18.
- 11 Condition: No play equipment or structures for dog use, which create areas accessible to dogs higher than 300mm shall be erected/installed within the site without the prior written approval of the LPA.
- 11 Reason: To ensure that the noise attenuation measures assessed within this application, such as solid fencing, will work effectively to protect residential amenity of the locality in accordance with the NPPF and Local Plan Policy LP21.
- 12 Condition: Prior to the installation of any external lighting, a detailed outdoor lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type of lights, the orientation/angle of the luminaries, the spacing and height of the lights, the extent/levels of illumination over the site and on adjacent land and the measures to contain light within the curtilage of the site. The scheme shall be implemented in accordance with approved scheme and thereafter maintained and retained as agreed.
- 12 Reason: In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF and Local Plan Policy LP21.
- 13 Condition: The planting of the native hawthorn hedge shown on approved plan 6903 SK01R shall be carried out in accordance with the approved details. For the avoidance of doubt the hawthorn hedge shall be planted on the external side of the 2.0m close board fencing.

The works shall be carried out within six months of the date of this permission or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.

- 13 Reason: To ensure proper landscaping of the proposal in accordance with the visual amenities of the locality in accordance with the principles of the NPPF and Local Plan Policies LP18 and LP21.
- 14 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 the Environment Agency's Land Contamination Risk Management (LCRM).

- 14 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.
- 15 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 the land after remediation.

- 15 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. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.
- 16 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.

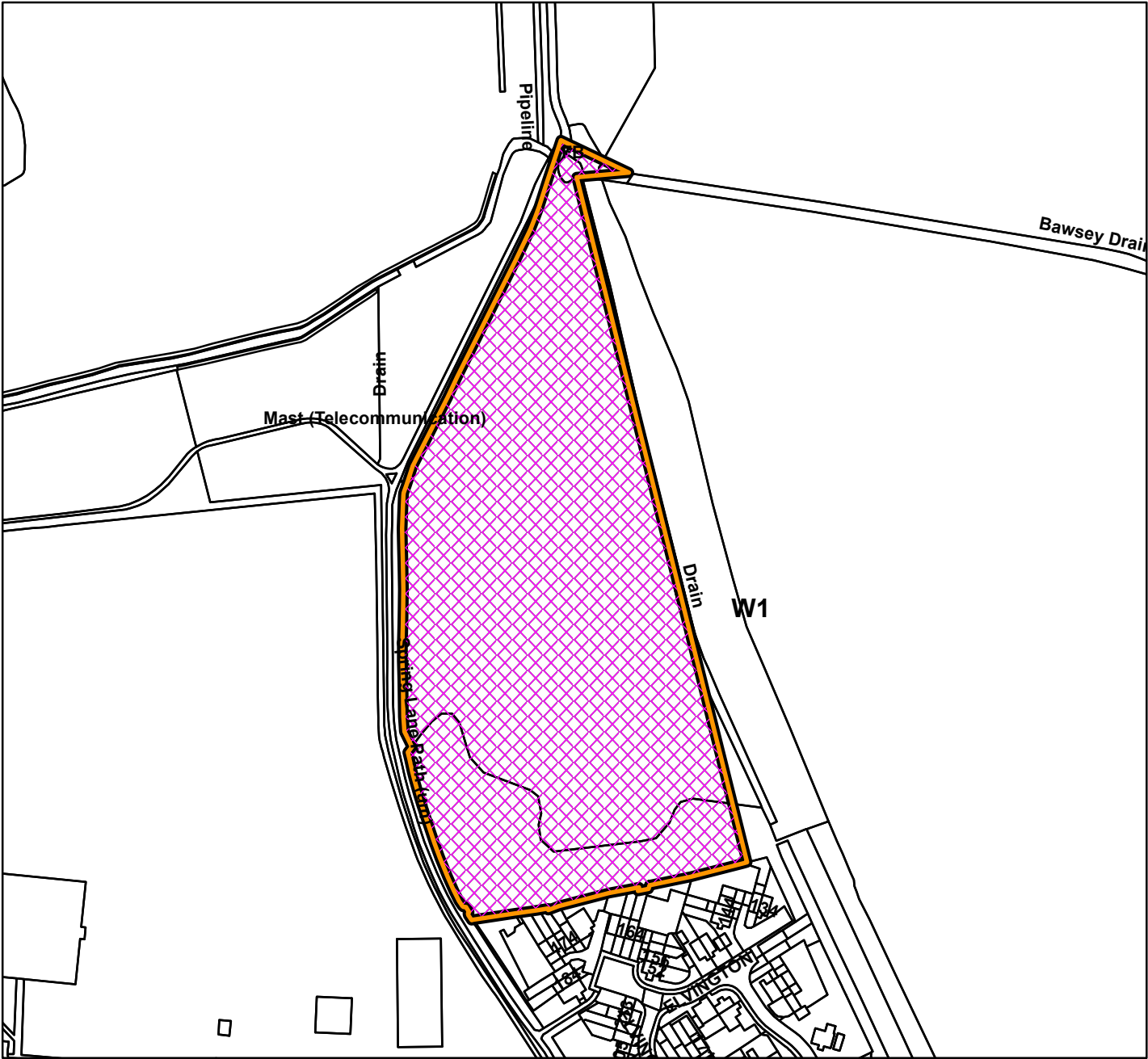
- 16 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 17 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 14, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 15, 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 16.

- 17 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.
- 18 Condition: Prior to the first litter of puppies born following this consent, the whelping room hereby permitted (Building 4) shall be constructed in accordance with the approved plans and Figures 4 and 5 of the Non-Residential Noise Management Plan.
- 18 Reason: For the avoidance of doubt and in the interests of the amenities of the locality with regard to noise and disturbance in accordance with the principles of the NPPF 2024 and Local Plan Policy LP21.



Woodland Behind 140-176 Elvington King's Lynn PE30 4UX



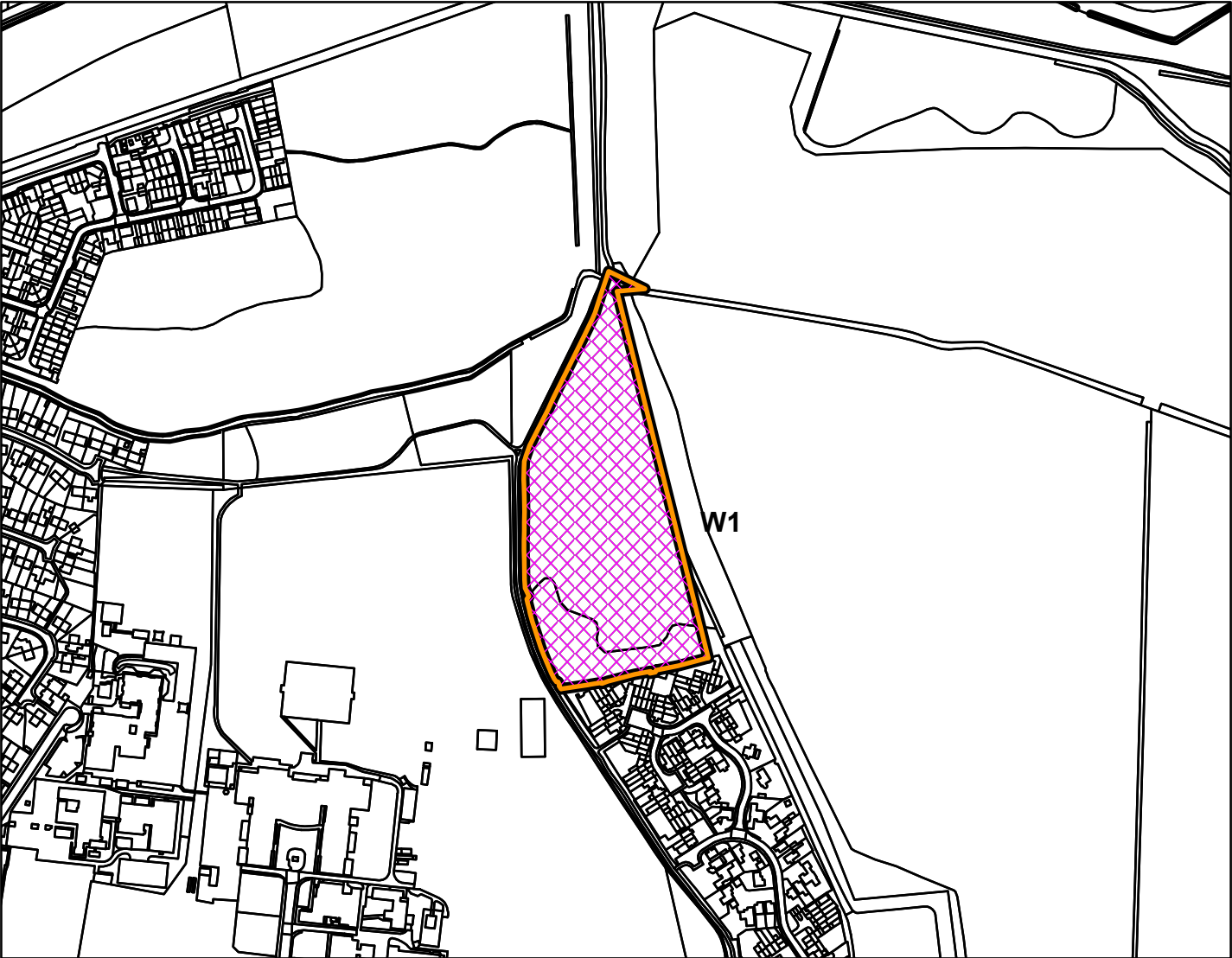
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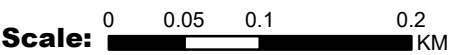
Organisation	BCKLWN
Department	Department
Comments	
Date	19/01/2026
MSA Number	0100024314



Woodland Behind 140-176 Elvington King's Lynn PE30 4UX



Legend



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Ordnance Survey AC0000819234

Organisation	BCKLWN
Department	Department
Comments	
Date	19/01/2026
MSA Number	0100024314

AGENDA ITEM NO. 9/3 (a)

Parish:	King's Lynn	
Purpose of report:	To consider objections to the Tree Preservation Order (TPO) 2/TPO/00709, Woodland to the north of 140 - 176 Elvington, King's Lynn, Norfolk, PE30 4UX, and determine if the order be confirmed, making it permanent, confirmed with modifications, or not confirmed.	
Location:	Land to the north of Nos. 140 to 176 Elvington, King's Lynn and bordering the east side of Spring Lane Cycleway and footpath PE30 4UX	
TPO number:	2/TPO/00709	
Grid Ref:	Easting: 564510 Northing: 321134	Centre of woodlands
Recommendation - That the committee confirms Tree Preservation Order 2/TPO/00709 without modification.		

INTRODUCTION

The purpose of this report is to consider objections received in respect of Tree Preservation Order 2/TPO/00709, which was made on 25 September 2025.

The Order protects all trees, within the area of land covered in trees, which is considered to be a woodland located behind Nos. 140 to 176 Elvington, King's Lynn.

The Order was made under the Town and Country Planning Act 1990 and the Town and Country Planning Tree Preservation England Regulations 2012.

The Order took immediate provisional effect for a period of six months and must be confirmed by the Council to remain in force.

This period of six months allows the Council to consider any representations or objections to the order, before deciding on its confirmation. Under the Council's scheme of delegation, any objections that cannot be resolved require referral to Planning Committee to determine whether the Order should be confirmed without modification, confirmed with modifications, or not confirmed.

This report assesses objections raised against this Tree Preservation Order against Government guidance, and arboricultural and amenity considerations, and sets out a clear officer recommendation.

DESCRIPTION AND CONTEXT

The land comprises a young but well-established mixed woodland planted in an area of land with some much older trees in 2012 as a Jubilee Woodland, with active involvement from the local community. The woodland was established by the former Borough Councillor Mr John Loveless with the philanthropic intention of creating a lasting community woodland asset.

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The woodland contains a diverse and appropriate mix of species including oak, wild cherry and ash as future high canopy trees, alongside field maple, rowan, hawthorn and other native shrubs forming the understorey.

The woodland is clearly visible from the Spring Lane cycleway and public footpath, from the playing fields of Springwood High School, and from an informal pedestrian route along the eastern boundary.

The Woodland recently changed ownership. Despite being privately owned, the woodland makes a clear and sustained contribution to public amenity through its visibility, its role in defining local landscape character, its biodiversity value, and its function as a green buffer between residential development, school grounds and adjacent open land.

REASON FOR THE TREE PRESERVATION ORDER

First, the woodland makes a significant contribution to public amenity through its visual presence, landscape structure, ecological value and community origin.

Second, recent works had taken place within the woodland including tree felling and cutting of branches of mature oak trees. The standard of work observed was very poor, involving large and harmful cuts to mature oak trees. Felling works were undertaken with no clear silvicultural rationale, with felled trees left approximately half a metre above ground level.

Third, the works had already caused demonstrable visual and structural harm to the woodland, when viewed from Spring Lane Footpath/Cycleway. Additionally, the new owner/s of the woodland installed barbed wire attached to mature oak trees.

Finally, the woodland was previously unprotected and therefore vulnerable to further inappropriate or damaging works. The Tree Preservation Order enables future management to take place with appropriate oversight, allowing the Council to assess proposals to ensure they are informed, proportionate and sustainable.

At the time the Order was made, it was considered that although the individuals carrying out the works may not have intended to cause harm, the approach to management was clearly detrimental, premature and risked undermining the long-term establishment and integrity of the woodland as an amenity community asset.

The Council has carefully considered the legal interaction between the Forestry Act 1967 and TPOs made under the Town and Country Planning Act 1990 in making this order. This is relevant because a Felling licence application (reference FLA 017/3215/2025) was submitted to the Forestry Commission on 5 September 2025.

In accordance with the Forestry Act 1967, the Forestry Commission formally referred the application to the Borough Council of King's Lynn and West Norfolk for determination under the Town and Country Planning Act 1990. This application reference 25/00065/TPO was determined on 12th January 2026.

The Forestry Commission has confirmed that, for so long as the Tree Preservation Order remains in force, a felling licence under the Forestry Act 1967 is not required for the trees covered by the Order, and that the Local Planning Authority is now the determining authority for the proposed works.

OUTLINE OF OBJECTIONS RECEIVED

A total of 61 written objections were received within the statutory period for comments and objections. Although they were all submitted by different individuals, the objections were all substantively identical in content, differing only in the identity of the signatories.

Where objections are received that raise the same issues using identical or near identical wording, they have been treated together in line with established practice.

One objection was submitted by a co-owner of the land. This was the most detailed and comprehensive objection. The accompanying 60 objections are materially identical to the co-owner's objection, they all raise the same core issues, using the same phrasing. None of the objections provide any additional arboricultural or silvicultural technical evidence.

For efficiency and clarity, the substantive points raised have been assessed collectively, with your officer's responses applying equally to all objections.

SUMMARY OF OBJECTIONS RECEIVED

The key issues raised in the objections and the officer response to each are summarised below.

1. Tree condition and safety.

It is claimed that the trees and shrubs are in decline, poorly managed, unstable and pose a risk to adjacent properties and footpaths

2. Public access and amenity.

It is argued that because the woodland is privately owned and has no public right of access, it has no public amenity value. It is suggested that only a small proportion of the woodland is visible and that its amenity value is therefore limited.

3. Forestry Commission permissions.

The objectors state that The Forestry Commission had already given permission for all the trees and bushes to be pruned as long as 1/3 of the branches were left on the tree. They also allege the TPO may impact on licences or grants associated with the Forestry Commission. Work had taken place on site prior to a felling licence approval.

4. Impact on land use and recreation.

It is asserted that the Tree Preservation Order prevents deer management, shooting, quad biking, camping and other private recreational or commercial activities.

5. Liability to adjacent properties.

Claims are made that the Council would assume liability for subsidence or damage if works are not permitted. This assertion is speculative and incorrect. Confirmation of a Tree Preservation Order does not transfer liability to the Council. Evidence based applications for works to address demonstrable risk remain available.

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6. Extent of the Order.

It is requested that the Order be limited to a narrow strip of trees adjacent to Spring Lane.

OFFICER RESPONSE TO OBJECTIONS

1. Tree condition and safety.

The claim that the trees are in decline is unfounded. No arboricultural evidence has been submitted to support this claim. The main areas of the woodland are approximately 13 years old, with some much older trees around the periphery, including fully mature Oak trees along the edge of Spring Lane Cycleway. The overall condition is consistent with a developing mixed woodland. Tree Preservation Order legislation allows for works to address genuine safety concerns through the application process & the Council encourages the proactive management of protected woodlands. This objection carries no weight.

2. Public access and amenity

Public access is not a prerequisite for a Tree Preservation Order. Government guidance confirms that visual amenity alone may justify protection. The woodland is clearly visible from busy public routes immediately adjacent to the site, and the site is clearly visible from the adjacent school grounds. It clearly contributes to public amenity. This objection is unfounded.

3. Forestry Commission permissions.

The Forestry Commission operates under separate legislation and do not override the Council's powers under the Town and Country Planning Act 1990 in this matter. The felling licence application was formally referred to the Borough Council of King's Lynn and West Norfolk for determination under the Town and Country Planning Act 1990 in accordance with legislation.

While the Forestry Act 1967 and UK Forestry Standard regulate woodland management, these mechanisms are not designed to assess individual trees or provide the same level of oversight as a TPO. The TPO only adds an additional layer of scrutiny to ensure that tree work is justified and carried out in a way that safeguards the long-term visual amenity and ecological integrity of the woodland.

The two areas of legislation work side by side and we have corresponded regularly with the Forestry Commission's Woodland Officer for this area in this matter.

Even if the felling licence had been approved, it does not prevent the making or confirmation of a Tree Preservation Order and is not relevant in this context & likewise in future a felling licence may still be required even if a TPO application is approved depending on the amount of timber to be felled.

4. Impact on land use and recreation.

A Tree Preservation Order does not regulate land use or access. It controls works to protected trees only. Appropriate woodland management and necessary works may be considered through the application process. This objection is unfounded and misconstrues or misinterprets the effect of a Tree Preservation Order.

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5. Liability to adjacent properties.

This assertion is speculative and incorrect. Confirmation of a Tree Preservation Order does not transfer any liability to the Council. Evidence based applications for works to address demonstrable risk remain available.

6. Extent of the Order.

The woodland is a single ecological and visual unit. Selective protection would undermine coherent management and allow incremental harm. This point of objection does not sufficiently consider the broader contribution of the entire woodland to the landscape character and public amenity of the area. This area of land is a significant and cohesive local landscape feature, greatly valued by residents and visitors, and its visibility from public places contributes to the character and scenic quality of the area. The extent and area of the Order is appropriate and proportionate.

CONCLUSION

It is the Arboricultural Officer's view that the objections raised are largely repetitive and unsupported by any evidence. They demonstrate a misunderstanding of the purpose and effect of Tree Preservation Orders and fail to rebut the clear amenity value of the woodland, and justification for this order.

When considered individually and collectively, the objections do not outweigh the strong public interest in retaining protection.

Accordingly, this report recommends that the Order be confirmed without modification.

RECOMMENDATION

That the committee endorses the officer's recommendation to **CONFIRM** Tree Preservation Order 2/TPO/00709 without modification.

Background Papers

1. Location Plan

Enquiries about this report to Brian Ogden, Arboricultural Officer. 01553 616386

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 25/09/2025

Surveyor: Brian Ogden - Arboricultural Officer

Tree details

2/TPO/00709

TPO Ref (if applicable):

Tree/Group No: W1

Species: Mixed broadleaved

Owner (if known): TBE

Location: Land to the north of 140-176 Elvington Kings

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- | | |
|--------------------------|-------------------------|
| 5) Good | Highly suitable |
| 3) Fair/satisfactory | Suitable |
| 1) Poor | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable |

Score & Notes 5, Young woodland with some older trees. Trees generally free of defects, in good health

* Relates to existing context and is intended to apply to severe irremediable defects only

b) Retention span (in years) & suitability for TPO

- | | |
|-----------|-----------------|
| 5) 100+ | Highly suitable |
| 4) 40-100 | Very suitable |
| 2) 20-40 | Suitable |
| 1) 10-20 | Just suitable |
| 0) <10* | Unsuitable |

Score & Notes 5,
This woodland should be here for 100+

*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- | | |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or large trees with limited view only | Suitable |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable |
| 1) Trees not visible to the public, regardless of size | Probably unsuitable |

Score & Notes 4
Situated along a busy footpath/cycleway, and school.

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

Score & Notes 1
No other relevant

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. s.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes 5
Unnecessary removal of young trees, poor work standard.

Part 3: Decision guide

Score	Guide
Any 0	Do not apply TPO
1-6	TPO indefensible
7-11	Does not merit TPO
12-15	TPO defensible
16+	Definitely merits TPO

Add Scores for Total:

20

Decision:

Definitely merits

Planning Committee - 2 February 2026

APPLICATIONS DETERMINED UNDER DELEGATED POWERS

Previous Committee:	12/01/2026
Upcoming Committee:	02/02/2026

PURPOSE OF REPORT

(1) To inform Members of the number of decisions issued between the production of the 12 January 2026 Planning Committee Agenda and the 2 February 2026 agenda. There were 65 total decisions issued with 61 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 19 December 2025 and 21 January 2026.

	Total	Approved	Refused	Under 8 Weeks	Under 13 Weeks	Performance %	National Target	Planning Committee Decision	
								Approved	Refused
Major	2	0	2		2	100.0%	60%	0	0
Minor	21	15	6	17		81.0%	80%	1	0
Other	42	36	6	38		90.5%	80%	1	2
Total	65	51	14	55	2			2	2

Planning Committee made 4 of the 65 decisions (6.2%)

PLANNING COMMITTEE – 02 February 2026

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 01/01/2022 to 31/12/2023 plus 9 months = 30/09/2024.

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 2024

MAJOR			NON-MAJOR		
No. of Decisions Issued	No. Allowed on Appeal	% Overturned	No. of Decisions Issued	No. Allowed on Appeal	% Overturned
97	5	5.15%	2949	24	0.81%